

*Community Redevelopment Plan*  
*First Amendment Adopted September 27, 2005*  
*Second Amendment October 18, 2010*  
*Third Amendment July 11, 2017*  
*Fourth Amendment July 13, 2021*

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MURDOCK VILLAGE  
COMMUNITY REDEVELOPMENT PLAN

**Adopted February 22, 2005**  
**First Amendment Adopted September 27, 2005**  
**Second Amendment Adopted October 18, 2010**  
**Third Amendment – July 11, 2017**  
**Fourth Amendment – July 13, 2021**

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**MURDOCK VILLAGE  
COMMUNITY REDEVELOPMENT PLAN**

THIS MURDOCK VILLAGE COMMUNITY REDEVELOPMENT PLAN has been prepared at the direction of the Board of County Commissioners, Charlotte County, Florida, and as ex-officio the Murdock Village Community Redevelopment Agency, pursuant to Resolution No. 2003-81, adopted May 27, 2003. This Fourth Amendment has been prepared consistent with the previous direction and adopted pursuant to Section 163.361, Florida Statutes and incorporates certain changes in formatting or corrections to scrivener's errors.

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1           **"Charlotte County Future Land Use Map" or "FLUM"** means the most recently adopted  
2 map graphically demonstrating future land uses located in the Comprehensive Plan.

3           **"Community Redevelopment Act"** means Part III of Chapter 163, Florida Statutes.

4           **"Community Redevelopment Agency" or "Agency"** means the Murdock Village  
5 Community Redevelopment Agency, a public body corporate and politic under the laws of the  
6 State of Florida established pursuant to the Community Redevelopment Act.

7           **"Community Redevelopment Area" or "CRA"** means the Murdock Village Community  
8 Redevelopment Area located entirely within a portion of unincorporated Charlotte County,  
9 Florida, lying in Sections 1, 2, 10, 11, 12 and 14, Township 40 South, Range 22 East in Charlotte  
10 County, Florida and being more particularly identified and described in County Resolution No.  
11 2003-081. The Community Redevelopment Area is generally contained within the boundaries  
12 created by El Jobean Road (SR 776) on the South; Stratford Drive on the West; Tamiami Trail (US  
13 41) on the North; and Collingswood Boulevard on the East. A legal description of the Community  
14 Redevelopment Area is included in County Resolution No. 2003-081 attached hereto as Appendix  
15 **[A]**.

16           **"Community Redevelopment Plan"** means this Murdock Village Community  
17 Redevelopment Plan, including any amendments, revisions or supplements hereto, as may be  
18 amended or replaced.

1           **"Community Redevelopment Trust Fund"** means the trust fund established by County  
2 Ordinance 2005-020 pursuant to the Community Redevelopment Act for the deposit of the tax  
3 increment revenue attributable to the Community Redevelopment Area.

4           **"Comprehensive Plan"** means the Charlotte 2050 Comprehensive Plan, adopted in 2011  
5 as amended or replaced.

6           **"County"** means Charlotte County, Florida or its governing body, the Board of County  
7 Commissioners, as the context requires.

8           **"Core District"** means the area located south of Franklin Avenue, Buena Vista Circle, and  
9 Seymour Avenue and north of SR776 as depicted in the diagram attached as Appendix [M].

10           **"Development Plan"** means the conceptual plan embodied in this Community  
11 Redevelopment Plan, more particularly discussed in Section 7.01 and is graphically depicted in  
12 the conceptual diagram attached hereto as Appendix [J], which describes in general terms the  
13 approximate amount of parks and open space, and street layout and the location of residential  
14 and non-residential land uses within the Community Redevelopment Area. The Development  
15 Plan will guide development within the requirements of the Comprehensive Plan, this  
16 Community Redevelopment Plan, applicable resolutions, ordinances, statutes and similar  
17 regulations.

18           **"Finding of Necessity Report"** means the report prepared by Real Estate Research  
19 Consultants, Inc., dated May, 2003, which documented blight conditions within the Community  
20 Redevelopment Area and was used, in part, as a basis for the adoption of Resolution No. 2003-



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1 081, Resolution No. 2003-082, and the interlocal agreement between the County and Agency,  
2 dated May 27, 2003. A copy of the Finding of Necessity Report is attached hereto as Appendix  
3 **[D]**.

4 "Gateway District" means the area located between north of Franklin Avenue, Buena Vista  
5 Circle, and Seymour Avenue and south of US41, as depicted in the diagram attached as Appendix  
6 **[M]**.

1           **SECTION 1.02. CONSTRUCTION.**

2           (A)    Words importing the singular number shall include the plural in each case and  
3 vice versa, and words importing persons shall include firms and corporations. Words that  
4 reference only one gender shall include all genders.

5           (B)    This Community Redevelopment Plan shall be liberally construed whenever  
6 possible to have fully complied with and fulfilled all requirements, determinations, conditions,  
7 elements and other matters provided for in the Community Redevelopment Act.

8           **SECTION 1.03.       INCORPORATION.** The appendices hereto and each of the  
9 documents referred to therein are incorporated and made a part hereof in their entirety by  
10 reference.

11          **SECTION 1.04.       SECTION HEADINGS.**    Any headings preceding the texts of  
12 the several Articles, Sections, Appendices, or Exhibits in this Community Redevelopment Plan  
13 and any table of contents or marginal notes appended to copies hereof, shall be solely for  
14 convenience of reference.

15

**ARTICLE II**

**INITIATING REDEVELOPMENT**

**SECTION 2.01. BACKGROUND.**

(A) The Community Redevelopment Act was created to assist local governments in eliminating and preventing slum and/or blighted areas that are detrimental to the health, safety and moral welfare of state residents.

(B) Planning and development efforts commenced in 2002 with assistance from the Urban Land Institute (ULI) which led to the creation of the Community Redevelopment Area and the Master Plan including the subsequent Finding of Necessity included as Appendix [D]. The Urban Land Institute advice was generally to "un-plat" a substantial portion of what is now the Community Redevelopment Area and reassemble such area into larger parcels in order to make it more appropriate for (re)development.

(C) From the outset, and as carried through with this Plan Amendment, the County's policy has been to structure an approach which focuses upon addressing blighted conditions and fostering redevelopment while encouraging maximum opportunities to use the expertise and abilities of private enterprise in conformance with the policy urgings of the Florida Legislature articulated in the Community Redevelopment Act.

(D) In 2003, a concept plan was developed to articulate the initial vision for redevelopment in the West Murdock area of the County which was subsequently designated as

1 the Community Redevelopment Area in Resolution 2003-081. The Agency and the County  
2 adopted a Third Amendment which included a revised and amended Development Plan.

3 (E) Beginning in 2003, the County began to act on the recognition that community  
4 redevelopment presented an innovative and effective growth management opportunity and  
5 worked to create and implement a redevelopment initiative which commenced by further  
6 investigating and addressing blighted area conditions in the Community Redevelopment Area.

7 (F) On May 13, 2003, the Board authorized, ratified, and confirmed the investigation  
8 of the need for redevelopment in the unincorporated West Murdock area of the County in  
9 Resolution 2003-073.

10 (G) On May 27, 2003, the Board adopted findings of necessity required by the  
11 Community Redevelopment Act at Section 163.355, Florida Statutes, determining that the  
12 Community Redevelopment Area was a blighted area within the meaning of the Community  
13 Redevelopment Act and designated the Community Redevelopment Area as appropriate for  
14 community redevelopment in Resolution 2003-081.

15 (H) On May 27, 2003, the Board adopted Resolution No. 2003-081 which created the  
16 Community Redevelopment Agency and declared that the Board shall also sit ex-officio as the  
17 Agency. Notwithstanding that the members of the Board of County Commissioners serve as the  
18 governing body of the Agency, the Agency is a separate public body corporate and politic under  
19 Florida law. The Agency was established to carry out redevelopment activities for the  
20 Community Redevelopment Area.

1           (I)     The County is the only taxing authority subject to the provisions of Section  
2     163.387(2), Florida Statutes. Pursuant to the Community Redevelopment Act, and specifically the  
3     last paragraph of Section 163.340(8), Florida Statutes, the Board and the Agency also adopted  
4     Resolution No. 2003-082 to specifically document by separate resolution that the Board and the  
5     Agency determined and agreed that the Community Redevelopment Area was a blighted area.

6           (J)     Pursuant to the Community Redevelopment Act, and specifically the last  
7     paragraph of Section 163.340(8), Florida Statutes, the County, as the only taxing authority affected  
8     by the creation of the Community Redevelopment Area, has entered into an interlocal agreement  
9     with the Agency, dated May 27, 2003, to specifically document by interlocal agreement that the  
10    Board and Agency determined and agreed that the Community Redevelopment Area was a  
11    blighted area.

12          (K)     Resolution No. 2003-081, Resolution No. 2003-082 and the interlocal agreement  
13    between the County and Agency were adopted after a public hearing and timely notice as  
14    authorized and directed by the Board in its Resolution No. 2003-073 in compliance with all  
15    provisions of Section 163.346, Florida Statutes. Resolution No. 2003-073 provided that proof of  
16    such notice may be made by affidavit, in the form of an exhibit attached thereto.

17          (L)     Finding of Necessity: In making its legislative determinations in Resolution No.  
18    2003-081, Resolution No. 2003-082 and the foregoing interlocal agreement between the County  
19    and Agency, the Board relied upon government maintained statistics, studies, expert reports,  
20    witness testimony, and personal knowledge of the Community Redevelopment Area by members

1 of the Board, all of which constituted the record before the Board on May 27, 2003, in finding that  
2 the factors identified in Section 163.340(8), Florida Statutes, existed within the Community  
3 Redevelopment Area.

4 (M) In order to attract qualified redevelopment partners and to successfully  
5 accomplish the vision and the concept plan, the Board adopted Resolution No. 2003-048 on March  
6 11, 2003, which directed and authorized that land acquisitions occur first on a voluntary (and  
7 somewhat random) basis within the Community Redevelopment Area through negotiated  
8 purchases, and subsequently adopted Resolution No. 2003-128 which determined and directed  
9 the use of the power of eminent domain in order to consolidate all, or substantially all, of the land  
10 mass within the Community Redevelopment Area. On September 25, 2007, the Board adopted  
11 Resolution 2007-137 which removed the provision allowing the County to exercise its power of  
12 eminent domain for redevelopment purposes within the Murdock Village Community  
13 Redevelopment Area.

14 (N) The County has invested a significant amount of capital using both short-term  
15 and long-term financing to provide funding of at least \$110 million dollars for land acquisition  
16 and related costs.

17 (O) On February 22, 2005, the County adopted Resolution 2005-042 which adopted the  
18 Murdock Village Community Redevelopment Plan and established an effective date. On  
19 September 27, 2005 the County adopted Resolution 2005-188, approving the first amendment to  
20 the Community Redevelopment Plan. On October 18, 2010, the County adopted Resolution 2010-

1 097, approving the second amendment to the Community Redevelopment Plan. On July 11, 2017,  
2 the County adopted Resolution 2017-178, approving the third amendment to the Community  
3 Redevelopment Plan.

4 (P) On March 25, 2005 the County adopted Ordinance 2005-020 establishing a  
5 Redevelopment Trust Fund for the CRA.

6 (Q) On February 19, 2008 the County adopted Resolution 2008-015 authorizing the  
7 vacation of the majority of platted lots within the core of Murdock Village.

8 (R) On April 22, 2008 the County approved the transfer of the property within  
9 Murdock Village identified for redevelopment to the Murdock Village Community  
10 Redevelopment Agency.

11 (S) This Community Redevelopment Plan, including the conceptual diagram shown  
12 in Appendix [J] and the character sketches shown in Appendix [L], is anticipated to guide  
13 development of the Community Redevelopment Area within the requirements of the  
14 Comprehensive Plan, this Community Redevelopment Plan, applicable resolutions, ordinances,  
15 statutes, and other similar regulations.

16 (T) The Agency anticipates developing one or more Agreements or other offers for  
17 disposal which shall provide for, among other things, the conditions precedent to the disposition  
18 of lands within the Community Redevelopment Area, the restrictions upon, and covenants,  
19 conditions and obligations to be assumed by any purchaser, the County, and the Agency, and the  
20 disposition of lands within the Community Redevelopment Area.

1           (U)    Concurrent with the preparation and adoption of this amended Community  
2 Redevelopment Plan, the Agency with the assistance of their staff, consultants and advisors have  
3 further refined the redevelopment strategy and Development Plan in a manner that takes into  
4 consideration the County's and Agency's revised and updated vision, and the need to design  
5 communities to meet market requirements in Southwest Florida. Any Agreement or other offers  
6 for disposal anticipated by the Agency will articulate, not only provisions and terms for the  
7 disposition of lands, but also may constrain the alienation of and subject such lands to restrictions,  
8 covenants, conditions and obligations of the purchaser to redevelop the land in conformance with  
9 this Community Redevelopment Plan. As required by the Community Redevelopment Act,  
10 Charlotte County and the Agency adopted the Community Redevelopment Plan which includes  
11 but is not limited to:

- 12                   i) Vision, objectives, and strategies to achieve redevelopment.
- 13
- 14                   ii) Statement(s) as to the type, size, and location of uses.
- 15
- 16                   iii) Financial analysis.
- 17
- 18                   iv) Capital planning.
- 19
- 20                   v) A finding of consistency with the County's Comprehensive Plan.
- 21

22           (V)    Prior to the execution of any Agreement, the Agency must give required public  
23 notice of the intended disposition of lands in the Community Redevelopment Area. Such notice  
24 is required by the Community Redevelopment Act and will invite proposals from and make all  
25 pertinent information available to, private redevelopers or any persons interested and qualified



1 in undertaking to redevelop the Community Redevelopment Area. The Agency will consider  
2 any and all redevelopment proposals for consistency with this Community Redevelopment Plan  
3 and the financial and legal ability of any persons making such proposals to carry them out.  
4 Pursuant to the Community Redevelopment Act, the Agency may accept any proposal deemed  
5 to be in the public interest and are not bound by any requirement to accept any proposal based  
6 solely upon an offered purchase price.

7 (W) The Agency shall prepare annually a report as required by Florida Statutes.

8 **SECTION 2.02. FINDING OF NECESSITY OVERVIEW.** Charlotte County  
9 undertook and accepted a Finding of Necessity consistent with the Community Redevelopment  
10 Act at Section 163.355, Florida Statutes. This legislative finding was made by the Board after the  
11 public hearing on May 27, 2003. In making such statutorily required finding, the Board relied  
12 upon government maintained statistics, studies, expert reports, witness testimony, and personal  
13 knowledge of the Community Redevelopment Area by members of the Board including, but not  
14 limited to, documentation on the extent of the blighted area conditions referred to herein as the  
15 "Finding of Necessity Report", attached hereto as Appendix [D].

16 **SECTION 2.03. GENERAL DESCRIPTION OF REDEVELOPMENT AREA.**

17 (A) The Community Redevelopment Area is comprised of approximately 1,199.8  
18 acres, including canals and road right-of-way, and is located entirely within the jurisdiction and  
19 control of unincorporated Charlotte County and lies within Sections 2, 10, 11, 12 and 14, Range  
20 40 South, Township 21 East.

1           (B)    The Community Redevelopment Area is generally contained within the  
2 boundaries created by El Jobean Road (SR 776) on the south; Stratford Drive on the west; Tamiami  
3 Trail (US 41) on the north; and Collingswood Boulevard on the east. The main roads that service  
4 the Community Redevelopment Area are Toledo Blade Boulevard, Flamingo Boulevard, and  
5 O'Donnell Boulevard, which are all north-south roads.

6           **SECTION 2.04.        BOUNDARY.**

7           (A) The Community Redevelopment Area was selected for redevelopment for a number  
8 of reasons. While the area contained approximately 3,000 platted or subdivided lots on 1,199.8  
9 acres, only seventy-seven (77) homes were constructed since platting occurred over three decades  
10 ago. The Community Redevelopment Area is logically set apart from other areas by El Jobean  
11 Road (SR 776) on the south, Statford Drive and the adjacent canal on the west, Tamiami Trail (US  
12 41) on the north, and Collingswood Boulevard and the adjacent canal on the east.

13           (B) The map of the Community Redevelopment Area, attached hereto as Appendix **II**,  
14 graphically depicts boundaries and lands contained within the Community Redevelopment  
15 Area.

16           **SECTION 2.05.        LEGAL DESCRIPTION.**

17           (A)    The Community Redevelopment Act at Section 163.362, Florida Statutes, requires  
18 that this Community Redevelopment Plan contain a legal description of the Community  
19 Redevelopment Area. The legal description of the Community Redevelopment Area is included

1 in Resolution No. 2003-081 and is attached hereto as Appendix [A] and shown graphically in the  
2 map in Appendix [I].

3           **SECTION 2.06.           REDEVELOPMENT POWERS.**                           County    Resolution

4 No. 2003-081 created and established the Agency, pursuant to the Community Redevelopment  
5 Act. The Agency is constituted as a separate and distinct public instrumentality, and the exercise  
6 by the Agency of the powers conferred by the Community Redevelopment Act shall be deemed  
7 and held to be the performance of an essential public function. The Agency is authorized to  
8 exercise all of the powers conferred by the Community Redevelopment Act which are necessary  
9 and convenient to carry out and effectuate the purposes of community redevelopment and  
10 related activities within the Community Redevelopment Area.

11



1           (B)     In order to secure the involvement and participation of capable and qualified  
2 redevelopment partners, the Agency continues to market and invite proposals from potential  
3 redevelopment partners to implement the vision of the plan.

4           **SECTION 3.03.           PROCEDURE FOR CONSIDERING AND ADOPTING THE**  
5 **PLAN.**

6           (A)     The Community Redevelopment Act at Section 163.360, Florida Statutes, outlines  
7 the procedure for considering, adopting, and modifying this Community Redevelopment Plan.  
8 The County and Agency have adopted this Third Amendment consistent with the applicable  
9 Statutes including review and approval by the Board of County Commissioners upon a favorable  
10 recommendation by the local planning agency and the Agency. This review and subsequent  
11 approval also include a recommendation and finding that the Plan is consistent with the County's  
12 Comprehensive Plan, as amended.

13           (B)     The County is distinguished from all other local taxing authorities as the only  
14 taxing authority subject to the provisions of Section 163.387(2), Florida Statutes. In other words,  
15 the County is the only taxing authority subject to paying future tax increment funds, derived  
16 solely from the Community Redevelopment Area, for redevelopment purposes.

17           (C)     Despite the fact that the County is the only affected taxing authority, the  
18 Community Redevelopment Act requires that notice of adoption of this Community  
19 Redevelopment Plan be provided to each of the governing bodies having the ability to impose  
20 taxes within the Community Redevelopment Area. After the Agency has provided notice to each

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- 1 of the governing bodies having the ability to impose taxes within the Community Redevelopment
- 2 Area and published the notice as prescribed by statute, the County may only then consider and
- 3 approve this Community Redevelopment Plan at a public hearing.

**ARTICLE IV**

**MURDOCK VILLAGE REDEVELOPMENT VISION, OBJECTIVES, AND STRATEGIES**

**SECTION 4.01. APPROACH.**

(A) This Article presents the vision for the Community Redevelopment Area and identifies potential objectives, strategies, and lays a foundation for the programs and projects to be considered by the County, the Agency and private enterprise in implementing this vision.

(B) Costs or budgets provided in this Community Redevelopment Plan are estimated, expressed in 2017 dollars, and do not take into consideration inflation or other increases. Costs and budgets are expected to be refined as additional research, plans, and documents are prepared to implement the particular objectives, strategies, and resulting programs and projects. The costs provided for budgeting purposes establish the framework for financial planning analysis.

(C) Costs or budgets should not be construed as exclusively the burden of the public sector. They are intended as recommended total costs with potential allocations to the public and private sectors assigned on the basis of the encouragement of private enterprise as a tool to carry out a significant portion of this Community Redevelopment Plan and apparent benefit, value, revenues or other relevant factors.

1           **SECTION 4.02.       VISION   FOR   MURDOCK   VILLAGE   COMMUNITY**  
2 **REDEVELOPMENT AREA.**

3           (A)   Murdock Village is envisioned to be a mixed use, integrated development which  
4 provides for the needs of current and future populations through creating a destination which  
5 provides:

6                   (1)   Charlotte County and the surrounding southwest Florida area with a mix  
7 of attractions, housing and employment.

8                   (2)   Distinct “neighborhoods” that serve as the basic building block of the  
9 community.

10                  (3)   A variety of uses which provide for a vibrancy in the community including  
11 entertainment, retail, educational and open spaces.

12                  (4)   An impression of economic stability and a sense of place, which adds to  
13 the livability of the area.

14                  (5)   An area and identity that differs from the current (traditional)  
15 development patterns and opportunities experienced in Charlotte County and the surrounding  
16 municipalities.

17                  (6)   An attractor which takes advantage of its location and regional assets  
18 including beaches, sports complex, and transportation resources.



1           (7) For the long-term viability of economic development and sustainable  
2 development practices which create distinct opportunities for future development.

3           (B) The Community Redevelopment Area shall be divided into two areas:

4           (1) Gateway District: This area consists of both privately and Agency owned  
5 platted lots located between the US41 corridor and the local streets of Franklin, Seymour and  
6 Buena Vista Circle. The Agency's vision for this district is to encourage the assembly of parcels to  
7 promote viable commercial development through purchase or transfer either as a component of  
8 the Core District or standalone commercial development.

9           (2) Core District: This district consists of approximately 830 acres comprised  
10 of 806 +/- acres of upland and 24 +/- acres of canal waterways that was originally acquired by the  
11 Agency during the acquisition phase of the redevelopment program. The area also includes the  
12 North Charlotte Regional Park, a Charlotte County Utilities site, a Charlotte County Public  
13 Schools site, two church sites, and a Florida Power and Light site. The Agency's vision for this  
14 district is to enter into one or more public private partnerships to create a mixed use, integrated  
15 community. The three mixed-use areas shown on the Development Plan are located in the Core  
16 District.

17           (C) Changing social, physical and economic conditions could warrant the  
18 modification of this Community Redevelopment Plan. Game changers can significantly shift the  
19 direction of the community especially Murdock Village based on its proximity to Sarasota

1 County. These can occur instantly or evolve over time and they can provide opportunities or  
2 create obstacles. Some of the game changers identified include:

- 3 1) Demographic shifts.
- 4 2) Adjacent counties with similar goals.
- 5 3) Economy and employers.
- 6 4) Education and workforce (meeting expectations of potential employers).
- 7 5) Funding.
- 8 6) Need for enhanced private partnerships.
- 9 7) Opportunity sites and catalyst.
- 10 8) Environmental permitting.

11 (D) The sections and articles herein describe the Community Redevelopment Area,  
12 suggest a vision, identify primary and community objectives for redevelopment, provide  
13 strategies to mitigate or correct the blighted area factors identified by the County and Agency  
14 and conclude with a demonstration of how this Community Redevelopment Plan conforms to  
15 the Comprehensive Plan.

16 **SECTION 4.03. REDEVELOPMENT INITIATIVES.**

17 (A) In partnership with private enterprise and other governmental entities, the  
18 redevelopment initiative embodied in this Community Redevelopment Plan will reverse and  
19 remove the observed blighting conditions within the Community Redevelopment Area by  
20 leveraging public assets to improve the overall economic condition and the physical condition of

1 the Community Redevelopment Area. Creating a mixed-use community within the boundaries  
2 of the Community Redevelopment Area will not only greatly enhance the quality of life within  
3 the Community Redevelopment Area, but is anticipated to reduce congestion and effectively  
4 manage allowable densities.

5 (B) Strategic initiatives are to be identified and placed into action to address, reverse  
6 and remove the blighted area conditions that have substantially impaired the growth and  
7 development of the Community Redevelopment Area and would most certainly forestall the  
8 achievement of the County's and Agency's redevelopment objectives. Ultimately, the  
9 Community Redevelopment Area will be substantially cleared, redeveloped, and revitalized as a  
10 community focal point to the benefit of County residents, businesses, property owners and  
11 visitors through implementation of this Community Redevelopment Plan.

12 (C) Objectives have been identified as either "primary" or "community." The primary  
13 objectives are deemed the most important in addressing, removing, or mitigating blighted area  
14 conditions within the Community Redevelopment Area identified by the County and Agency  
15 and also addressed in the Finding of Necessity Report. The community objectives are necessarily  
16 secondary to the principal focus of this Community Redevelopment Plan that is intended to pave  
17 the way for the redevelopment of the area as a mixed-use community. Nonetheless, the  
18 community objectives are important and will be implemented as revenues permit. The objectives  
19 and their corresponding strategies, anticipate maximizing the use of private enterprise to achieve  
20 the redevelopment goals.

1           **SECTION 4.04.           PRIMARY OBJECTIVES AND STRATEGIES.**

2           (A)   Primary Objective 1: Ensure that regulatory measures are in place to promote the  
3 redevelopment of the Community Redevelopment Area as a vibrant mixed-use community.

4                   (1) When the County embarked upon its redevelopment initiative, the  
5 Comprehensive Plan did not designate the Community Redevelopment Area as a mixed-use  
6 redevelopment area. The County, following approval by the State of Florida Department of  
7 Community Affairs, subsequently adopted a series of text amendments. These amendments  
8 added new objectives and policies to support the redevelopment of the Community  
9 Redevelopment Area as a vibrant mixed-use community.

10                   (2) Core District: To implement the vision for the Community Redevelopment  
11 Area, the Agency supports the adoption of specific mixed-use Planned Development (PD) zoning  
12 within the Core District in partnership with private developers to further implement the vision  
13 as articulated in one or more Agreements. Privately-owned properties, properties owned by  
14 Charlotte County and Charlotte County Public Schools may develop according to existing zoning  
15 on the property. The County may adopt a specific mixed use zoning district for this area in the  
16 future.

17                   (3) Gateway District: To encourage land assembly and redevelopment, the  
18 Agency supports creating a viable commercial corridor and supports development according to  
19 the existing zoning or as a Planned Development. Additional standards or a new zoning district

1 may be adopted by the County to enhance the area and support the redevelopment of the Core  
2 District.

3 (B) Primary Objective 2: Facilitate and follow-through with a land acquisition and  
4 disposition program to stimulate real and substantial public/private interest and participation in  
5 the redevelopment of the Community Redevelopment Area as a mixed-use community. Land  
6 assembly was completed in 2007 and the County and Agency do not anticipate acquiring  
7 additional lands as part of this Community Redevelopment Area; however, this does not  
8 preclude the County and Agency from pursuing additional lands should the factors support it.

9 (1) The County's and Agency's acquisition strategy in the Community  
10 Redevelopment Area began in 2003 with random voluntary negotiated purchases followed by  
11 direction to use the power of eminent domain to consolidate land acquisitions in a series of  
12 acquisition phases beginning west of the Community Redevelopment Area heading east. In 2007,  
13 the land acquisition program was completed. Approximately 871 acres of property was acquired  
14 within the Community Redevelopment Area and deeded to the Agency.

15 (2) The Community Redevelopment Act at Section 163.380(2) allows the  
16 County and Agency to take into account and give consideration to the long term benefits to be  
17 achieved by acquiring lands and facilitating the redevelopment of the Community  
18 Redevelopment Area, including the anticipated resultant short-term losses or costs in the disposal  
19 of any lands acquired. The proceeds from the sale of the lands acquired within the Community

1 Redevelopment Area are expected to offset a substantial portion, but not all, of the initial expenses  
2 incurred by the County.

3           (3)     Consistent with the Community Redevelopment Act at Section 163.335(3),  
4 Florida Statutes, all land acquisitions done for community redevelopment purposes are done for  
5 public purposes. Accordingly, the acquisition of all, or substantially all, of the lands within the  
6 Community Redevelopment Area by the County or the Agency provided a means to effectively  
7 address and make unenforceable archaic and problematic deed restrictions which would  
8 otherwise frustrate or make redevelopment not feasible.

9           (C)     Primary Objective 3: Dispose of lands acquired by County and Agency in  
10 conformance with the Community Redevelopment Act.

11           (1)     Pursuant to the Community Redevelopment Act at Section 163.380,  
12 Florida Statutes, the County and Agency will only sell, lease, or otherwise transfer lands acquired  
13 within the Community Redevelopment Area, as permitted by law. The terms under which land  
14 within the Community Redevelopment Area will be disposed of to one or more redevelopment  
15 partners will be documented in an Agreement. The Agreement will be consistent with the vision  
16 of the County and Agency and this Community Redevelopment Plan. A proposed Agreement  
17 will also provide a significant benchmark which all proposers may use to respond during the  
18 thirty (30) days after published notice of the Agency's intent to enter into an agreement relating  
19 to the disposition of property following a duly noticed public hearing; all as provided by the  
20 Community Redevelopment Act at Section 163.380, Florida Statutes. In evaluating any proposals,

1 the Community Redevelopment Act allows the Agency to take into account and give  
2 consideration to long-term benefits to be achieved by the Agency resulting from short-term losses  
3 or shortfalls resulting from the disposal of lands acquired for community redevelopment  
4 purposes pursuant to this Community Redevelopment Plan and any Agreement.

5 (2) It is the policy intent of this Community Redevelopment Plan to both  
6 achieve the County and Agency vision embodied herein while at the same time maximizing the  
7 return from the sale of lands acquired by the County and Agency for community redevelopment  
8 purposes. All lands acquired by the County and Agency for community redevelopment  
9 purposes are to be transferred as rapidly as feasible in the public interest, consistent with carrying  
10 out the provisions of this Community Redevelopment Plan.

11 (D) Primary Objective 4: To have the Charlotte County financial investment in  
12 Murdock Village pay for itself through sales proceeds and improved tax base.

13 (1) In 2003, County finance officials, consultants and advisors contemplated  
14 the method and means to fund and finance the assembly of lands within the Community  
15 Redevelopment Area and determined that the County had the capacity and ability to combine all  
16 outstanding loans related to land acquisitions in the Community Redevelopment Area with  
17 additional funds required to fund the acquisition of all, or substantially all, of the lands within  
18 the Community Redevelopment Area through the issuance of at least \$110 million in short term  
19 debt obligations which would maintain the flexibility to call or redeem debt at any time in the  
20 future as proceeds become available from the disposition of lands. The County's financial

1 advisors have determined that such short-term financing mechanisms will not put an adverse  
2 burden on the County's financial position. Such initial financing can be secured by a non-ad  
3 valorem revenue pledge by the County with a covenant to budget and appropriate. Such a  
4 financing structure would require the County to allocate other legally available funds in the form  
5 of non-ad valorem revenues which the County could otherwise use for alternative projects;  
6 however, the use of such short term financing mechanisms will provide significant flexibility,  
7 until the disposition of lands, long term financing and delivery of capital improvements begins  
8 to occur. Over the years, the County has paid down the outstanding principal and restructured  
9 the loans to best meet the financial obligations.

10           (2) To the extent that the County and Agency are able to maximize their return  
11 from the sale of lands acquired within the Community Redevelopment Area, initial funding  
12 financed by the County will be correspondingly paid down. The Agency anticipates allocating  
13 tax increment revenues derived from the Community Redevelopment Area and paid into the  
14 Community Redevelopment Trust Fund to secure taxable obligations to repay any "shortfall"  
15 between the purchase price paid by the County and Agency for lands subsequently sold to private  
16 enterprise and costs incurred by the County and Agency in acquiring such land and initiating  
17 redevelopment within the Community Redevelopment Area. This achieves the County's policy  
18 direction that the redevelopment initiative must strive to repay over time all land acquisition and  
19 redevelopment initiative related costs and expenses advanced by the County.



1           (E)    Primary Objective 5: Establish one or more public/private partnerships to  
2 encourage and use expertise of private enterprise to implement the redevelopment vision.

3           (1)    It is critical that partnerships with the private sector and other  
4 governmental entities be established to ensure that the Community Redevelopment Area is  
5 redeveloped as a viable and thriving mixed-use community. Such partnerships should provide  
6 capital resources, skills and expertise to manage and execute the Agency's redevelopment  
7 initiative.

8           (2)    The Agency has and will continue to solicit input from private enterprise  
9 to generate interest and attract willing and capable developers to implement the County and  
10 Agency vision for the Community Redevelopment Area. Prior to execution of an Agreement, the  
11 County shall at all times reserve the right to evaluate any developer proposal and determine  
12 which options best implement the County's and Agency's vision for the Community  
13 Redevelopment Area.

14           (3)    The Agency anticipates entering into an Agreement with one or more  
15 developers. Terms of the Agreement should clearly articulate the role of the County and Agency,  
16 the role of the developer, identify the lands to be conveyed, the consideration to be paid, terms of  
17 closing, conditions precedent to closing, including but not limited to, due diligence matters,  
18 determination and allocation of entitlements, Comprehensive Plan and Community  
19 Redevelopment Plan conformity, zoning issues, vacation of plats and right-of-way, site

1 conditions, provisions for and control of the delivery of title research and clear title, an acceptable  
2 boundary survey and related closing procedures.

3 (4) The Agreement may address the mechanisms used to fund, finance and  
4 deliver infrastructure to the Community Redevelopment Area in a manner consistent with this  
5 Community Redevelopment Plan. The Agreement will be only entered into after notice and a  
6 public hearing provided for in the Community Redevelopment Act.

7 (5) The County and Agency will assign or dedicate a focused staff member or  
8 other counsel or personnel to coordinate with private or public sector redevelopment participants  
9 and to audit performance and ensure that the integrity of the County's and Agency's vision of the  
10 Community Redevelopment Area is implemented and maintained.

11 (F) Primary Objective 6: Create a mixed-use community that implements the  
12 Community Redevelopment Area vision.

13 (1) The Community Redevelopment Area may consist of a combination of  
14 residential, commercial, entertainment, recreational, professional office, light industrial, civic,  
15 educational and institutional uses to encourage long term sustainable development.

16 (2) The Community Redevelopment Area shall include distinct, diverse  
17 residential and non-residential neighborhoods. It is understood the following land uses may be  
18 provided in each of the three (3) mixed use areas designated on the Development Plan; however  
19 are not required to be provided in each. Development standards provided with each land use

1 type are guidelines for development (i.e., acreage, density/intensity); and may vary on a case-by-  
2 case basis subject to the County and Agency approval.

3 (3) Residential neighborhoods may feature neighborhood parks and/or access  
4 to existing County recreational facilities, open space and easy access to a network of  
5 bicycle/pedestrian facilities, greenways and blueways, with special consideration for the health,  
6 safety and welfare of children residing in the Community Redevelopment Area and general  
7 vicinity. They are also envisioned to provide a diversity in housing styles, types, and price ranges.

8 (4) Non-residential land uses may be concentrated and developed to create a  
9 destination attraction, dispersed in neighborhoods serving non-residential, and/or developed in  
10 a campus-style mixed use pattern.

11 (5) Business Research and Technology Park: The Business Research and  
12 Technology Park (BRT) is envisioned to include a mixture of light industrial, research and  
13 development, commercial, healthcare and educational (University/College Campus) uses. The  
14 desired development form is a campus-type setting which provides for a system of  
15 interconnected transportation systems, and greenways/parks.

16 (6) Community redevelopment activities within the Gateway District will  
17 focus on innovative solutions that provide the opportunity to enlarge, consolidate or reconfigure  
18 building lots and enhance the quality of site layout, access, and may encourage enhanced  
19 architectural features, signage and landscaping to complement the Core District.

1           (7)     The Community Redevelopment Area shall be designed to provide for  
2 pedestrian and bicycle friendly public streets to promote safe, convenient and comfortable access  
3 to neighborhoods, parks, neighborhood shopping, schools and other civic and institutional uses.

4           (G)     Primary Objective 7: Improve transportation facilities within the Community  
5 Redevelopment Area to facilitate capture of internal trips, enhance regional connection and  
6 improve emergency evacuation. Improvements will be consistent with the most recently adopted  
7 Charlotte County-Punta Gorda Metropolitan Planning Organization Long Range Transportation  
8 Plan including the regional evacuation route system.

9           (1)     The transportation component of the Community Redevelopment Area  
10 provides for both vehicular and pedestrian traffic. By providing a proper mix of land uses, a  
11 portion of the trips for residents and employees within the Community Redevelopment Area  
12 should be satisfied within the development itself at full buildout.

13           (2)     The close proximity of the Community Redevelopment Area to major  
14 arterials, Tamiami Trail (US 41) and El Jobean Road (SR 776), enables the creation of gateways  
15 into the Community Redevelopment Area from regional north-south connector roads. Flamingo  
16 Boulevard and Toledo Blade Boulevard will be re-platted and designed in a manner that  
17 addresses north-south connectivity, safe pedestrian crossing and emulates the overall character  
18 of the mixed-use redevelopment district.

19           (3)     Roadway and streetscape improvements will improve access and traffic  
20 flow for internal and regional connections, provide for pedestrian and bicycle facilities and

1 overall beautification. The following will be considered as guidelines for roadway and  
2 streetscape improvements.

3 (a) Undertake roadway and streetscape improvements on the primary  
4 roads and waterways within and along the perimeter of the Community Redevelopment Area  
5 consistent with approved development.

6 (b) Provide the ability for vehicles, pedestrians and bicyclists to access  
7 an enhanced internal transportation network that connects the neighborhoods to services and  
8 recreation facilities.. This includes exploring ways to enhance east/west connectivity.

9 (c) Explore innovative access management solutions with Florida  
10 Department of Transportation to reduce curb cuts especially along Tamiami Trail (US 41).

11 (d) Explore alternate service roads and associated buffers to serve  
12 commercial development along Tamiami Trail (US 41), thereby managing access onto this  
13 roadway.

14 (e) Develop and incorporate landscape and lighting design standards  
15 to create a safe and inviting environment.

16 (f) Underground utilities where feasible to protect property during  
17 natural disasters and increase visual appeal.

18 (g) Integrate traffic calming techniques where feasible to enhance  
19 safety and facilitate a pedestrian/bicycle friendly environment. Traffic calming techniques may  
20 include roundabouts, use of pavers or decorative concrete, raised pavement, change of landscape

1 treatment and the creation of pedestrian nodes at major intersection, mid-block crossings and  
2 other locations where potential conflicts exist between vehicles, pedestrians and bicyclists.  
3 Creative options to traverse major streets, such as Toledo Blade Boulevard and Flamingo  
4 Boulevard, should be investigated. Pedestrian safety and Crime Prevention Through  
5 Environmental Design (CPTED) standards should be employed along with aesthetic  
6 considerations when evaluating, designing and implementing pedestrian crossings.

7 (h) Consider special enhancements or partnerships to supplement  
8 private entity efforts to improve primary roadways, waterways and gateways.

9 (i) Leverage the existing greenway and blueway networks to increase  
10 pedestrian, bicycle and boat/watercraft access and connectivity to the various existing parks and  
11 natural resources within and adjacent to the Community Redevelopment Area.

12 (H) Primary Objective 8: Identify and promote a workable means to fund, finance  
13 and deliver utility and infrastructure improvements needed to promote the mix-used  
14 redevelopment of the Community Redevelopment Area.

15 (1) Concurrent with the primary roadway improvements, the County, the  
16 Agency, or private developer shall coordinate the delivery of infrastructure and utility  
17 improvements along the major roadways.

18 (2) Explore and execute innovative ideas to transform the existing canals and  
19 stormwater conveyance systems into an amenity for the benefit of the Community  
20 Redevelopment Area, including by way of example and not limitation, the design of retention

1 and stormwater management features which provide positive aesthetics and function to  
2 community open space.

3 (I) Primary Objective 9: Provide for and enhance parks, recreation facilities and  
4 public space improvements in a manner that enhances the Community Redevelopment Area as  
5 a mixed-use community.

6 (1) Explore partnerships and interlocal agreements with the private sector and  
7 other governmental entities to ensure that the existing and proposed neighborhood parks,  
8 recreation facilities and greenways within the Community Redevelopment Area are well  
9 maintained, accessible, safe and inviting.

10 (2) Special enhancement funds may be made available to improve existing  
11 parks and other natural preserve/conservation areas to support the vision and intent for the  
12 Community Redevelopment Area. The following will be considered by the County, the Agency,  
13 and any private redevelopment partner as guidelines for existing and new parks, recreation and  
14 public spaces.

15 (a) Provide sufficient public access to North Charlotte Regional Park  
16 and other various parks and natural resources within and adjacent to the Community  
17 Redevelopment Area.

18 (b) Evaluate the opportunities to integrate the North Charlotte  
19 Regional Park into, while complementing, adjacent land uses. Any such integration should

1 enhance the overall character of the Community Redevelopment Area and not be designed or  
2 developed in a manner that segregates the mixed-use community.

3 (c) Leverage existing and proposed parks, natural preserves,  
4 conservation areas, blueways and greenways to serve as amenities for the Community  
5 Redevelopment Area and adjacent communities.

6 **SECTION 4.05. COMMUNITY OBJECTIVES AND STRATEGIES.**

7 (A) Community Objective 1: Aesthetic and Planning Review: Planned Developments  
8 are encouraged to develop architectural and maintenance standards specific to individual  
9 developments to guide redevelopment and maintenance activities within the Community  
10 Redevelopment Area.

11 (1) The Agency may participate in any design review committee created by a  
12 County, developer or the community development district, or homeowners association to assure  
13 the Agency's vision is maintained over a period of time.

14 (B) Community Objective 2: Maintaining a Safe and Clean Environment: Ensure that  
15 the Community Redevelopment Area is safe and clean over a period of time.

16 (1) The Community Redevelopment Act encourages "community policing  
17 innovations." This concept is defined as policing techniques or strategies designed to reduce  
18 crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal  
19 activity through visible presence of law enforcement in the community, including, but not limited  
20 to, community mobilization, neighborhood block watch, citizen patrol, foot patrol, storefront



1 police stations or intensified motorized patrol. The intent of these programs will be to improve  
2 the actual and perceived security, building safety and appearance of the Community  
3 Redevelopment Area. To realize the full intent of the community policing, the following  
4 initiatives may be undertaken.

5 (a) Law enforcement officers and security personnel will be able to  
6 circulate throughout the Community Redevelopment Area on a regular basis to meet visitors,  
7 residents and business owners, listen to their security concerns and ask for their ideas to solve  
8 crime problems. Whenever possible, officers will attend community meetings and special events.

9 (b) Periodically analyze the crime "blotter" to assess the numbers and  
10 types of law enforcement responses within the Community Redevelopment Area. This analysis  
11 can be used to identify problems and trends.

12 (c) Create a special patrol or "beat" for the Community  
13 Redevelopment Area to provide a stronger law enforcement presence, additional door checks,  
14 bicycle patrols and like alternatives.

15 (d) Develop innovative techniques to address special needs of visitors.

16 (e) Implement Crime Prevention Through Environmental Design  
17 (CPTED) standards to correct any security problems related to site improvements such as site  
18 design, lighting and vegetation. These standards may be integrated into development/design  
19 manuals and can be printed and distributed throughout the Community Redevelopment Area.

1           (2) The County and Agency may identify, execute, and coordinate special  
2 maintenance standards and programs for public facilities or areas such as the North Charlotte  
3 Regional Park, roadways, open space areas, entries, and commercial properties along Tamiami  
4 Trail (US 41).

5           (C)   Community Objective 3: Provide Additional Infrastructure and Services: The  
6 County and Agency may plan, design and deliver additional infrastructure improvements or  
7 services within or outside of the Community Redevelopment Area if appropriate and deemed  
8 that those improvements enhance the quality or attractiveness of the Community Redevelopment  
9 Area especially with regard to public amenities within the Community Redevelopment Area. It  
10 is understood the Agency may only fund those improvements and services within the boundary  
11 of the Community Redevelopment Area and providing they are included in the Community  
12 Redevelopment Plan. The Agency may partner with other entities including but not limited to  
13 the County, Florida Department of Transportation (FDOT), Southwest Florida Water  
14 Management District, etc., in the provision of infrastructure and services.

15           (1)   Such additional infrastructure may include undergrounding utilities in  
16 certain areas to achieve a desired visual impact, upgrading technology and telecommunications  
17 availability to attract businesses or the enhancement of landscape areas and the development of  
18 off-site signage. Such additional improvements will complement the redevelopment partner's  
19 plans for the Community Redevelopment Area.

1                   (2)     Such additional services may include extraordinary right-of-way or other  
2 public area maintenance, planning and implementing cultural, charitable or place making  
3 activities and events and related services which showcase the Community Redevelopment Area.

4                   (D)     The conceptual diagram of the Development Plan, attached hereto as Appendix  
5 [J], generally illustrates the location and relationships of the mixed use areas, generalized land  
6 uses, major thoroughfares, street layout, parks and open spaces, related to implementing the  
7 overall objectives and strategies envisioned for the Community Redevelopment Area. It is  
8 understood that smaller, neighborhood and/or local serving infrastructure including roadways,  
9 parks and open spaces shall be provided to support the respective neighborhood. Appendix [L]  
10 contains character sketches which are intended to provide a conceptual representation  
11 supporting the objectives discussed in this Community Redevelopment Plan. The elements  
12 shown in the conceptual diagram and character sketches are illustrative in nature and may be  
13 relocated or realigned in future planning initiatives as long as modifications are generally  
14 consistent with the vision articulated in this Community Redevelopment Plan.

15

**ARTICLE V**

**STATUTORY COMPLIANCE**

**SECTION 5.01. STATUTORY REQUIREMENTS.**

(A) The Community Redevelopment Act at Sections 163.360 and 163.362, Florida Statutes, requires every community redevelopment plan to contain specific information relevant to its particular redevelopment initiative. This article supplements and addresses the informational requirements articulated in the Community Redevelopment Act and serves to further describe the objectives and strategies presented in this Community Redevelopment Plan to implement the redevelopment initiative envisioned by the County and Agency for the Community Redevelopment Area.

(B) Appendix [J] and Appendix [L] show by diagram and concept sketch form what is described in general terms in this Section. This Section and the referenced appendices are consistent with the requirements of the Community Redevelopment Act at Section 163.362(2), Florida Statutes, and demonstrates by diagram and in text (1) the approximate amount of open space to be provided and street layout, (2) limitations on the type, size, height, number, and proposed use of buildings, (3) the approximate number of dwelling units, and (4) such property as is intended for use as public parks, recreation areas, streets, public utilities and public improvements.

1           (C)    The Development Plan discussed in Section 7.01 further describes the urban  
2 design intent and components of parks and open space, street layout, location of land uses  
3 including residential neighborhoods and properties that may receive public improvements.

4           **SECTION 5.02.           APPROXIMATE AMOUNT OF PARKS AND OPEN SPACE.** It  
5 is anticipated that the Community Redevelopment Area will have a minimum of 20% recreation  
6 and open space lands. It is understood that smaller, neighborhood and/or local serving  
7 infrastructure including roadways, parks and open spaces shall be provided to support the  
8 respective neighborhood. This estimated acreage (20%) may include specific areas reserved for  
9 retention and other conservation/preservation easements as deemed appropriate by the County  
10 and Agency. The North Charlotte Regional Park counts towards this percentage/total acreage;  
11 however, is not intended to be the sole source of parks and open spaces within the Agency

12           **SECTION 5.03.           STREET LAYOUT.** The transportation component for the  
13 Community Redevelopment Area is expected to focus both on vehicular and pedestrian traffic in  
14 a manner that creates a pedestrian and bicyclist friendly, convenient and safe environment. The  
15 close proximity to major arterials enables the creation of a new network of connecting roads and  
16 gateways into the Community Redevelopment Area.

17           **SECTION 5.04.           LIMITATIONS ON THE TYPE, SIZE, HEIGHT, NUMBER AND**  
18 **PROPOSED USE OF BUILDINGS.**

19           (A)    The Community Redevelopment Area, as a whole will be redeveloped as a  
20 mixed-use community that will include a variety of uses, which may include: residential, retail,

1 commercial, medical/healthcare, employment generating light industrial, office, public,  
2 educational, recreational and institutional facilities. The following provides development  
3 parameters for the Community Redevelopment Area. The descriptions included are not intended  
4 to be exclusive land uses but are representative of either the intended mix of uses or the  
5 predominant land uses. Densities and intensities provided below are generalized in nature;  
6 however, shall not be construed or interpreted to be specific maximum levels of development.  
7 The Murdock Village Mixed Use (MVMU) land use category adopted in the Charlotte 2050  
8 Comprehensive Plan, as may be amended, shall provide the specific development standards  
9 providing the total development permitted. Development within Murdock Village is exempt  
10 from any Transfer of Density Units policies in the Comprehensive Plan and from the Transfer of  
11 Density Units requirements of the Land Development Code. All land uses described below are  
12 envisioned to be provided throughout the Community Redevelopment Area and not required to  
13 be provided in each of the identified Gateway or Mixed Use areas as identified on the  
14 Development Plan.

15 (B) Neighborhood Residential (NR) land use areas are intended to be distinct,  
16 interconnected, diverse residential neighborhoods that offer a variety of housing options and  
17 price ranges. Residential densities within the Neighborhood Residential areas are expected to  
18 range from three (3) to six (6) dwelling units per acre for single family residential (SFR) and six  
19 (6) to fifteen (15) dwelling acres per acre for multi-family residential (MFR). These uses are

1 intended to be focused in Mixed Use #3 on the Development Plan; however, may be provided in  
2 the other Mixed Use areas to provide employment supporting uses.

3 (C) Internal Commercial (IC) land use areas are expected to range in size from four (4)  
4 acres to no more than sixteen (16) acres to provide for daily convenience goods, professional,  
5 personal, and business services. These areas are expected to typically have floor area ratios not  
6 exceeding 2.0 and may be located within the residential neighborhood(s) it is intended to serve.  
7 These uses may be provided in all Mixed Use areas.

8 (D) Community Commercial (CC) land use areas are intended to provide for daily and  
9 lifestyle needs and services for the residents of Murdock Village as well as the residents of the  
10 general community but also support those within Charlotte County and the surrounding  
11 communities. This land use district also supports the destination entertainment and recreational  
12 uses. Non-residential uses in this category typically have floor area ratios not exceeding 3.0.  
13 Where residential uses are permitted, residential densities are expected to range between six (6)  
14 and fifteen (15) dwelling units per acre and may be integrated either vertically or horizontally  
15 with the commercial development. These uses are intended to be focused in Mixed Use #1 on the  
16 Development Plan; however, may be provided in the other Mixed Use areas.

17 (E) General Commercial land use area is intended for the Gateway District which is  
18 generally comprised of smaller, individual lots of varying ownership. Development within this  
19 district may develop consistent with the current (underlying) zoning (Commercial General);  
20 however, the vision of the Agency is to support the aggregation of properties to create cohesive

1 development parcels. As part of this, the Agency would consider land sales and/or "swaps"  
2 subject to an agreement to help facilitate the development. Non-residential uses are expected to  
3 have a floor area ratio of up to 3.0. Where residential uses are permitted, residential densities are  
4 expected to range up to fifteen (15) dwelling units per acre.

5 (F) Business Research and Technology Park (BRT) land use areas are intended for  
6 activities that diversify the economic base of the community and include light industrial, light  
7 fabrication, service, printing, storage and packaging uses that do not have nuisance impacts on  
8 adjacent uses from dust, odor, noise, vibration, or glare; warehousing where associated with and  
9 serving as an accessory to the principal use may also be permitted. This district also supports the  
10 development of a hospital and healthcare related uses and educational facilities. These uses are  
11 intended to be focused in Mixed Use #2 on the Development Plan; however, may be provided in  
12 the other Mixed Use areas.

13 (G) The University/College Campus (UC) land use area is intended to provide  
14 educational and residential opportunities in an urban, rather than a suburban campus. Uses  
15 allowed include buildings for academic, administrative, dormitory, and support service uses,  
16 parking garages and surface lots, and other uses customarily part of a university or college  
17 campus. The Campus land use area is expected to range in size up to fifty-five (55) acres. This  
18 may be a stand-alone district or incorporated as a sub-district within the Core District.  
19 Supporting residential uses shall be permitted and may take several forms including dormitories  
20 and multi-family uses. Non-residential uses are expected to have a floor area ratio of up to 4.0.



1 These uses are intended to be focused in Mixed Use #2 on the Development Plan; however, may  
2 be provided in the other Mixed Use areas.

3 (H) The Primary and Secondary Education Facilities (EF) land use area is intended to  
4 provide a public school site within the Community Redevelopment Area. The land use area is  
5 expected to range in size up to forty (40) acres and have a floor area ratio not to exceed 4.0. These  
6 uses are intended to be focused in Mixed Use #2 on the Development Plan; however, may be  
7 provided in the other Mixed Use areas.

8 (I) Civic and institutional uses such as schools, churches and government facilities  
9 may be located within residential neighborhoods, or the Internal Commercial areas. Civic and  
10 institutional uses within the Community Redevelopment Area are expected to have a floor area  
11 ratio not to exceed 3.0. These uses may be provided in all Mixed Use areas.

12 (J) Residential dwelling units will be allowed in the same buildings as office or  
13 commercial uses or multi-use development sites.

14 (K) Multi-use development on the same parcel must be compatible with surrounding  
15 land uses.

16 (L) Building design, including height and location, is expected to reinforce a  
17 pedestrian-oriented character and scale including linkages between land uses through a  
18 functional bicycle-pedestrian system.

1 (M) Design/development standards may be drafted and adopted to properly guide  
2 land use relationships and provide design criteria for site and building design, including the  
3 height of structures to be located within the Community Redevelopment Area.

4 **SECTION 5.05. NUMBER OF DWELLING UNITS, DEVELOPMENT RIGHTS;**  
5 **CONCURRENCY.**

6 (A) In 2008, the County adopted Ordinance 2008-002 amending the Murdock Village  
7 Mixed-Use Redevelopment District providing a means to modify the total development vested  
8 rights approved in the Binding Letter of Interpretation of Vested Rights (BLVR) and through an  
9 equivalency matrix.

10 (B) In March 2008, the County adopted Ordinance 2008-026 establishing procedures  
11 to determine vested rights and modifications of a determination of vested rights.

12 (C) In March 2009, the County, the Agency and the Charlotte County Public Schools  
13 submitted a joint application to the County and received determination from the County that the  
14 property, identified in the application, is vested from transportation concurrency up to 97,961  
15 daily trips.

16 (D) The County from time to time may revise, pursuant to the County's Code and its  
17 rules, specifications and procedures, the number of daily trips that are vested from transportation  
18 concurrency, which may adjust the authorized development rights in the Community  
19 Redevelopment Area. Limitations on development rights are also described in the County's  
20 comprehensive plan. Transportation improvements on- or off-site may result in additional daily

1 trips. Therefore, the number of dwelling units and other development rights in the Community  
2 Redevelopment Area, as described in the BLVR, the comprehensive plan and subsequent  
3 determinations, shall be subject to periodic revision by the County and this document shall not  
4 serve to limit the County's or the Agency's discretion in this regard.

5 (E) The Comprehensive Plan establishes minimum levels of services, or concurrency,  
6 for six types of facilities and infrastructure: potable water, sanitary sewer, solid waste, drainage,  
7 recreation and open space, and transportation facilities. Construction activities within the Core  
8 District of the Community Redevelopment Area will be permitted through the County's planned  
9 development district process; and, as such, the County, the Agency and any redevelopment  
10 partner must document what impact the proposed development has on the County's  
11 infrastructure, facilities and services. The proposed redevelopment within the Community  
12 Redevelopment Area is not expected to decrease levels of service below the adopted minimum  
13 levels.

14 **SECTION 5.06. INTENDED USE OF PROPERTY FOR PUBLIC PARKS,**  
15 **RECREATION AREAS, STREETS, PUBLIC UTILITIES AND PUBLIC IMPROVEMENTS.**

16 The Community Redevelopment Area will be redeveloped as a mixed-use community. Public  
17 facilities such as parks, recreational facilities, greenways, streets, utilities, government buildings  
18 and services enhance the viability of the area and as such shall be located throughout the  
19 community in a manner that provides for convenient and safe access while enhancing the  
20 aesthetic character of the Community Redevelopment Area. Utility lines may be placed

1 underground wherever feasible. If above ground structures such as water tanks or transformer  
2 boxes must remain within the Community Redevelopment Area they should be located and  
3 treated in a manner that is safe and aesthetically pleasing. In addition to the parks and open  
4 spaces addressed elsewhere in this Community Redevelopment Plan, there is a forty (40) acre  
5 site designated for a school board facility if deemed appropriate by the Charlotte County School  
6 Board.

7           **SECTION 5.07.           NEIGHBORHOOD IMPACT ELEMENT.** The Community  
8 Redevelopment Act at Section 163.362(3), Florida Statutes, requires that if a Community  
9 Redevelopment Area contains low or moderate income housing a neighborhood impact element  
10 shall be prepared to describe the impact of the redevelopment upon the residents of the  
11 redevelopment area and the surrounding areas in terms of relocation, traffic circulation,  
12 environmental quality, availability of community facilities and services and the effect on school  
13 population. The County and the Agency have acquired substantially all of the land within the  
14 Community Redevelopment Area (this includes all residentially zoned land) in order to facilitate  
15 this Master Plan. As such, there are no remaining residential uses within the Community  
16 Redevelopment Area which need to be mitigated for or relocated. The Agency and this Master  
17 Plan do envision, and as supported by the BLVR, a significant number of residential units which  
18 will support the non-residential uses within the Community Redevelopment Area and the  
19 broader community.

1           **SECTION 5.08.           REPLACEMENT HOUSING; RELOCATION.** The Community  
2 Redevelopment Act at Section 163.362, Florida Statutes, provides that the Community  
3 Redevelopment Plan shall assure that there will be replacement housing for the relocation of  
4 persons temporarily or permanently displaced from housing facilities within the Community  
5 Redevelopment Area. As such, there are no remaining residential uses within the Community  
6 Redevelopment Area which need to be mitigated for or relocated. The Agency and this Master  
7 Plan do envision, and as supported by the BLVR, a significant number of residential units which  
8 will support the non-residential uses within the Community Redevelopment Area and the  
9 broader community.

10           **SECTION 5.09.           DETERMINATIONS CONCERNING RESIDENTIAL AND**  
11 **NON-RESIDENTIAL USES; RATIFICATION.**

12           (A) None of the lands within the Community Redevelopment Area are open lands, or  
13 substantially unplatted or used for agricultural purposes. All of the lands within the Community  
14 Redevelopment Area were subdivided and platted decades ago into approximately 3,000  
15 residential and commercial lots, and developed, with paved, improved and dedicated streets,  
16 stormwater and drainage facilities and infrastructure. Although there has been relatively little  
17 vertical development within the subdivisions encompassed by the Community Redevelopment  
18 Area and a substantial number of the structures including, but not limited to, subdivision  
19 infrastructure, roadways and drainage swales are physically and functionally deteriorating or  
20 deteriorated, the entire Community Redevelopment Area, like much of the County, was decades

1 ago committed, subjected, and sold as subdivided and developed residential and commercial lots;  
2 and, the Community Redevelopment Area is not therefore fairly characterized as "open lands,"  
3 as such term is used in the Community Redevelopment Act.

4 (B) This Community Redevelopment Plan does provide for residential uses within the  
5 Community Redevelopment Area. Community redevelopment is expected to occur pursuant to  
6 this Community Redevelopment Plan and the intent is to provide for diverse housing  
7 opportunities in a variety of price ranges which may include housing affordable to residents of  
8 low or moderate income. The Community Redevelopment Plan is not intended or required to  
9 completely remedy a shortage of housing affordable to residents of low or moderate income  
10 within the County or the immediate area.

11 (C) Non-residential uses within the mixed-use community contemplated by this  
12 Community Redevelopment Plan are also necessary and appropriate to facilitate proper growth  
13 and development within the County, and particularly within the Community Redevelopment  
14 Area in accordance with sound planning, urban design standards and local community  
15 objectives.

16 (D) By adoption of this Community Redevelopment Plan, the County and Agency  
17 shall be deemed to have ratified and confirmed the determinations made in this Community  
18 Redevelopment Plan and that conditions of blight in the Community Redevelopment Area  
19 referenced, identified, and confirmed by this Community Redevelopment Plan contribute to an  
20 increase in crime and constitute a menace to public health, safety, morals or welfare.

1           **SECTION 5.10.       DURATION.** Consistent with the provisions of the Community  
2 Redevelopment Act at Section 163.362(10), Florida Statutes, all redevelopment activities financed  
3 by increment revenues from the Community Redevelopment Trust Fund shall occur within forty  
4 (40) years after the fiscal year in which this Community Redevelopment Plan is approved or  
5 adopted (2005). The duration of this Community Redevelopment Plan shall be until 2045 or as  
6 deemed necessary by the Agency or as allowed by the Community Redevelopment Act.

7





1           **SECTION 6.02.           METHODOLOGY AND APPROACH.**

2           (A)     The analysis is based on the 2004 tax roll data as authorized in Ordinance 2005-020  
3     which established the Murdock Village Trust Fund. The base year was determined using the  
4     assessment role in use immediately prior to the adoption of the ordinance establishing the  
5     Community Redevelopment Trust Fund. Specific increases in the tax base are shown in terms of  
6     expected development and its value. This expected development is based on assumptions for  
7     anticipated community redevelopment activities within the Community Redevelopment Area.  
8     Any development occurring in this analysis should be considered largely conjectural because the  
9     basis for such growth is speculative at the time of adoption of this Community Redevelopment  
10    Plan and highly dependent upon the actual development scheme implemented pursuant to this  
11    Community Redevelopment Plan. Given the nature of economic cycles and future uncertainties,  
12    the analysis should be considered as a conservative estimate of tax increment over the next 12  
13    years based on specific assumptions as outlined in Appendix [K].

14           (B)     Pursuant to the Community Redevelopment Act, Section 163.387, Florida Statutes,  
15    the maximum revenue available to the Community Redevelopment Trust Fund will be 95% of  
16    the calculated tax increment.

17           **SECTION 6.03.           TAX INCREMENT ANALYSIS.**

18           (A)     The availability of potential tax increment revenue is among the most attractive of  
19    the redevelopment tools provided in the Community Redevelopment Act. Tax increment  
20    revenue becomes available as the result of focused and continuing redevelopment activities

1 within a community redevelopment area, and it may be used to fund or finance a variety of  
2 community redevelopment related capital and service initiatives. Tax increment revenues, when  
3 leveraged and combined by interlocal agreement with municipal service taxes or non-ad valorem  
4 assessments from a community redevelopment area provide a particularly powerful tool to help  
5 Florida's local governments address and redevelop slum or blighted areas.

6 (B) This analysis focuses only on tax increment revenues, not other significant revenues  
7 and structural opportunities that can be leveraged, combined and deployed in concert with tax  
8 increment revenues and the leveraging affects they generate. A variety of local, state and federal  
9 programs might be connected to the tax increment revenues in a manner which leverages the tax  
10 increment revenues or obtains other dollars for redevelopment. They potentially may be used  
11 independently to service debt or they might be paired with a deliberately constructed non-ad  
12 valorem assessment program that leverages the expected flow of tax increment revenues and uses  
13 the tax investment revenues to offset or buy down special assessments used to finance capital  
14 improvements.

15 (C) Tax increment forecasts in an area of future concentrated ownership such as the  
16 Community Redevelopment Area are extremely vulnerable to imminent development,  
17 (re)zoning, permitting or any other activity that might quickly change the content of the tax roll.

18 (D) The tax increment analysis in Appendix [K] provides an insight required for  
19 planning purposes. This analysis should not be given any weight as a commitment or  
20 requirement by the Agency to collect or expend any specific amount of tax increment or to use

*Community Redevelopment Plan  
First Amendment Adopted September 27, 2005  
Second Amendment October 18, 2010  
Third Amendment July 11, 2017  
Fourth Amendment July 13, 2021*

- 1 any tax increment revenues to fund or finance any capital or service project. It is anticipated that
- 2 the expected tax increment generated from future development will first be applied to repay the
- 3 County for the financial investment in acquiring and entitling the property.

**ARTICLE VII**

**CAPITAL PLANNING**

**SECTION 7.01. DEVELOPMENT PLAN.**

(A) Using contemporary planning and urban design techniques and methods a conceptual diagram and character sketches have been developed which graphically depict and are consistent with the County's and Agency's vision as expressed in this Community Redevelopment Plan, of creating a mixed-use, community for the Community Redevelopment Area. As such, there are no remaining residential uses within the Community Redevelopment Area which need to be mitigated for or relocated. The Agency and this Master Plan do envision, and as supported by the BLVR, a significant number of residential units which will support the non-residential uses within the Community Redevelopment Area and the broader community.

(B) The Development Plan was presented to the Board for consideration, input and direction to incorporate this conceptual diagram into this Community Redevelopment Plan and to use this conceptual diagram as the basis for preparing a capital plan and budget in addition to guiding future development within the Community Redevelopment Area.

(C) Central concepts represented in the conceptual diagram and character sketches are as follows:

(1) The Community Redevelopment Area will be redeveloped as a mixed-use village which may include residential, civic, commercial, office, light industrial, parks, recreational and institutional land uses that are weaved into several distinct neighborhoods;

1           (2)     Opportunities should be provided to incorporate portions of the North  
2 Charlotte County Regional Park, waterways and linear park elements through pedestrian  
3 connections, gathering areas, landscape and view sheds into adjacent land uses;

4           (3)     Residential neighborhoods, where feasible, should have access to parks  
5 and recreation facilities and neighborhood services within walking distance;

6           (4)     The internal access network will include streets, pedestrian facilities,  
7 greenways and blueways as a mechanism to enhance neighborhood interconnectivity;

8           (5)     To ensure north-south regional connectivity, Toledo Blade Boulevard, a  
9 primary roadway, has been designated to function as north-south parkway and may contain up  
10 to four traffic lanes, be appropriately landscaped and incorporate traffic calming features and  
11 pedestrian facilities such as multi-purpose paths, bike lanes and safe crossings;

12          (6)     The north-south parkways, including O'Donnell Boulevard and Flamingo  
13 Boulevard, are expected to provide connections to distinct residential neighborhoods, and  
14 provide access between , El Jobean Road (SR 776) and Tamiami Trail (US 41);

15          (7)     To promote connectivity between neighborhoods within the Community  
16 Redevelopment Area, a primary roadway has been designated to function as east-west parkway  
17 as depicted on Appendix [J]; specific designs have not been developed at this time but are  
18 envisioned to provide at full construction a parkway consisting of two traffic lanes, appropriate  
19 landscaping, traffic calming features, pedestrian facilities and safe crossings;

1           (8)     Public roads serving the Gateway District shall be maintained to provide  
2 adequate access to privately held parcels and facilitate parking needs and encouraged enhanced  
3 buffering between the Core and the Gateway District; and

4           (9)     Wayfinding and community identification gateways may be provided at  
5 major entry points into the Community Redevelopment Area.

6           (D)     The Development Plan is incorporated as Appendix [J] and represents a graphical  
7 depiction of the primary street network, mixed use areas, recreation facilities, public areas and  
8 open space for capital budgeting purposes in addition to further articulating the vision contained  
9 in this Community Redevelopment Plan. The elements shown on the conceptual diagram,  
10 Appendix [J], and in the character sketches, attached hereto as Appendix [L], is an illustrative of  
11 a potential community redevelopment scheme. The elements shown in the conceptual diagram  
12 and character sketches may be relocated or realigned in future planning initiatives so long as  
13 modifications are generally consistent with the vision articulated in this Community  
14 Redevelopment Plan.

15           **SECTION 7.02.        CAPITAL PROJECTS.**

16           (A)     This section is intended to address the requirement in the Community  
17 Redevelopment Act at Section 163.362(4), Florida Statutes, which requires identification of  
18 publicly funded capital projects to be undertaken within the Community Redevelopment Area.  
19 Appendix [H] provides an estimate on total private and public costs for redevelopment  
20 projects/programs and capital improvements within the Community Redevelopment Area. Cost

1 projections are on-going long term programs anticipated over a ten-year period and will be  
2 amended accordingly as this plan is continually updated.

3 (B) The County and Agency may enter into an Agreement with a redevelopment  
4 partner which will articulate a number of infrastructure activities that the development will be  
5 expected to fund, finance and deliver. Such Agreement may require that the Agency commit  
6 revenues from the Community Redevelopment Trust Fund and other legally available revenues,  
7 derived solely from the Community Redevelopment Area necessary to underwrite capital  
8 projects within the Community Redevelopment Area.

9 (C) Consistent with the Community Redevelopment Act at Section 163.370(2), Florida  
10 Statutes, tax increment revenues paid into the Community Redevelopment Trust Fund will not  
11 be used to pay for or finance capital improvements constructed within three (3) years of approval  
12 or adoption of this Community Redevelopment Plan which were previously approved as a part  
13 of the County's 5-Year Capital Improvements Program. The County's most recently approved  
14 Capital Improvement Program, FY 2010/2011 through FY 2014/2015, was adopted by the Board  
15 on October 12, 2010.

16 (D) The Community Redevelopment Area capital project work plan is attached hereto  
17 as Appendix [H], and does not include projects that were previously approved in the County's  
18 5-Year Capital Improvement Program. The capital project work plan is subject to revisions,  
19 updates and prioritization as community redevelopment implementation occurs.

1           **SECTION 7.03.       PROJECTED COSTS.**

2           (A)    The Community Redevelopment Act at Section 163.362(9) requires that this  
3   Community Redevelopment Plan contain a detailed statement of projected costs related to the  
4   redevelopment initiative, including the amount to be expended on publicly funded capital  
5   projects in the Community Redevelopment Area and any indebtedness of the County or the  
6   Agency proposed to be incurred for such redevelopment if the indebtedness is to be repaid with  
7   revenues from the Community Redevelopment Trust Fund. To implement this Community  
8   Redevelopment Plan, it will be necessary to combine both public and private sources of capital,  
9   using both long and short term financing options.

10          (B)   For planning purposes, the major capital components proposed within the  
11   Community Redevelopment Area are classified in Appendix [H]. The Agency anticipates  
12   allocating tax increment revenues to repay the County’s investment in land acquisition and  
13   related costs and expenses.

14          (C)   It is anticipated that the cost of major capital components in the Community  
15   Redevelopment Area will be satisfied through a combination of private investment, existing and  
16   future capital budget commitments, fees, fee related credits, tax increment funds generated from  
17   the redevelopment construction in the Community Redevelopment Area if approved by the  
18   County and the Agency, special assessments imposed by a community development district or  
19   homeowners association, and possibly an additional millage levied through a municipal service  
20   taxing unit if the County deems appropriate. Conceptually, the linkages among these funds or



1 resources will be articulated in an Agreement, and/or an interlocal agreement executed among a  
2 private sector redevelopment partner, the County, and the Agency.

3 (D) The various costs associated with implementing the Redevelopment Plan have  
4 been identified as being either primarily a public or private responsibility. Public costs are those  
5 that are developed to support activities that benefit the County and/or region in some way.  
6 Private costs, such as those associated with site specific, subdivision infrastructure are those that  
7 enable buildings or building sites within the larger plan to be constructed in accordance with the  
8 general framework.

9 (1) Those items identified as primarily public costs will be structured such that  
10 private resources are committed in conjunction with or in advance of public resources. In some  
11 cases, public expenditures will not be immediately required to support the Development Plan. In  
12 other cases, these expenditures can be phased in accordance with the scale of the redevelopment  
13 effort such that costs are advantageously matched to the expected stream of tax increment or  
14 other revenues that become available.

15 (2) The road improvements identified as primarily public costs have related  
16 benefits that are generally regional. In the short term, right-of-way would be dedicated by the  
17 private sector for these needed road segments but the existing capacity and road sections,  
18 adequate to serve the initial phases of the Development Plan, would remain largely intact until  
19 demands increased.

1           (3)    The North Charlotte Regional Park improvements benefit a broader  
2 community. It is envisioned that several park improvements (Recreational Center and Aquatic  
3 Center) will be funded by the public resources as identified in the 2012 Sales Tax initiative.  
4 Additional enhancements may be constructed by the private sector redevelopment partner or as  
5 outlined in an Agreement. Neighborhood parks and internal local roads are expected to be the  
6 responsibility of the private sector redevelopment partner, to construct and fund as  
7 neighborhood subdivision type improvements.

8           (E)    The County may also consider a modest ad valorem millage levy through a  
9 municipal services taxing unit within all or a part of the Community Redevelopment Area for  
10 capital and/or operating costs. Any such limited and consensual ad valorem levy pledged to  
11 repay any debt issuance must be structured at the outset when elector approval is easily obtained  
12 by the developer.

13           (F)    Contributions and Grants. Voluntary contributions by private companies,  
14 foundations, governmental entities and individuals are potential sources to fund portions of the  
15 redevelopment costs. The County and Agency may collaborate on grant applications to seek  
16 additional funds to offset the public sector costs.

17



1           (C)     Because the County is the only authority obligated to pay increment to the  
2     Community Redevelopment Trust Fund, the County and the Agency may agree or otherwise take  
3     such actions which result in contributing less than 95% of the increment.

4           **SECTION 8.02.       SAFEGUARDS,    CONTROLS,    RESTRICTIONS    OR**  
5     **COVENANTS.**

6           (A)     All redevelopment activities identified herein will not be initiated until they are  
7     found to be consistent with the Comprehensive Plan and applicable land development  
8     regulations.

9           (B)     Issues concerning restrictions on any property acquired for community  
10    redevelopment purposes and then returned to use by the private sector will be addressed on a  
11    case-by-case basis to ensure that all activities necessary to perpetuate the redevelopment initiative  
12    are advanced in a manner consistent with this Community Redevelopment Plan and any  
13    amendment hereto. Such restrictions or controls would be expected to be in the form of covenants  
14    running with any land sold or leased for private use as provided for in the Community  
15    Redevelopment Act at Section 163.380(2), Florida Statutes.

16           **SECTION 8.03.       CONSISTENCY WITH COUNTY COMPREHENSIVE PLAN.**

17           (A)     Florida Statutes require that the Community Redevelopment Plan be consistent  
18    with the County's Comprehensive Plan. The Community Redevelopment Plan as amended  
19    articulates the vision for the Community Redevelopment Area as a mixed-use community that  
20    provides a high quality of land uses in a manner that promotes redevelopment and is consistent

1 with the Charlotte County Comprehensive Plan. The initial Community Redevelopment Plan  
2 was found consistent on January 18, 2005. Concurrently, the Board adopted Ordinance 2005-009  
3 establishing the Murdock Village Mixed Use Redevelopment District land use designation in the  
4 Charlotte County Comprehensive Plan. The land use designation was amended in January 2008  
5 to include the use of an Equivalency Matrix. In 2010, as part of a general revision to the  
6 Comprehensive Plan, it was renamed the Murdock Village Mixed Use land use designation. On  
7 December 16, 2016, and again on June 13, 2017 the land use designation was revised to clarify  
8 the respective land uses allowed within Murdock Village, remove reference to the Town Center,  
9 and increase flexibility in design standards.

10 (B) The Comprehensive Plan may be amended in the future to reflect the changing  
11 conditions. Future amendments may include:

12 (1) Identifying the Business Research and Technology Park (BRT) as a land  
13 use within the Murdock Village CRA and the expansion/clarification of uses allowed in the BRT.

14 (2) Deletion of the Equivalency Matrix currently included in the  
15 Comprehensive Plan. The Equivalency Matrix is no longer necessary with the changes in State  
16 law.

17

1           **SECTION 8.04.       CONCLUSION.**

2           This Community Redevelopment Plan provides a framework for clearance, rehabilitation,  
3 conservation and redevelopment of the Community Redevelopment Area as an attractive,  
4 inviting, easily accessible and economically successful mixed-use village that promotes a positive  
5 image and identity for the entire County community. This Community Redevelopment Plan  
6 deliberately and reasonably addresses the blighted area conditions observed and finding of  
7 necessity determinations made, ratified, and confirmed by the Board. To realize the  
8 redevelopment vision of this Community Redevelopment Plan, community leaders, business  
9 persons and residents alike are encouraged to support the redevelopment objectives and continue  
10 to do so over time and changing administrations so that the vision is successfully implemented  
11 and transcends into reality.

1

2

3

**APPENDIX A**

**RESOLUTION 2003-81**

(XREF Res 2003-073, 2003-081,  
2003-082 + Agt 2003-032)

*124*  
*Dec*

RESOLUTION  
NUMBER 2003-081

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, DESIGNATING A COMMUNITY REDEVELOPMENT AREA IN THE MURDOCK VILLAGE AREA OF CHARLOTTE COUNTY, FLORIDA; DETERMINING SUCH REDEVELOPMENT AREA TO BE A "BLIGHTED AREA" AS PROVIDED FOR IN SECTION 163.340, FLORIDA STATUTES; FINDING A NEED FOR AND ESTABLISHING A COMMUNITY REDEVELOPMENT AGENCY; DECLARING THE BOARD OF COUNTY COMMISSIONERS EX OFFICIO THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING AND DIRECTING THE DEVELOPMENT OF AN APPLICABLE COMMUNITY REDEVELOPMENT PLAN AND COMMUNITY REDEVELOPMENT TRUST FUND ORDINANCE; AUTHORIZING AND DIRECTING THE DEVELOPMENT OF A REDEVELOPMENT STRATEGY TO ATTRACT COOPERATIVE AND QUALIFIED REDEVELOPMENT PARTNERS; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Findings. It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act") provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas is a matter of state policy and state concern.

(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of

*Minutes*



conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) On May 13, 2003, the Board of County Commissioners (the "Board") of Charlotte County (the "County") adopted Resolution Number 2003-073 which authorized and directed the use of consulting expertise for the purpose of identifying and analyzing a specific area of land within the unincorporated area of the County (the "Redevelopment Area") and investigating evidence of slum or blight therein.

(E) On May 12, 2003, both mailed and published notice was provided to all taxing authorities with the power to impose taxes within the Redevelopment Area, together with published notice that the Board would conduct a public hearing and consider this resolution. The provision of such notices was confirmed and ratified by Resolution 2003-073. The County Administrator has provided proof of such notice by affidavit which includes proof of all such mailed notices and proof of publication.

(F) In addition to being knowledgeable about conditions in Charlotte County and the Redevelopment Area, the Board has considered both staff, expert opinion, and public comment and input in addition to the data and analysis contained in the West Murdock Redevelopment Study Area Finding of Necessity Report, dated May, 2003, prepared and presented by Real Estate Research Consultants.

(G) The Board hereby finds there is a need to identify and designate the Redevelopment Area as a Community Redevelopment Area (as such term is defined in the

Act) to effect and carry out community redevelopment purposes and projects within the County.

(H) The Board desires to exercise the authority conferred upon the County by the Act to determine and agree by resolution that one or more slum or blighted areas exist within the County and particularly within the Redevelopment Area described in Exhibit A attached hereto and incorporated herein.

(I) Within the Redevelopment Area there exist:

(1) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(2) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(3) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(4) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(5) Unsanitary or unsafe conditions;

(6) Deterioration of site or other improvements;

(7) Inadequate and outdated building density patterns; and

(8) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

(J) The Board hereby finds that a blighted area exists within the Redevelopment Area and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the County.

(K) The Board further finds that there is a need for a Community Redevelopment Agency to function in the County to carry out the community redevelopment provisions of the Act.

(L) It is the intent of the County to initiate redevelopment within the Redevelopment Area through creation of a Community Redevelopment Agency, Community Redevelopment Plan, and Community Redevelopment Trust Fund.

Section 2. Designation of Community Redevelopment Area. The Board hereby agrees and determines the Redevelopment Area, as depicted in Exhibit A attached hereto, to be a "blighted area" within the meaning of the Act and designates such area as appropriate for community redevelopment.

Section 3. Creation of the Murdock Village Community Redevelopment Agency.

(A) The Murdock Village Community Redevelopment Agency (the "CRA") is hereby created and established pursuant to Section 163.356, Florida Statutes. The CRA is constituted as a public instrumentality, and the exercise by the CRA of the powers

conferred by the Act shall be deemed and held to be the performance of an essential public function.

(B) Pursuant to Section 163.357, Florida Statutes, the Board hereby declares itself the governing body of the CRA. The Chairman and Vice Chairman of the County shall serve respectively as the Chairman and Vice Chairman of the CRA. A vacancy occurring during a term shall be filled in the same manner as provided for respectively filling a vacancy in the term of the Chairman, Vice Chairman, or other members of the Board. Coterminal with employment by the County, the County Administrator, County Clerk, and County Attorney or any special counsel to the County shall also serve respectively as the executive director, clerk, and general counsel or special counsel for the CRA.

Section 4. Powers. The CRA is authorized to exercise all of the powers conferred by the Act which are necessary and convenient to carry out and effectuate the purposes of community redevelopment and related activities within the County.

Section 5. Authority and Direction to Develop a Community Redevelopment Plan. Prepare a Community Redevelopment Trust Fund Ordinance, and Develop Redevelopment Strategy for Presentation to CRA. The CRA and its executive director, clerk, and counsel are authorized and directed to expeditiously proceed to timely develop, create, and seek comment upon (1) a community redevelopment plan, (2) a community redevelopment trust fund ordinance, (3) a strategy to attract more than one cooperative and qualified potential redevelopment partner, (4) a proposed process for redevelopment which will both expedite any redevelopment initiative and maximize County control in order

to assure that redevelopment actually occurs, and (5) a redevelopment initiative critical events timeline or schedule, all for consideration by the Board.

**Section 6. Effect of Adoption of Resolution.**

(A) The adoption of this Resolution shall be liberally construed to (1) comply with the adoption of findings of necessity required by Section 163.355, Florida Statutes, (2) create a community redevelopment agency pursuant to Sections 163.356 and 163.357, Florida Statutes, and (3) specifically document by resolution that the Board has agreed and determined the Redevelopment Area to be a "blighted area" within the meaning of the Act, and designate such area as appropriate for community redevelopment.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions of the County inconsistent with the provisions of this Resolution are hereby modified, supplemented, and amended to conform with the provisions herein contained.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By *Matthew D. DeBoer*  
Matthew D. DeBoer, Chair

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

By *Barbara T. Scott*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

*Renée Francis Lee*  
Renée Francis Lee, County Attorney

p:\wpdata\public\ig\res\wmurdockcra.2\LR2003-192\052003

**EXHIBIT A**  
**REDEVELOPMENT AREA**

*Resolution Designating a Community Redevelopment Area,  
Determining Blight and Establishing Community Redevelopment Agency  
Draft: May 19, 2003*

**EXHIBIT A**

**Description of the Community Redevelopment Area  
Located in the Unincorporated West Murdock Area of Charlotte County, Florida**

An area lying in Section 1, 2, 10, 11, 12 and 14, Township 40 South, Range 22 East, Charlotte County, Florida being more particularly described as follows:

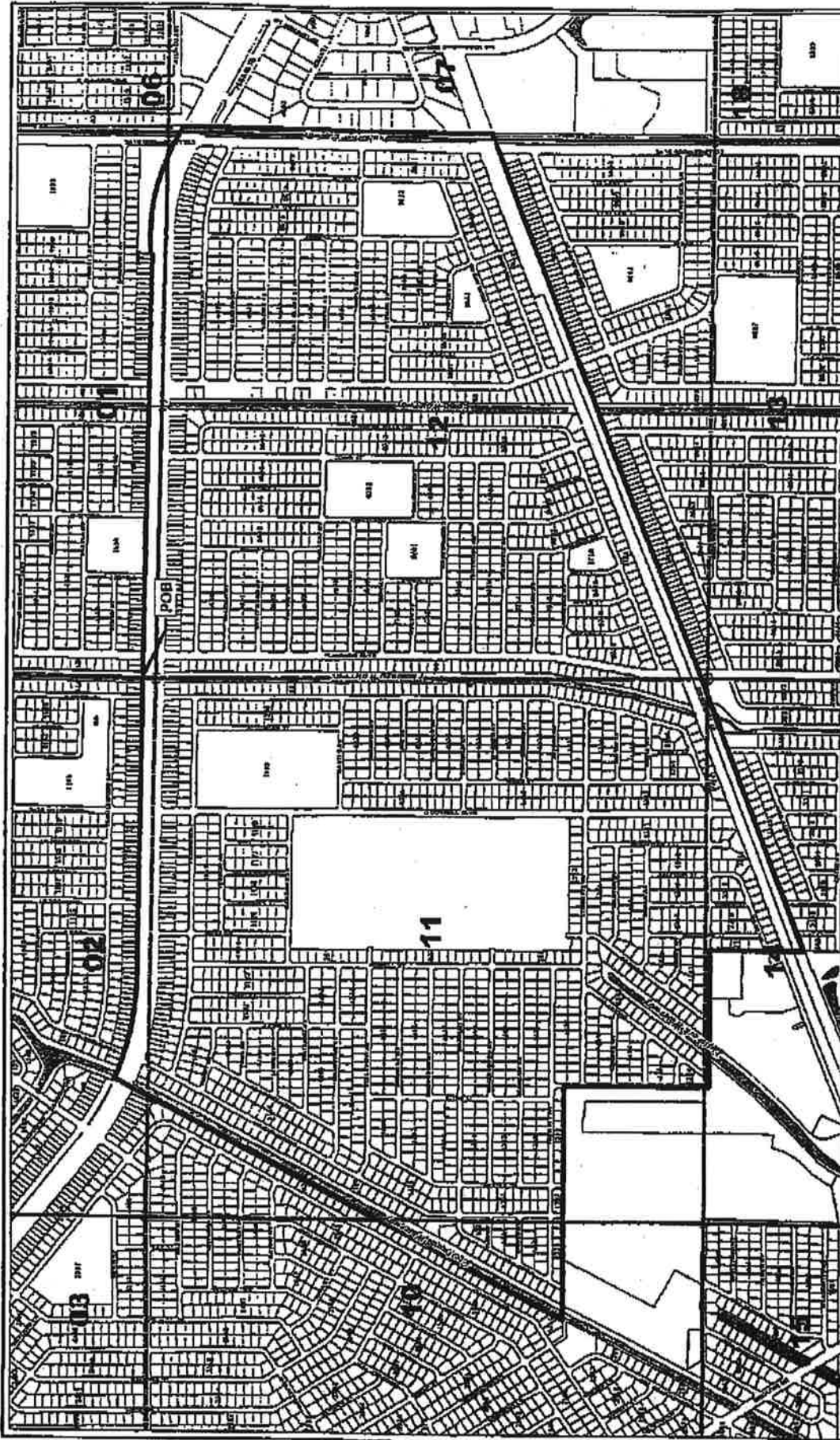
Commencing at the Southeast section corner of Section 2, Township 40 South, Range 21 East; thence run north along the east section line of section 2 to the north right-of-way line of State Road 45 (200' - 255' ROW) (aka - U.S. 41 and Tamiami Trail) and the Point of Beginning:

From said Point of Beginning; thence run west and northwest along the north right-of-way line of State Road 45 (200' to 255' ROW) (aka - U.S. 41 and Tamiami Trail) to the west right-of-way line of the Crestwood Waterway (125' ROW); thence southwest along the west right-of-way line of the Crestwood Waterway to the extension of the south lot line of Tract H of Block 1187, Port Charlotte Subdivision Section 35 as recorded in Plat Book 5, Page 39 of the Official Records of Charlotte County, Florida, said line is also the south line of said subdivision; thence east along the south line of blocks 1187, 1226, 1247 & 1214 of said subdivision to the center line of the right-of-way of Orlando Street (50' ROW) (renamed Orchard Street), thence south along the centerline of Orchard Street to the intersection of the south right-of-way line of Jolan Avenue (50') (renamed Jenks Drive); thence east along the south right-of-way of Jenks Drive to the extension of the east line of Block 3317 of Port Charlotte Subdivision Section 46, as recorded in Plat Book 5, Page 57 of the Official Records of Charlotte County, Florida; thence south along the west line of said block extended to the intersection of said line with the south right-of-way line of State Road 776, (200' ROW), thence northeast along the south right-of-way of State Road 776 to the intersection with the east right-of-way line of the Auburn Waterway, (100' ROW); thence north along the east right-of-way of the Auburn Waterway to the intersection with the north right-of-way line of State Road 45 (200' - 255' ROW) (aka U.S. 41 and Tamiami Trail); thence northwest and west along said right-of-way to the Point of Beginning. Containing 1,197.8 Acres+/-

The Basis of Bearing of the description above is the east line of Section 2, Township 40 South, Range 21 East, in Port Charlotte Subdivision Section 30, as recorded in Plat Book 5 Page 23 of the Official Records of Charlotte County, Florida

A map of the legal description is attached hereto for illustrative purposes only.





This map was prepared by the City of Murdock, Alaska, for the purpose of showing the legal description of the Murdock Village. It is based on the original survey of the Murdock Village, Alaska, which was recorded in the public records of the State of Alaska. The City of Murdock, Alaska, is not responsible for any errors or omissions in this map.



# MURDOCK VILLAGE

## Sketch of Legal Description

1,000 Feet



1

2

3

**APPENDIX B**  
**RESOLUTION 2003-82**

(X REF N-10 2003-073, 2003-081,  
2003-082 + Agr 2003-032)

*City  
Bill*

**RESOLUTION  
NUMBER 2003-082**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AND EX-OFFICIO AS THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AGENCY, CONFIRMING AND DETERMINING IN CONFORMANCE WITH SECTION 163.340(8), FLORIDA STATUTES, THAT THE COMMUNITY REDEVELOPMENT AREA LOCATED IN THE MURDOCK VILLAGE AREA OF CHARLOTTE COUNTY, FLORIDA, IS BLIGHTED; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Findings. It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act") provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas are a matter of state policy and state concern.

(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) On even date herewith, the Board of County Commissioners (the "Board") of Charlotte County (the "County") adopted Resolution Number 2003-081 which

*Murdock*

designated a community redevelopment area in the Murdock Village area of the County (the "Redevelopment Area"), determined such Redevelopment Area to be a "blighted" area as provided for in Section 163.340, Florida Statutes, and established the Murdock Village Community Redevelopment Agency (the "Agency").

(E) The County is the only taxing authority (as such term is used in the Act) within the Redevelopment Area which is subject to the provisions of Section 163.387(2)(a), Florida Statutes.

(F) In order to comply with the last paragraph of Section 163.340(8), Florida Statutes, the Board desires to separately resolve that the Redevelopment Area is blighted and to direct and authorize entering into an interlocal agreement between the Board and the Agency which also confirms and agrees that the area is blighted.

Section 2. Determination of Blight. Within the Redevelopment Area, it is hereby determined that there exist:

(A) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(B) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(C) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(D) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(E) Unsanitary or unsafe conditions;

(F) Deterioration of site or other improvements;

(G) Inadequate and outdated building density patterns; and

(H) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

Section 3. Effect of Adoption of Resolution.

(A) The adoption of this Resolution shall be liberally construed to comply with the provisions of the last paragraph of Section 163.304(8), Florida Statutes, and to specifically document by separate resolution that the Board has determined the Redevelopment Area to be blighted.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions of the County inconsistent with the provisions of this Resolution are hereby modified, supplemented, and amended to conform with the provisions herein contained.

Section 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th day of May, 2003.


BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA, AND  
EX-OFFICIO AS THE MURDOCK VILLAGE  
COMMUNITY REDEVELOPMENT AGENCY

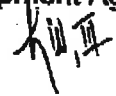
  
Matthew D. DeBoery Chair

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

By   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Renée Francis Lee, County Attorney and  
Ex-officio General Counsel to the Murdock  
Village Community Redevelopment Agency



1

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**APPENDIX C**

3

**INTERLOCAL AGREEMENT BETWEEN COUNTY AND  
AGENCY**

4

(XREF 740 2003-032, 2003-032 + Agr 2003-032)

Agr 2003-032

Chad  
BCC

**INTERLOCAL AGREEMENT**

This Interlocal Agreement is made by and between Charlotte County, Florida, a political subdivision of the State of Florida (the "County"), and the Murdock Village Community Redevelopment Agency, a public body corporate and politic (the "Agency").

**WITNESSETH:**

NOW THEREFORE, in consideration of the mutual covenants of this Agreement, the County and the Agency agree as follows:

Section 1. Authority. This Agreement is entered into pursuant to the provisions of Chapter 163, Part I and Part III, Florida Statutes, and other applicable provisions of law, and relates to an area of land within the unincorporated area of the County described in Exhibit A attached hereto and incorporated herein by reference (the "Redevelopment Area").

Section 2. Findings. It is hereby ascertained, determined and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act"), provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas is a matter of state policy and state concern.

Transmits



(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) In addition to being knowledgeable about conditions in Charlotte County and the Redevelopment Area, the Board of County Commissioners of the County (the "Board") has considered both staff and public comment and input in addition to the data and analysis contained in the West Murdock Redevelopment Study Area Finding of Necessity Report, dated May 2003, prepared and presented to the Board by Real Estate Research Consultants.

(E) Pursuant to Resolution No. 2003-081 adopted May 27, 2003, the County identified and designated a community redevelopment area (the "Redevelopment Area"), determined that within the Redevelopment Area there exist several of the factors identified in Section 163.340(8), Florida Statutes, and created and established the Agency pursuant to Section 163.356, Florida Statutes.

(F) Specifically, the County and the Agency hereby agree, find, ratify and confirm that the following factors are present within the Redevelopment Area:

(1) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that

such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(2) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(3) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(4) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(5) Unsanitary or unsafe conditions;

(6) Deterioration of site or other improvements;

(7) Inadequate and outdated building density patterns; and

(8) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

(G) The Board and the Agency hereby find and determine the Redevelopment Area constitutes a "blighted area" (as such term is defined in the Act), and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the citizens of the County.

Section 3. Agreement that Redevelopment Area is a Blighted Area.

(A) The County is the only taxing authority (as such term is used in the Act) within the Redevelopment Area which is subject to the provisions of Section 163.387(2)(a), Florida Statutes.

(B) Pursuant to Section 163.340(8), Florida Statutes, the County and the Agency have determined that one or more of the factors identified in Section 163.340(8)(a) through (n), Florida Statutes, are present in the Redevelopment Area and hereby agree, ratify and confirm that the Redevelopment Area is a blighted area.

Section 4. Interlocal Agreement: Filing Provisions. This Agreement shall be deemed to be an "interlocal agreement" within the meaning of the Florida Interlocal Cooperation Act of 1969, as amended. This Agreement shall be immediately filed in the Official Records of Charlotte County, Florida.

Section 5. Effective Date. This Interlocal Agreement shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th of May 2003.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer  
Matthew D. DeBoer, Chair

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

By Barbara T. Scott  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

*Renée Francis Lee*  
Renée Francis Lee, County Attorney

MURDOCK VILLAGE COMMUNITY  
REDEVELOPMENT AGENCY

By: *Bruce D. Loucks*  
Bruce D. Loucks, Executive Director

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and ex-officio Clerk of the  
Agency

By: *Barbara T. Scott*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

*Renée Francis Lee*  
Renée Francis Lee, as ex-officio General  
Counsel of the Agency

**EXHIBIT A**  
**REDEVELOPMENT AREA**

**Description of the Community Redevelopment Area  
Located in the Unincorporated Murdock Village Area of Charlotte County, Florida**

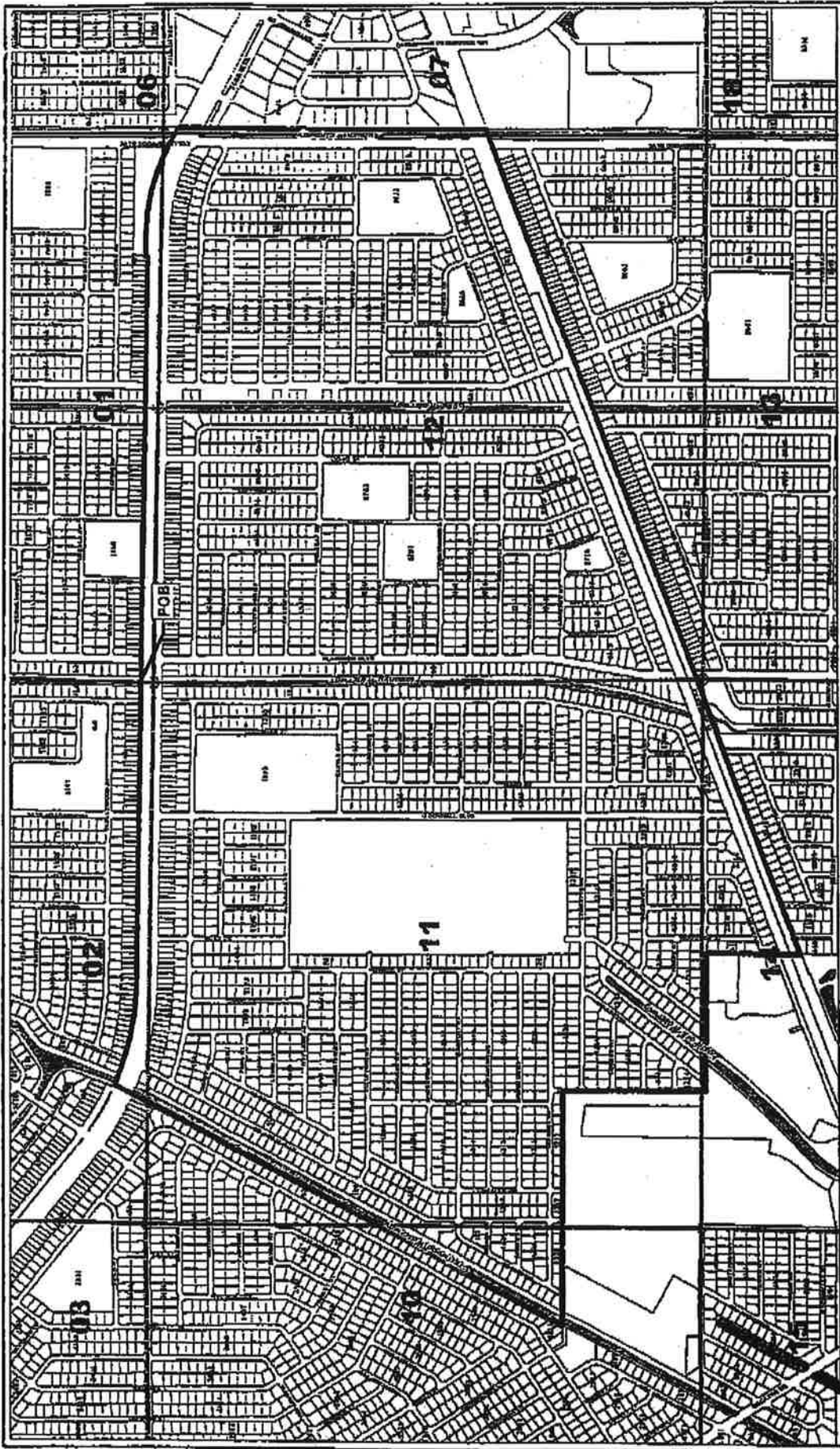
An area lying in Section 1, 2, 10, 11, 12 and 14, Township 40 South, Range 22 East, Charlotte County, Florida being more particularly described as follows:

Commencing at the Southeast section corner of Section 2, Township 40 South, Range 21 East; thence run north along the east section line of section 2 to the north right-of-way line of State Road 45 (200'- 255' ROW) (aka - U.S. 41 and Tamiami Trail) and the Point of Beginning:

From said Point of Beginning; thence run west and northwest along the north right-of-way line of State Road 45 (200' to 255' ROW) (aka - U.S. 41 and Tamiami Trail) to the west right-of-way line of the Crestwood Waterway (125' ROW); thence southwest along the west right-of-way line of the Crestwood Waterway to the extension of the south lot line of Tract H of Block 1187, Port Charlotte Subdivision Section 35 as recorded in Plat Book 5, Page 39 of the Official Records of Charlotte County, Florida, said line is also the south line of said subdivision; thence east along the south line of blocks 1187, 1226, 1247 & 1214 of said subdivision to the center line of the right-of-way of Orlando Street (50' ROW) (renamed Orchard Street), thence south along the centerline of Orchard Street to the intersection of the south right-of-way line of Jolan Avenue (50') (renamed Jenks Drive); thence east along the south right-of-way of Jenks Drive to the extension of the east line of Block 3317 of Port Charlotte Subdivision Section 46, as recorded in Plat Book 5, Page 57 of the Official Records of Charlotte County, Florida; thence south along the west line of said block extended to the intersection of said line with the south right-of-way line of State Road 776, (200' ROW), thence northeast along the south right-of-way of State Road 776 to the intersection with the east right-of-way line of the Auburn Waterway, (100' ROW); thence north along the east right-of-way of the Auburn Waterway to the intersection with the north right-of-way line of State Road 45 (200'- 255' ROW) (aka U.S. 41 and Tamiami Trail); thence northwest and west along said right-of-way to the Point of Beginning. Containing 1,197.8 Acres+/-

The Basis of Bearing of the description above is the east line of Section 2, Township 40 South, Range 21 East, in Port Charlotte Subdivision Section 30, as recorded in Plat Book 5 Page 23 of the Official Records of Charlotte County, Florida.

A map of the legal description is attached hereto for illustrative purposes only.

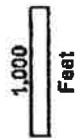


This map was prepared by G.L.R. for the City of Murdock, Nebraska. It is based on the official plat records of the City of Murdock, Nebraska, and is not intended to be used for any other purpose. The City of Murdock, Nebraska, is not responsible for any errors or omissions in this map.



# MURDOCK VILLAGE

## Sketch of Legal Description



1

2

3

**APPENDIX D**

**FINDING OF NECESSITY REPORT**





**WEST MURDOCK  
Redevelopment Study Area**

*Finding of Necessity Report*

May 2003

**Real Estate RESEARCH**  
CONSULTANTS

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## 1. Overview and Purpose

The purpose of this analysis is to provide data that documents blight, as defined in Section 163, Part III, Florida Statutes (F.S.) (the "Redevelopment Act") within the West Murdock redevelopment study area in Charlotte County, Florida (the "Redevelopment Study Area") as defined herein.

### 1.1. Introduction

This analysis will focus on the land-based resources of the Redevelopment Study Area and its ability to generate economic return and local tax revenues. As a general matter, resources that are in a state of physical decline, are underutilized, or are improperly deployed, limit a local jurisdiction's ability to remain competitive in a larger economic context, ultimately affecting its financial condition and its level of services. Local governments highly dependent upon ad valorem revenues are the most vulnerable in these situations. Real property assets that are physically or functionally deteriorated or that do not meet contemporary or competitive development requirements are constrained in their ability to generate these kinds of taxes. As such, their physical character and utility, along with the services required to sustain them, are key factors in determining a community's economic health.

This analysis relies substantially on tax roll data acquired from Charlotte County officials, interpretations of County or staff supplied data, visual inspections of properties and County prepared maps. While the County's tax roll data is assumed to be reliable, we cannot fully opine on its accuracy. Because of the data's purpose and official application, we believe that any errors that may exist are relatively inconsequential.

### 1.2. Objectives and Purposes of the Redevelopment Act

The purpose of the Redevelopment Act is to assist local governments in preventing and/or eliminating blighted conditions detrimental to the sustainability of economically and socially vibrant communities or areas. The following paragraphs describe those blighting conditions, their specific effects, and the intentions of the community redevelopment regime as a tool for implementing policy and programs.

- *Section 163.335(1), F.S. ...[blighted areas] constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers*

*of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.*

- *Section 163.335(2), F.S. ...certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of the property in such areas.*
- *Section 163.335(3), F.S. ...powers conferred by this part are for public uses and purposes which public money may be expended and the power of eminent domain and police power exercised, and the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.*
- *Section 163.335(5), F.S. ...the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns.*
- *Section 163.335(6.) F.S. ...there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such conditions is a proper matter of state policy and state concern is for a valid and desirable purpose.*

Under the Redevelopment Act, if an area is found to be blighted, a resolution must be adopted by the local governing body finding that there are blighted conditions within the defined study area, and that the repair, rehabilitation, and/or redevelopment of such areas is in the interest of public health, safety, and welfare. If an area is found to have blighted conditions, the next step is to establish a Community Redevelopment Agency (CRA) or use an existing CRA of the County. The CRA, as the legal unit acting for Charlotte County, would direct the preparation of the community redevelopment plan for that area described in the "Finding of Necessity Resolution". The community redevelopment plan must provide physical information on the redevelopment area and identify potential project types that can diminish or eradicate the specified blighted conditions.

Under the Redevelopment Act, a redevelopment plan is subjected to a compliance review conducted by the local planning agency (LPA) before it can be submitted to the County Commission for approval. The LPA has up to 60 days to review the redevelopment plan as to its conformity with the County's comprehensive plan for the development of the County as a whole and provide comments to the CRA. After receiving recommendations from the LPA, the local governing body shall hold a public hearing on the approval of a community redevelopment plan after public notice in a newspaper having a general circulation in the area of operation of the community redevelopment area.

The next step under the Redevelopment Act is the creation of a redevelopment trust fund, established by ordinance and adopted by the County Commission, the governing body that created the CRA. The most recent certified real property tax roll prior to the effective date of the ordinance will be used to establish the tax base (the "Base Year") within the redevelopment area in order to calculate the tax increment. In the present case, the assumed timetable to move forward suggests that the calculation of the tax increment will rely upon the 2002 certified rolls.

After putting in place the redevelopment architecture described above, the CRA will become funded upon the availability of tax increment revenues. Tax increment revenues become available as the result of increased property assessments associated with new development and redevelopment within the redevelopment area beyond those of the Base Year. Funds allocated to and deposited into the trust account are used by the CRA to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan.

Before the governing body can adopt any resolution or enact any ordinance to create a community redevelopment agency, approve a community redevelopment plan or establish a redevelopment trust fund, the governing body must provide public notice of proposed actions to each taxing authority which has the power to levy ad valorem taxes within the redevelopment area boundaries. Such notice alerts these taxing authorities to any possible changes in their budgets as a result of a redevelopment action. As a policy matter, it is assumed that the following entities with ties to the activities of Charlotte County government will receive notice of any actions stemming from either this analysis or subsequent initiatives should they be authorized under the terms of the Redevelopment Act.

---

Charlotte County Public Schools  
1445 Education Way  
Port Charlotte, FL 33948

Southwest Florida Water Management District  
2379 Broad St.  
Brooksville, FL 34604

West Coast Inland Navigation District  
P.O. Box 1845  
Venice, FL 34284

Charlotte County Public Works  
Lighting District  
7000 Florida St.  
Punta Gorda, FL 33950

Public Safety  
Finance Department  
18500 Murdock Circle  
Port Charlotte, FL 33948

Peace River  
Southwest Florida Water Management District  
Sonja Grant  
P.O. Box 1166  
Brooksville, FL. 34605-1166

In the case of the Redevelopment Study Area, the County is the *only* taxing authority with some financial interest in the implementation of a formalized redevelopment process. Other entities, including at least those listed above, that also may exercise certain jurisdiction or control within the same legal boundaries defined for this study will not, as a matter of law or policy of the County, experience any diminution in their ad valorem revenues stemming from a resolution that defines or finds blight as described herein. These entities are, in fact, likely to experience an increase in their revenues over time as the result of such action.

### **1.3. Declarations and Process**

Determining if blight conditions exist within the study area is an initial step in ascertaining an area's appropriateness as a community redevelopment area. This analysis documenting the extent of blight conditions and analysis in support of that documentation is referred to herein as the "Report"

This Report describes the physical, economic, and regulatory conditions within the community redevelopment study area that are associated with blight or its causes and discusses the need for a community redevelopment area. RERC staff, working

with County staff, inspected the redevelopment study area and prepared this Report and the analysis contained

#### **1.4. Integrity of the Redevelopment Study Area**

The analysis in this Report is confined to a specific geographic area of approximately 1,100 acres, defined primarily by its relationship to Tamiami Trail (US 41) and El Jobean Road (SR 776) (the "Redevelopment Study Area"). The Redevelopment Study Area is effectively comprised of three smaller areas or neighborhoods. These three areas identified as sub-area 1, sub-area 2, and sub-area 3. Although adjacent, these sub-areas are not physically connected and rely upon US 41 and SR 776 for both regional access and intra-neighborhood access. Together, these three sub-areas are characterized by their small plats, diversity of ownership, largely deteriorated or non-existent infrastructure, and relatively low land value. Since the plats were recorded several decades ago, these properties have remained almost totally undeveloped.

The Redevelopment Study Area is located entirely within the jurisdiction and control of unincorporated Charlotte County and is generally contained within the boundaries created by SR 776 on the south; Stratford Drive on the west; US 41 on the north; and Collingswood Boulevard on the east. The main roads that service the study area are Toledo Blade Boulevard, Flamingo Boulevard, and O'Donnell Boulevard, which are all north south roads. Because the 1,100 acres are divided by two major canals, there are no local roads within the study area itself that physically allow an east-west connection. The physical configuration of the larger neighborhood actually suggests three smaller areas or enclaves that are both adjacent but separated at the same time.

Presently, zoning within the West Murdock study area allows a mix of general land uses that include commercial, office, medical or institutional, single family residential and multi-family residential. The latter classification allows for intensities as high as 10 units per acre while the single-family classification calls for 3.5 units per acre. Future land uses are expected to be less intensely developed, and the official map describes the portions of the study area now identified as high density residential as medium density residential. For the most part, more intense residential uses are confined to Sub-area 3. Without regard to current or expected land use, the area is uniformly platted in extremely small lots, with some 800 acres remaining unimproved at this time. As the property is now configured, the higher density designations lie exclusively in the eastern one-third of the study area, called for purposes of this analysis Sub-area 1.

## Map 1.0 Redevelopment Study Area



Note: Study Area boundary is for illustrative purposes only.

Having identified the Redevelopment Study Area as a relatively unified and homogenous area, we considered the specific conditions that constitute blight as listed in the Redevelopment Act. The following conditions are identified by the Florida Legislature in the Redevelopment Act as being indicative of blight:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;



- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity. See Section 163.340(8), F.S.

As this Report documents, at least seven of these conditions of blight exist in the West Murdock study area and are a detriment to its longer-term vitality and sustainability.

### **1.5. Historical Perspective**

Although Charlotte County has a rich historical heritage that connects it to the travels of Ponce de Leon, its recent past identifies the area as among the state's largest concentrations of platted but undeveloped or unimproved lots. These are typically substandard properties without adequate infrastructure or access to many public services. To the degree the deficiencies appear only aesthetic in the short term, they are likely to preclude orderly development over time and are incapable of accommodating the intensity of development activity for which they were originally platted.

The character of these lots reflects Florida's boom and bust real estate cycles that encouraged financially irresponsible land speculation, usually in conjunction with habitat destruction, poor design, and inadequate infrastructure. Aggressive sales techniques and occasionally malfeasant, if not overtly fraudulent, practices opened Florida real estate and the prospect of increasing land values to virtually everybody in the United States. Such land development and sales practices continued almost unabated throughout the middle part of this century when court and legislative action injected some control and oversight.

The remnants of relatively unrestricted development remain behind for Florida's contemporary local and county jurisdictions to monitor and to correct. Even today, almost 40 years after the Redevelopment Study Area was developed and initially sold, fewer than 40 acres support residential or commercial structures. An additional 28 acres have been used by churches and utilities. Public lands and parks consume another 117 acres, leaving almost 800 acres of land undeveloped and underutilized. The virtual absence of development activity in the Redevelopment Study Area, given its proximity to one of the region's largest concentrations of commercial activity, points to the materially unsatisfactory conditions within the study area. In the five years ending in 2002, the population of Charlotte County grew by some 15,000 people. During this period, there were an average of some 2,000 housing units produced each year. As this pace of development has occurred throughout the County, fewer than 80 homes have been built in the Redevelopment Study Area. For the five-year period, 1996 to 2000, there were almost 2,000,000 square feet of commercial buildings placed in service in Charlotte County. To date, there have been about 20-25 commercial structures built in the Redevelopment Study Area.

## 2. Physical Environment Inventory

This section of the report documents the area's natural features, existing land uses, transportation systems, utilities infrastructure, and visual character of buildings and sites that could influence development or utilization of land based assets.

### 2.1. Natural Environment and Features

The Redevelopment Study Area watershed can be characterized as flat, piney woods/palmetto, with poorly drained soils according to the Soil Survey of Charlotte County, Florida prepared by the United States Department of Agriculture. These soil conditions give rise to ponding and other drainage difficulties. An open system of canals and spillways was designed to mitigate these problems but instead serve primarily to divide the larger property into the aforementioned three smaller and separate neighborhood sub-areas.

#### Photographs of existing natural environment



County staff reports there are no significant wetland systems within the Redevelopment Study Area but the pattern of platting and development evident here are known in other settings to have disturbed lands that might ordinarily be determined to be wet and jurisdictional. It is important to observe that a detailed environmental assessment will likely be necessary to completely inventory the area's physical conditions and make a determination in sufficient detail whether disturbed systems exist. Such a determination will be needed to secure any entitlements that might normally be associated with these holdings as they are redeveloped, and the effort to document these conditions will be a material undertaking.

#### Finding:

Without regard to the possibility that jurisdictional wetlands may have been damaged or destroyed, suggesting material cost to arrest or correct, the area's soil conditions create ponding conditions that are no longer acceptable in contemporary residential communities. Such ponding would be addressed in today's design standards by designating specific catchment areas and through a more sophisticated treatment of spillways and land design features. Clearly, these more aggressive solutions are not in place in the present 1,100 acre development scheme.

## 2.2. Existing Land Use

The existing land use inventory provides more perspective regarding the pattern of development activity within the Redevelopment study area, the inventory of existing land uses under current zoning regulations, compatibility of nearby uses, and the impact of uses that may assist or deter development activity.

Although poorly developed, the West Murdock study area is not an area of open land. The intensity of plats and the character of existing structures impart a distinct pattern of development that would only be reinforced over time without aggressive intervention.

Generally, the County has viewed the West Murdock Study Area as principally a residential area. Although some lands in the West Murdock study area are publicly owned, the current zoning could accommodate some 4,900 housing units on a total of about 1,100 acres. These residential uses and densities are complemented by various commercial, office and institutional uses that are largely sited around the perimeter of the property along major arterials.

To date, there are approximately 80 single-family homes that exist in the study area along with a modest inventory of allowable non-residential activities.

### Photographs of existing residential properties



Many of the individual non-residential properties are located directly proximate to the residential uses with no attempt to establish buffer or transitional zones. For the residential properties located immediately adjacent to non-residential properties, this kind of placement and configuration heightens the need for regulatory controls to assure that commercial uses do not infringe on residential character. Typically, the placement of non-neighborhood commercial activities in such close proximity to residential neighborhoods results in increased complaints of noise, traffic, trespass, and code enforcement.

Evaluated strictly in physical terms, the practice of siting a series of disconnected commercial activities on relatively small lots is no longer an acceptable approach to development. Further, the concentration of moderate and high-density residential development across the eastern one-third of the property is also undesirable, given the typical lot size and configuration.

The commercial sites are generally of marginal quality. While some owners of these commercial properties have done well to mitigate the visual effects of a parking lot with landscaping and other buffering, others have not attempted to buffer their parking lots and commercial buildings from the residential areas.

#### **Photographs of typical commercial properties**



#### **Finding:**

The absence of buffering, lack of commercial access control, small lot configuration, and concentrations of incompatible land use activities collectively function to suggest an environment totally unsuited to contemporary development activity. The fact that the area remains relatively devoid of any residential or commercial development activity speaks to the generally poor environment in which development might otherwise be expected to occur. The faulty layout and configurations of lots in relation to size, adequacy, accessibility and usefulness are suggestive of a functionally obsolete or deteriorated residential and commercial land use plan.

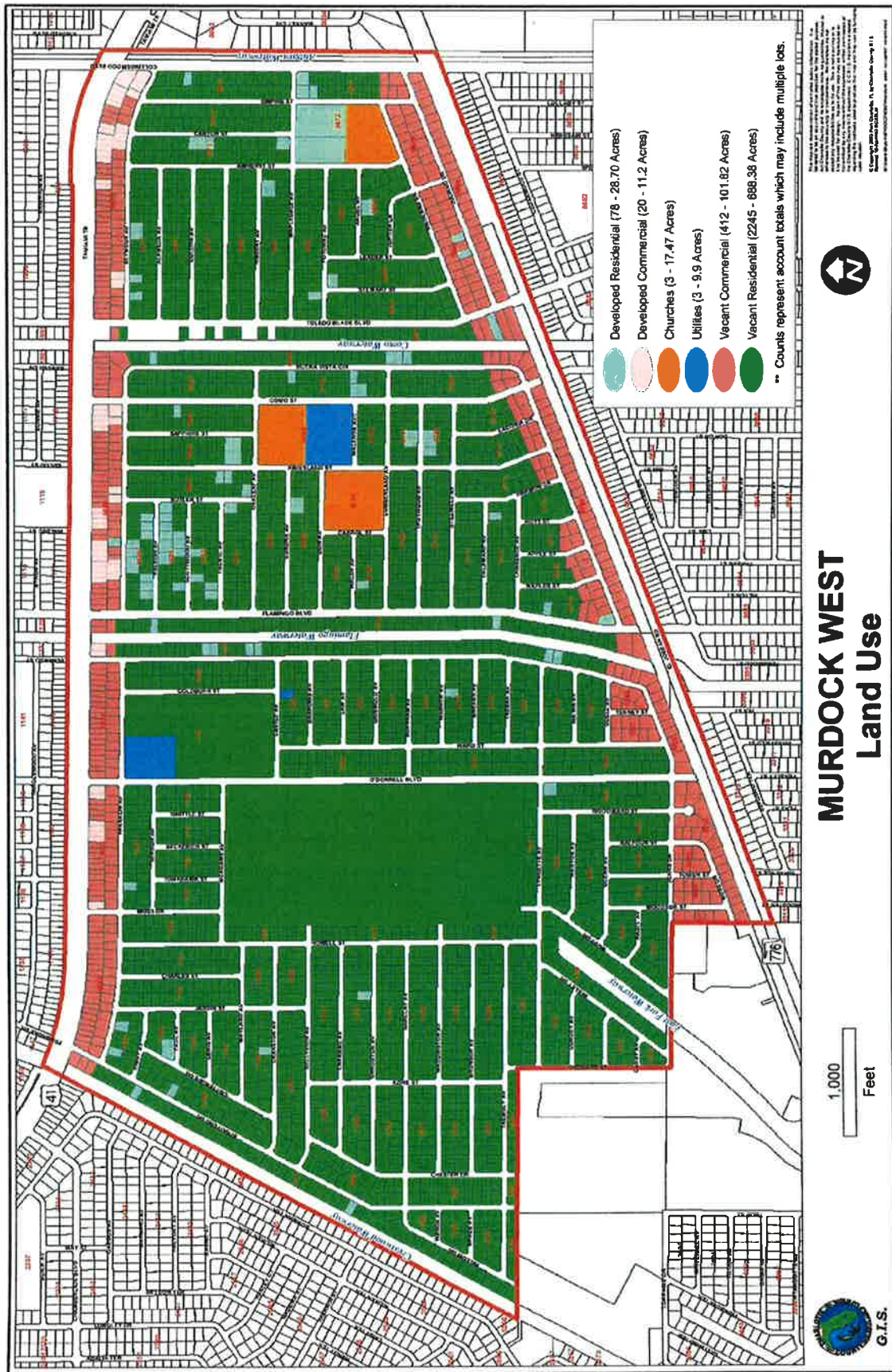
The West Murdock study area is not an area of open land easily reconfigured to other purposes or activities. The intensity of plats, their size and the character of existing structures impart a distinctly deficient pattern of development that precludes sound standards, design, and overall sanitary and safe conditions. These development patterns and conditions will only be reinforced over time if not aggressively altered.

The following maps are included in the next three pages:

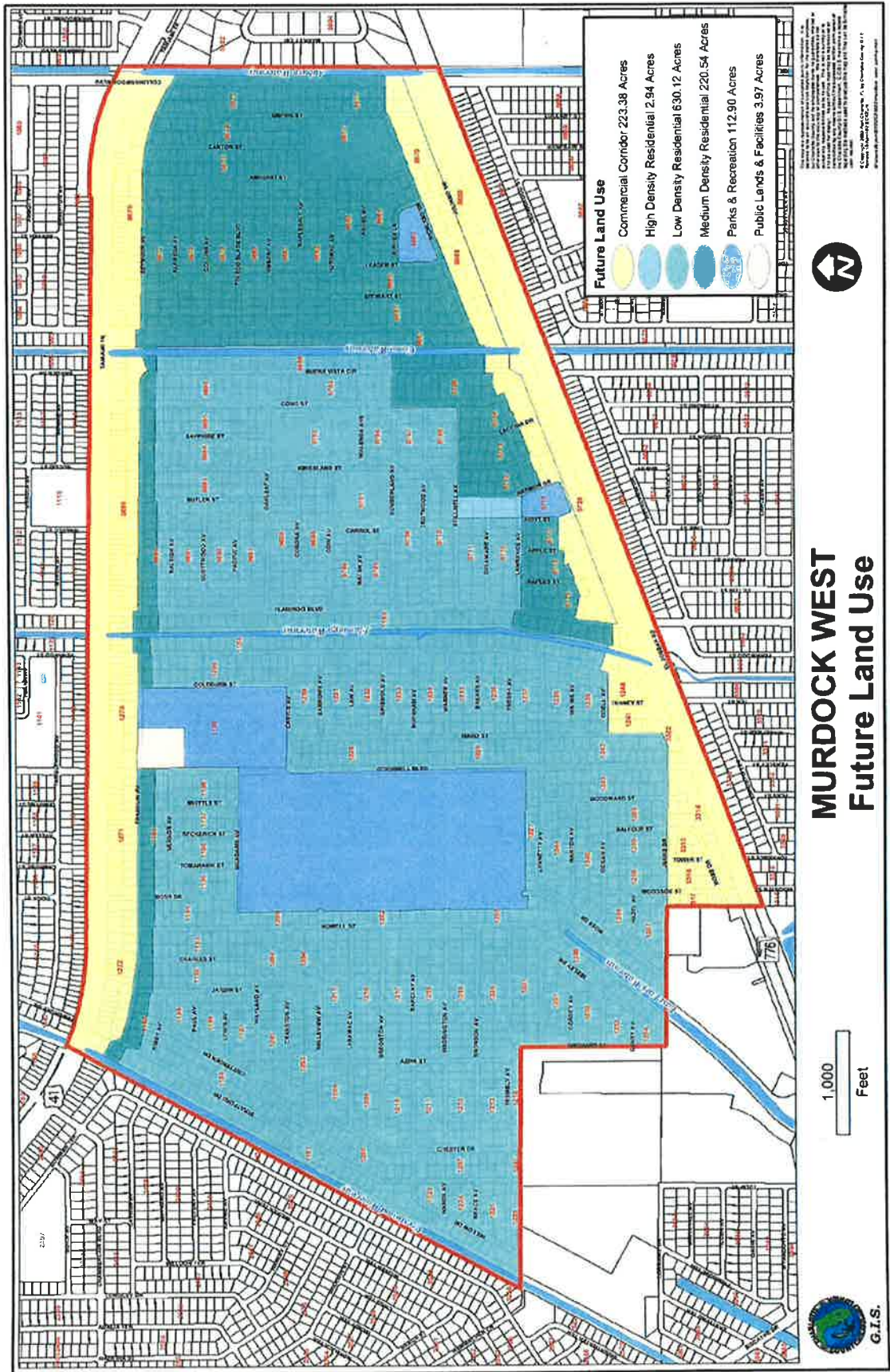
Figure 1 is the Existing Land Use Map

Figure 2 is the Zoning Map

Figure 3 is the Future Land Use Map







### **2.3. Traffic Data and Road Characteristics**

Traffic capacity is not currently an issue in the Redevelopment Study Area because of its lack of development. The major thoroughfares, US 41 and SR 776, appear to have capacity adequate for the existing level of development in the area, but additional studies might have to be performed to ascertain longer term road capacity, given the prospects of future redevelopment within the study area. Already County staff have identified some sections of US 41 as operating at level of service (LOS) D, indicating a major arterial approaching its capacity prior to any development occurring within the study area. Further, segments of U.S. 41 and SR 776, identified as requiring upgrades or improvements by County staff, have yet to be placed in the Capital Improvements (County or State) Plans.

The road conditions within the Redevelopment Study Area are problematic. The Redevelopment Study Area lacks cross streets and access points that could provide connectivity among the three discrete neighborhoods or areas that comprise the larger study area. Currently there are only four north/south roadways that serve and connect the Redevelopment Study Area between US 41 and SR 776 – Collingswood Boulevard, Toledo Blade Boulevard, Flamingo Boulevard, and O'Donnell Boulevard. Accessing these north/south roads from US 41 and SR 776 can be difficult because of the periodically high level of vehicular traffic on these major thoroughfares. Moreover, Flamingo and O'Donnell Boulevards link to US 41 at non-lighted intersections. Making a left turn to these two roads can be slowed by stacking, but it is also a dangerous and unnecessary movement that could be avoided with alternate internal routing.

To illustrate local conditions, a motorist in the vicinity of Corona Avenue cannot directly access the adjacent neighborhood without traveling to US 41 from Flamingo Boulevard, then down O'Donnell Boulevard. Since US 41 and Flamingo Boulevard and US 41 and O'Donnell Boulevard do not have traffic lights, the absence of connections causes unnecessary traffic safety risks while loading local trips on these major thoroughfares. At current traffic volumes, accidents are at expected levels for this surface transportation network. It is not unreasonable to forecast an increase in accidents as conditions degrade or capacity declines as the result of increased development.

Given the current grid pattern and the existing canals which limit mobility among the three undeveloped neighborhoods, any deteriorating traffic capacity as suggested by either downgrades in LOS or by the need to widen certain segments, will only be exacerbated by the complete build out across the Redevelopment Study Area. Current emphasis on connectivity and mobility would place a distinct value on physically linking the separate sub-areas to discourage traffic loading onto US 41 or SR 776 to permit travel within the Redevelopment Study Area itself. Further, the multitude of small commercial properties fronting SR 776 and US 41 will impact longer term capacity by upping the movements necessary to complete ingress and egress. High volume commercial activities will accelerate the rate at which capacity is lost.



The existing road grid that dominates the study area poses its own set of physical and regulatory problems. Although constructed to the standards in place at the time of the Redevelopment Study Area's development, the road grid is materially and functionally below the standards acceptable today from the perspective of both regulators and those active in the development community. The current standards have allowed rapid deterioration that would be unacceptable by current design standards, the typical standards practiced by major community builders, or the scrutiny of the market place which unofficially exercises regulation through its decision to purchase or not to purchase homes in a specific location.

From almost any perspective, the roadway standards in place fall below those of contemporary requirements. Aside from their observable deteriorated condition, they do not satisfy width, depth or materials standards now imposed, resulting in the need for ongoing repairs and maintenance well above the commitment considered tolerable or acceptable in today's environment. County staff reports that the budgets necessary for roadway resurfacing and repairs will increase with the further aging of the grid now in place. Further, County staff report that funds, which may be adequate for some limited resurfacing activities, are not sufficient to accommodate the substantial rebuilding of these roads as appears may be necessary.

Finding:

While there may be adequate traffic capacity for the existing limited level of development within the study area, the status of that capacity suggests, at a minimum, that further studies will be required to ascertain the impacts of any major redevelopment efforts occurring in the Redevelopment Study Area.

The street layout is defective and inadequate because of the lack of cross streets (both east/west and north/south) contributes to the lack of connectivity among the area's neighborhoods and promotes unnecessary traffic risks and loads onto major arterials. Further, the many small commercial parcels fronting the area's major arterials impact current movements associated with ingress and egress. These conditions will only degrade as the area matures. Both the absence of connections and the profusion of commercial curb cuts would be aggressively managed in today's regulatory environment.

Additionally, notwithstanding the actual condition of the arterials that form the larger study area's boundaries, the internal grid is materially below contemporary standards. This road grid has, in fact, deteriorated to the point that it is no longer viable as a system of local neighborhood roads. While the current complement of streets can accommodate emergency traffic, it is well below the design and material standards that would be imposed to support a community marketed today. The costs of maintaining and improving this badly deteriorated road grid can only be expected to grow, and there are currently no palatable budgetary mechanisms to deal with the conditions described.

#### **2.4. Public Transportation and Sidewalks**

Because of its lack of development there are no apparent issues in the Redevelopment Study Area related to adequate provision of parking, bridges or other

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public transportation facilities save the aforementioned canals and spillways that might be spanned by small bridges to facilitate connectivity among the three separate neighborhoods. While other solutions might resolve internal connectivity, there are no sidewalks to support pedestrian mobility internally or to promote safe conduct along US 41 and SR 776. At a mature stage of development, these conditions will be unacceptable in the context of contemporary design standards as they impede alternative means of mobility and pose a safety risk to community residents.

### **Photographs of typical areas showing absence of sidewalks**



#### **Finding:**

Sidewalks and bicycle paths have emerged in contemporary planning practice as an important component in community "place making". These amenities combine to create neighborhoods that would be considered safe and desirable for residents of all ages. The Redevelopment Study Area is absolutely devoid of such facilities.

Other public facilities are not obviously deficient but need to be considered to improve the composition of the existing internal road system. While bridges may be one of many possible solutions to enhance neighborhood connectivity, their absence is an indication of the area's overall blighted condition and evidence of the mounting costs necessary to correct these conditions.

### **2.5. Storm Water**

The Redevelopment Study Area watershed can be characterized as flat, piney woods/palmetto, with poorly drained soils. According to the Soil Survey of Charlotte County, Florida prepared by the United States Department of Agriculture, estimated seasonal highwater elevations are approximately one (1) foot in depth below existing grades. Stormwater runoff from existing residential streets and adjacent properties is conveyed via shallow roadside swales to existing canals bisecting the watershed. Although the stormwater swale system is generally believed to be designed to convey runoff resulting from a five (5) year, twenty-four (24) hour storm event (6 inches of rainfall in 24 hours), some generalized ponding in the area can be expected. Current design standards for residential stormwater collection/conveyance systems in Charlotte County is the five (5) year storm event.

Finding:

Although certain design features are in place to handle stormwater, there is evidence that localized flooding or ponding occurs. These incidents are exacerbated by the poor soil conditions of the area which tend to retard drainage and promote runoff even though the community now supports virtually no development. The platted density of the Redevelopment Study Area is likely to worsen these conditions.

**2.6 Wastewater**

Existing wastewater service in and around the study area is limited, leading to unsanitary conditions. Virtually all homes within the study area are connected to individual septic systems. Given the soil and hydrologic conditions of the larger area, the cumulative effect of septic disposal of wastewater is considered extremely undesirable. The average size of the area's many plats are particularly unsuited to septic systems. Although there is no minimum lot size mandated, as a practical matter, it is likely that the extensive use of septic systems utilized on such small home sites today will result in the expensive need to retrofit the area with central wastewater in the future.

While the few homes in the area are not known to have system failures, the possibility of that risk is markedly increased if developed to capacity. At the County level, there are now an estimated 40,000 septic fields, and it is a policy of the County's Comprehensive Plan that these individual systems ultimately be replaced with central sewer systems. From a longer-term policy perspective, septic systems are now viewed as strictly temporary devices for wastewater treatment.

The concerns for septic systems extend beyond the local level. At least one reason the County has opted to intervene in the elimination of septic systems is State regulatory pressure. Clearly, the concerns about the problems associated with septic fields are well known and understood and are not isolated to this area.

The approach to waste water service used in the West Murdock study area falls well below currently accepted standards for development. Any community of this size would now be required to provide central service, and it is not unreasonable to speculate that individual users have a preference for centralized systems. Should an area generate more than 1,000 gallons of disposal needs, it would be required under current regulations to install a central system. This flow represents the equivalent of 4-5 homes. Of course, the platting of the West Murdock study area could include as many as 4,900 homes according to current zoning as already described.

As a practical matter, individual septic systems, while undesirable for single family homes, are especially unsuitable for servicing commercial properties. The need for individual systems is at least one explanation for the proliferation of individual commercial lots along US 41 and SR 776 that would normally be discouraged

Any sewer service that might be linked to development activity within the Redevelopment Study Area extends from a 12" force main on SR 776 that runs the full extent of the southerly limits of the study area. As suggested by the discussion above, there are currently no local force mains, lift stations or sewer collection mains

within the redevelopment area itself. A force main is currently being extended from SR 776, north along O'Donnell Boulevard, west along Lynette Avenue and north on Howell Street to a lift station that will service the O'Donnell Park.

The existing force main on SR 776 is of adequate capacity to serve the broader area with no immediate upsizing required. For the provision of sanitary sewer service specifically to the neighborhoods of the Redevelopment Study Area, 7 to 10 new lift stations would be anticipated within the redevelopment area. All new force mains would be routed south to connect on SR 776. Sewer collection systems would be newly constructed along all roadways to service each individual parcel.

The treatment plant that would service the broader area if wastewater service was to be extended generally is located on the east side of Port Charlotte. Accordingly, all flows generated from within the study area must be conveyed easterly across all of Port Charlotte. The conveyance of this flow will impact one existing master pump station and an existing force main between the master lift station and the treatment plant. It is anticipated that the master lift station will require an immediate upgrade estimated to cost \$500,000 to assure conveyance of the additional flow. The force main will either have to be upsized or supplemented with an additional force main much earlier than originally anticipated. Depending on the sizing and method chosen, this cost could easily exceed \$2,000,000. Connection fees generated from the neighborhoods and commercial activities within the Redevelopment Study Area would be required to underwrite the costs of these improvements.

With expansion of the treatment plant scheduled for 2007, there are no anticipated problems in supplying treatment capacity necessary to service the redevelopment area. However, the provision of wastewater collection facilities could cost several thousand dollars per lot.

Finding:

Capacity for wastewater treatment exists in the community generally and can be easily negotiated and linked to the Redevelopment Study Area properties. Related actions to make these improvements are extremely costly, and there are no plans to lay the lines required for service. The failure to extend sewer into the Redevelopment Study Area neighborhoods is a material deterrent to reuse and redevelopment and contributes to the patterns of observed deterioration or obsolescence of the Redevelopment Study Area.

Although septic systems are not precluded in County regulations, they are strongly discouraged and viewed only as a temporary measure because of their potential for failure and the implied public health risks. It is not uncommon for a single household to construct an individual septic system, possibly using it for years. Any communities developed at the scale anticipated in the Redevelopment Study Area, however, would be required under today's development regulations to provide a central wastewater system and the current County Comprehensive Plan clearly advises of that strategy.

The minimum standard for evaluating the need for a central collection system begins at an average flow of 1000 gallons per day, roughly the equivalent of 4-5 homes.

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Even at the lower end of densities that might be permitted within the study area, the need for central sewer is evident.

Centralized wastewater service is especially important for encouraging a broad mix of commercial uses. The current arrangement has effectively forced commercial properties to develop individually with their own septic system, adding to the litany of other problems associated with small commercial lots. Contemporary commercial development would not support this approach or practice. In effect, the absence of central wastewater service creates physical conditions that render the majority of the area's commercial properties functionally deteriorated.

## **2.7 Potable Water**

Like central wastewater systems, central water systems are preferred in areas with major development because of the implied health risks. Although capacity and distribution lines exist and could serve the study area, the current pattern of development relies upon well water. Because of concerns about contamination, well supplied water is no longer deemed acceptable except as a temporary measure. Where available, distributed water must be used.

Charlotte County Utilities (CCU) owns and operates a major pressure booster and tank storage facility central to the study area. It is located on Block 0702. Water is supplied to the booster and tank facility through a 16" water main that runs the complete length of Como Street between US 41 and SR 776. Water is supplied to the 16" water main from a 16" water main that is routed along Seymour Avenue and a 12" water main that occupies the south side of SR 776. Water exits the booster facility through a 24" main that travels north along Kingsland Street and west along both, Buena Vista Circle and Franklin Avenue. CCU is currently constructing a 16" water main that will exit the facility on Kingsland Street, travel west along Cumberland Avenue, south on Jenks Drive, West on Burnham Avenue, South on O'Donnell Boulevard, West on Lynette Avenue, South on Moss Drive and through the Charlotte County Fair Grounds to SR 776.

Functionally all of the existing water mains in the Redevelopment study area are intended to be used only as transmission water mains. CCU, however, has been allowing independent connection to the mains for water service. Such policy speaks to the concern and compelling public interest in promoting access to central water systems.

The provision of water service would require the construction of water distribution mains along all proposed roadways. Mains would predominantly be 6" diameter in residential areas and 8" diameter in commercial areas. The anticipated cost for water mains would be difficult to approximate until proposed plats are determined.

Existing water pressures and supply would be adequate to provide both potable supply and fire suppression for all development within the study area. However, no immediate major capital improvements are anticipated to provide distribution and fire hydrant facilities to the area. Minor work required immediately may include the addition of an additional pump within the booster facility to convey additional water supply.

From a design and implementation perspective, it may be attractive to modify the appearance of the existing water tank and booster facility to complement any proposed architectural standards. As a practical matter, properties located immediately proximate these kinds of facilities have certain limitations in their preferred use. While water facilities of this type are benign neighbors, typical development would avoid their encroachment at the community level. At the very least, these facilities would be substantially improved architecturally and/or buffered with vegetation. The relocation of the facility would require expenditure between \$3,000,000 and \$6,000,000 with the cost being heavily impacted by alternative site selection. Elimination of the booster facility is not an option, as it is crucial to supplying water needs to the Cape Haze Peninsula.

Finding:

Potable water is available although it is not distributed throughout the study area. Controlled water supplies are a major concern in the development of public policy, and the use of wells as a source of potable water are strongly discouraged because of the implied health hazards. When treated water is accessible from a public utility, it must be used.

As with septic systems, the current regulations would not permit the widespread use of wells as a means of providing water. Given the current number of residential units and the relatively small number of commercial structures, wells have not yet been a source of problems. The past experience with these types of water supplies, however, should not be confused with a heightened interest in removing the area's dependence on well water. In no case would a development of this size even be considered were wells offered as the means of supplying water. The prospect of numerous wells located near numerous septic systems at potential buildout of the area, as currently, platted is a major potential health concern.

## **2.8 Overall Site and Plat Conditions**

It would be uncommon, if not unacceptable, for a proposed residential community, given today's market and regulatory context, to pursue the intensive platting now found in the Redevelopment Study Area without adequate supportive public infrastructure. This pattern of development, with the deficient and deteriorated infrastructure now present, has been all but abandoned in favor of a more aesthetic design with a hierarchy of streets, densities and neighborhoods. In effect, the proliferation of small lots virtually assures a character and intensity of development that is no longer sustainable.

The divergence between current zoning and the future land use map officially registers the County's concern about the physical composition of land use patterns and their underlying plats. The County discourages the intensities that might otherwise be allowed were the Redevelopment Study Area capable of supporting the land use program consistent with its recorded plats.

From a practical perspective, the residential lots are too small for the intensity of use given their dependence on the combination of wells and septic systems. Similarly,

the size of the commercial lots makes it impractical to pursue anything other than low value, single purpose activities.

Finding:

Lots generally are too small to support anything other than residential or commercial activity of marginal value. The intensity of platting and the absence of necessary infrastructure preclude long-term sustainability and encourage only fractured patterns of development that are representative of the worst sprawl conditions. These are a direct contributor to the functional deterioration observed in field inspections.

## **2.9 Visual Character, Existing Building and Site Conditions Analysis**

The photographs below and on the next several pages are reflective of the overall conditions pertinent to the study area. Generally, the residential structures that exist are not dilapidated or even poorly maintained. The non-residential inventory, however, is functionally deteriorated, rendered obsolete by the constraints of site, structure placement, access, and residential platting adapted to commercial use.

The infrastructure upon which the long term sustainability of the neighborhood and area depends is deficient, absent, or literally deteriorated beyond a level that justifies repair. The *overall* conditions within the larger setting and within each respective neighborhood are such that they combine to create a physical, social and economic context that are not viable for long term stability.

The several conditions documented in this analysis act together to undermine any economic values perceived to exist in the area because they retard a normally functioning market for transactional activity. It is this normally functioning market that acts as the floor for economic value. If that floor cannot be maintained through a continuing exchange between buyer and sellers, economic values will eventually erode. Once that pattern is established, it becomes increasingly difficult to arrest the decline.

### **Photographs of existing site deterioration**



It is almost axiomatic that neighborhoods exhibiting the many deficiencies, inadequacies or deteriorated infrastructure documented in the Redevelopment Study Area have a greater likelihood of slipping into irreversible economic and physical obsolescence.

### 3. Real Estate Development and Investment Activity

#### 3.1. Reported Investment and Disinvestment Activity

In its 40-year development history, the Redevelopment Study Area has effectively remained poorly developed and utilized even as surrounding areas have matured and expanded. The area is not open land. Rather, at a gross level, the area represents something of a major infill development opportunity, largely ignored because of its relative undesirability from social, economic, and physical perspectives.

There are an estimated 70- 80 residential and 20-25 commercial structures in the study area. As described in the Historical Perspective section of this Report, the County population has added some 15,000 persons to its population in the last five years. Since it was constructed in 1989, the Port Charlotte Town Center has functioned as one of the County's major retail trading centers, but the Redevelopment Study Area has experienced limited economic benefit from activity nearby. Of the many various commercial facilities constructed in the County from 1996 to 2000, only a small number have been erected in the Redevelopment Study Area. Using almost any benchmark, the economic potential of this area has lagged behind the remainder of the County.

According to current tax records, approximately 2,800 records comprise the Redevelopment Study Area. In tax year 2002, the total taxable values for privately owned land and structures there totaled about \$18,000,000. At least 760 of these records, about 27% of the total records, indicate that for the five years (1998, 1999, 2000, 2001, 2002) ending in 2002, the most current tax year, taxable values were flat or declining. These 760 records dominate the entirety of Sub-area 2 and almost all of the commercial lots along US 41 where there has actually been commercial construction. In the entire study area, 1,900 of the 2,800 parcels had a taxable value of less than \$3,000 in 2002.

For the five years ending in 2002, the County's total *taxable values* showed approximately a 46% increase. For this same five years ending in 2002, the *taxable values* in the Redevelopment Study Area increased at less than 39%. Total *assessed valuations* in the County increased 41% during the same period but in the study area they increased less than 35%.

The County's taxable valuations and its assessed valuations reflect not only appreciation, but steady capital investment across a much larger base. From 2001 to 2002, construction represented about 2.55% of total taxable values in the County. In the study area, the corresponding activity represents only 1.52% of valuations.

#### Finding:

Although the County has remained attractive as a location for both residential and non-residential investment, the Redevelopment Study Area has been all but overlooked. Given the study area's almost central location, its poor performance relative to other areas of the urbanized county is all the more remarkable.



The study area suffers not only physical deterioration and dysfunction but also economic deterioration and dysfunction. Even though there were valuation increases in the aggregate, they are diminished by the appreciation experienced in the County over the same period. The gross changes in the study area ignore the flat or declining values experienced on about 760 of the approximately 2,800 records that comprise the entire area and the fact that two-thirds of the tax parcels within the Redevelopment Study Area have taxable valuations less than \$3,000.

In effect, the Redevelopment Study Area is grossly and inappropriately underutilized. At a time when the County, like many local governments, faces severe budget constraints and pressures to contain growth within a manageable area, the Redevelopment Study area offers the prospect of efficient, economically worthwhile, and orderly development if the documented conditions can be corrected or controlled through a redevelopment regime.

### **3.2. Diversified Ownership**

Of the estimated 2,800 records, at least 1,700 are owned by various individuals or principals. Thus, it is difficult or impossible for private interests to mobilize the area for an assemblage that might counteract many of the physical or economic conditions that have been described in this Report. Absent major intervention, an assemblage seems highly unlikely in the context of current ownership and dysfunctional platting.

A sort of the tax records reveals that some 1,600 parcels are owned by out of state interests. Of the estimated 80 homes, that have been built in the area, about 45 have homestead exemptions.

#### Finding:

The Redevelopment Study Area is not comprised of open land easily adapted to new expectations or specifications. Private interests will find it difficult, if not impossible, to assemble holdings of sufficient size and usefulness to introduce alternative development patterns, schemes, or products. The diversity of ownership is a major constraint to any redevelopment activities in the area that will likely be exacerbated by tax delinquencies, a multitude of ownership and title histories, and battery of physical and legal impediments that typically preclude redevelopment beyond a small scale. Given the magnitude of the legal and physical circumstances in the present case, the challenges to stabilize or redirect the form of development are almost insurmountable.

### **3.3. Crime and Illegal Acts**

A visual inspection shows that the area suffers from illegal trash disposal and dumping. The number of vacant lots, many covered with trees and other heavy vegetation, encourage the unloading or depositing of refuse.

Large items, including stoves, refrigerators, and other household goods, comprise a source of litter that can be dangerous to children and a breeding ground for vermin in some cases. While obviously visually displeasing, the accumulation of such refuse

also identifies the Redevelopment Study Area as an area virtually incapable of reclaiming itself. Code officials are disturbed by the patterns of illegal dumping which they informally report as affecting as many as 25% of the undeveloped or vacant parcels.

#### **Photographs of illegally dumped items**



#### **Finding:**

Trash has accumulated on many of the empty or undeveloped lots in the Redevelopment Study Area. The presence of such trash is illegal and constitutes both criminal activity and a visual blight strongly associated with social, economic, and health risks.

#### **4. Criteria for Determining Blight**

In effect, the Redevelopment Act establishes two similar, but discrete, pathways to determine if a study area is a "blighted area", sufficient to warrant the full application redevelopment powers conveyed by such a designation.

- The first alternative ("Alternative One") involves the layering of two tests. The first test is broadly conditional and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.
- The second alternative ("Alternative Two") involves a specific agreement among parties subject to a prospective trust fund agreement. Where such agreement exists, then the jurisdiction seeking to designate a redevelopment area need pass a less rigorous test. As in the first alternative, this test relates to specific criteria and it must conclude affirmatively.

##### **4.1. Alternative One**

The *first prong* of Alternative One's tests requires that a study area identified as a blighted area contain a "substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property".

The *second prong* of Alternative One's test is that the area must be one in "which two or more of the following factors are present".

- a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- d) Unsanitary or unsafe conditions;
- e) Deterioration of site or other improvements;
- f) Inadequate and outdated building density patterns;
- g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- h) Tax or special assessment delinquency exceeding the fair value of the land;
- i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

These are identical to the fourteen criteria introduced on pages 7-8 in this Report.

#### **4.2. Alternative Two**

The Redevelopment Act also allows that a blighted area may be "any area in which at least one of the factors identified in paragraphs (a) through (n) of Section 163.40(8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387(2)(a), F.S. agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. See Section 163.340(8), F.S.

#### **4.3. Assessment of "Substantial Deterioration"**

The Redevelopment Act provides little specific criteria or guidance in Section 163.340(8), F.S. regarding the definition or attributes of deteriorating structures other than that implied in the Redevelopment Act which focuses on a series of indicators that in the aggregate are assumed to lead to economic, physical or social distress. In the present case, only a few buildings exist on over 2,800 parcels. The few residential buildings are largely of acceptable physical condition, but many of the commercial buildings are functionally deteriorated and rendered functionally and physically obsolete by the constraints of site, structure placement, access and residential platting adapted to commercial use. Whatever their apparent physical condition, such condition should not be construed as a measure of their useful life.

Further, the infrastructure upon which the long-term sustainability of the sub-areas depends is deficient, absent, or literally deteriorated beyond a level that justifies repair or maintenance. The *overall* conditions in the Redevelopment Study Area and within each respective neighborhood sub-area are such that they combine to create a context of functional and physical deterioration which is conducive to economic, physical and social distress.

In the context of assessing substantial deterioration under the Redevelopment Act, we believe the term “structures” reasonably includes not only the few buildings in the area but the infrastructure built or constructed decades ago and now incapable of supporting substantial development in the future. The conditions and circumstances documented in this Report and readily observable in the Redevelopment Study Area evidence a “substantial number of deteriorated, or deteriorating structures” leading to economic distress that, in their current condition, are certainly capable of endangering life and property if not substantially modified, retrofitted, repaired, rebuilt, or redeveloped entirely.

#### **4.4. Blight Factors Present in the Redevelopment Study Area**

Of the fourteen conditions indicative of blight listed in the Redevelopment Act, our analysis indicates that at least seven such conditions exist in the Redevelopment Study Area and are retarding its immediate and longer term social, economic, and physical development. Alternative One requires that at least *two* criteria be satisfied. Alternative Two requires that only *one* criterion be satisfied. Below is a summary of the criteria that apply to the Redevelopment Study Area.

*Predominance of defective or inadequate street layout.* (Section 163.340(8)a, F.S.). The totality of the Redevelopment Study Area is comprised of a road grid that falls well below current standards and requires substantial budgetary commitment to maintain and/or upgrade over time. Indeed, the road grid has deteriorated beyond a level that justifies its repair.

Width, depth of bed, and composition of materials no longer satisfy road design standards. The deteriorated conditions of the road grid are visibly evident. Their current state of disrepair and deterioration discourage investment in the neighborhood because the context is not favorable to long-term ownership of property.

The absence of satisfactory internal connections forces local traffic onto the perimeter roads, which adds unnecessary and potentially dangerous trips to these road segments. The perimeter arterials are not yet at capacity but the level of service does not consider how conditions might change should the area be developed to its allowable intensity. At least one major arterial already functions at LOS D. Though improvements are contemplated for these arterials, the funds have not been committed to budgets or plans.

Localized ponding is known to occur in certain neighborhoods within the study area. It remains unclear if the poor drainage occurs as the result of inadequate controls or poor execution of the canals and spillways that would otherwise be allowed. Regardless of its origin, periodic ponding is in need of correction and such intervention is frequently through some kind of public action or vehicle. Such drainage solutions are expensive and usually occur in conjunction with road (re)construction.

The absence of sidewalks is not only a safety issue but further evidence of inadequate transportation. The condition of the existing road grid precludes the provision of sidewalks without costly reconstruction. The lack of sidewalks raises serious safety issues for pedestrians.

*Aggregate assessed values.* (Section 163.340(8), F.S.). The Redevelopment Study Area remains virtually undeveloped or unimproved after 40 years despite its proximity to major shopping and commercial centers that are highly dependent upon nearby residential development. In effect, the Redevelopment Study Area is something of an infill development location that has been overlooked because of its stressful social, economic, and physical deterioration.

The economic deterioration is reflected in the property's observable underutilization and the relatively stagnant property values estimated for the area. Even as Charlotte County has increased its assessed valuations by 41% in the five year period (1998, 1999, 2000, 2000, 2002) ending in 2002, a substantial number of the properties in the Redevelopment Study Area have failed to show any appreciable increase, resulting in an overall increase in assessed valuations materially below the rate achieved at the County level. At the County's rate of growth, there is a reasonable expectation that rates of growth should be similar, on the average, across all unincorporated areas capable of supporting development.

Approximately 760 parcels have remained stable or declined in value over the period examined in this analysis. The loss of value, while primarily in a single neighborhood sub-area, extends across the entire Redevelopment Study Area and includes both residential and commercial parcels. The aggregate assessed values have failed to show any appreciative increase over the past five years. The absence of appreciable increases in property values places some financial stress on the remainder of the county to absorb the burdens of serving or improving the area.

*Faulty layout in relation to size, adequacy, accessibility and usefulness.* (Chapter 163.340(8)c F.S.). The Redevelopment Study Area is not an area of open land easily reconfigured to other purposes or activities. The intensity of plats, their size and the character or condition of existing structures impart a distinctly deficient pattern of development that precludes sound standards, design, and overall sanitary and safe conditions. These development patterns and conditions will only be reinforced over time if not aggressively altered.

As now planned, the area's zoning and platting could potentially yield as many as 4,900 units of single and multi-family housing with a minimum density of 3.5 units to the acre. The future land use map, however, calls for fewer units and lower densities overall as the result of some 100 acres that have been consigned to parks and

recreation. The divergence of current zoning and future planning requirements attests to the inadequacy of the existing plats to accommodate preferred design and service demands.

The commercial lots also suffer from inadequacies as a result of their size. In their case, they have depth and width limitations that force an increased number of ingress and egress points on major roads. While newer structures appear to have conformed with design standards, the typical lot dimensions, in conjunction with immediate proximity to residential areas, preclude adequate space for landscaping or other treatments that might buffer these residential zones. The gross number of lots is likely disproportionate to the number of users that would consider acquiring such lots for their intended purposes. In today's competitive environment, contemporary development practices favor larger sites to vary and mix uses and activities. Although each non-residential site may be buildable, in the aggregate the commercial lots are largely economically dysfunctional or deteriorated because they simply do not meet contemporary design and investor requirements.

*Unsanitary or unsafe conditions.* (Section 163.340(8)d, F.S.). Septic systems, however well they are regulated, are not viewed favorably by regulators, health officials or users. Recognized as a matter of compelling public interest because of their health hazards, staff reports that the State of Florida encouraged Charlotte County in 1998 to take affirmative action in the *Comprehensive Plan* to outline a course of action that would ultimately rid the County of all septic systems.

Left to be monitored and maintained by each user, septic systems frequently fail bringing the risks of infiltration to water supplied by wells and posing difficulties for mosquito control. In areas such as the Redevelopment Study Area that are known to be flood prone or suffer from periodic ponding, septic systems under perform increasing the known health risks. All or most of the existing homes are on septic systems now. There are no plans to extend sewer services into the Redevelopment Study Area at present so future development will also depend on antiquated septic systems for sanitation. In any case, at the allowed densities identified in the future land use map, the prospect of a major community served by septic systems would be considered unacceptable by today's stringent development standards. The impact of septic systems has been particularly noticeable on the siting of the area's commercial properties. The need for adequate sized septic fields has at least contributed to the pattern of small and divided lots intended to accommodate individual systems.

Central water could be made available to the properties that comprise the study area by a series of main lines that serve the region. Nonetheless, there are no distribution lines to carry that water to individual residential and commercial sites necessitating, for the most part, that water be supplied by well. Not unlike individual septic systems, wells are dependent upon individual maintenance procedures. Centralized public water supplies are the preferred means of providing potable water because these systems can be continuously monitored for quality by trained operators and technicians. Again, like septic systems, given the scale of development anticipated in the Redevelopment Study Area individual wells absolutely would be an unaccepted solution in the context of current codes.

The sum of these concerns is that avoidance of concentrated use of wells and septic systems is highly desirable from a public policy standpoint based on objective criteria associated with health, safety and welfare considerations. The replacement and removal of individual wells and septic systems is a matter of paramount public concern regarding public health, safety and welfare.

Insufficient sidewalks pose an immediately identifiable problem within both the neighborhoods that comprise the study area and along the perimeter arterials. While accidents will occur, whatever safeguards are put in place, clearly having sidewalks for pedestrians on which to walk and a visible pedestrian-designated space wherein motorists are alert and vigilant, would diminish the number of accidents that might involve pedestrians. Left unchecked, the frequency of accidents will most likely continue to escalate.

Because the three neighborhood sub-areas are not connected, the existing grid forces local traffic onto the perimeter arterials. Not only is capacity diminished, the unnecessary loading for local travel subjects more cars to the potential of accidents. Today's contemporary planning approaches recognize the need to capture internal trips as a means of achieving neighborhood safety.

Finally, while not a major criminal offense, officials have expressed concern about the repeated dumping and disposal of trash and household goods throughout the study area. The accumulation of trash, by estimates of County officials, could affect as many as 25% of the undeveloped and vacant parcels. Dumping is more than criminal mischief. Such illegal activity creates not only visual blight but it suggests health and safety risks for children or others exposed to the discarded items as well as vermin that might breed in the area itself.

*Deterioration off site or other improvements.* (Section 163.340(8)e, F.S.). As noted in the analysis section of this Report, most *buildings* within the study area are *physically* sound overall. The primary concern is deterioration in context and setting which will discourage long-term sustainability and lead to a reduction in useful life more rapidly than would be the case in a stable residential and commercial environment.

The context and setting is defined in large part by the quality of the road grid. Among the most visible structural improvements within the Redevelopment Study Area, the road grid has deteriorated to a level that no longer justifies simple repairs but rather requires complete reconstruction to meet contemporary standards for comparable local roads.

As for many of the commercial improvements, many simply do not meet current demands of the marketplace. Although they may not be deteriorated from a physical standpoint, many are nearing, or have reached, the end of their useful economic life and are functionally deteriorated. Parking and access conditions are clearly deficient.

*Inadequate and outdated building patterns.* (Section 163.340(8)f, F.S.). Conditions of inadequate and outdated building patterns are literally self-evident based on the most casual inspection of the study area. The dichotomy between current zoning and future anticipated land uses directly speaks to the community's concerns with the

intensity of potential development conceptually possible within the dimensions of the existing plats.

Virtually every contemporary design or regulatory practice is violated by conditions in the Redevelopment Study Area. Among the deficiencies that speak to inadequate and outdated building patterns are the following:

- Planned density relative to the size and adequacy of platted lots
- Absence or deterioration of most infrastructure
- Sub standard materials or specifications related to that infrastructure which is in service
- Poor connectivity among neighborhoods prompting the use of regional arterials for local travel
- No sidewalks
- No designated public spaces save those that have been contributed recently by the County
- No provisions for schools
- Unrestricted and divided ingress and egress among numerous commercial properties
- Commercial intrusion into residential areas stemming from inadequate lot depth, poor design controls, and the absence of transitional zones that preclude opportunities to insert buffering.

*Diversity of Ownership.* (Section 163.340(8)m, F.S.). Arguably, the study area's diverse ownership is among its most onerous and fractious problems. Given the number of owners, the non-resident status of these owners, the pattern of small lots, and the demands of contemporary market or building requirements, it will be difficult for private interests to acquire sufficient property to alter the established patterns of development and use. Aggressive intervention will be needed to assemble parcels or holdings adequate in size such that the larger community is evidently committed to changing the study area's social, physical and economic character.

## **5. Conclusion and Satisfaction of Alternative Tests**

The Redevelopment Study Area is one in which a substantial number of deteriorated structures exist and these are materially injurious to the both the area's and community's overall sustainability. These deteriorated structures and conditions are such they *"are leading to economic distress or endanger life or property...."* as described in the Redevelopment Act.

Such evidence of deteriorated conditions, together with cited and inferred data that identifies at least seven dimensions of social, physical and economic hardship associated with deteriorated conditions and broad decline, demonstrate a substantial record of blight existing throughout the Redevelopment Study Area. Because Charlotte County alone is the single government to be affected by the establishment of a CRA and the future commitment of tax increment revenue that results from the creation of such a CRA, it is our conclusion that the County need satisfy only one of the multiple criteria that would otherwise stipulate an area to be a blighted area. Our review indicates that conditions are so poor in the Redevelopment Study Area that



either alternative method of finding of blight is demonstrated several times over, with many of the earmarks of blight readily apparent in the Redevelopment Study Area.

The information summarized in this Report is adequate for Charlotte County to acknowledge the described conditions and to adopt a resolution that declares the rehabilitation, redevelopment, and conservation of the Redevelopment Study Area is in the interest of public health, safety, morals, and welfare.

## **6. Next Steps: Community Redevelopment Plan and Trust Fund**

Identifying a specific community redevelopment area, determining that such area is a blighted area as required by the Redevelopment Act and establishing a community redevelopment agency are the next logical steps Charlotte County faces. Assuming these actions take place, creating a community redevelopment plan for the West Murdock Study Area is the next step in the redevelopment implementation protocol. A community redevelopment plan cannot be initiated until the County Commission has formally acknowledged the conditions of blight described herein.

The community redevelopment plan must conform to a variety of criteria established in Section 163.360, F.S. Further, the community redevelopment plan must contain certain elements articulated in Section 163.362, F.S. Collectively, it is the purpose of such elements to serve as a legal framework for activating strategies which would contain these blighted conditions, remove such conditions and promote development and or redevelopment that facilitates sound, sustainable growth in the West Murdock area of Charlotte County.

Because of the relatively large area, the diversity of ownership and the obvious necessity for the County or the community redevelopment agency to acquire the lands within the West Murdock Study Area, any future community redevelopment plan needs to be flexible and capable of facilitating an evolving redevelopment vision. The community redevelopment plan need not be a capital improvement plan in the typical sense, but rather can be a framework for creating and implementing a redevelopment strategy that complies with the dictates of the Redevelopment Act. The development of a community redevelopment plan must not only meet the legal requirements of the Redevelopment Act, but foster and facilitate the attraction of capable and cooperative redevelopment partners. Accordingly, a community redevelopment plan that contemplates the attraction of redevelopment partners and recognizes the practical challenges of redevelopment (e.g. the business risks of ownership consolidation, negotiations with multiple qualified redevelopment partners which will demand flexibility, and the need to leverage available tax increment financing capabilities) can be a particularly powerful tool for the County.

The process for considering and adopting a community redevelopment plan also requires extraordinary mailed notice to all taxing authorities as well as published notice. As well, prior to consideration of a community redevelopment plan, the community redevelopment agency must submit the plan to the local planning agency of the County for review and recommendations as to its conformity with the comprehensive plan for the development of the County as a whole. This analysis by the local planning agency is a relatively narrow analysis, but is a required intermediate step. Upon submission of the community redevelopment plan to the

County and each taxing authority, a public hearing concerning the redevelopment plan is also required. Following such public hearing and a determination by the County approving the plan and confirming various statutorily required findings, the community redevelopment plan may then be adopted.

Following the adoption of the community redevelopment plan, a community redevelopment trust fund is required to be established by County ordinance. Funds allocated to and deposited into this fund shall be used by the community redevelopment agency to finance community redevelopment identified in the community redevelopment plan.

1

2

**APPENDIX F**

3

**BINDING LETTER OF INTERPRETATION OF VESTED RIGHTS**

4

# MECHANIK NUCCIO WILLIAMS HEARNE & WESTER

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ATTORNEYS AND COUNSELORS AT LAW

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PHONE (813) 276-1920

FAX (813) 276-1560

## FAX TRANSMITTAL FORM

FROM THE DESK OF: Anne Q. Pollack, Esquire

DATE: April 20, 2004

ATTN: Renee Francis Lee  
CC: Louis Whitehead  
Mark Lawson  
Cari Roth  
Owen Beitsch

FAX #: (941) 743-1550  
(941) 743-1550  
(850) 222-8969  
(850) 222-8969  
(407) 839-6197

RE: Murdock Village Binding Letter of Vested Rights

NUMBER OF PAGES (Including Cover): 9

**MESSAGE:** Congratulations! Today we received a very positive Binding Letter of Interpretation of Vested Rights from the Florida Department of Community Affairs. The letter has ordered that Murdock Village is not subject to DRI review and has found that it has vested rights for the units and square feet we asked for. The totals are as follows:

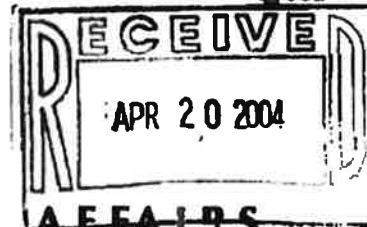
Single Family: 2744 units  
Multi-family: 538 units  
Commercial: 2,657,665 square feet

The letter is attached for your reading pleasure. Please call me with any questions.



STATE OF FLORIDA

## DEPARTMENT OF COMMUNITY AFFAIRS

*"Dedicated to making Florida a better place to call home"*JEB BUSH  
GovernorTHADDEUS L. COHEN, AIA  
Secretary

April 14, 2004

David M. Mechanik  
 Mechanik Nuccio Williams  
 Hearne & Wester, P.A.  
 1901 East Kennedy Boulevard  
 Suite 3140  
 Tampa, Florida 33602-5151

RE: Binding Letter of Vested Rights for Murdock Village

File No: BLIVR-0904-002

Final Order No: DCA04-BL-080

Dear Mr. Mechanik:

We have evaluated your Application for a Binding Letter of Interpretation of Vested Rights dated January 26, 2004, and received by the Department of Community Affairs on January 27, 2004, and the additional information submitted under cover letter dated April 5, 2004, and received by the Department April 6, 2004. Based on the information contained in the Application and other information obtained during review, the Department enters the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACTPreliminary Findings

1. On January 27, 2004, the Department received an Application for a Binding Letter of Interpretation of Vested Rights (BLIVR). The Applicant for the BLIVR is Charlotte County. The authorized representative of Charlotte County for this BLIVR is Mr. David M. Mechanik.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
 Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781  
 Internet address: <http://www.dca.state.fl.us>

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April 14, 2004  
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2. On February 13, 2004, a Notice of the Application for Binding Letter was published in the *Florida Administrative Weekly*. The full Application was provided to Charlotte County, Florida, and the Southwest Florida Regional Planning Council. Neither the County nor the Council provided comments to the Department regarding the Application.

3. On April 6, 2004, the Department received additional information from the applicant regarding the Application.

4. The Applicant seeks a determination of vested rights for residential and commercial development in Charlotte County, Florida, in an area known as "Murdock Village." This area will be referred to both as "Murdock Village" and "the Property" in this Binding Letter.

5. Murdock Village is located in Charlotte County within Sections 2, 10, 11, 12 and 14, Range 40 South, Township 21 East, and encompasses approximately 1,101 acres. The Property is bounded generally by Tamiami Trail on the north, Collingswood Boulevard on the east, El Jobean Road on the south, and the Crestwood Waterway on the west.

6. The Property is comprised of the entirety of three plats, and portions of two others. All five plats were submitted to and approved by the County at the request of General Development Corporation as part of the "Port Charlotte Subdivision." The platting and the accompanying zoning approvals for these properties were issued as follows:

- a. Section 35 Plat. This Section received plat approval in November 1958. In May 1970, Section 35 was zoned R-1b ("Single Family, Low Density"), R-2 ("Two Family Residential"), and BR ("Business, Retail Sales and Service").
- b. Section 41 Plat. This Section received plat approval in March 1959. In May 1970, Section 41 was zoned R-1b ("Single Family, Low Density"), R-2 ("Two Family Residential"), and BR ("Business, Retail Sales and Service"). Only a portion of this plat is within the Murdock Village boundaries.

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- c. Section 42 Plat. This Section received plat approval in March 1959. In May 1970, Section 42 was zoned R-1b ("Single Family, Low Density").
- d. Section 46 Plat. This Section received plat approval in April 1959. In May 1970, Section 35 was zoned R-1b ("Single Family, Low Density"), R-2 ("Two Family Residential"), and BR ("Business, Retail Sales and Service"). Only a portion of this plat is within the Murdock Village boundaries.
- e. Section 99 Plat. This Section received plat approval in March 1973. In June 1972, Section 99 was zoned R-2 ("Two Family Residential") and BR ("Business, Retail Sales and Service").

7. Upon plat approval, General Development Corporation constructed approximately thirty-three (33) miles of roads and extensive drainage ditches throughout all five Sections to ready the land for development.

8. Since zoning and plat approval, various residential and commercial buildings have been constructed within Murdock Village.

#### Vested Rights

9. The applicant is seeking a vested rights determination pursuant to section 380.06(20), Florida Statutes, to establish whether Murdock Village is vested for development of regional impact (DRI) purposes.

10. In the Application for this Binding Letter, the Applicant represents that "[n]o part of the Subject Property has been considered before by the DCA for a Binding Letter of Vested Rights."

11. Subsequent to the submission of the Application, the Applicant was made aware that all of the Property had been the subject of a prior Binding Letter issued by the Department.

David M. Mechanik  
April 14, 2004  
Page Four

12. On July 31, 1974, the Department of Administration, Division of State Planning, issued a Binding Letter regarding General Development Corporation's properties throughout Florida, including Port Charlotte. This letter finds that Sections 35, 41, 42, 46 & 99 of the Port Charlotte Subdivision are vested and need not comply with the provisions of Section 380.06, Florida Statutes. These are the same platted Sections that are within Murdock Village.

13. While this 1974 Binding Letter finds that the five Sections of the Port Charlotte Subdivision that are within the Murdock Village boundaries are vested, it does not specify exactly the types and amounts of residential and non-residential development within those Sections that are vested.

14. In support of the current Application, the Applicant submitted the approved plats for the five Sections, along with the applicable portions of the then-existing Charlotte County Zoning Code, to demonstrate the specific amount and types of vested development.

15. All of the Sections are zoned a combination of "Single Family," "Two Family," and "Business." For purposes of calculating vested uses, areas zoned "Single Family" were assigned one residential dwelling unit per platted lot, and areas zoned "Two Family" were assigned two dwelling units (one duplex) per platted lot. Areas zoned "Business" were assigned a lot coverage as set forth in the Zoning Code. While the Code contains no height limitation, the Applicant assumed for these purposes that the vested commercial uses would be two-story buildings, and calculated potential square footage on this basis.

16. Using these parameters, the following uses could be developed on the Property:

- a. Single-Family: 2,744 units (2,744 lots)
- b. Multi-Family: 538 units (269 lots)
- c. Commercial: 2,657,665 square feet (193 lots)



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17. The Applicant seeks to establish these numbers as the level of vested development for Murdock Village.

#### CONCLUSIONS OF LAW

1. All communications made by or on behalf of the Applicant, all material submitted in the Application, and all other relevant materials are incorporated herein by reference

2. Pursuant to Section 380.06(20), Florida Statutes, a property owner is entitled to vested rights with respect to DRI review for development that received local authorization to commence development prior to July 1, 1973.

3. By Binding Letter dated July 31, 1974, the Department determined that Sections 35, 41, 42, 46 and 99 of the Port Charlotte Subdivision are vested. These Sections make up the entirety of Murdock Village. Accordingly, Murdock Village has already been deemed vested from DRI review under Section 380.06, Florida Statutes.

4. The information submitted by the Applicant demonstrates that this vesting determination includes the specific amounts of development described in Finding of Fact 16 *supra*.

#### ORDER

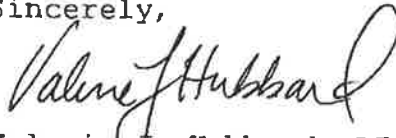
1. It is hereby ordered that Murdock Village has vested rights for the types and levels of development described in Finding of Fact 16 *supra* pursuant to Section 380.06(20), Florida Statutes. The Murdock Village development, as described above, is not subject to DRI review under Chapter 380, Florida Statutes.

2. Any proposed changes may require further review pursuant to sections 380.06(4)(e) and (f), Florida Statutes. Should any of the representations made in the application be substantially changed, further review of the project may be required.

David M. Mechanik  
April 14, 2004  
Page Six

This determination does not obviate the need to comply with all other applicable state or local government permitting procedures. Any questions regarding this determination should be directed to Shaw Stiller, Assistant General Counsel, at 850.488.0410.

Sincerely,



Valerie J. Hubbard, AICP  
Director, Division of Community

Planning

cc:\ Renee Francis Lee, County Attorney  
Charlotte County  
Daniel L. Trescott, Principal Planner  
Southwest Florida Regional Planning Council  
Elliott Kampert, Manager  
Charlotte County Community Development Department

FILING AND ACKNOWLEDGEMENT

FILED, on this date, with the designated Agency Clerk, receipt of which is hereby acknowledged.

  
Paula P. Ford Date

Agency Clerk

David M. Mechanik  
April 14, 2004  
Page Seven

NOTICE OF RIGHTS

The applicant has the opportunity for a formal administrative proceeding regarding this binding letter pursuant to Sections 120.569 & 120.57(1), F.S. If you dispute any issue of material fact stated in the binding letter, then you may file a petition requesting a formal administrative hearing before an administrative law judge of the Division of Administrative Hearings pursuant to Sections 120.569 & 120.57(1), F.S., and Chapter 28-106, Parts I and II, F.A.C. At a formal administrative hearing, you may be represented by counsel or other qualified representative, and you will have the opportunity to present evidence and argument on all the issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of fact and orders, and to file exceptions to any recommended order.

If you desire a formal administrative hearing, you must file with the agency clerk of the Department of Community Affairs a written pleading entitled "petition for administrative proceedings" within 30 days of receipt of this notice. A petition is filed when it is received by the Agency Clerk in the Department's Office of General Counsel, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

The petition must meet the filing requirements in Rule 28-106.104(2), F.A.C., and must be submitted in accordance with Rule 28-106.201(2), F.A.C. The petition must include the signature of someone authorized to act on your behalf. A petition must specifically request an administrative proceeding, it must admit or deny each material fact contained in the binding letter, and it must state any defenses upon which you rely. You waive the right to an administrative proceeding if you do not file a petition with the agency clerk within the time frames described above.

You may also decide that no formal administrative proceeding is required for this binding letter. If you do not request a formal administrative proceeding, this binding letter constitutes final agency action and is subject to judicial review as set forth below. Any party to this binding letter has the right to seek judicial review of the binding letter pursuant

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to Section 120.68, F.S., and Florida Rules of Appellate Procedure 9.030(b)(1)(c) and 9.110.

To initiate an appeal of this binding letter, a notice of appeal must be filed with the Department's Agency Clerk, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and with the appropriate district court of appeal within 30 days of the day this binding letter is filed with the agency clerk. The notice of appeal filed with the district court of appeal must be

accompanied by the filing fee specified in Section 35.22(3), F.S., and must be substantially in the form prescribed by Florida Rule of Appellate Procedure 9.900(a).

You waive your right to judicial review if the notice of appeal is not timely filed with the agency clerk and the appropriate district court of appeal.

Mediation under Section 120.573, F.S., is available with respect to the issues resolved by this binding letter. A request for mediation must include the information required by Rule 28-106.402, F.A.C. Choosing mediation does not affect the right to an administrative hearing.

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**APPENDIX G**

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**RESOLUTION FINDING COMMUNITY REDEVELOPMENT PLAN IN**

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**CONFORMITY WITH COMPREHENSIVE PLAN**

**A RESOLUTION OF THE PLANNING AND ZONING BOARD OF CHARLOTTE COUNTY, FLORIDA; RELATING TO THE REVIEW OF THE "MURDOCK VILLAGE COMMUNITY REDEVELOPMENT PLAN" (FEBRUARY 2005); PROVIDING FOR WRITTEN RECOMMENDATIONS WITH RESPECT TO THE CONFORMITY OF SUCH PLAN WITH THE COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF CHARLOTTE COUNTY; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING BOARD OF CHARLOTTE COUNTY, FLORIDA:**

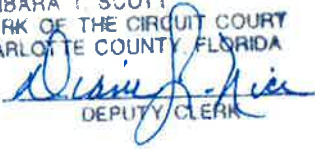
**SECTION 1. FINDINGS.** It is hereby ascertained, determined, and declared that:

The Planning and Zoning Board of Charlotte County, Florida (the "Planning and Zoning Board") is the "local planning agency" of Charlotte County, Florida (the "County").

On or about May 27, 2003, the Board of County Commissioners of Charlotte County, Florida, created the Murdock Village Community Redevelopment Agency (the "Agency") pursuant to Resolution No. 2003-081 and declared that the County Commission shall sit ex-officio as the governing body of the Agency.

(C) The County Commission identified a specific community redevelopment area and directed and authorized the County and Agency staff to proceed to prepare and seek comment upon a community redevelopment plan as required by law.

(D) The "Murdock Village Community Redevelopment Plan" (February 2005) (the "Community Redevelopment Plan") has been prepared and timely submitted to

CERTIFIED, TRUE COPY  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA  
BY   
DEPUTY CLERK

the Planning and Zoning Board as required by Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act")

**(E) The Planning and Zoning Board has reviewed the Community Redevelopment Plan** relative to its conformity with the comprehensive plan for the development of Charlotte County and provides in this Resolution its written recommendations with respect to such conformity in accordance with the provisions of the Community Redevelopment Act.

**(F) The Planning and Zoning Board hereby determines and declares that the Community Redevelopment Plan is in conformity with the comprehensive plan for the development of Charlotte County as a whole and otherwise sufficient, pursuant to the Community Redevelopment Act, for the purposes of consideration and approval by the Agency and the County Commission.**

## **SECTION 2. EFFECT OF ADOPTION OF RESOLUTION.**

The adoption of this Resolution shall be liberally construed to (1) comply with the review and comment requirements required by Section 163.360 and Section 163.362, Florida Statutes, and (2) specifically document by resolution that the Planning and Zoning Board has timely received, reviewed and provided written comment upon **such Community Redevelopment Plan.**

If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law,

though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.

(C) All prior resolutions and actions of the Planning and Zoning Board inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform with the provisions herein contained.

SECTION 3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED this 18 day of February 2005.

**PLANNING AND ZONING BOARD OF  
CHARLOTTE COUNTY, FLORIDA**

By: Michael L. Gravesen  
~~Paula Hess, Chairman~~  
MICHAEL L. GRAVESEN  
VICE CHAIRMAN

Attest:  
Barbara T. Scott, Clerk

By: Barbara T. Scott  
Deputy Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney



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*Community Redevelopment Plan*  
*February 22, 2005*  
*Third Amendment July 11, 2017*

**APPENDIX H**  
**COMMUNITY REDEVELOPMENT AREA**  
**CAPITAL WORK PLAN**

**APPENDIX H  
Community Redevelopment Area Capital Work Plan**

Major Scope of Improvement	Description	Cost Estimate	Funding Source
<b>Future On-Site Road Improvements</b>			
O'Donnell Blvd	N/S link from US 41 to SR 776	\$11,000,000	Private
Toledo Blade	Widen to 4 lanes between US41 & 776	\$9,000,000	Private/Public/Grants
Flamingo Blvd	Intersection Improvements at 776	\$1,100,000	Private/Public/Grants
Flamingo Blvd	Wldening to 4 lanes	\$7,200,000	Private/Public/Grants
Buena Vista/Franklin,Seymour	Paving and Drainage	\$1,200,000	Public/Grants
East/West Connector	Internal Connection	\$7,500,000	Public/Grants
Two Bridges	Internal Connection	\$6,500,000	Private/Public/Grants
<b>Total</b>		<b>\$43,500,000</b>	
<b>Other Proposed On-site Improvements</b>			
Demolition of existing roads	Mixed Use Area #3	\$382,000	Private
Traffic Signals	One	\$1,000,000	Private/Public/Grants
Sheriff Station	Construction of new district office	\$8,000,000	Public
North Charlotte Regional Park	Aquatic Center	\$4,438,000	Public/Sales Tax Tier 2/Grants
Gateway District	3 Entry Way Signs and landscaping	\$450,000	Private/Public/Grants
Gateway District	Small parking lot on signle lot	\$400,000	Private/Public/Grants
North Charlotte Regional Park	Pathway Connections to Park	\$273,800	Private/Public/Grants
Fire Station	Construction of new fire station	\$4,000,000	Public
<b>Total</b>		<b>\$18,943,800</b>	
<b>Proposed Off-Site Improvements</b>			
US 41	Accel/Decel Lanes	TBD/As needed	Private
US 41	Accel/Decel Lanes	TBD/As needed	Private
SR 776	Accel/Decel Lanes	TBD/As needed	Private
SR 776	Accel/Decel Lanes	TBD/As needed	Private
<b>GRAND TOTAL</b>		<b>\$62,443,800</b>	

**Approved Capital Project (FY15-FY2)**

Project Name	Description	Cost Estimate	Funding Source
North Charlotte Regional Park	Recreation Center	\$8,132,000	2015-2020 Sales Tax Extension
Collingswood	Paving	\$150,000	CIP (FY19)

**Notes:**

Public sources may include TIF;MSTU/MSBU; Impact Fees, 1 cent local option Sales Tax Revenues; and other funding sources as approved.

\*Flamingo Intersections include new signal only

\* Flamingo widening includes design, landscaping, sidewalks, and decorative lights

\* Toledo Blade widening Includes design, landscaping, sidewalks, and decorative lights

\* E/W Connector includes design, landscaping, sidewalks, and decorative lights

\* E/W Connector Road bridges (2) design and construction (decorative)

\* Gateway District includes design and construction

\* Parking includes design and construction

\*\* These prices do not include any utility work.

\*\* These prices are only an estimate as of June 2017 and varying factors can increase or decrease these estimates.

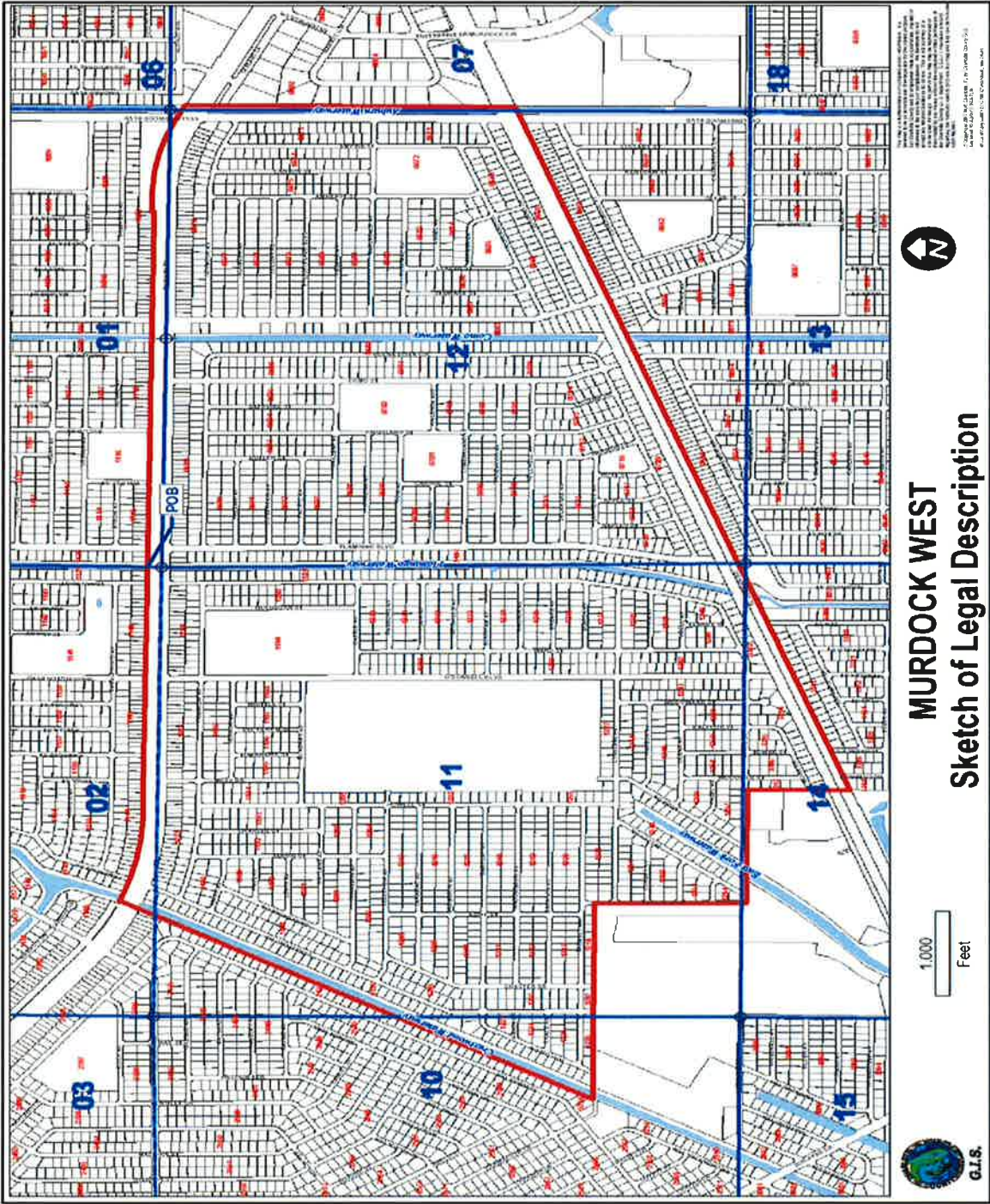
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**APPENDIX I**

**MAP OF COMMUNITY REDEVELOPMENT AREA**



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**APPENDIX J**

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**DEVELOPMENT PLAN**

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**CONCEPTUAL DIAGRAM**

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**OF COMMUNITY REDEVELOPMENT AREA**

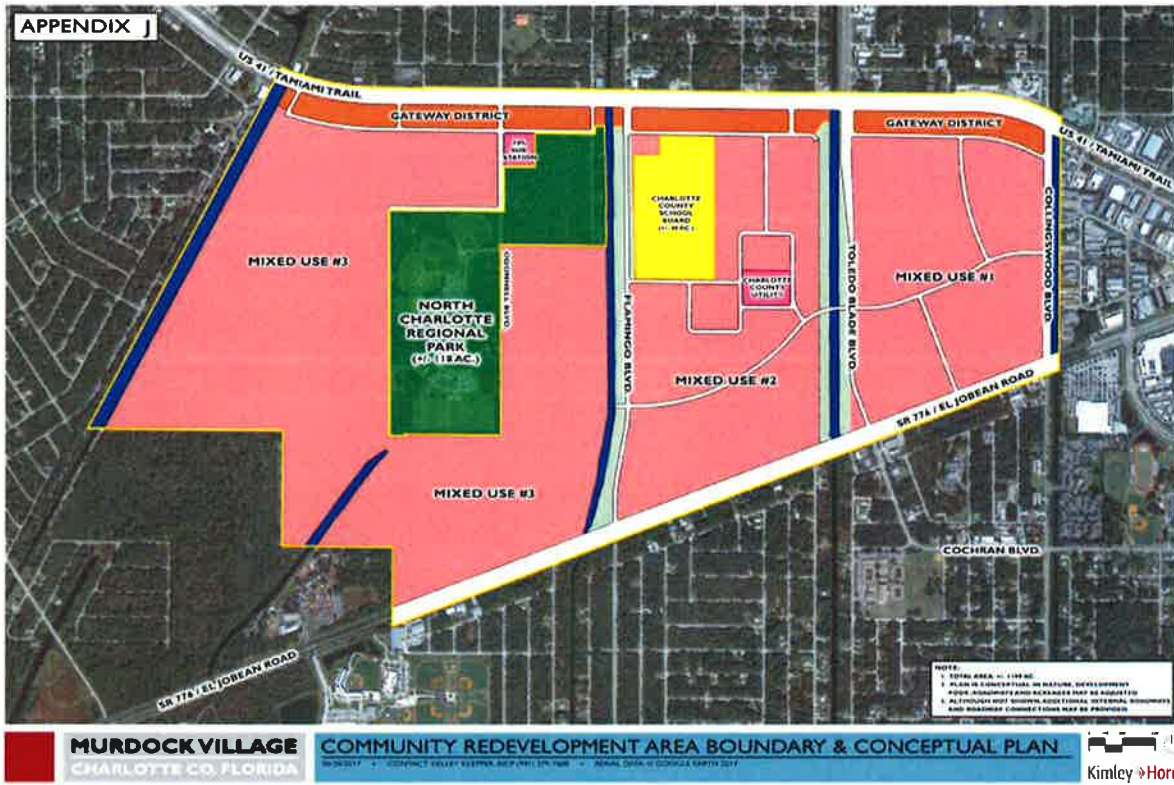
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CONCEPTUAL DIAGRAM

OF COMMUNITY REDEVELOPMENT AREA



4 This conceptual diagram represents a graphical depiction of the primary street network,  
5 land uses, recreation facilities, public areas and open space for capital budgeting  
6 purposes in addition to further articulating the vision contained in this Community  
7 Redevelopment Plan. The elements shown on the conceptual diagram are intended to  
8 be illustrative of a potential community redevelopment scheme. The elements shown  
9 may be relocated or realigned in future planning initiatives so as long as modifications  
10 are generally consistent with the vision articulated in this Community Redevelopment  
11 Plan.

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**APPENDIX K**

**FINANCIAL ASSUMPTIONS AND RESULTS**

**APPENDIX K**

<b>TAX INCREMENT Calculations 2006-2016</b>						
<b>Proposed Projections 2017-2029</b>						
<b>MURDOCK VILLAGE CRA</b>						
<b>Year</b>	<b>Frozen Tax Base</b>	<b>Property Tax Value</b>	<b>Projected Improvement Value</b>	<b>Increase Value</b>	<b>Millage Rate</b>	<b>TIF</b>
2017	\$17,777,553	\$7,031,564		-\$10,745,989	6.3007	\$0
2018	\$17,777,553	\$7,734,721		-\$10,042,832	6.3007	\$0
2019	\$17,777,553	\$32,942,200	\$95,065,200	\$110,229,847	6.3007	\$659,799
2020	\$17,777,553	\$34,191,794	\$224,817,704	\$241,231,945	6.3007	\$1,443,934
2021	\$17,777,553	\$36,010,379	\$329,925,258	\$348,158,084	6.3007	\$2,083,958
2022	\$17,777,553	\$38,175,388	\$429,324,964	\$449,722,799	6.3007	\$2,691,890
2023	\$17,777,553	\$38,938,896	\$513,822,662	\$534,984,005	6.3007	\$3,202,235
2024	\$17,777,553	\$41,474,913	\$593,710,315	\$617,407,675	6.3007	\$3,695,596
2025	\$17,777,553	\$42,304,411	\$681,435,722	\$705,962,580	6.3007	\$4,225,656
2026	\$17,777,553	\$43,150,499	\$760,115,637	\$785,488,583	6.3007	\$4,701,672
2027	\$17,777,553	\$44,013,510	\$823,929,149	\$850,165,106	6.3007	\$5,088,804
2028	\$17,777,553	\$44,738,326	\$858,186,310	\$885,147,083	6.3007	\$5,298,194
2029	\$17,777,553	\$45,477,639	\$869,517,414	\$897,217,500	6.3007	\$5,370,443
<b>Total</b>	\$17,777,553	\$45,477,639	\$869,517,414	\$897,217,500		<b>\$38,476,266</b>

A total of \$14,087 in TIF was generated in 2006 and 2007. No TIF revenues were generated from 2008 through 2016. Trust Fund Ordinance was adopted in 2005 based on the certified tax roll of 2004. Property Values based on Certified Tax Rolls for 2006-2016

Assumptions:  
 Assumes Land and Improvement Values from private sector development based on impact analysis  
 Assumes County Millage Rate stays constant from 2017-2029  
 Value Increases are based on only the three scenarios provided on Exhibit 1.



**APPENDIX K Exhibit 1**

**Exhibit 1 - Assumptions of Improvement Value - Based on EDO Impact Analysis**

Year	Residential Mixed Use #3			Entertainment Destination Mixed Use #1			Mixed Use Area #2 Business Research & Technology Park		
	Land	Building	Total	Land	Building	Total	Land	Building	Total
2017									
2018									
2019	30,931,200	32,851,200	63,782,400	2,011,000	62,214,000	64,225,000	0	0	0
2020	31,549,824	66,359,424	97,909,248	2,641,970	133,458,280	136,100,250	0	25,000,000	25,000,000
2021	32,180,820	91,297,812	123,478,632	3,829,559	188,127,446	191,957,005	0	50,500,000	50,500,000
2022	32,824,437	133,174,969	165,999,406	5,350,951	219,639,995	224,990,946	0	76,510,000	76,510,000
2023	33,480,926	179,249,668	212,730,594	5,457,970	231,532,794	236,990,764	0	103,040,200	103,040,200
2024	34,150,544	206,445,861	240,596,405	7,324,369	257,163,450	264,487,819	0	130,101,004	130,101,004
2025	34,833,555	243,425,979	278,259,534	7,470,856	280,306,719	287,777,575	0	157,703,024	157,703,024
2026	35,530,226	288,345,698	323,875,924	7,620,273	285,912,854	293,533,127	0	185,857,085	185,857,085
2027	36,240,831	317,723,812	353,964,643	7,772,679	291,631,111	299,403,790	0	214,574,226	214,574,226
2028	36,965,647	347,689,488	384,655,135	7,772,679	291,631,111	299,403,790	0	218,865,711	218,865,711
2029	37,704,960	354,643,278	392,348,238	7,772,679	291,631,111	299,403,790	0	223,243,025	223,243,025

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**APPENDIX L**

**CHARACTER SKETCHES**

## CHARACTER SKETCH



This sketch is intended to be an illustrative depicting a potential community Redevelopment scheme further articulating the vision described in this Community Redevelopment Plan.

## CHARACTER SKETCH



This sketch is intended to be an illustrative depicting a potential community Redevelopment scheme further articulating the vision described in this Community Redevelopment Plan.

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*Community Redevelopment Plan*

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*Third Amendment July 11, 2017*

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## **APPENDIX M**

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## **GATEWAY AND CORE AREA DISTRICT MAP**

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# GATEWAY AND CORE AREA DISTRICT MAP



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