

**Application No.**  
**PA-14-04-09**  
**(Plan Amendment)**

**Applicant**  
**TMV Properties, Inc. /**  
**Jones Loop Rd. Project**

**Legislative**

**Commission District II**



Community Development

# CHARLOTTE COUNTY

## Location Map for PA-14-04-09



### 27/41/23 East County

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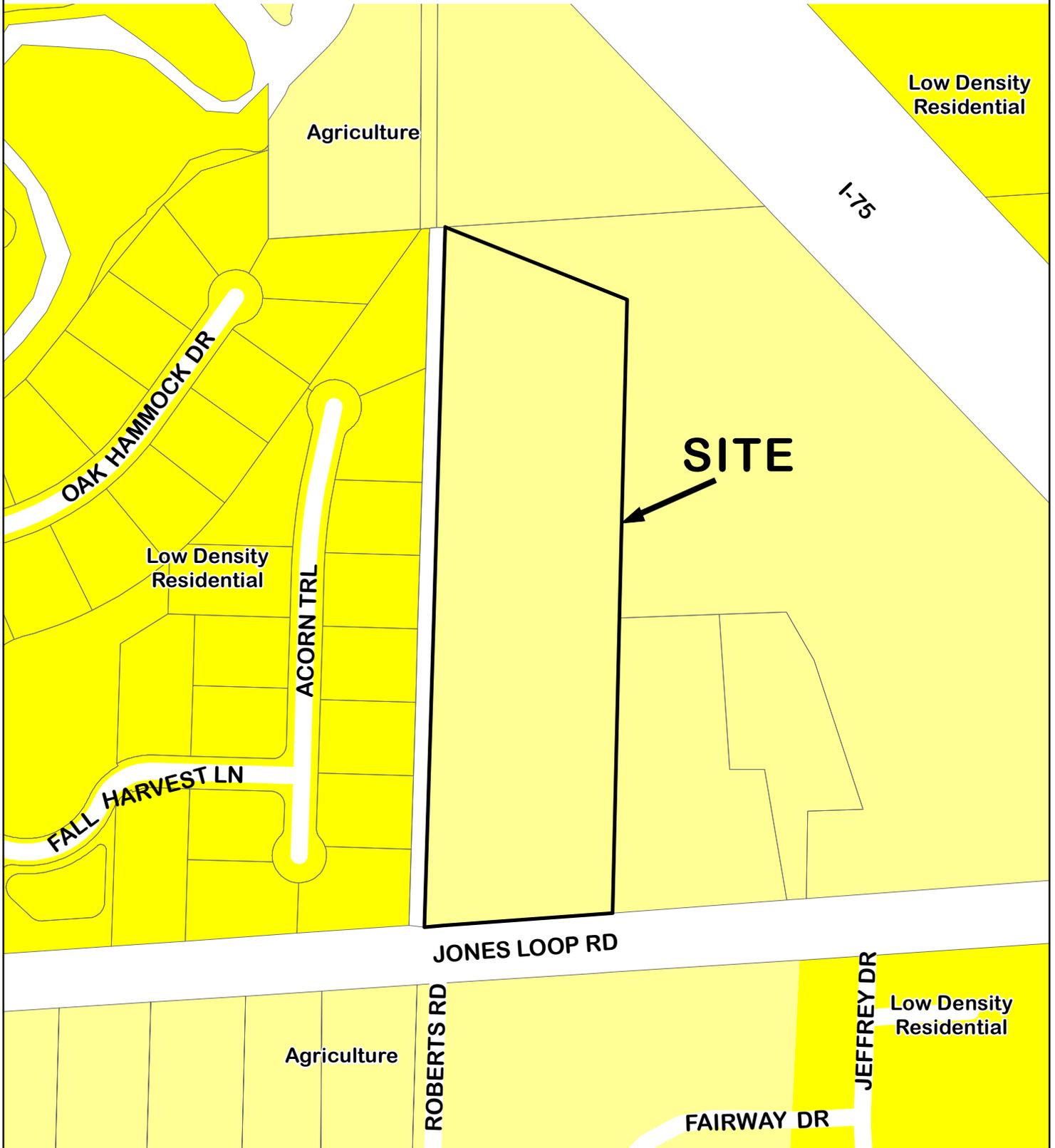


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# CHARLOTTE COUNTY

## FLUM Map for PA-14-04-09



### 27/41/23 East County

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Community Development

# CHARLOTTE COUNTY

## Zoning Map for PA-14-04-09

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



### 27/41/23 East County

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## Community Development Department Staff Report for PA-14-04-09

**DATE:** May 23, 2014

**TO:** Honorable Board of County Commissioners  
Planning and Zoning Board

**FROM:** Jie Shao, Planner III  
Elizabeth Nocheck, Planner II

**REQUESTED**

**ACTION(S):** A privately initiated request to amend Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Agriculture (AG) to Low Density Residential (LDR)

### PART I

**Applicant(s):** TMV Properties, Inc.  
c/o Transmetro Limited  
1240 Bay Street, Suite #306  
Toronto Ontario, Canada M5R 2A7

**Owner(s):** TMV Properties, Inc.  
420 S. Dixie Highway, Suite 4B  
Coral Gables, FL 33146

**General Location  
and Acreage:**

The subject property is located at 29255 Jones Loop Road, in the Punta Gorda area. It contains approximately 9.53 acres.

**Account Number(s):** 412327201001

**Analysis:**

The applicant, TWV Properties, Inc., is requesting a small scale plan amendment to amend the subject property's Future Land Use Map (FLUM) designation from Agriculture (AG) to Low Density Residential (LDR). The site is located at 29255 Jones Loop Road, in the Punta Gorda area. The site currently contains one single-family residence and several sheds. The stated purpose of this petition is that the current AG FLUM designation is not consistent with its Urban Service Area

location or with the urban residential land uses envisioned by the Smart Charlotte 2050 Comprehensive Plan.

### **Consistency with the Smart Charlotte 2050 Comprehensive Plan (Plan)**

The subject property is within the Maturing Neighborhood framework designation on the 2050 Framework Map. According to **FLU Policy 4.3.1: Maintain Maturing Neighborhood** of the 2050 Plan, *“the County shall protect the residential subdivisions within Maturing Neighborhoods and shall ensure the long-term viability of these residential areas by regulating adjacent and internal future development and redevelopment to maintain compatibility with these areas.”* The proposed residential development up to five units per acre is compatible with the residential subdivisions located to the west and southwest of the site, which are zoned Mobile Home Conventional (MHC). Across Jones Loop Road, to the South, there is part of the Blue Heron Pines Golf Course Community. The Blue Heron Pines golf course community is located directly to the west of the subject site. Further to the east of the site is I-75. All properties located to the west of the site are currently designated as Low Density Residential. Therefore, the proposal meets the intent of the Maturing Neighborhood framework designation. The site is located in the Urban Service Area, which is no longer an ideal location for agricultural uses. In addition, the subject property is also qualified as a Receiving Zone in accordance with the criteria set forth in **FLU Policy 1.2.10: TDU Receiving Zones**. Therefore, the proposed change is supported by the Plan. However, the applicant did not apply for a rezoning’ which means that if the Board of County Commissioners approves this application, the site can only be developed at one unit per acre until such time that the applicant applies for a rezoning and a TDU application.

### **Concurrency Issues**

- **Water and Sewer**: The proposed residential uses would lead to an increased use of utilities if the site were developed up to five units per acre. However, the City of Punta Gorda Utility sufficient capacity to accommodate the proposed residential uses.
- **Traffic**: The County Transportation Planner has reviewed the potential traffic impacts of the proposed change and concluded that there will be no roadway capacity failures with the proposed land use amendment within the first five years of the proposed development and hence, no modifications will be required for the adopted FDOT Transportation Improvement Program and the County’s Capital Improvements Programs.
- **Student Generation**: To address the school capacity issue, or to enter into a capacity enhancement agreement, at this planning review stage is premature. It shall be addressed at the site plan review stage. An email from the Charlotte County School Board, dated May 27, 2014, states that using the Charlotte County Public Schools (CCPS) and Interlocal Agreement (ILA) generation rate of 0.065 for elementary schools, 0.036 for middle schools, and 0.051 for high schools, this development could possibly generate 3 elementary, 2 middle school and 3 high school students. In reference to the School District's Utilization Table as shown in the 2013 ILA, if a site plan, subdivision plan, plat, or the functional equivalent for a new residential development existed today, then the School District could accommodate the 3 elementary students at East Elementary, the 2 middle school students at Punta Gorda Middle School and the 3 high school students at Charlotte High School.

**STAFF RECOMMENDATION:**

“Motion to forward application No. PA-14-04-09 to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated May 23, 2014 and the evidence presented at the public hearing on the application.”

**Conclusion:**

The proposed small scale plan amendment is consistent with the goals, objective, and policies of the Smart Charlotte 2050 Comprehensive Plan.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. PA-14-04-09 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated May 23, 2014 and the evidence presented at the public hearing.”

**PART II: RESEARCH AND FINDINGS**

1. **2050 Framework Designation:** Maturing Neighborhood
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The site currently contains one single-family residence and several sheds.
4. **Existing Designation(s):**

FLUM	Development Standard
Agriculture (AG)	<p><b>General Range of Uses</b> Ranching, crop farming including citriculture, silviculture, aquaculture, and row crops, as well as rural residential, rural recreational uses, rural industrial uses and public services and facilities.</p> <p><b>Maximum Density/Intensity</b> Density: Agricultural lands may not exceed a maximum residential density of one dwelling unit per ten acres when developing under an Agriculture zoning or one dwelling unit per five acres when developing in accordance with FLU Policy 3.1.2 and Conservation Subdivision zoning. Intensity: The maximum FAR is 0.10.</p> <p><b>Special Provision</b> Remnant Agriculture within the Urban Service Area: Properties within the Urban Service Area that continue to retain an Agriculture land use designation shall retain their established density of one dwelling unit per acre. No further lands shall be designated Agriculture within the Urban Service Area.</p>
Zoning	Development Standard

Agriculture Estates (AE)	<p>Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low-density residential, recreation and other uses consistent therewith.</p> <p>The Agriculture Estate (AE) districts are intended to exist only within the urban service area.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is one acre.</li> <li>• Minimum width is 125 feet.</li> <li>• Maximum lot coverage by all buildings is 20 percent.</li> <li>• Maximum building height is 38 feet.</li> <li>• The maximum density is one unit per acre.</li> </ul>
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Table 1

**5. Proposed Designation(s):**

FLUM	Development Standard
Low Density Residential (LDR)	<p><b>General Range of Uses</b> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicles, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p><b>Minimum and Maximum Density</b> Low Density Residential lands may be developed at a density of one dwelling unit per acre up to five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p>
Zoning	Development Standard
N/A	N/A

Table 2

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

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
<b>North</b>	Blue Heron Pine Golf Course (including a golf course and residential single-family homes ) I-75 Vacant lands designated for residential development	Agriculture (AG) Low Density Residential (LDR)	Planned Development (PD) (approved in 1998) PD (approved in 2007)
<b>East</b>	Blue Heron Pine Golf Course (including a golf course and residential single-family homes ) I-75 Vacant lands designated for residential development	Agriculture (AG) Low Density Residential (LDR)	Planned Development (PD) (approved in 1998) PD (approved in 2007)
<b>South</b>	Jones Loop Road	Agriculture (AG)	Planned Development (PD)

	Single-family homes Vacant lands designated for residential development	Low Density Residential (LDR)	(approved in 1998) Agriculture Estates (AE) – 1 unit per acre
<b>West</b>	Vacant lands designated for residential development Single-family homes and vacant lots designated for single-family development (Creekside residential subdivision) Single-family homes	Low Density Residential(LDR)	Agriculture Estates (AE) – 1 unit per acre Planned Development (PD) (approved in 2011) Mobile Home Conventional (MHC)

Table 3

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

If this small scale plan amendment is approved by the Board of County Commissioners, the applicant can build a residential development consisting of up to 9 units or the applicant must apply for a rezoning and transfer 38 units of residential density onto the site in order to achieve the maximum development rights of five units per acre, up to a total of 47 units. The entire site is located within a designated Maturing Neighborhood. The subject property is qualified as a Receiving Zone based on the following:

- The site meets **FLU Policy 1.2.10, TDU Receiving Zones**, which states that *Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework: 2. Maturing Neighborhoods.*
- **FLU Policy 1.2.11. Prohibited Receiving Zones**, does not apply to the subject property because the site is platted, roads and utility infrastructure have been placed on the site, based on an approved Final Site Plan Review for a cluster residential development. The policy states:

*FLU Policy 1.2.11: Prohibited Receiving Zones*

*Density shall not be transferred into:*

- 1. Lands within Managed Neighborhoods (FLUM Series Map #2).*
- 2. Lands within the Resource Conservation and Preservation FLUM categories.*
- 3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; when a portion of a property contains resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical structure that is to be integrated into a development will not need to be buffered.*
- 4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).*
- 5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).*
- 6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).*
- 7. Land on a barrier island.*

**8. Is the subject site within a Community Planning Area or Special Plan area?** The site is not located within any Community Planning Area or Special Plan area.

**9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?**

The subject property is not adjacent to any of the existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves.

**10. Is the proposed land use designation(s) consistent with the provisions of the:**

**a. Charlotte Harbor Aquatic Preserves Management Plan?** The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.

**b. Lemon Bay Aquatic Preserve Management Plan?** The subject property is located outside of the boundary of the Lemon Bay Aquatic Preserve.

**11. Does the subject site contain any designated archaeological site or historic structures?**

According to the Florida Master Site File, the subject site does not contain any historic structures nor is it designated as an archaeological site.

**12. Are there wetlands on the property?** No

**a. Number of acres of Category I:** N/A

**b. Number of acres of Category II:** N/A

**13. Natural Resources:**

**a. Significant natural resources and/or critical habitat for endangered/potentially endangered species:** An environmental assessment and FLUCCS Map has been provided by Ian Vincent and Associates (IVA), dated April 2014. The site is located within several listed species Consultation Areas including the Red-Cockaded Woodpecker (*Picoides borealis*), Crested Caracara (*Caracara cheriway*) and the Florida Scrub Jay (*Aphelocoma coerulescens*). No wetlands or listed species were located on the subject site.

**b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** No

**c. Is the subject site within the Special Surface Water Protection Overlay District?** No

**d. Is the subject site within the Watershed Overlay District?** No

**e. Is the subject site within a Wellhead Protection Area?** No

**f. Is the subject site within the Prime Aquifer Recharge Area?** No

**14. Coastal Planning:**

**a. Is the subject site within the Coastal Planning Area?** The subject site is located within the Coastal Planning Area.

**b. Could the proposed changes impact beach accessibility?** No

**c. Could the proposed change affect other waterfront access?** No

**d. Flood Zone:** The entire site is located within the Flood Zone X, which is an area determined to be outside the 0.2% annual chance floodplain.

**e. Storm Surge Excavation Zone:** The site is located within Evacuation Zone C.

- f. Coastal High Hazard Area?** The site is located within Category 4-5 Storm Surge Zone.
- g. Could the proposed changes impact evacuation times?** No

**15. Charlotte County Facilities and Services**

**a. Nearest Park:**

*Name:* Allapatchee Shores Park

*Classification:* Mini Park

*Address:* 3100 Hickory Court, Punta Gorda

*Distance:* approximately one mile to the west of the subject site

**b. Nearest Police Station:**

*Name:* District 3

*Address:* 7474 Utilities Road, Punta Gorda

*Distance:* approximately six miles to the southwest of the subject site

**c. Nearest Fire/EMS Station:**

*Name:* Charlotte County Station No. 7

*Address:* 7273 Florida Street, Punta Gorda

*Response Time:* 4-6 minutes

**d. Nearest Library:**

*Name:* Punta Gorda Public Library

*Address:* 424 West Henry Street, Punta Gorda

*Distance:* approximately five miles to the northwest of the subject site

**e. Nearest Hospital:**

*Name:* Charlotte Regional Medical Center

*Address:* 809 East Marion Avenue, Punta Gorda

*Distance:* approximately seven miles to the northwest of the subject site

**f. Nearest Potential Emergency Shelter:**

*Name:* Friendship United Methodist Church

*Address:* 12275 Paramount Drive, Punta Gorda

*Distance:* approximately five miles to the southwest of the subject site

**g. Nearest Public Schools:**

1. **Elementary:**

*Name:* Sallie Jones Elementary School

*Address:* 1230 Narranja Street, Punta Gorda

*Distance:* approximately 5.5 miles to the northwest of the subject site

2. **Middle:**

*Name:* Punta Gorda Middle School

*Address:* 825 Carmalita Street, Punta Gorda

*Distance:* approximately six miles to the northwest of the subject site

3. **High:**

*Name:* Charlotte High School

*Address:* 1250 Cooper Street, Punta Gorda

*Distance:* approximately five miles to the northwest of the subject site

**16. Concurrency**

**a. Roads Level of Service:** See attached report from Venkat Vattikuti, Transportation Planner

**b. Potable Water Level of Service:**

1. *Provider's Name:* City of Punta Gorda Utility Department

	225 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated water needs
10,000,000	3,956,000	8,930

Table 4

2. *Analysis:* If the Board of County Commissioners approves this small scale land use amendment, it will allow the property owner to potentially build a total of 47 single-family homes. The estimated water usage would be 8,930 gallons per day. The City of Punta Gorda Utility Department retains enough capacity to serve the proposed residential development.

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

1. *Provider's Name:* City of Punta Gorda Utility Department

	190 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated sewer needs
12,000,000	2,478,000	7,591

Table 5

2. *Analysis:* If the Board of County Commissioners approves this small scale land use amendment, it will allow the property owner to build a total of 47 single-family homes. The estimated sewer generation would be 7,591 gallons per day. The City of Punta Gorda Utility Department retains enough capacity to serve the proposed residential development.

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

1. *Level of Service*

Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations

2. *Analysis:*

A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.

**e. Schools:**

1. *Analysis:* The application packet was emailed to the Charlotte County School Board staff on May 17, 2014. The proposed Low Density Residential Future Land Use Map designation allows residential development up to five units per acre. However, the applicant did not apply for a rezoning at this time. If the Board of County Commissioners approves this small scale plan amendment application, the owner can

only build one unit per acre. Therefore, to address the school capacity issue at this planning review stage is premature, or to enter into a capacity enhancement agreement at this time is unnecessary and unproductive. It shall be addressed at the site plan review stage.

**f. Solid Waste:**

1. *Refuse Collector:* Waste Management Inc. of Florida
2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management
3. *Level of Service*
  - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
  - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
  - Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

**g. Drainage:**

1. *Level of Service*
  - New arterials – flood free in the 100-year rainfall event
  - New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.
  - New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall
  - Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.
  - New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.
  - New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.
2. *Analysis:*

The Southwest Florida Water Management District and the Community Development Department review stormwater management plans on a project specific basis.

**17. Capital Improvements Program**

- a. Are any updates to the CIP required as a result of this petition? No

**18. Intergovernmental Coordination**

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

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

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

**FUTURE LAND USE ELEMENT**

**FLU GOAL 1 SMART GROWTH FRAMEWORK**

Implement a land use and development framework based upon Smart Growth Principles that will:

- Preserve and protect natural resources.
- Preserve and support agricultural uses.
- Protect and enhance residential neighborhoods.
- Promote economic development.
- Prevent urban sprawl.
- Encourage and support energy efficient land use forms.
- Ensure adequate services and facilities to serve new and existing development.
- Protect private property rights.

**FLU Objective 1.2: Future Land Use Map (FLUM)**

To direct the timing, location, density, and intensity of development and redevelopment throughout Charlotte County consistent with the Principles of Smart Growth and the 2050 Framework Report and Concept Plan.

**FLU Policy 1.2.10: TDU Receiving Zones**

Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework:

1. Emerging Neighborhoods.
2. Maturing Neighborhoods.
3. Economic Corridors and Centers.
4. CRAs
5. Revitalizing Neighborhoods prior to adoption of a Revitalization Plan and also what may be required in accordance with a Revitalization Plan.

**FLU GOAL 4 SMART GROWTH CONCEPT PLAN IMPLEMENTATION - NEIGHBORHOOD PROTECTION AND ENHANCEMENT**

Enhance the livability and viability of neighborhoods through the implementation of a coordinated strategy that discourages urban sprawl and:

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

**FLU Objective 4.3: Maturing Neighborhoods**

To protect the existing growth patterns of Maturing Neighborhoods.

**FLU Policy 4.3.1: Maintain Maturing Neighborhoods**

The County shall protect the residential subdivisions within Maturing Neighborhoods and shall ensure the long-term viability of these residential areas by regulating adjacent and internal future development and redevelopment to maintain compatibility with these areas.

**FLU Policy 4.3.2: Neighborhood/Roadway Compatibility**

In Maturing Neighborhoods, the County shall discourage land uses which generate cut-through traffic on local streets in amounts that would adversely affect traffic flow, traffic control and public safety.

**ENV Policy 1.4.10 Surface Water Protection Overlay District (SWPOD)**

The County shall establish the Surface Water Protection Overlay District as illustrated on FLUM Series Map #5. The intent of the SWPOD is to improve surface water quality by providing for natural filtration of pollutants prior to stormwater flows entering the water bodies that feed into the Myakka River, Peace River, Lemon Bay, or Charlotte Harbor. Charlotte County shall place those natural and manmade water bodies identified on FLUM Series Map #5 into the SWPOD.

Owners of property adjacent to these water bodies, and the receiving water bodies, are encouraged to utilize alternatives to traditional sodding such as berming, planting or retaining native vegetation, and utilizing bio-retention swales and rain gardens. A reduction of impervious surfaces parcel-wide is also encouraged. Fertilizer and pesticide usage is discouraged

**21. Standards for Rezoning Approval:** Not applicable at this time.



## MEMORANDUM

**Date:** May 14, 2014  
**To:** Jie Shao, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** PA-14-04-09  
TMV Properties, Inc.  
29255 Jones Loop Road

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

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- The applicant is proposing to amend  $\pm 9.53$  acres from the current FLUM designation of Agriculture to Low Density Residential.
- An environmental assessment and FLUCCS Map has been provided by Ian Vincent and Associates (IVA) dated April 2014. The site is located within several listed species Consultation Areas including the Red-Cockaded Woodpecker (*Picoides borealis*), Crested Caracara (*Caracara cheriway*) and the Florida Scrub Jay (*Aphelocoma coerulescens*). No wetlands nor listed species were located on the subject site.

**If this petition is approved, the following conditions will be reviewed for compliance prior to final Site Plan Review Committee approval and the issuance of any county permits or land improvement activities.**

- All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- The environmental assessment provided is only valid for one year. If a clearing/building permit has not been issued prior to the one year time frame, an updated listed species assessment may be required. All applicable Florida Fish and Wildlife Conservation Commission (FWCC) and U.S. Fish and Wildlife Service (FWS) permits must be obtained

prior to the commencement of the development (at the time of clearing permit application).

- If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS\**

\*\*All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION,*

- The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *NATURAL RESOURCES (ENV)* section.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

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**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning and Zoning Division

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1242 | Fax: 941.743.1292

**Planned Development Rezoning  
Petition/ Account Number: PA-14-04-09**

**TO:** Honorable Board of County Commissioners  
The Planning and Zoning Board

**FROM: Venkat Vattikuti**

**DATE:** May 21, 2014

**REQUESTED ACTION:**

**APPLICANT:** TMV Properties, Inc.

**OWNER:** TMV Properties, Inc., 420 S. Dixie Hwy., Ste 4B, Coral Gables, FL 33146

**GENERAL LOCATION:** Property Account No: 412327201001

- 1 **ANALYSIS:**
- 2 From the transportation perspective, there would not be any significant increase in
- 3 the number of new trips with the proposed Future Land Use Map designation
- 4 change from "Agriculture" to "Low Density Residential". With the proposed
- 5 changes, the surrounding roadway segments within the area of significance of the
- 6 subject property are currently operating at acceptable levels of service would
- 7 continue to operate at acceptable levels of service in the analysis year 2015 and
- 8 2030 and offer no comments.
- 9



CHARLOTTE COUNTY  
BUILDING AND GROWTH MANAGEMENT DEPARTMENT

UNIFIED APPLICATION for  
SMALL SCALE PLAN AMENDMENT (MAP) and REZONING

Date Received: 4/14/2014	Time Received: 4:00 PM
Date of Log-in: 4/24/2014	Petition #: PA-14-04-09 Accela #: PA-14-25-15
Receipt #: 140950	Amount Paid: \$ 2,290.00

1. PARTIES TO THE APPLICATION

**Name of Applicant: TMV Properties, Inc.**

Mailing Address: c/o Transmetro Limited, 1240 Bay Street, Suite #306

City: Toronto Ontario State: Zip Code: Canada M5R 2A7

Phone Number: (416) 967-9146 Fax Number:

Email Address: general@transmetrolimited.com

**Name of Agent: Geri L. Waksler, McCrory Law Firm, PL**

Mailing Address: 150 Laishley Court, Suite 122

City: Punta Gorda State: FL Zip Code: 33950

Phone Number: 941-205-1122 Fax Number: (941) 205-1133

Email Address: geri@mccrorylaw.com

**Name of Engineer/Surveyor: Ron Strickland, All Service Land Surveying**

Mailing Address: 17840 Toledo Blade Blvd., Suite B

City: Port Charlotte State: FL Zip Code: 33948

Phone Number: (941) 629-6801 Fax Number: (941) 627-5168

Email Address: allservicelandsurveying@comcast.net

**Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):**

**TMV Properties, Inc.**

Mailing Address: 420 S. Dixie Highway, Suite 4B

City: Coral Gables State: FL Zip Code: 33146

Phone Number: (416) 967-9146 Fax Number:

Email Address: general@transmetrolimited.com

**2. PROPERTY INFORMATION**

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 412327201001		
Section: 27	Township: 41	Range: 23
Parcel/Lot #: P3-2	Block #:	Subdivision: ZZZ
Total acreage or square feet of the property: 9.53+/-		

**3. SURVEY:**

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

**4. PROOF OF LAND OWNERSHIP:** Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

**5. NOTARIZED AUTHORIZATION:** A written, notarized authorization from each owner must be provided with this application if:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

**6. RESTRICTIONS:** Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

**7. EXISTING LAND USE DESIGNATIONS**

Future Land Use Map (FLUM) designation(s)	Acreage
Agriculture	9.53+/-
<hr/>	
Zoning District(s)	Acreage
AE	9.53+/-

**8. APPLICANT'S PROPOSED CHANGE(S):**

Amending FLUM designation(s) to:  
 Low Density Residential

**If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?**  
Located in USA, proposed Low Density Residential FLUM

**9. REASON FOR PROPOSED CHANGE(S):**

The current Agriculture FLUM designation is not consistent with its USA location or with the urban residential land uses envisioned by the 2050 Framework.

**10. CURRENT LAND USE OF SUBJECT PROPERTY:** (example: house, vacant land, barn, etc.)  
Single family residences

**11. SURROUNDING LAND USES:**

North: Vacant - Low Density Residential, Preservation

South: Mobile Home Parks/RV Parks - Agriculture, Low Density Residential

East: Blue Heron Pines Golf Course - Agriculture

West: Vacant Residential - Low Density Residential

**12. ENVIRONMENTAL ASSESSMENT:**

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
  - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
  - Locations of listed flora and fauna species, if present.
  - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
  - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

**13. INFRASTRUCTURE:**

**A. Roadway**

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):  
Jones Loop Road, Taylor Road

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional engineer. Address the number of vehicle trips that may be generated by development of the subject site at maximum buildout allowed under the proposed FLUM and Zoning.

**B. Potable Water and Sanitary Sewer**

- i. Submit a letter from the utility companies (water/sewer) stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report* showing the gallons per day that may be generated by development of the subject site at maximum buildout allowed under the proposed FLUM and Zoning.

**14. HISTORICAL OR ARCHEOLOGICAL SITES:** When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

**15. ADJACENT PROPERTY OWNERS INFORMATION:**

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings.

LEGAL DESCRIPTION:

A PORTION OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA,  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER, RUN N 86° 18' 44" E, ALONG  
THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 341.94 FEET; THENCE S 01° 44' 09" W,  
A DISTANCE OF 1278.68 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD S-768; THENCE S 85°  
58' 59" W, ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID STATE ROAD S-768 A DISTANCE OF 342.13  
FEET TO THE WESTERLY LINE OF SAID NORTHEAST QUARTER; N 01° 44' 09" E, ALONG THE WESTERLY  
LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1280.65 FEET TO THE POINT OF BEGINNING, SAID  
PARCEL CONTAINING 10 ACRES MORE OR LESS (M/L) ALL LYING AND BEING IN CHARLOTTE COUNTY,  
FLORIDA.

LESS & EXCEPT A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION  
27, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE N.W. CORNER OF SAID SECTION 27, RUN THENCE N 86° 16' 35" E ALONG THE  
NORTHERLY LINE OF SAID SECTION 27, A DISTANCE OF 2753.09 FEET TO THE N.W. CORNER OF THE N.W.  
QUARTER OF THE N.E. QUARTER OF SAID SECTION 27 AND THE POINT OF BEGINNING OF THE LANDS  
HEREIN DESCRIBED. THENCE N 86° 18' 44" E CONTINUING ALONG SAID NORTHERLY LINE A DISTANCE OF  
341.94'; THENCE S 01° 44' 09" W A DISTANCE OF 127.96'; THENCE N 72° 34' 13" W A DISTANCE OF  
353.59' TO THE POINT OF BEGINNING. CONTAINING 0.50 ACRES MORE OR LESS.

ADDITIONAL INFORMATION  
Application for Small Scale Plan Amendment  
TMV PROPERTIES, INC.

Location

The subject property consists of 9.53± acres located north of South Jones Loop Road, south of North Jones Loop Road, west of Interstate 75, and east of Taylor Road in the southern portion of unincorporated Charlotte County. The proximity of the proposed site to I-75 makes it unlikely that the proposed site will be utilized for any productive agricultural purpose in the near future.

It is located within the Urban Service Area and is designated as a Maturing Neighborhood in Smart Charlotte 2050 (“2050 Plan”). The subject property is ideally situated to support residential development. It has convenient access to Interstate 75 for regional travel and Jones Loop Road and Taylor Road for travel to nearby Punta Gorda and Port Charlotte. The site is less than two miles from the Punta Gorda Airport. A WalMart superstore is located at the intersection of Taylor Road and North Jones Loop Road, just over a mile from the site. A large shopping center containing a home improvement center, grocery store and restaurants is located under two miles from the site at the intersection of U.S. 41 and Burnt Store Road.

Water and sewer lines have been extended to the property adjacent to the site on the west and to the property directly south of the subject site.

The Future Land Use Map Amendment

The applicant is requesting a large-scale FLUM amendment from Agriculture to Low Density Residential. This amendment represents a logical transition for the subject property due to its proximity to major transportation routes, its location within the Urban Service Area and its designation as a Maturing Neighborhood in the 2050 Plan.

Land Use and Urban Service Area

The subject property currently has an Agriculture FLUM designation and is located in the county’s southern planning district. Its Agriculture designation is incongruous with its location. The proximity to I-75 and the availability of roads, retail and utilities make transition into a more urban type of development highly likely.

The site is within the Urban Service Area. According to FLU Policy 1.2.3.1, the 2050 Plan is intended to “promote infill redevelopment and compact new development that will minimize the conversion of agricultural and rural lands for urban use.” This FLU policy is followed by the policy addressing the Rural Service Area wherein it is clear that the agricultural and rural uses designed to be protected by FLU Policy 1.2.3.1 are those that are located within the Rural Service Area. Indeed, FLU Policy 3.1.1 declares only lands within the Rural Service Area as “Agricultural/Rural” on the 2050 Framework.

The subject property is designated as being within a Maturing Neighborhood on the 2050 Plan. FLU Policy 4.1.1 describes the various neighborhoods that comprise the 2050 Framework. Subsection 2 states that Maturing Neighborhoods “mostly contain lots that are substantially developed, generally 30 percent or greater, within which infill continues to occur based on neighborhood and home builder marketing. Even though the functionality of the neighborhood is limited by its mainly singular use, stable growth is occurring and the majority of that growth is residential development.”

FLU Policy 4.3.1 requires the county to protect residential subdivisions within Maturing Neighborhoods by regulating adjacent development to maintain compatibility. The site is just east of a platted subdivision approved for two units per acre and across from a planned mobile home community approved for development at a density of approximately 3 units per acre. Southeast along South Jones Loop Road is a mobile home subdivision platted at a density of just under 5 units per acre.

The site’s existing Agriculture land use designation is not consistent with its Urban Service Area location or with the urban residential land uses enumerated in the 2050 Plan. By contrast, the proposed Low Density Residential land use is supported by the policies for Urban Residential land uses and Maturing Neighborhoods within the 2050 Plan. The densities permitted under Low Density Residential are compatible with the residential subdivisions in immediate and very close proximity to the site.

#### Surrounding Areas

The subject property is located to the north of an existing mobile home subdivision that has a Low Density Residential FLUM designation with Mobile Home Conventional zoning. The land located to the west of the site also has a Low Density Residential FLUM designation with Agriculture Estates zoning. The land located to the north of the subject property has Agriculture land use and zoning. The Blue Heron Pines golf course is located to the east of the proposed site. Though the golf course retains an Agriculture FLUM designation, it is part of the Blue Heron Pines community which has an overall Planned Development zoning at approximately 3 units per acre.

#### Environmental Considerations

The proposed site is not within a coastal high hazard area, which is prohibited from accepting any increase in density. The site can served by a central sewer system as a result of a prior line extension to serve the Blue Heron Pines community. This eliminates the potential for ground water septic treatment system pollution problems. Alligator Creek, a Class 1 waterway, is northwest of the site.

The subject property contains one man-made surface water comprised of a man-made borrow area and associated fringe area along the outer banks of the surface water. The surface water is anticipated to be classified as a jurisdictional “other surface water” (OSW) by the Southwest Florida Water Management District (SWFWMD), and

potentially by the U.S. Army Corps of Engineers (USACE). The subject property does not contain any wetlands.

A formal Protected Species Assessment (PSA) was conducted by Ian Vincent and Associates in April 2014. The property is located within the regulatory Consultation Area for several protected wildlife species. No protected species or evidence of protected species utilization which would require permits from the Florida Fish and Wildlife Conservation Commission (FWC) or U.S. Fish and Wildlife Service (FWS) were observed onsite during the April 2014 site inspection. Coordination with the FWC and FWS may be necessary prior to development of the property, but based on the results of the PSA and on current site conditions, it is unlikely any permits from either FWC or FWS will be required.

No heritage trees were found onsite.

#### Infrastructure and Services

Water and sanitary sewer service is available to serve the site. WSW Objective 2.2 requires the County to “use the location and availability of central potable water and sanitary sewer service when making land use decisions,” though its existence may not be the primary justification for development approval.

The proposed land use change will have no impact on transportation levels because no zoning change is requested. The maximum allowable density on the site will remain at one unit per acre unless and until a rezoning is approved. A Traffic Impact Statement will be required and provided at the time of any future rezoning.

A review of the Roadway Level of Service Data indicates that Taylor Road from U.S. 41 to Burnt Store Road is currently operating at LOS C with 47% of its capacity utilized. South Jones Loop Road is not included in the table.

#### School Impacts

The table below utilizes the student generation multiplier factors for Charlotte County Public Schools as set forth in “Updated Interlocal Agreement for Coordinated Planning and School Concurrency, May, 2011” to estimate the number of elementary, middle and high school students that the proposed land use change may generate. Tables show the generation rate for the maximum 47 dwelling units that could be developed on the site if it is subsequently rezoned to a district that permits the maximum Low Density Residential density of 5 units per acre. The proposed land use change, however, will have no immediate effect on Charlotte County Schools since the existing density of 1 unit per acre will remain unless and until an application for rezoning is approved.

Student Generation Multiplier Factors for Charlotte County Public Schools						
	Elementary (K-5)		Middle (6-8)		High (9-12)	
Number of units	Multiplier	Students generated	Multiplier	Students generated	Multiplier	Students generated
47	0.065	4	0.036	2	.051	3

This Document Prepared By and Return to:  
W. Kevin Russell, Esquire  
W. KEVIN RUSSELL, P.A.  
14295 S. Tamiami Trail  
North Port, FL 34287

Parcel ID Number: 0072459-002000-1

### Warranty Deed

This Indenture, Made this 31st day of March, 2006 A.D., Between  
PETER L. SAVINO and BARBARA-ANN SAVINO, husband and wife

of the County of Charlotte, State of Florida, grantors, and  
TMV PROPERTIES, INC. a corporation existing under the laws of the  
state of Delaware  
whose address is: 1100 5th Avenue South, Unit 201, Naples, FL 34102

of the County of Collier, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of  
-----TEN AND NO/100----- DOLLARS,  
and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,  
lying and being in the County of Charlotte State of Florida to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Subject to reservations, restrictions, easements of record, zoning,  
applicable governmental regulations, and taxes for the year 2006 and  
subsequent years

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.  
In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.  
Signed, sealed and delivered in our presence:

Donna L. Russano  
Printed Name: Donna L. Russano  
Witness

Peter L. Savino (Seal)  
PETER L. SAVINO  
P.O. Address: 29255 Jones Loop Road, Punta Gorda, FL 33950

Jan A. Malanaphy  
Printed Name: Jan A. Malanaphy  
Witness

Barbara-Ann Savino (Seal)  
BARBARA-ANN SAVINO  
P.O. Address: 29255 Jones Loop Road, Punta Gorda, FL 33950

STATE OF Florida  
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 31st day of March, 2006 by  
PETER L. SAVINO and BARBARA-ANN SAVINO, husband and wife

who are personally known to me or who have produced their Florida driver's license as identification.

Donna L. Russano  
Printed Name:  
Notary Public  
My Commission Expires:



EXHIBIT "A"

A portion of Section 27, Township 41 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of the Northeast 1/4, run North 86°18'44" East, along the North line of said Northeast 1/4, a distance of 341.94 feet; thence South 01°44'09" West, a distance of 1278.68 feet to the Northerly Right-of-Way of State Road S-768, thence South 85°58'59" West, along the Northerly Right-of-Way of said State Road S-768 a distance of 342.13 feet to the Westerly line of said Northeast 1/4; thence North 01°44'09" East along the Westerly line of said Northeast 1/4 a distance of 1280.65 feet to the Point of Beginning, all lying and being in Charlotte County, Florida.

Less and except a portion of the Northwest 1/4 of the Northeast 1/4 of Section 27, Township 41 South, Range 23 East, being more particularly described as follows: Commencing at the Northwest corner of said Section 27, run thence North 86°16'35" East along the Northerly line of said Section 27, a distance of 2753.09 feet to the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 27 and to the Point of Beginning of the lands herein described. Thence North 86°18'44" East continuing along said Northerly line a distance of 341.94 feet; thence South 01°44'09" West a distance of 127.96 feet; thence North 72°34'13" West a distance of 353.59 feet to the Point of Beginning.

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NOT AN OFFICIAL COPY

**FORM B. APPLICANT AUTHORIZATION TO AGENT**

I, the undersigned, being first duly sworn, depose and say that I am the applicant for this PLAN AMENDMENT for the property described and which is the subject matter of the proposed hearing. I give authorization for Geri L. Waksler, McCrory Law Firm, PL to be my agent for this application.

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 25 day of MARCH, 2014, by TOM FLOOD who is personally known to me <sup>AND a</sup> or has/have produced

ONTARIO DRIVERS LICENCE as identification and who did/did not take an oath.  
TMV Properties, Inc.

By: [Signature]  
Notary Public Signature | Signature of Applicant  
Title: President

[Signature]  
Notary Printed Signature | Printed Signature of Applicant

Title | Address  
1240 Bay St #306

Commission Code | City, State, Zip  
Toronto, ONT. CANADA M5R 2A7

Terry M. Walman, LL.B.  
WALMAN CATRE DUCHARME & STONE  
202 - 1240 Bay Street  
Toronto, Ontario M5R 2A7  
tel. (416) 961-0001 - fax (416) 961-5329

416-967-9146  
Telephone Number

# **PROTECTED SPECIES ASSESSMENT**

**SOUTH JONES LOOP PARCEL**  
**Charlotte County, Florida**

**April 2014**

**Prepared by:**



4050 Rock Creek Drive □ Port Charlotte, FL 33948  
(941) 457-6272  
[www.IVAenvironmental.com](http://www.IVAenvironmental.com)

**INTRODUCTION**

The following assessment has been prepared to identify on-site vegetative communities and address wildlife species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and/or U.S. Fish and Wildlife Service (FWS) as endangered, threatened, or species of special concern which may be utilizing the subject property.

The property is located in Section 27, Township 41S, Range 23E within Charlotte County, Florida. More specifically, the property is located along the north side of South Jones Loop Road just west of the I-75 overpass, directly north of the intersection at South Jones Loop Road and Roberts Road. Please refer to the attached LOCATION MAP.

**SITE CONDITIONS**

A site inspection was conducted by qualified staff ecologists in April 2014. During the inspection, temperatures ranged from 70° - 75° F, winds were calm, and skies were clear to partly cloudy.

**VEGETATIVE COMMUNITIES**

Field observations, in conjunction with the Charlotte County Soil Survey and aerial photographs, were used to develop a map of the vegetative communities onsite. The following table displays the five vegetative associations found on the subject property. The vegetative communities were identified and classified utilizing the Florida Land Use Cover and Forms Classification System (FLUCCS). A description of the communities is also included. The limits of any on-site wetlands, surface waters, and/or other surface waters are preliminary and subject to review/approval by applicable regulatory agencies. Please refer to the attached PROTECTED SPECIES ASSESSMENT MAP.

<b>FLUCCS ID</b>	<b>FLUCCS DESCRIPTION</b>	<b>ACREAGE</b>
110	Low Density Residential	2.80
411D	Pine Flatwoods, Disturbed	3.01
740	Disturbed Land	2.81
740H	Hydric Disturbed Land	0.35
742	Borrow Area	0.49
<b>TOTAL</b>		<b>9.46</b>

**FLUCCS 110 – Low Density Residential**

This developed upland land use association consists of a single family residence and associated structures, driveways, and surrounding maintained landscapes. The maintained vegetated portions of this FLUCCS association are primarily comprised of the following vegetative species: slash pine (*Pinus elliotii*), live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), Java plum (*Syzygium cumini*), queen palm (*Syagrus romanzoffiana*), cabbage palm (*Sabal palmetto*), saw palmetto (*Serenoa repens*), pepperweed (*Lepidium sp.*), creeping oxeye (*Wedelia trilobata*), dayflower (*Commelina diffusa*), carpetgrass (*Axonopus sp.*), bahia grass (*Paspalum notatum*), and frog-fruit (*Phyla nodiflora*).

**FLUCCS 411D – Pine Flatwoods, Disturbed**

This upland association is characteristic of native Pine Flatwoods habitat, however, it appears these areas have been previously cleared of native groundcover vegetation and subsequently regenerated naturally, exhibiting substantial coverage of opportunistic vegetative species. Dominant vegetative species present include: slash pine, cabbage palm, laurel oak, Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), gallberry (*Ilex glabra*), broomsedge

(*Andropogon virginicus*), swamp fern (*Blechnum serrulatum*), camphorweed (*Pluchea odorata*), creeping oxeye, bahia grass, pennywort (*Hydrocotyle umbellata*), poison ivy (*Toxicodendron radicans*), greenbrier (*Smilax sp.*), and grapevine (*Vitis sp.*).

#### FLUCCS 740 – Disturbed Land

These upland areas have previously been cleared of native vegetation and the natural soils disturbed. As a result, these areas are now dominated by opportunistic vegetative species. Dominant vegetative species present include: leadtree (*Leucaena leucocephala*), Brazilian pepper, castorbean (*Ricinus communis*), barnyardgrass (*Echinochloa sp.*), ragweed (*Ambrosia artemisiifolia*), beggartick (*Bidens alba*), pepperweed, creeping oxeye, dayflower, frog-fruit, pennywort, peppervine (*Ampelopsis arborea*), Virginia creeper (*Parthenocissus quinquefolia*), and grapevine.

#### FLUCCS 740H – Hydric Disturbed Land

This man-made other surface water feature consists of areas immediately surrounding the on-site Borrow Area (FLUCCS 742) discussed below. These low lying areas were likely excavated during the excavation of the on-site borrow area. Based on topography and vegetative composition, it is anticipated these low lying areas are seasonally inundated by overflow of surface water from the abutting on-site borrow area. Dominant vegetative species present include: Carolina willow (*Salix caroliniana*), Peruvian primrose willow (*Ludwigia peruviana*), creeping oxeye, frog-fruit, pennywort, and Virginia creeper.

#### FLUCCS 742 – Borrow Area

This man-made other surface water feature exhibits a defined top-of-bank and steep side-slopes. Approximately 70% of this feature is comprised of open water dominated by water lettuce (*Pistia stratiotes*) and duckweed (*Lemna sp.*), whereas the more shallow littoral areas within the defined top-of-bank are primarily comprised of cattail (*Typha sp.*).

### **LISTED SPECIES SURVEY METHODOLOGY**

To provide approximately 80 percent coverage of the site, both linear and nonlinear overlapping transects were completed across the parcel per FWC guidelines. Transects were spaced approximately 15 - 30 feet apart depending on the visibility within the vegetative association being surveyed. Evidence of protected species was gathered through both direct observation and through observation of signs such as tracks, nests, burrows, and fecal material. If evidence of utilization by a protected species which may require permitting prior to development of the subject property was observed, an aerial photograph was marked depicting the approximate location. In addition, a search of available online resources was conducted to reveal the previously documented presence of listed species which may be utilizing the subject property. These resources included, but were not limited to, the following: FWC Eagle Nest Locator Database; Charlotte County Natural Resources Department Scrub Jay Territory Search Database; FWS Panther Consultation Area Map(s); and FWS Wood Stork Colony Map(s). In the event that the site contained suitable habitat for a protected species, or if the site is within close proximity to a verified sighting or consultation area for a protected species, additional scrutiny was given during the inspection relative to that specific specie.

### **LISTED SPECIES ASSESSMENT RESULTS**

Search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (*Mycteria americana*) nesting colonies. Each of the documented colonies appears to be greater than six miles from the subject property. Under current regulations, the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property. However, any impacts to suitable on-site wood stork foraging habitat (wetland or surface water habitat) may require systematic review and approval by FWS prior to such impacts.

Search of available online resources revealed that the subject property is located within the Consultation Area of the red-cockaded woodpecker (*Picoides borealis*). The nearest reliably documented red-cockaded woodpecker (RCW) sightings are approximately 2.5 miles east-southeast of the subject property. In accordance with FWC survey guideline protocol, larger pine trees were inspected for the presence of RCW nesting cavities. No RCW nest cavities or other evidence of utilization by the red-cockaded woodpecker was observed onsite during the April 2014 site inspection. The red-cockaded woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property. However, applicable environmental regulatory agencies may require a species specific survey relative to the red-cockaded woodpecker prior to development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the crested caracara (*Caracara cheriway*). In accordance with FWC survey guideline protocol, cabbage palms located in relatively open areas which displayed characteristics potentially suitable for nesting activity by the species were inspected. No evidence of nesting activity or utilization by the crested caracara was observed onsite during the April 2014 site inspection. The crested caracara is not anticipated to be nesting within the subject property, and therefore, is not likely to affect the future development of the subject property. However, applicable environmental regulatory agencies may require a species specific survey relative to the crested caracara prior to development of the property.

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

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

The site contains habitat which may be suitable for nesting and foraging by a variety of listed wading bird species not previously addressed above. Protection of habitats for these species is limited to those areas which contain active nesting sites (rookeries). During the April 2014 site inspection, all on-site habitats were inspected for potential rookery sites. No evidence of the presence of a wading bird rookery was observed within the subject property. Furthermore, no species of listed wading birds were observed onsite. Therefore, it is not likely that listed wading birds species will affect the future development of the property.

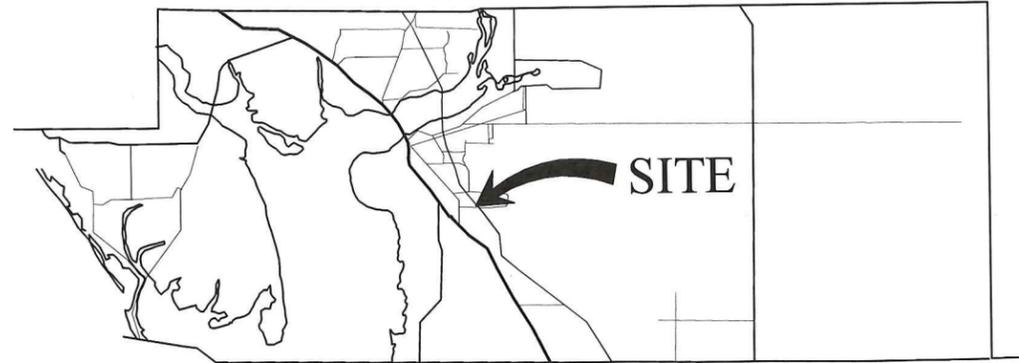
The site contains habitat which may be suitable for nesting and utilization by the sandhill crane (*Grus canadensis*). As with listed wading birds, sandhill crane protection is limited to nesting sites. During the April 2014 site inspection, all on-site habitats suitable for sandhill crane nesting were inspected for potential nest sites. No evidence of the presence of a sandhill crane nest was observed within the subject property. Furthermore, no sandhill cranes were observed onsite. Therefore, it is not likely that the sandhill crane will affect the future development of the property.

No protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the April 2014 site inspection.

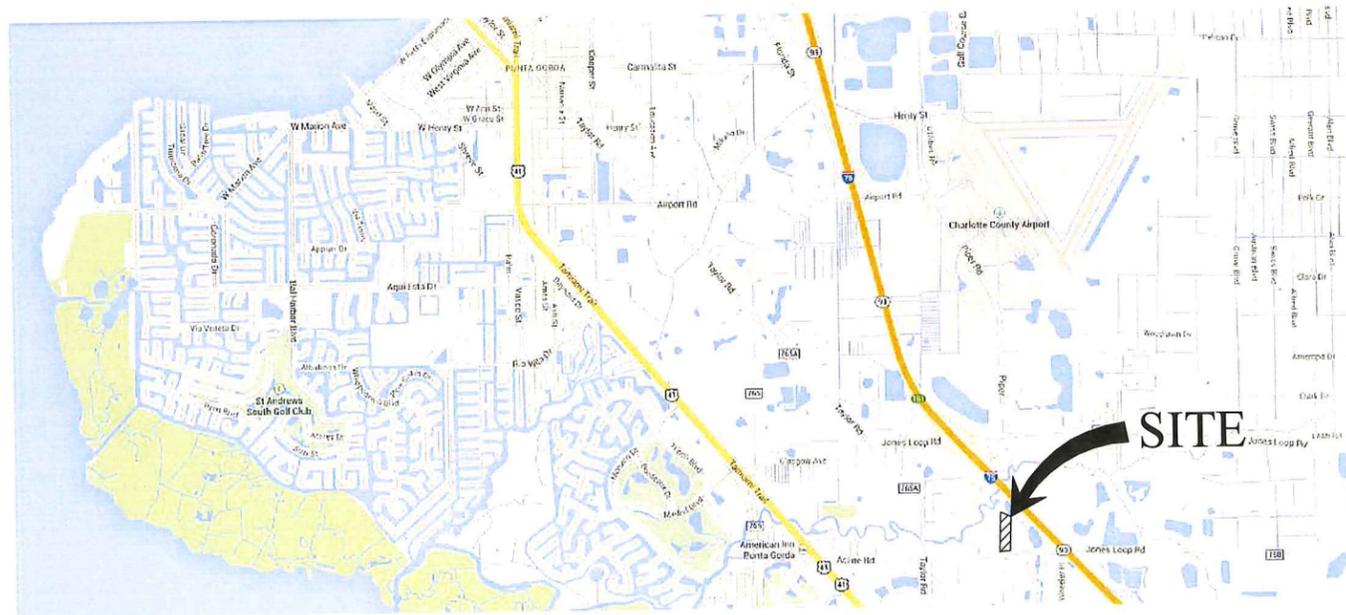
SECTION 27; TOWNSHIP 41S; RANGE 23E



NOT TO SCALE



CHARLOTTE COUNTY, FLORIDA



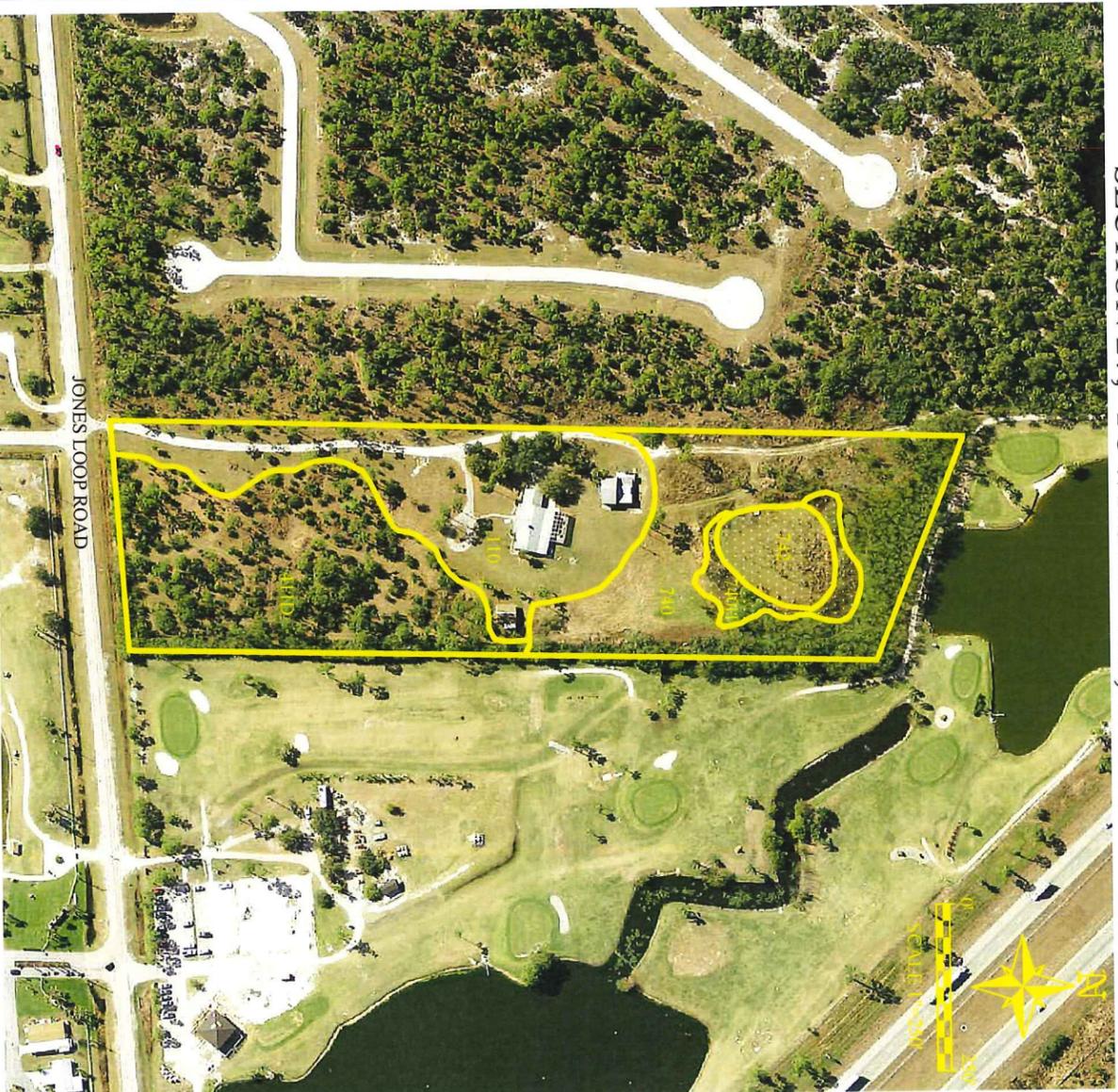
LOCATION MAP

14-009 / APRIL 9, 2014

**SOUTH JONES LOOP PARCEL**  
LOCATION MAP



SECTION 27; TOWNSHIP 41S; RANGE 23E



**LEGEND**

FLUCS DESCRIPTIONS	ACREAGE
110 LOW DENSITY RESIDENTIAL	2.80±
411D PINE FLATWOODS, DISTURBED	3.01±
740 DISTURBED LAND	2.81±
740H HYDRIC DISTURBED LAND	0.35±
742 BORROW AREA	0.49±
<b>TOTAL</b>	<b>9.46±</b>

 OTHER SURFACE WATER 0.84 Ac ±

**NOTES:**

1. FOR PERMIT USE ONLY; NOT FOR CONSTRUCTION.
2. PROJECT LIMITS ARE APPROXIMATE AND BASED ON CHARLOTTE COUNTY GIS DATA.
3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2011 AERIAL PHOTOGRAPHY AT 1"=250' SCALE.
4. THE DELINEATION OF ANY ON-SITE WETLANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

14-009 / APRIL 9, 2014

**SOUTH JONES LOOP PARCEL  
PROTECTED SPECIES ASSESSMENT MAP**



City of **Punta Gorda**, Florida

**UTILITY DEPARTMENT**  
326 West Marion Avenue  
Punta Gorda, Florida 33950  
941-575-3339 Telephone  
941-575-5006 Fax  
[utility@pgorda.us](mailto:utility@pgorda.us)

March 31, 2014

Susan Johnson  
McCrary Law Firm  
150 Laishley Court Suite 122  
Punta Gorda FL 33950

RE: Water and Wastewater Service Availability  
29255 Jones Loop Road

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

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

There is currently an 8" water main on Jones Loop Road adjacent to this property. There is currently a 4" force main in Jones Loop Road adjacent to this property. These facilities were constructed by the Blue Heron Pines developer and were sized based on the Blue Heron Pines project requirements. The zoning for the subject parcel is AE, with permitted uses conservation, agriculture, low density residential. It is likely these facilities have sufficient capacity for low density use. If you anticipate multi-family type use, it will be necessary to have an engineer prepare a capacity analysis of the water main and force main to determine if the facilities have sufficient capacity to serve additional connections.

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

1. Owner/Developer shall be responsible for the design, funding, construction of all on-site and off-site water and sewer facilities necessary to provide service which may include up-grading of existing off-site utility facilities.



2. All utility construction plans, permits, and shop drawings must be reviewed and approved by the City of Punta Gorda Utility Department.
3. Owner/Developer shall obtain all necessary regulatory approvals, including Florida Department of Environmental Protection, City of Punta Gorda, Charlotte County, and FDOT.
4. All off-site utility improvements must be contributed to the City as a developer contributed asset prior to approval to place in service.

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

Sincerely,

Steve Adams  
Utility Engineering Manager

## UTILITY ANALYSIS

Application for Small Scale Plan Amendment  
TMV PROPERTIES, INC

Under the proposed amendment to the 2050 Plan the 9.53 acre property will be able to develop a maximum of 5 units per acre, for a total of 47 residential units. Water and wastewater service will be provided by the City of Punta Gorda. Utilizing the City's adopted Levels of Service of 287 gallons per day (GPD) for water and 169 GPD for sewer, per unit, as prescribed by Charlotte County Utilities (CCU), the maximum demand for water and wastewater service produced by the 47 units will be approximately 13,489 GPD and 7,943 GPD, respectively.

Water service will be supplied by the City's Shell Creek Water Treatment Facility which is currently rated at 10.0 million gallons per day (MGD). Currently, the plant is operating at 1.7 billion gallons of water annually\* or 4.7 MGD, leaving sufficient capacity to provide the 10,575 GPD resulting from this proposed amendment.

Wastewater service will be provided by the Punta Gorda Wastewater Treatment Plant whose capacity is 4.0 MGD. Currently, the plant is treating an average of 625 million gallons of wastewater per year\*\*, or 1.74 MGD. Thus, there is sufficient capacity to treat the maximum 8,936 GPD resulting from this proposed amendment.

\*Source: City of Punta Gorda, Florida website, City Department/Utilities/Water Treatment Plant <http://www.ci.punta-gorda.fl.us/depts/utilities/watertreatment.html>

\*\* Source: City of Punta Gorda, Florida website, City Departments/Utilities/Wastewater Treatment Plant <http://www.ci.punta-gorda.fl.us/depts/utilities/wastewatertreatment.html>



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

March 26, 2014



Susan Johnson  
McCrary Law Firm, PL  
150 Laishley Court, Suite 122  
Punta Gorda, Florida 33950  
Phone: 941-205-1122  
Fax: 941-205-1133

In response to your inquiry of March 26, 2014 the Florida Master Site File lists five previously recorded archaeological sites, four resource groups and sixteen standing structures in the following parcel of Charlotte County:

**T41S, R23E, Section 27**

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

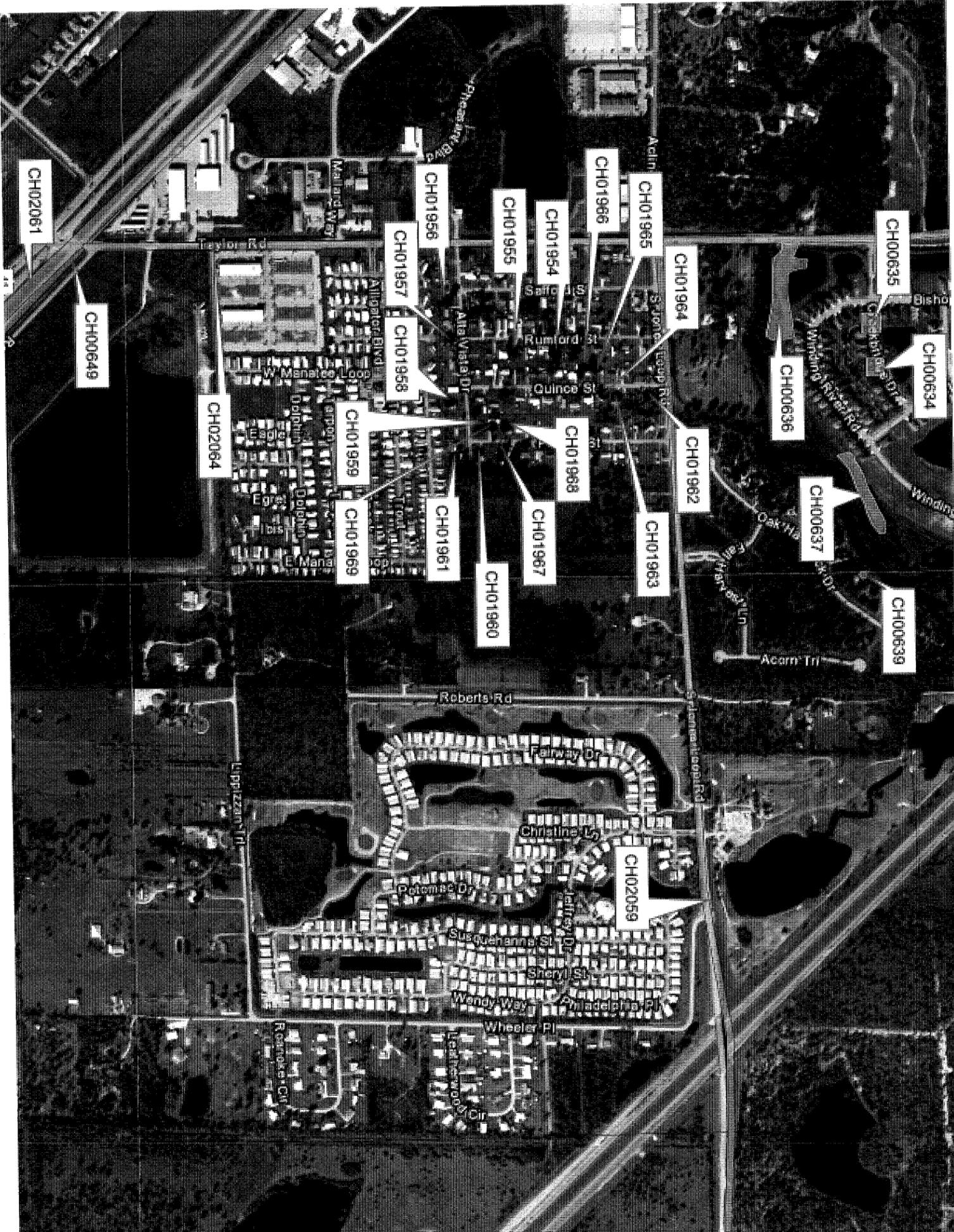
- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological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

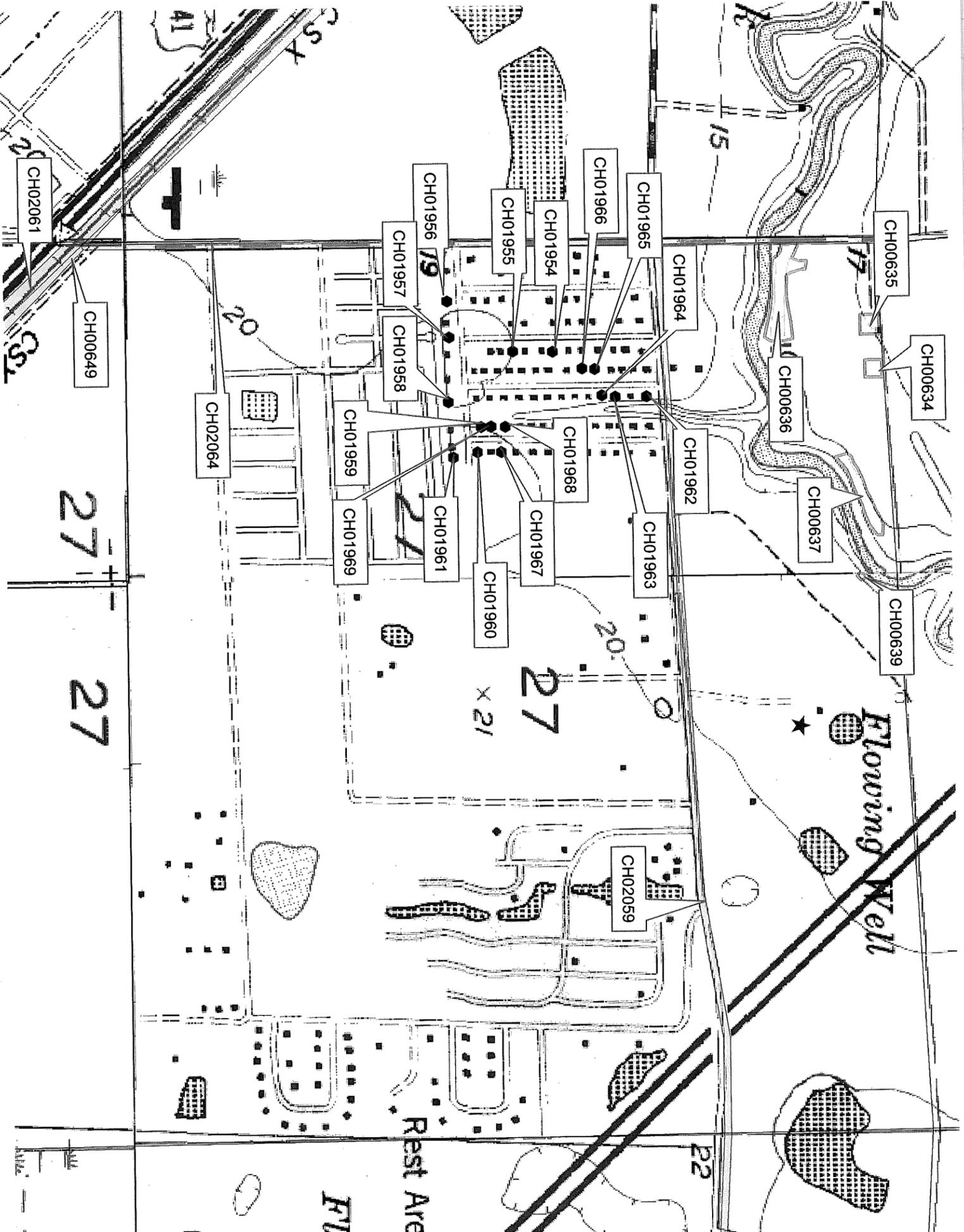
Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

*Mary G. Berman*

Mary Berman  
Archaeological Data Analyst  
Florida Master Site File  
[mary.berman@dos.state.fl.us](mailto:mary.berman@dos.state.fl.us)

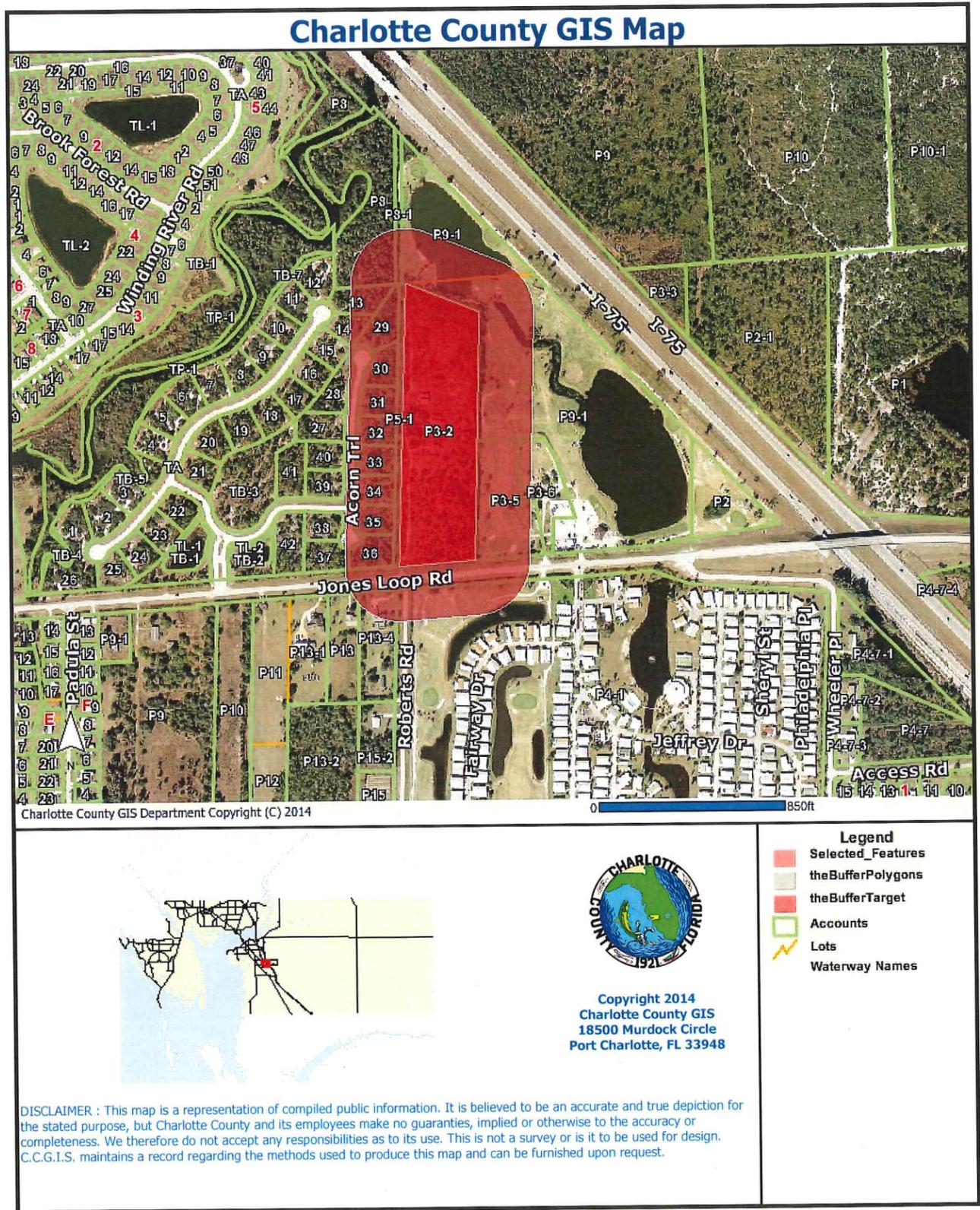






### Cultural Resource Roster

SiteID	Type	Site Name	Address	Additional Info	SHPO Eval	NR Status
CH00634	AR	Creekside Residence #1	Punta Gorda		Insufficient Info	
CH00635	AR	Creekside Residence #2	Punta Gorda		Insufficient Info	
CH00636	AR	Creekside	PUNTA GORDA		Insufficient Info	
CH00637	AR	Old Pecan	Punta Gorda		Insufficient Info	
CH00639	AR	Alligator Creek South	Punta Gorda		Not Eligible	
CH00649	RG	Seminole Gulf Railway	Punta Gorda	Linear Resource - 1 Contrib Resources	Insufficient Info	
CH02059	RG	James Loop Road	Punta Gorda	Linear Resource - 1 Contrib Resources	Insufficient Info	
CH02061	RG	US 41/ Tamiami Trail	Punta Gorda	Linear Resource - 1 Contrib Resources	Insufficient Info	
CH02064	RG	Taylor Road	Punta Gorda	1958 Other		
CH01954	SS	6120 Rumford St	6120 Rumford ST, Punta Gorda	1957 Other		
CH01955	SS	6200 Rumford St	6200 Rumford ST, Punta Gorda	1959 Frame Vernacular		
CH01956	SS	4201 Alta Vista Dr	4201 ALTA VISTA DR, Punta Gorda	1959 Frame Vernacular		
CH01957	SS	4221 Alta Vista Drive	4221 ALTA VISTA DR, Punta Gorda	1958 Other		
CH01958	SS	4415 Alta Vista Drive	4415 ALTA VISTA DR, Punta Gorda	1955 Other		
CH01959	SS	4426 Alta Vista Drive	4426 ALTA VISTA DR, Punta Gorda	1955 Frame Vernacular		
CH01960	SS	4510 Alta Vista Dr	4510 ALTA VISTA DR, Punta Gorda	1957 Ranch		
CH01961	SS	4513 Alta Vista Dr	4513 ALTA VISTA DR, Punta Gorda	1959 Other		
CH01962	SS	6004 Quince St	6004 Quince ST, Punta Gorda	1955 Other		
CH01963	SS	6026 Quince St	6026 Quince ST, Punta Gorda	1955 Other		
CH01964	SS	6034 Quince St	6034 Quince ST, Punta Gorda	1957 Other		
CH01965	SS	6101 Quince Street	6101 Quince ST, Punta Gorda	1957 Other		
CH01966	SS	6111 Quince St	6111 Quince ST, Punta Gorda	1951 Frame Vernacular		
CH01967	SS	6210 Padula St	6210 Padula ST, Punta Gorda	1959 Masonry Vernacular		
CH01968	SS	6213 Padula Street	6213 Padula ST, Punta Gorda	1957 Other		
CH01969	SS	6221 Padula Street	6221 Padula ST, Punta Gorda			



Account	Legal	Owners_Name	Mailing_Address	Unit	City	State	Zipcode	Country
"412327128001	"	"OAH 000 0000 0013"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327128002	"	"OAH 000 0000 0014"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327128003	"	"OAH 000 0000 0015"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327128012	"	"OAH 000 0000 0028"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132001	"	"OAH 000 0000 0029"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132002	"	"OAH 000 0000 0030"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132003	"	"OAH 000 0000 0031"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132004	"	"OAH 000 0000 0032"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132005	"	"OAH 000 0000 0033"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132006	"	"OAH 000 0000 0034"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132007	"	"OAH 000 0000 0035"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327132008	"	"OAH 000 0000 0036"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327131005	"	"OAH 000 0000 0037"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412327130001	"	"OAH 000 0000 00TA"	"KB HOME FORT MYERS LLC	"	"4127 E VAN BUREN ST	"	"	"UNIT 150", "PHOENIX
"412322380003	"	"ZZZ 224123 P8"	"JONES GARY JAMES LIFE ESTATE	"	"616 ROLLING HILLS CIR	"	"	"", "NEWTON
"412322400004	"	"ZZZ 224123 P8-1"	"COMMUNITY BLUE HERON PINES	"	"380 PARK PLACE BLVD	"	"	"STE 200", "CLEARWATER
"412327201002	"	"ZZZ 224123 P9-1"	"COMMUNITY BLUE HERON PINES JOI"	"	"380 PARK PLACE BLVD	"	"	"STE 200", "CLEARWATER
"412327176006	"	"ZZZ 274123 P13"	"LEBEAU PATRICIA ANNE	"	"29300 JONES LOOP RD	"	"	"", "PUNTA GORDA
"412327176007	"	"ZZZ 274123 P13-4"	"LE HA THANH THI & LLM & HNL	"	"29280 JONES LOOP RD	"	"	"", "PUNTA GORDA
"412327201001	"	"ZZZ 274123 P3-2"	"TMV PROPERTIES INC	"	"1100 5TH AVE S	"	"	"UN 201", "NAPLES
"412327201003	"	"ZZZ 274123 P3-5"	"COMMUNITY BLUE HERON PINES	"	"380 PARK PLACE BLVD	"	"	"STE 200", "CLEARWATER
"412327201004	"	"ZZZ 274123 P3-6"	"BLUE HERON PINES JT VENTURE	"	"380 PARK PLACE BLVD	"	"	"STE 200", "CLEARWATER
"412327251001	"	"ZZZ 274123 P4-1"	"COMMUNITY BLUE HERON PINES JOI"	"	"380 PARK PL BLVD	"	"	"STE 200", "CLEARWATER

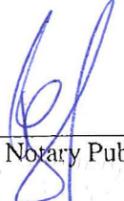
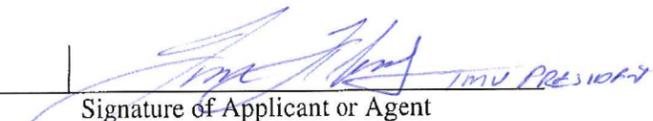
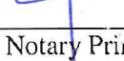
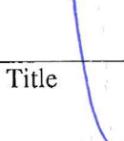


**AFFIDAVIT B**

The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

STATE OF \_\_\_\_\_, COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 25 day of MARCH, 2014, by TOM FLOOD who is personally known to me <sup>AND a</sup> or has/have produced ONTARIO DRIVERS LICENCE as identification and who did/~~did not~~ <sup>or</sup> take an oath.

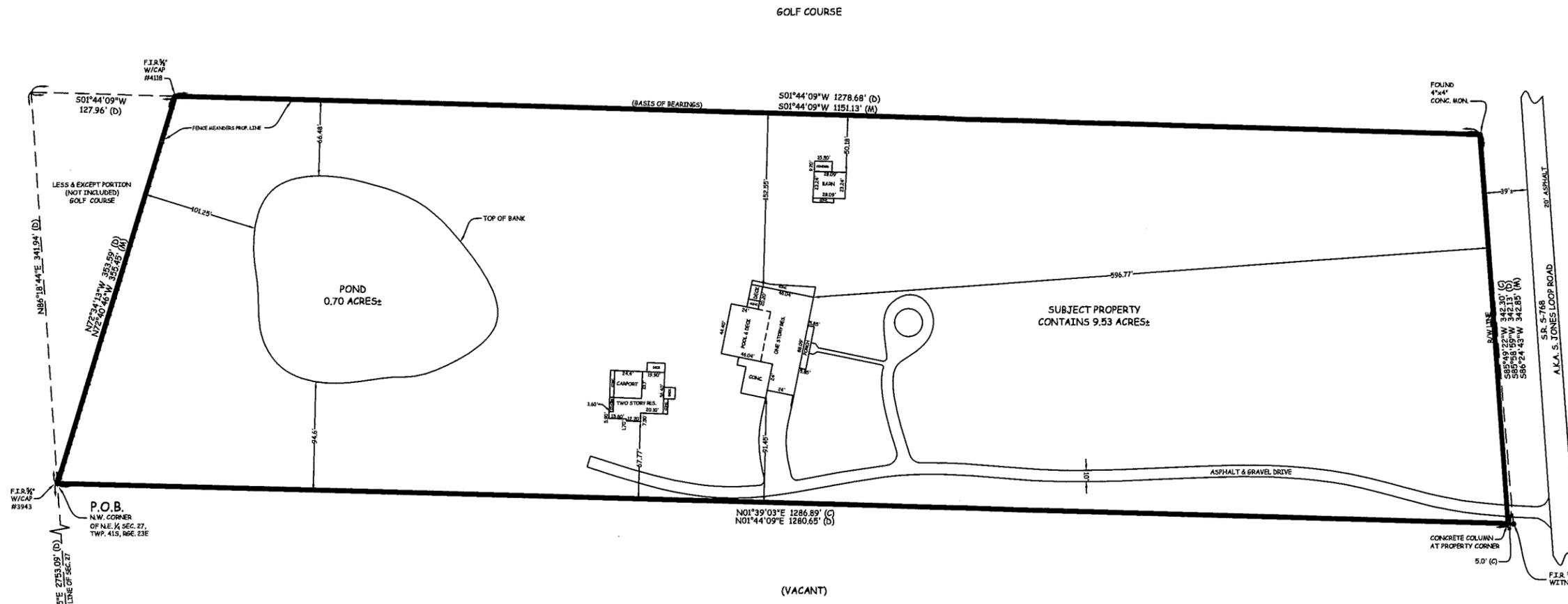
	
Notary Public Signature	Signature of Applicant or Agent
	<u>Tom Flood</u>
Notary Printed Signature	Printed Signature of Applicant or Agent
	<u>1240 Bay STR #306</u>
Title	Address
	<u>Toronto, ONTARIO, CANADA M5R 2A7</u>
	City, State, Zip
	<u>416-967-9146</u>
	Telephone Number

Commission Code  
Terry M. Walman, LL.B.  
**WALMAN CATRE DUCHARME & STONE**  
202 - 1240 Bay Street  
Toronto, Ontario M5R 2A7  
tel. (416) 961-0001 - fax (416) 961-5329

**BOUNDARY & TOPOGRAPHIC SURVEY CERTIFIED TO:**  
**TMV PROPERTIES, INC.**  
**W. KEVIN RUSSELL, P.A.**  
**FIDELITY NATIONAL TITLE INSURANCE COMPANY**



- LEGEND**
- S.T.R. = SET 5/8" WITH CAP L.B. #6579
  - F.I.R. = FOUND 5/8" IRON ROD WITH NO IDENTIFICATION
  - I.P. = IRON PIPE
  - S.P.K. = SET P.K. NAIL
  - F.P.K. = FOUND P.K. NAIL
  - P.K. = PARKER KALON BRAND MASONRY NAIL
  - D.H. = DRILL HOLE
  - P.C.P. = PERMANENT CONTROL POINT
  - P.R.M. = PERMANENT REFERENCE MONUMENT
  - C.M. = CONCRETE MONUMENT
  - (M) = MEASURED DATA
  - (P) = RECORD PLAT DATA
  - (C) = CALCULATED DATA
  - Δ = DELTA
  - ARC = ARC LENGTH
  - R = RADIUS
  - CHD = CHORD LENGTH
  - CH.B. = CHORD BEARING
  - B.M. = BENCH MARK
  - P.O.L. = POINT ON LINE
  - R/W = RIGHT-OF-WAY
  - CL = CENTERLINE
  - P.C. = POINT OF CURVATURE
  - F.F.E. = FINISHED FLOOR ELEVATION
  - W.M. = WATER METER
  - FND = FOUND
  - FN. = FOUND NAIL
  - F.N.D. = FOUND NAIL & DISK
  - A.T.O.S. = AT TIME OF SURVEY
  - E.O.W. = EDGE OF WATER
  - T.O.B. = TOP OF BANK
  - O.H.U. = OVERHEAD UTILITY
  - U.P. = UTILITY POLE
  - GUY = GUY WIRE
  - P.S.B. = PHONE SERVICE BOX
  - M.H. = MANHOLE
  - F.H. = FIRE HYDRANT
  - C.B. = CATCH BASIN
  - \* = LAST DAY IN FIELD
  - L.P. = LIGHT POLE
  - P.O.C. = POINT OF COMMENCEMENT
  - P.O.B. = POINT OF BEGINNING



**LEGAL DESCRIPTION:**

A PORTION OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER, RUN N 86° 18' 44" E, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 341.94 FEET; THENCE S 01° 44' 09" W, A DISTANCE OF 1278.68 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD 5-768; THENCE S 85° 58' 59" W, ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID STATE ROAD 5-768 A DISTANCE OF 342.13 FEET TO THE WESTERLY LINE OF SAID NORTHEAST QUARTER; N 01° 44' 09" E, ALONG THE WESTERLY LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1280.65 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 10 ACRES MORE OR LESS (M/L) ALL LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.  
 LESS & EXCEPT A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE N.W. CORNER OF SAID SECTION 27, RUN THENCE N 86° 16' 35" E ALONG THE NORTHERLY LINE OF SAID SECTION 27, A DISTANCE OF 2753.09 FEET TO THE N.W. CORNER OF THE N.W. QUARTER OF THE N.E. QUARTER OF SAID SECTION 27 AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED. THENCE N 86° 18' 44" E CONTINUING ALONG SAID NORTHERLY LINE A DISTANCE OF 341.94'; THENCE S 01° 44' 09" W A DISTANCE OF 127.96'; THENCE N 72° 34' 13" W A DISTANCE OF 353.59' TO THE POINT OF BEGINNING, CONTAINING 0.50 ACRES MORE OR LESS.

**THE PHOENIX SURVEYING COMPANY, INC.**  
 CONSULTANTS \* SURVEYORS \* PLANNERS  
 17840 TOLEDO BLADE BLVD., SUITE B, PORT CHARLOTTE, FL., 33948  
 PH. (941) 629-6801 FAX. (941) 627-5168

**BOUNDARY SURVEY  
 WITH IMPROVEMENTS LOCATED**

REVISION	DATE
REVISED CERTS.	3-29-06
REVISED CERTS.	3-31-06

**SURVEYOR'S NOTATIONS:**  
 BEARINGS ARE BASED ON DEED DATA.  
 FLOOD ZONE "X"  
 BASE FLOOD ELEVATION N/A  
 COMMUNITY MAP # 120061  
 PANEL # 0263F  
 UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.  
 JURISDICTIONAL WETLANDS, IF ANY, HAVE NOT BEEN LOCATED.

**NOTE:** THE UNDERSIGNED AND THE PHOENIX SURVEYING COMPANY, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS. THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE. THIS SKETCH IS NOT VALID UNLESS IT BEARS AN ORIGINAL SIGNATURE AND AN EMBOSSED SURVEYORS SEAL. ANY ADDITIONS AND/OR DELETIONS TO THIS SKETCH ARE PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE UNDERSIGNED.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.  
 R.J. STRICKLAND, JR., P.S.M. L.B. # 6579  
 FLORIDA REGISTRATION # 6144  
 DATE 3-31-06