

**Application No.**  
**PP-06-04-03**  
**(Preliminary Plat)**

**Applicant**  
**Standard Pacific Homes /**  
**Kensington Lakes – Request for**  
**Extension**

**Quasi-Judicial**

**Commission Dist. I**



# Charlotte County Government

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

[www.CharlotteCountyFL.com](http://www.CharlotteCountyFL.com)

## MEMORANDUM

**Date:** August 20, 2015

**To:** Planning and Zoning Board

**From:** Steven A. Ellis, Planner II *SAE*  
Community Development / Zoning

**Subject:** PP-06-04-03, Kensington Lakes  
Two-year Extension Request

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Banks Engineering, on behalf of their client, Standard Pacific of Florida GP, Inc., is requesting a two-year extension to the Preliminary Plat approval for Kensington Lakes, which was granted by the Board of County Commissioners on August 14, 2006. The Planning and Zoning Board granted a one-year extension on September 8, 2008, a two-year extension on August 19, 2009, and a two-year extension on September 12, 2011. Another two-year extension was granted via the terms of Senate Bill 360 on July 15, 2013.

The subdivision, consisting of 255 residential lots on 90.46 acres, more or less, is located east of Fairfield Avenue, west of Lanier Road, south of Riverside Drive, and north of Duncan Road, in Sections 25 and 26, Township 40S, Range 23E, in Commission District I.

Charlotte County Code Section 3-7-33, Limit of Approval, states, "The Preliminary Plat approval shall be voided if construction work is not substantially completed, as determined by the county engineer, within two (2) years after approval of preliminary plat, unless an extension is requested from and granted by the Planning and Zoning Board. 'Substantially complete' means the commencement and diligent prosecution of construction and installation of required improvements to completion. If construction activity and development ceases for a period of two (2) years, the approval is void and the applicant must file for a new approval and pay the current fee."

Due to poor economic conditions, the applicant requests additional time to complete the project.

Community Development recommends approval of the two-year extension for Petition #PP-06-04-03.

**CHARLOTTE COUNTY COMMUNITY DEVELOPMENT**  
**Zoning**

18400 Murdock Circle, Port Charlotte, FL 33948  
Phone: 941-764-4954 | Fax: 941-743-1298



Community Development

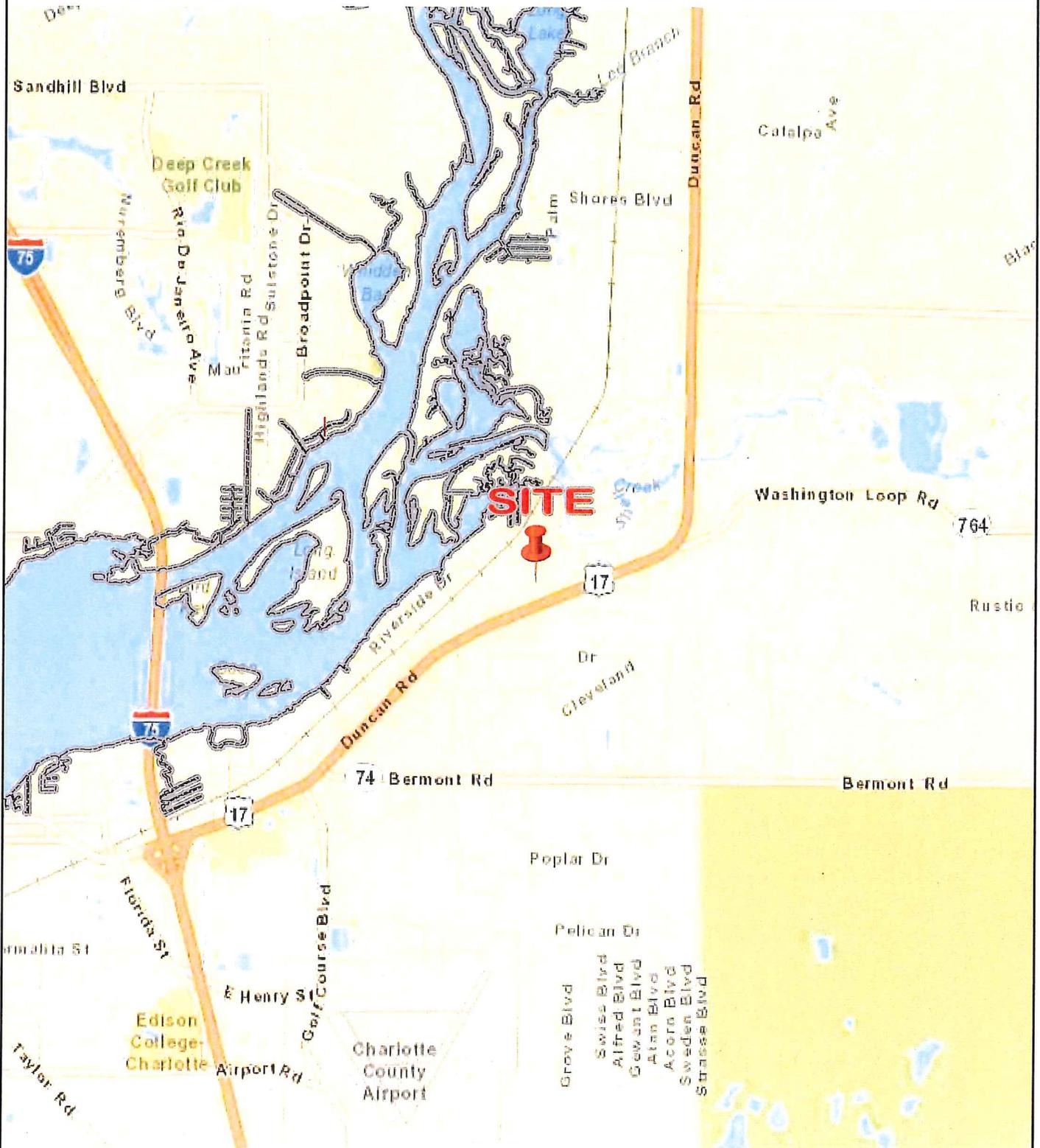
# CHARLOTTE COUNTY

## Location Map for PP-06-04-03

Charlotte County Government

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### 26/40/23 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance 7122 Date Saved: 9/21/2015 12:09:50 PM





Community Development

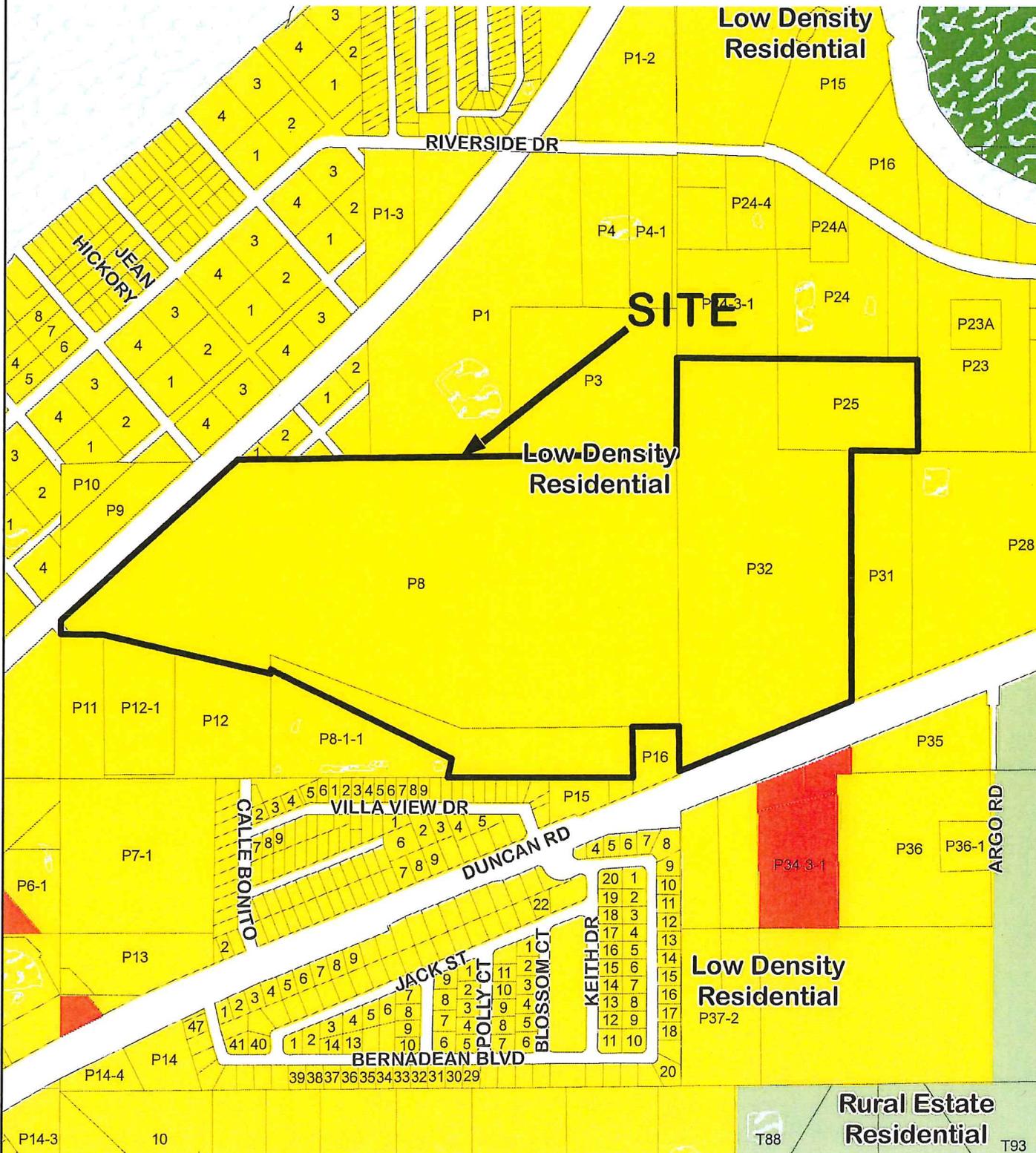
# CHARLOTTE COUNTY

## Future Land Use Map for PP-06-04-03

Charlotte County Government

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NOT TO SCALE



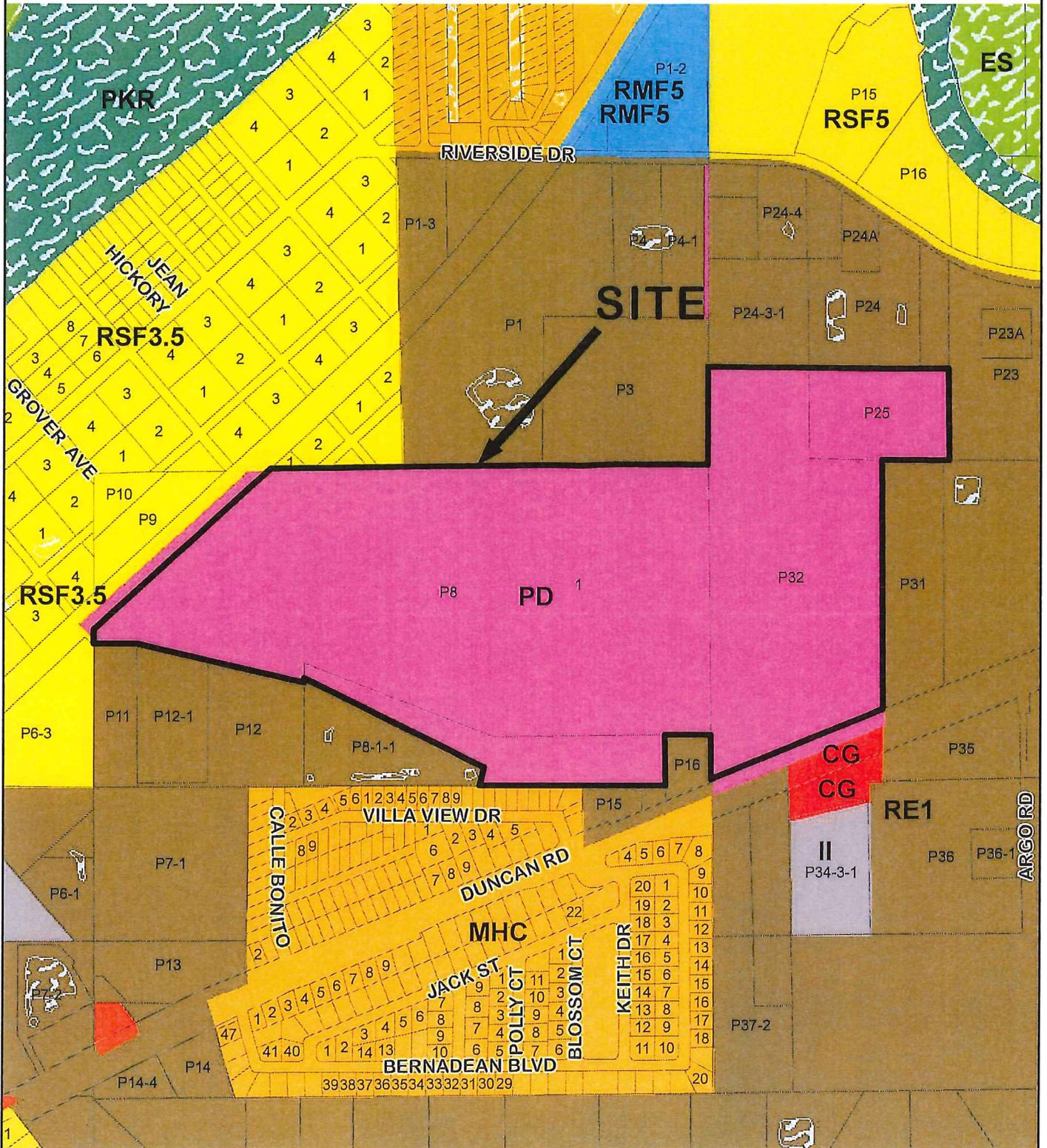
Community Development

# CHARLOTTE COUNTY Zoning Map for PP-06-04-03

Charlotte County Government

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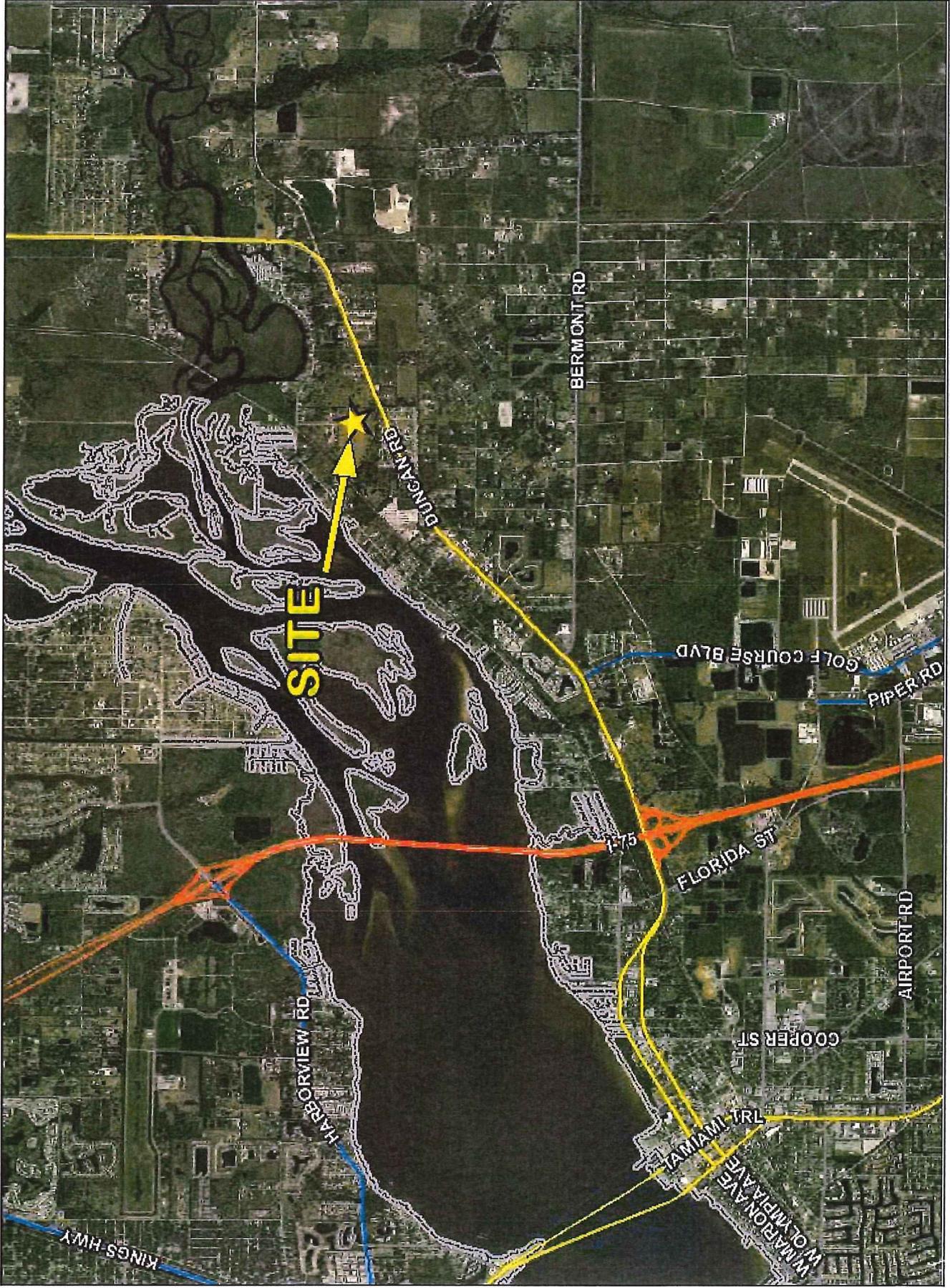


## 26/40/23 East County

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PP-06-04-03 - 2014 Aerial View



Professional Engineers, Planners & Land Surveyors

August 20, 2015

Mr. Steven Ellis  
Charlotte County Land Development  
18400 Murdock Circle  
Port Charlotte, Florida 33948

**RE: KENSINGTON LAKES  
PETITION #PP-06-04-03  
PRELIMINARY PLAT EXTENSION REQUEST**

Dear Mr. Ellis:

On behalf of our client, Standard Pacific of Florida GP, Inc., please accept this letter as a formal request to extend the current preliminary plat application for two (2) years for the above referenced project.

Thank you for your consideration and should you have any questions or need additional information, please contact our office.

Sincerely,  
**BANKS ENGINEERING**

A handwritten signature in blue ink that reads "H. Polito". The signature is fluid and cursive.

Heather Polito  
Permit Technician

Cc: file, StanPac (B. Karpay)

S:\Jobs\31xx\3129\DOCUMENTS\Charlotte County\Plat\3129\_Ellis\_Plat Extension Letter\_08-20-15.docx

SERVING THE STATE OF FLORIDA

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12653 SW County Road 769, Suite B, Lake Suzy, FL 34269 • (941) 625-1165 • Fax (941) 625-1149  
www.bankseng.com

**ORIGINAL**

**CHARLOTTE COUNTY**  
**Preliminary/Final Plat Application Form**  
**(Must have Preliminary DRC approval before submitting)**

Date Received Preliminary: 4/17/06 Final: \_\_\_\_\_ Petition #: PP-06-04-03  
Receipt #: 778820 Amount Paid: 1771.00

**Please provide the following with your application:**

- Letter of intent
- Thirty-five (35) sets of proposed plans for your subdivision
- Filing Fee: \$1771.00
- 17 copies proposed plans on 11" x 17" paper
- DXF CAD Disk of Proposed Plat
- Copy of Preliminary DRC approval letter

1. Name of proposed subdivision: Kensington Lakes
2. Name of applicant\*: Standard Pacific of SW FL Phone: (941) 343-0200  
Address: 101 Arthur Andersen Pkwy., Ste. 150 City: Sarasota ST: FL Zip: 34232
3. Name of local agent: Banks Engineering Phone: (941) 625-1165  
Address: 12653 SW County Rd. 769, Suite B City: Lake Suzy ST: FL Zip: 34269
4. Owner(s) of record\*: Standard Pacific of SW FL Phone: (941) 343-0200  
Address: 101 Arthur Andersen Pkwy., Ste. 150 City: Sarasota ST: FL Zip: 34232
5. Land surveyor: Banks Engineering Phone: (941) 625-1165  
Address: 12653 SW County Rd. 769, Suite B City: Lake Suzy ST: FL Zip: 34269
6. Engineer: Banks Engineering Phone: (941) 625-1165  
Address: 12653 SW County Rd. 769, Suite B City: Lake Suzy ST: FL Zip: 34269
7. Attorney: Moore & Waksler, P.L. Phone: (941) 258-9007  
Address: 1777 Tamiami Trl., Suite 206 City: Pt. Charlotte ST: FL Zip: 33948

\* Any person or entity holding real property in the form of a partnership, limited partnership, corporation, trust, or in any form of representative capacity whatsoever for others, shall in this application disclose the name and address of every person having a beneficial interest in the real property however small and attach list to this application.

8. Property Location: Section 25 & 26 Township: 40S Range: 23E

Legal Description of Property: See attached Legal Description.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Has an administrative interpretation of the Comprehensive Plan ever been applied for or received for subject property or proposed development? (e.g., Vested Rights, Future Land Use Map Boundary Clarification, Representations Previously Made, Deed Restrictions, Sales Maps, or Master Plan Maps, or Master Plan Maps Registered with the State Division of Land Sales). If so, PLEASE PROVIDE A COPY OF THIS INTERPRETATION.

Date: N/A

Type: \_\_\_\_\_

\_\_\_\_\_

Has this property been the subject of a public hearing within the last six (6) months?

Yes  No If yes, in whose name: Westfield Homes

Petition number: Z-05-10-66 TDU

Hearing Held by: \_\_\_\_\_ Date: \_\_\_\_\_

Board of County Commissioners 02/21/06

Planning and Zoning Board 01/9/06

Development Review Committee (DRC) 12/1/05

**(attach all Department comments and decision letters)**

**PLEASE ATTACH COPY OF MINUTES OR NOTICE OF DECISION**

10. Has this property been platted before?

Yes  No If yes, in what name: \_\_\_\_\_

Date Recorded: \_\_\_\_\_

Has the previous plat been vacated?  N/A  Yes  No

11. Future Land Use Map Designation: Low Density Residential

Existing zoning: PD

Number of Lots Allowed: 255 Number of Lots Proposed: 255

Minimum lot size: 5,500 sf, 6,000 sf Minimum lot dimension: 45 ft, 55 ft  
width

Total acreage: 90.46 Total Density: 2.82

12. Type of proposed development:

single family  mobile home  
 multi-family  commercial  
 industrial  planned development

13. Will the proposed development require any rezoning? Yes  No

If yes, please indicate proposed zoning: \_\_\_\_\_

14. Has any variance, exception, or special permit concerning this property been granted by the Board of Zoning Appeals? Yes  No

If yes, please specify: \_\_\_\_\_

15. Is any variance from the subdivision requirements anticipated or requested: Yes

No  If yes, please specify: \_\_\_\_\_

16. Is this proposed plat part of a Development of Regional Impact (DRI)? Yes  No

If yes, name the DRI and specify how this plat complies with the DRI development approval:

\_\_\_\_\_  
\_\_\_\_\_

17. Is the proposed subdivision located within a flood hazard zone as established by F.E.M.A.? Yes  No

If yes, please specify: 8 AE, X

18. What is the proposed minimum elevation of road crown and of the lots?

Road: 8.5 feet above mean sea level Lot: 10.10 feet above mean sea level

Existing elevation ranges from an average low of 7 to an average high of 9 feet above mean sea level.

Elevations based on  NGVD -1929  NGVD-1988

19. What type of sanitary water and sewer facilities are proposed?

- a. \_\_\_\_\_ septic tanks
- b.  centrally collected and treated sewer
- c. \_\_\_\_\_ wells
- d.  treated and centrally distributed water
- e. \_\_\_\_\_ if "d" is checked, hydrants and 6" line is required as minimum

20. Provide letter of availability from each utility for water and sewer service. Applicant is to provide a notarized developer's letter of intent as required by C.C.C. Sec. 3.7.56 (1) Article III. See attached Letter of Utility Availability.

21. If any combination of proposed utilities using wells and/or septic tanks are proposed, please attach a statement from the Charlotte County Health Department verifying that the systems are acceptable based on the proposed subdivision. N/A

22. Has applicant requested any soil survey from the Soil Conservation Department?  
Yes \_\_\_\_\_ No

23. Has applicant made initial contact with the Charlotte County Engineer?  
Yes  No \_\_\_\_\_

If private roads are proposed a letter from the County Engineer approving the design concept of the roads is required.

a. The rights-of-way for this proposed subdivision are to be:

\_\_\_\_\_ dedicated  private  
 paved to county specifications \_\_\_\_\_ paved not to County specifications  
\_\_\_\_\_ unpaved \_\_\_\_\_ existing dedicated roads

24. Provide a written description of any environmental conditions existing on the site including flora and fauna. The County may require additional information including a professional report. See attached FLUCCS map.

25. Do any natural bodies of water exist on property? Yes  No \_\_\_\_\_  
If yes, please state if it is tidal: Yes

26. Is any excavation in any form proposed? Yes  X  No \_\_\_\_\_

If yes, please indicate the type (canal, lake, etc.) and proposed use (navigable, drainage, scenic, etc.):  lake, scenic/drainage

27. Will the resultant water be fresh, brackish, or salt?  fresh

If fresh, has applicant provided for control of aquatic weeds? Explain: \_\_\_\_\_

Excessive lake depth

28. Is the proposed subdivision to be developed in phases or is it all developed initially?

Developed initially

29. Is the subdivision to be developed prior to the filing of the final plat? Yes \_\_\_\_\_

No  X  If no, is it the desire of the applicant to post a bond acceptable to the Board of County Commissioners under conditions of the Charlotte County Subdivision Regulations?

Yes

### AFFADAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner, attorney-in-fact, agent or lessee of the property described and which is the subject matter attached of the proposed hearing, that data and other supplementary matter attached to and made part of the application, are honest and true to the best of my knowledge and before a hearing can be held, and that I am authorized to sign this application by the owner, or owners.

Todd R. Rebol, P.E.  
Print Applicant or Authorized Agent Name

Sworn and subscribed before me this 17th day  
of April, 20 06.

  
Signature of Applicant or Authorized Agent

My commission expires: \_\_\_\_\_

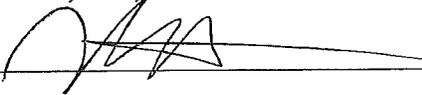
Heather S. Polito  
NOTARY PUBLIC



**LETTER OF AUTHORIZATION**

The undersigned hereby acknowledges himself to be the owner of otherwise unified control of the real property described below and further authorizes Banks Engineering to act as agent in obtaining information and permits for this real property.

Standard Pacific of Southwest Florida, a Florida General Partnership  
By: Standard Pacific of Southwest Florida GP, Inc. as Managing General Partner  
Michael L. Shannon, P.E., Vice President

By: 

Property Description: See attached legal description

ATTEST/NOTARY

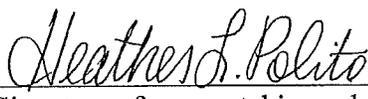
STATE OF Florida  
COUNTY OF Desoto

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 11<sup>th</sup> day of April 2006 by Michael L. Shannon of (date) (name of officer or agent, title of officer or agent)

Standard Pacific of SW FL, a Florida (name of corporation acknowledging) (state or place of incorporation)

corporation, on behalf of the corporation. He/she is personally known to me or has produced N/A as identification. (type of identification)



  
(Signature of person taking acknowledgment)

Heather L. Polito  
(Name typed, printed or stamped)

Documentary Stamp Tax: \$47,775.00  
Recording Fee: 1.00  
Total: \$47,776.00  
Parcel ID No.: 007211-000000-6; 0071223-000000-2  
0071257-000000-3; 0071264-000000-2  
0071266-000000-0  
Grantor's I.D. No.:

CHARLOTTE Co  
O.R. Book 2918  
Pg. 10

This instrument prepared by and  
should be returned to:  
Jack O. Hackett, II, Esquire  
Farr, Parr, Jernigan, Siffitt,  
Hackett and Carr, P.A.  
99 Nasbit Street  
Punta Gorda, FL 33950

Exhibits:  
Exhibit A - Legal description

### WARRANTY DEED

THIS INDENTURE made this 1<sup>st</sup> day of March, 2006, between HUCKEYBRO BROTHERS, LLC, a Florida limited liability company, whose post office address is 3602 Palomino Road, Melbourne, FL 32934, GRANTOR, and STANDARD PACIFIC OF SOUTHWEST FLORIDA, a Florida general partnership, whose post office address is 569 Interstate Boulevard, Sarasota, FL 34240, GRANTEE,

### WITNESSETH:

That the said grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Charlotte County, Florida, to-wit:

See Exhibit A attached hereto and hereby incorporated herein.

Subject to reservations, restrictions, easements of record except that this reference shall not act to reimpose same, and taxes for the current year and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

"Grantor" and "grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, Sealed and Delivered  
in our presence:

HUCKEY BROTHERS, LLC, a Florida  
limited liability company

[Signature]  
(First Witness)

By [Signature]  
William Huckyby, Manager

Jack A. HUCKEY II  
Typed/printed name of witness

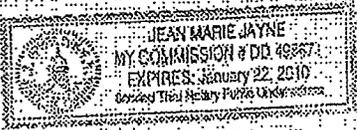
[Signature]  
(Second Witness)

By [Signature]  
Henry L. Huckyby, Manager

John Marie Jayne  
Typed/printed name of witness

STATE OF FLORIDA  
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 1 day of March  
2006 by WILLIAM HUCKEYBY and HENRY L. HUCKEYBY as Managers of HUCKEY  
BROTHERS, LLC, a Florida limited liability company, on behalf of the company. They are  
personally known to me or have produced [Signature] as identification.



[Signature]  
Signature of person taking acknowledgment

Name typed, printed or stamped

Commission Expiration

## EXHIBIT A

### PARCEL 1:

Beginning at the Northeast corner of the SE 1/4 of the NE 1/4 and run West 140 yards; South 210 yards; thence East 140 yards; thence North 210 yards to the point of beginning in Section 26, Township 40 South, Range 23 East, less and except any portion of land conveyed in Deeds recorded in O.R. Book 560, Page 2075 and O.R. Book 835, Page 2107.

### PARCEL 2:

N 1/2 of the NW 1/4 of the SE 1/4 less three acres north of the railroad in the Northwest corner, and the NE 1/4 of the SE 1/4 less one acre in the Southeast corner, and the S 1/2 of the NW 1/4 of the SE 1/4, less approximately twelve acres in the Southwest corner, of Section 26, Township 40 South, Range 23 East.

### PARCEL 3:

Beginning at the Northwest corner of the NW 1/4 of the SW 1/4 and run East 766 feet; thence South 991 feet to Highway No. 17; thence Southwesterly along said highway 800 feet; thence North 1320 feet to the point of beginning.

AND ALSO beginning at the corner of the SW 1/4 of the NW 1/4 and run north 420 feet; thence East 420 feet; thence South 420 feet; thence West 420 feet to the point of beginning, in Section 25, Township 40 South, Range 23 East.

### PARCEL 4:

Beginning at the Southeast corner of the NE 1/4 of the SE 1/4 of Section 26, in Township 40 South, Range 23 East, and go West 575 feet to the point of beginning; thence West 1212.58 feet on a fence line and the north line of Villa Triangulo to a point of meeting with another fence going North; thence North in the direction of said fence 525 feet to the approximate center of a creek; thence Southeastly in a straight line 1320 feet, more or less, to a point which will lie within the Florida Power & Light Company easement and be fifty (50) feet northerly from the point of beginning, on a line passing through the point of beginning, and being perpendicular to the north line, the 1320 foot line; thence return East along the line from the point of beginning 365 feet to a fence (this point is 210 feet from the starting point); thence North along the fence 210 feet to a fence; thence West in the direction of this fence 755 feet, more or less (being parallel to the line from the beginning point), to an intersection with the described Southeastly line from the Northwest corner of the parcel. Including also: The agreement complete with drawing of the above parcel as recorded March 14th, 1962 in Book 125, Pages 96, 97, 98 and 99 of the public Records. Less and except any portion contained in Warranty Deed recorded in O.R. Book 1579, Page 1013.

### PARCEL 5:

Beginning 140 yards East of the SW corner of the SW 1/4 of the NW 1/4 and run East 36 1/2 rods; North 27 rods; West 36 1/2 rods and South 27 rods to beginning, all in Section 25, Township 40 South, Range 23 East.

All lands lying and being in Charlotte County, Florida

# Banks Engineering

Professional Engineers, Planners & Land Surveyors  
12653 SW C.R. 769, Suite B  
Lake Suzy, Florida 34269  
(941) 625-1165  
Fax (941) 625-1149

*Please Reply To:*  
PORT CHARLOTTE OFFICE

## KENSINGTON LAKES LEGAL DESCRIPTION

(PREPARED BY THIS FIRM AS SURVEYED)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 25 AND 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2052, PAGE 1108, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 26 BEING ALSO THE WEST QUARTER CORNER OF SAID SECTION 25; THENCE N.00°33'59"W. ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26 BEING ALSO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25 FOR 420.00 FEET; THENCE N.89°36'44"E. FOR 1017.34 FEET; THENCE S.00°18'09"E. FOR 420.00 FEET TO THE EAST WEST QUARTER SECTION LINE OF SAID SECTION 25; THENCE S.89°36'44"W. ALONG SAID EAST WEST QUARTER SECTION LINE FOR 249.40 FEET; THENCE S.00°41'10"E. FOR 1037.78 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 35 (U.S. 17); THENCE S.67°37'50"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 824.32 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26 BEING ALSO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE N.00°41'10"W. ALONG SAID QUARTER SECTION LINES FOR 212.50 FEET; THENCE S.89°26'59"W. FOR 210.00 FEET; THENCE S.00°41'10"E. FOR 210.00 FEET; THENCE S.89°26'59"W. FOR 793.83 FEET; THENCE N.12°49'54"E. FOR 67.09 FEET; THENCE N.63°56'07"W. FOR 864.41 FEET; THENCE S.02°16'32"W. FOR 21.43 FEET; THENCE N.76°53'57"W. FOR 455.30 FEET; THENCE N.76°34'45"W. FOR 304.10 FEET; THENCE S.89°26'59"W. FOR 182.06 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE N.00°38'00"W. ALONG SAID WEST LINE FOR 42.74 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SEABOARD COASTLINE RAILROAD; THENCE N.46°52'37"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 1018.39 FEET TO THE EAST WEST QUARTER SECTION LINE OF SAID SECTION 26; THENCE N.89°26'44"E. ALONG SAID EAST WEST QUARTER SECTION LINE FOR 1928.68 FEET TO THE POINT OF BEGINNING.

ALSO:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 26 BEING ALSO THE WEST QUARTER CORNER OF SAID SECTION 25; THENCE N.00°33'59"W. ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 26 BEING ALSO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25 FOR 710.29 FEET TO THE POINT OF BEGINNING; THENCE S.89°31'03"W. FOR 30.00 FEET; THENCE N.00°33'59"W. FOR 630.00 FEET; THENCE N.89°31'03"E. FOR 30.00 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 26 BEING ALSO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE S.00°33'59"E. ALONG SAID QUARTER SECTION LINES FOR 630.00 FEET TO THE POINT OF BEGINNING.

OVERALL PARCEL CONTAINS 3962217.6 SQUARE FEET OR 90.96 ACRES, MORE OR LESS.

ALSO KNOWN AS:

(AS PER ATTORNEYS' TITLE INSURANCE FUND TITLE COMMITMENT NO. C-7055401)

---

Fort Myers Office  
10511 Six Mile Cypress  
Pkwy., Suite 101  
Fort Myers, FL  
33912  
(239) 939-5490  
Fax (239) 939-2523

Naples Office  
2515 Northbrooke Plaza Dr.  
Suite 200  
Naples, Florida  
34119  
(239) 597-2061  
Fax (239) 597-3082

Sarasota Office  
1144 Tallevast Road  
Suite # 115  
Sarasota, Florida  
34243  
(941) 360-1618  
Fax (941) 360-6918

PARCEL 1: BEGINNING AT THE NORTHEAST CORNER OF THE SE 1/4 OF THE NE 1/4 AND RUN WEST 140 YARDS; SOUTH 210 YARDS; THENCE EAST 140 YARDS; THENCE NORTH 210 YARDS TO THE POINT OF BEGINNING IN SECTION 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LESS AND EXCEPT ANY PORTIONS OF LAND CONVEYED IN DEEDS RECORDED IN O.R. BOOK 560, PAGE 2075 AND O.R. BOOK 835, PAGE 2107.

PARCEL 2: N 1/2 OF THE NW 1/4 OF THE SE 1/4 LESS THREE ACRES NORTH OF THE RAILROAD IN THE NORTHWEST CORNER, AND THE NE 1/4 OF THE SE 1/4 LESS ONE ACRE IN THE SOUTHEAST CORNER; AND THE S 1/2 OF THE NW 1/4 OF THE SE 1/4, LESS APPROXIMATELY TWELVE ACRES IN THE SOUTHWEST CORNER, OF SECTION 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST.

PARCEL 3: BEGINNING AT THE NORTHWEST CORNER OF THE NW 1/4 OF THE SW 1/4 AND RUN EAST 766 FEET; THENCE SOUTH 991 FEET TO HIGHWAY NO. 17, THENCE SOUTHWESTERLY ALONG SAID HIGHWAY 800 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING, AND ALSO BEGINNING AT THE CORNER OF THE SW 1/4 OF THE NW 1/4 AND RUN NORTH 420 FEET; THENCE EAST 420 FEET; THENCE SOUTH 420 FEET; THENCE WEST 420 FEET TO THE POINT OF BEGINNING, IN SECTION 25, TOWNSHIP 40 SOUTH, RANGE 23 EAST.

PARCEL 4: BEGINNING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SE 1/4 OF SECTION 26, IN TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND GO WEST 575 FEET TO THE POINT OF BEGINNING; THENCE WEST 1212.58 FEET ON A FENCE LINE AND THE NORTH LINE OF VILLA TRIANGULO TO A POINT OF MEETING WITH ANOTHER FENCE GOING NORTH; THENCE NORTH IN THE DIRECTION OF SAID FENCE 525 FEET TO THE APPROXIMATE CENTER OF A CREEK; THENCE SOUTHEASTERLY IN A STRAIGHT LINE 1320 FEET, MORE OR LESS, TO A POINT WHICH WILL LIE WITHIN THE FLORIDA POWER & LIGHT COMPANY EASEMENT AND BE FIFTY (50) FEET NORTHERLY FROM THE POINT OF BEGINNING, ON A LINE PASSING THROUGH THE POINT OF BEGINNING, AND BEING PERPENDICULAR TO THE NORTH LINE, THE 1320 FOOT LINE; THENCE RETURN EAST ALONG THE LINE FROM THE POINT OF BEGINNING 365 FEET TO A FENCE (THIS POINT IS 210 FEET FROM THE STARTING POINT); THENCE NORTH ALONG THE FENCE 210 FEET TO A FENCE; THENCE WEST IN THE DIRECTION OF THIS FENCE 755 FEET, MORE OR LESS (BEING PARALLEL TO THE LINE FROM THE BEGINNING POINT) TO AN INTERSECTION WITH THE DESCRIBED SOUTHEASTERLY LINE FROM THE NORTHWEST CORNER OF THE PARCEL. INCLUDING ALSO: THE AGREEMENT COMPLETE WITH DRAWING OF THE ABOVE PARCEL AS RECORDED MARCH 14TH, 1962 IN BOOK 125, PAGES 96, 97, 98 AND 99 OF THE PUBLIC RECORDS. LESS AND EXCEPT ANY PORTION CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK 1579, PAGE 1013.

PARCEL 5: BEGINNING 140 YARDS EAST OF THE SW CORNER OF THE SW 1/4 OF THE NW 1/4 AND RUN EAST 36 1/2 RODS, NORTH 27 RODS, WEST 36 1/2 RODS AND SOUTH 27 RODS TO BEGINNING, ALL IN SECTION 25, TOWNSHIP 40 SOUTH, RANGE 23 EAST. ALL LANDS LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

11010000



# City of Punta Gorda, Florida

September 8, 2005

*Utility Department  
326 W. Marion Avenue  
Punta Gorda, Florida 33950  
941-575-3339*

Heather Polito  
Banks Engineering  
12653 SW CR. 769, Suite B  
Lake Suzy, Florida 34269

RE: Water and Wastewater Service Availability  
Huckeby Road  
Parcel ID: 0071264-000000-2, 0071257-000600-5, 0071223-000000-2, 0071266-000000-0, 0071211-000000-6.

Ms. Polito:

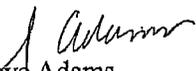
This letter is to confirm our understanding relative to the availability of water and sewer to the above referenced request. The subject location is in the City Utility Service area. Utility line extensions from the City utility system to the subject location are required to receive utility service. The following conditions apply to 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 letter to place in service.

Water and wastewater service can be provided to the subject location upon completion and acceptance of required developer contributed utility improvements. Your Engineer should contact this office to obtain the size and capacity of existing utility lines and make a determination of utility improvements needed for your project.

If you should have any questions, please do not hesitate to call me.

Sincerely,

  
Steve Adams  
Utility Director

In Beautiful Charlotte County



# COUNTY OF CHARLOTTE

## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING AND ZONING DIVISION

Charlotte County Administration Center  
18500 Murdock Circle  
Port Charlotte, Florida 33948-1094  
PLANNING DIVISION: (941) 743-1238 • (941) 743-1224  
ZONING DIVISION: (941) 743-1964 • (941) 743-1230  
FAX: (941) 743-1598

December 15, 2005



Westfield Homes  
569 Interstate Blvd.  
Sarasota FL 34240

Re: DRC-PD-05-09pp  
Concept Plan

Dear Applicant:

This letter is to confirm the decision of the Development Review Committee meeting held December 1, 2005 regarding DRC-PD-05-09pp requesting a Concept Plan approval for Kensington Lakes. This phased project consists of a rezoning of five land parcels from Agricultural Estates (AE) to Planned Development (PD) for the purpose of developing a two hundred fifty eight (258) lot single family residential subdivision. This 90.89+/- acre site is located on Duncan Road on Parcels P8, P8-1, P4-2, P32 & P25 in Sections 25 & 26, Township 40 South, Range 23 East in Port Charlotte, Florida.

The decision of the Development Review Committee was to **forward the Concept Plan request to the Board of County Commissioners without a recommendation of approval for the following reasons:**

1. It has been determined that this development plan does not meet the requirements of the intent of a planned development district as specified by Section 3-9-49. Of particular concern is the requirement of Section 3-9-49(a)(5) which requires an increase in the amount and usability of open space as a basis to justify a more concentrated building area. Note: This can be discussed at the DRC meeting.
2. Based on the above determination and the information presented in the Development Standards table on sheet 3, it has been determined that this development does not meet the requirements of Section 3-9-93 titled Property Frontage. Note: This can be discussed at the DRC meeting.

**If the BCC recommends approval of this request, the following conditions apply:**

1. The level of detail presented for the review of the recreational areas does not permit a review of the development standards for this portion of the site. Per Section 3-9-49(2)(d) minimum lot and yard requirements and the location and type of amenities may be established during the Final Detail Plan approval process.

*OUR MISSION: To Exceed Expectations in the Delivery of Public Services*

*Join us on the web at [www.charlottecountyfl.com](http://www.charlottecountyfl.com)*

2. This subdivision must be platted in accordance with all Land Development regulations.
3. The Charlotte County Lighting District maintains roadway lighting facilities within the US 17 right-of-way. The engineer shall contact Mr. Glenn Bond, Superintendent Signal and Lighting Systems, of the Charlotte County Lighting District at 941-575-3600 to obtain information regarding the roadway lighting facilities to be included in all forthcoming plans submittals to identify potential conflicts and make the developer aware of the location of these facilities. Any alternation, relocation or repair, whether identified prior to construction or unforeseen, made necessary by this development will be made by Charlotte County to all applicable standards at the developers expense. A Certificate of Occupancy shall not be issued until Charlotte County Lighting has either determined that no damages have occurred to their facilities, or until they are fixed to our satisfaction and all costs related to the damage have been paid in full.
4. We have an initial objection to a large housing development being built where there is no median opening. This will cause the same type of u-turn problem that we objected to on your last large project on US 17. We believe that with a little more effort, you can come up with a plan that has access to a full median opening. The engineer should meet with Public Works and discuss.
5. The applicant must provide a letter form from the City of Punta Gorda to address the availability of water and sewer.
6. All trees that are removed or preserved must satisfy **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. The applicant must provide a tree survey which identifies all trees of a 4" (four inch) caliper and greater at the time of Final Plan DRC application. Heritage trees that occur on site are further protected by the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code. The applicant must incorporate any Heritage trees into the site plan or show that every effort has been made to save the trees. The applicant has provided documentation from a Certified Arborist that no trees on the site meet the definition of a Heritage tree. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity or issuance of any building permits.
7. The applicant must supply four (4) copies of a landscape plan that complies with **Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements**, of the County Code with the Final DRC application for any required parking.

8. **Chapter 3-5, Article XVIII, Landscape and Buffer Requirements, Division 3**, of the County Code, does not apply to the proposed development since the proposed use of the PD is single family; with the exception of the recreation area that is located on the perimeter of the development. If it's proposed to be an active use, outdoor activity recreation area it must be buffered with a Type C buffer.

9. All Brazilian pepper, melaleuca, Australian pine and downy rose myrtle must be removed from the site during development, according to **Section 3-5-397** of the landscaping code.

10. It is the intention of the PD process to ensure that all development that goes through this process incorporates natural features and be, in general, consistent with the type of development already in the vicinity. Development in relationship to the surrounding features is addressed in both the PD regulation's Statement of Intent (Sec. 3-9-49(a)) as well as the Design Criteria and Development Standards provided in Sec. 3-9-49(c) as follows:

Section 3-9-49(a):

- (4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional open space areas;
- (6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment; and
- (10) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.

Section 3-9-49(c):

(1) Design Criteria: Because of the unique characteristics of a PD, conventional zoning requirements are inappropriate. Instead the following design criteria and development standards shall apply in this district:

(b) Natural Features: The natural topography, soils and vegetation should be preserved and utilized where economically and physically feasible through the careful location and design of structures, parking areas, recreation areas, open spaces, utilities, drainage and other features.

December 15, 2005

DRC-PD-05-09pp

Page 4

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(c) Landscaping: Where appropriate, landscaping shall be provided consisting of any combination of trees, shrubs, vines, ground cover etc. The use of native plant material, the use of xeriscaping, and retention of undisturbed areas are encouraged.

11. Provide indication of how these items have been considered on both the landscape plans and in narrative form at the time of Final Plan application.

12. The applicant will need to provide the Environmental Review Staff with a copy of the FWCC Incidental Take/Receipt or Relocation Permit prior to final DRC and the issuance of county permits and land clearing activities. If the applicant chooses to establish a Gopher Tortoise Preservation Area the area must clearly be documented on site and landscape plans and the applicant must submit the FWCC required management plan.

13. The project must comply with **Chapter 3-5, Article XV, Surface Water and Wetland Protection** requirements of the County Code. There must be no impacts to wetlands and other surface waters. The wetlands will require the appropriate Southwest Florida Water Management District (SWFWMD) approved delineated line documented on the final site and landscape plans. If any wetland impacts are proposed staff will require the appropriate SWFWMD ERP and possibly US Army Corps of Engineers permit prior to final DRC approval and any issuance of county permits and/or land clearing activities.

14. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. The applicant must provide a final site and landscape plans that provides a minimum 15' avg. 25' natural vegetated upland buffer zone to be preserved along the perimeter of all wetlands and natural surface waters. Additional buffer width may be required by other regulatory agencies.

15. The applicant must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. Final site and landscape plans must document preserved area and clearly mark as "conservation area" or "preserved in perpetuity".

December 15, 2005  
DRC-PD-05-09pp  
Page 5

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Sincerely,

A handwritten signature in black ink that reads "Buddy Braselton". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Buddy Braselton  
Planner II

BB/dlc

cc: Todd Rebol, Banks Engineering

# **Banks Engineering**

Professional Engineers, Planners & Land Surveyors  
12653 SW C.R. 769, Suite B  
Lake Suzy, Florida 34269  
(941) 625-1165  
Fax (941) 625-1149

*Please Reply To:*  
PORT CHARLOTTE OFFICE

April 17, 2006

Mr. Buddy Braselton  
Community Development Department  
Planning and Zoning Department  
18500 Murdock Circle  
Port Charlotte, FL 33948

**RE: KENSINGTON LAKES  
DRC-PD-05-09pp  
CONCEPT PLAN COMMENT/RESPONSE**

Dear Mr. Braselton:

On behalf of our client, Standard Pacific of Southwest Florida, we are submitting the enclosed documents and response to your letter dated December 15, 2005 regarding Concept Plan approval for the above-referenced project. Please accept the following responses to the conditions enumerated in that letter for your consideration:

**If the BCC recommends approval of this request, the following conditions apply:**

- 1. The level of detail presented for the review of the recreational areas does not permit a review of the development standards for this portion of the site. Per Section 3-9-49(2)(d) minimum lot and yard requirements the location and type of amenities may be established during the Final Detail Plan approval process.**

Response: To be addressed at Final Detail Site Plan Approval.

- 2. This subdivision must be platted in accordance with all Land Development regulations.**

Response: Acknowledged.

- 3. The Charlotte County Lighting District maintains roadway lighting facilities within the US 17 right-of-way. The engineer shall contact Mr. Glenn Bond, Superintendent Signal and Lighting Systems, of the Charlotte County**

---

Fort Myers Office  
10511 Six Mile Cypress  
Pkwy., Suite 101  
Fort Myers, FL  
33912  
(239) 939-5490  
Fax (239) 939-2523

Naples Office  
2515 Northbrooke Plaza Dr.  
Suite 200  
Naples, Florida  
34119  
(239) 597-2061  
Fax (239) 597-3082

Sarasota Office  
1144 Tallevast Road  
Suite # 115  
Sarasota, Florida  
34243  
(941) 360-1618  
Fax (941) 360-6918

Buddy Braselton  
Kensington Lakes  
April 17, 2006  
Page 2 of 5

**Lighting District at 941-575-3600 to obtain information regarding the roadway lighting facilities to be included in all forthcoming plans submittals to identify potential conflicts and make the developer aware of the location of these facilities. Any alteration, relocation or repair, whether identified prior to construction or unforeseen, made necessary by this development will be made by Charlotte County to all applicable standards at the developers expense. A Certificate of Occupancy shall not be issued until Charlotte County Lighting has either determined that no damages have occurred to their facilities, or until they are fixed to our satisfaction and all costs related to the damage have been paid in full.**

Response: Acknowledged.

- 4. We have an initial objection to a large housing development being built where there is no median opening. This will cause the same type of u-turn problem that we objected to on your last large project on US 17. We believe that with a little more effort, you can come up with a plan that has access to a full median opening. The engineer should meet with Public Works and discuss.**

Response: A directional median opening is being proposed to FDOT.

- 5. The applicant must provide a letter form from the City of Punta Gorda to address the availability of water and sewer.**

Response: See attached Letter of Utility Availability.

- 6. All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, Tree Requirements, of the County Code. The applicant must provide a tree survey which identifies all trees of a 4" (four inch) caliper and greater at the time of Final Plan DRC application. Heritage trees that occur on site are further protected by the provisions of Chapter 3-2, Article IX, Section 190 of the County Code. The applicant must incorporate any Heritage trees into the site plan or show that every effort has been made to save the trees. The applicant has provided documentation from a Certified Arborist that no trees on the site meet the definition of a Heritage tree. A Tree Removal Authorization, Memorandum of Fee Exemption and Tree Preservation permits must be obtained prior to any land clearing activity or issuance of any building permits.**

Response: To be addressed at Final Detail Site Plan Approval.

Buddy Braselton  
Kensington Lakes  
April 17, 2006  
Page 3 of 5

7. **The applicant must supply four (4) copies of a landscape plan that complies with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code with the Final DRC application for any required parking.**

Response: To be addressed at Final Detail Site Plan Approval.

8. **Chapter 3-5, Article XVIII, Landscape and Buffer Requirements, Division 3, of the County Code, does not apply to the proposed development since the proposed use of the PD is single family; with the exception of the recreation area that is located on the perimeter of the development. If it's proposed to be an active use, outdoor activity recreation area it must be buffered with a Type C buffer.**

Response: To be addressed at Final Detail Site Plan Approval.

9. **All Brazilian pepper, melaleuca, Australian pine and downy rose myrtle must be removed from the site during development, according to Section 3-5-397 of the landscaping code.**

Response: Acknowledged.

10. **It is the intention of the PD process to ensure that all development that goes through this process incorporates natural features and be, in general, consistent with the type of development already in the vicinity. Development in relations to the surrounding features is address in both the PD regulations's State of Intent (Sec. 3-9-49(a) as well as the Design Criteria and Development Standards provided in Sec. 3-9-40(c) as follows:**

**Section 3-9-49(a):**

**(4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional open space areas:**

**(6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment; and**

**(10) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids the disruption of natural drainage patterns.**

**Section 3-9-49(c):**

**(1) Design Criteria: Because of the unique characteristics of a PD, conventional zoning requirements are inappropriate. Instead the following design criteria and development standards shall apply in this district:**

**(b) Natural Features: The natural topography, soils and vegetation should be preserved and utilized where economically and physically feasible through the careful location and design of structures, parking areas,**

recreation areas, open spaces, utilities, drainage and other features.

**(c) Landscaping:** Where appropriate, landscaping shall be provided consisting of any combination of trees, shrubs, vines, ground cover etc. The use of native plant material, the use of xeriscaping and retention of undisturbed areas are encouraged.

Response: Acknowledged.

- 11. Provide indication of how these items have been considered on both the landscape plans and in narrative form at the time of Final Plan application.**

Response: To be addressed at Final Detail Site Plan Approval.

- 12. The applicant will need to provide the Environmental Review Staff with a copy of the FWCC Incidental Take/Receipt or Relocation Permit prior to final DRC and the issuance of county permits and land clearing activities. If the applicant chooses to establish a Gopher Tortoise Preservation Area the area must clearly be documented on site and landscape plans and the applicant must submit the FWCC required management plan.**

Response: To be addressed at Final Detail Site Plan Approval.

- 13. The project must comply with Chapter 3-5, Article XV, Surface Water and Wetland Protection requirements of the County Code. There must be no impacts to wetlands and other surface waters. The wetlands will require the appropriate Southwest Florida Water Management District (SWFWMD) approved delineated line documents on the final site and landscape plans. If any wetland impacts are proposed staff will require the appropriate SWFWMD ERP and possibly US Army Corps of Engineers permit prior to final DRC approval and any issuance of county permits and/or land clearing activities.**

Response: Acknowledged.

- 14. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. The applicant must provide a final site and landscape plans that provides a minimum 15' avg. 25' natural vegetated upland buffer zone to be preserved along the perimeter of all wetlands and natural surface waters. Additional buffer width may be required by other regulatory agencies.**

Response: Acknowledged.

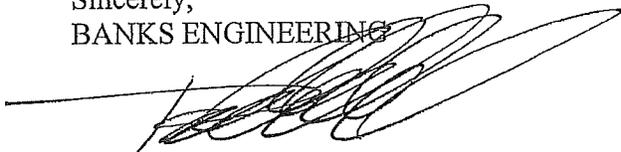
Buddy Braselton  
Kensington Lakes  
April 17, 2006  
Page 5 of 5

15. **The applicant must comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. Final site and landscape plans must document preserved area and clearly mark as “conservation area” or “preserved in perpetuity”.**

Response: Acknowledged.

If you have any questions or need additional information, please do not hesitate to call.

Sincerely,  
BANKS ENGINEERING



Todd R. Rebol, P.E.  
Project Manager

cc: File, Standard Pacific (M. Shannon)

S:\Jobs\31xx\3129\DOCUMENTS\Charlotte County\Comment Response Concept Plan 12-15-05.doc

*copy  
BCC  
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FILED WITH THE DEPARTMENT OF STATE *March 2, 2006*

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ORDINANCE  
NUMBER 2006 - 013

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE ESTATES (AE) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED SOUTHEAST OF RIVERSIDE DRIVE AND NORTHWEST OF DUNCAN ROAD (U.S. 17), IN THE PUNTA GORDA AREA, CONTAINING 90.89 ACRES MORE OR LESS; PETITION Z-05-10-66-TDU; APPLICANT, WESTFIELD HOMES; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, February 21, 2006, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-05-10-66-TDU which requested a rezoning from Agriculture Estates (AE) to Planned Development (PD) on 90.89 acres more or less of property owned by Huckey Brothers LLC, 3602 Palomino Road, Melbourne, Florida 32934, and described as located in Commission District I, Southeast of Riverside Drive and Northwest of Duncan Road (U.S. 17), in the Punta Gorda area, Charlotte County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Westfield Homes, as the applicant, seeks a rezoning to Planned Development to increase the maximum allowable residential density from 1 unit per acre to 2.85 units per acre, and to allow for a development totaling 258 dwelling units; and

WHEREAS, Petition Z -05-10-66-TDU has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based



1 on the findings and analysis presented in the Planning and Zoning Division staff  
2 report dated December 30, 2005, revised on January 17, 2006, and the evidence  
3 presented to the P&Z Board, has been recommended for approval with  
4 conditions; and

5 WHEREAS, after due consideration, based on the Planning and  
6 Zoning Division staff report dated December 30, 2005, revised on January 17,  
7 2006, and the evidence presented to it, the Board has found that approval of  
8 Petition Z-05-10-66-TDU is consistent with the 1997-2010 Charlotte County  
9 Comprehensive Plan, and that it meets the requirements for the granting of a  
10 rezoning, and;

11 WHEREAS, based on the above findings, the Board has  
12 determined it to be in the best interests of the County to rezone the subject  
13 property from Agriculture Estates (AE) to Planned Development (PD).

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

16 SECTION 1. The following petition for an amendment to the  
17 Charlotte County Zoning Atlas is hereby approved subject to the conditions  
18 contained in the attached Exhibit "B":

19 Petition Z-05-10-66-TDU requesting rezoning from  
20 Agriculture Estates (AE) to Planned Development  
21 (PD) for 90.89 acres more or less of property owned  
22 by Hucceby Brothers LLC, and described as located  
23 Southeast of Riverside Drive and Northwest of  
24 Duncan Road (U.S. 17), in the Punta Gorda area,  
25 Charlotte County, Florida, and more particularly  
26 described in Exhibit "A" attached hereto and  
27 incorporated herein by this reference.  
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SECTION 2. That the zoning for this property shall run with the property and shall apply to any subsequent owners, heirs and assigns.

SECTION 3. This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Thomas G. Moore  
Thomas G. Moore, Chairman

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

By: Deil Manley  
Deputy Clerk



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

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

RB  
LR 2006-106

## Legal Description

(PREPARED BY THIS FIRM AS SURVEYED)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 25 AND 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 2052, PAGE 1108, CHARLOTTE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 25 AND THE EAST QUARTER CORNER OF SAID SECTION 26; THENCE N.00°33'59"W., ALONG THE COMMON SECTION LINE BETWEEN SAID SECTIONS 25 AND 26, FOR 420.00 FEET; THENCE N.89°36'44"E., PARALLEL WITH AND 420.00 FEET NORTHERLY OF (AS MEASURED ON A PERPENDICULAR) THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 25 AND ALONG THE SOUTH LINE OF THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1950, PAGE 1922 AND OFFICIAL RECORDS BOOK 1959, PAGE 196, SAID PUBLIC RECORDS AND AN EASTERLY EXTENSION THEREOF, FOR 1017.34 FEET TO THE WEST LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1899, PAGE 579, SAID PUBLIC RECORDS; THENCE S.00°18'09"E., ALONG SAID WEST LINE, FOR 420.00 FEET TO SAID EAST-WEST QUARTER SECTION LINE OF SECTION 25; THENCE S.89°36'44"W., ALONG SAID QUARTER SECTION LINE, FOR 249.40 FEET; THENCE S.00°41'10"E., FOR 1037.78 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 35 (U.S. 17); THENCE S.67°37'50"W., ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR 824.32 FEET THE COMMON SECTION LINE BETWEEN SAID SECTIONS 25 AND 26; THENCE N.00°41'10"W., ALONG SAID COMMON SECTION LINE, FOR 212.50 FEET; THENCE S.89°26'59"W., FOR 210.00 FEET; THENCE S.00°41'10"E., FOR 210.00 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE S.89°26'59"W., ALONG SAID SOUTH LINE, FOR 793.83 FEET TO THE BOUNDARY OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1579, PAGE 1013, SAID PUBLIC RECORDS; THENCE N.12°49'54"E., ALONG SAID BOUNDARY, FOR 67.09 FEET; THENCE N.63°56'07"W., ALONG SAID BOUNDARY, FOR 864.41 FEET; THENCE S.02°16'32"W., ALONG SAID BOUNDARY, FOR 21.43 FEET; THENCE N.76°53'57"W., ALONG AN EASTERLY EXTENSION OF AND ALONG THE NORTHERLY LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 960, PAGE 1297, SAID PUBLIC RECORDS, FOR 455.30 FEET; THENCE N.76°34'45"W., ALONG SAID NORTHERLY LINE, FOR 304.10 FEET; THENCE S.89°26'59"W., ALONG THE NORTHERLY LINE OF THE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1357, PAGE 514, SAID PUBLIC RECORDS, FOR 182.06 FEET TO THE WEST LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE N.00°38'00"W., ALONG SAID WEST LINE, FOR 42.74 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF A RAILROAD; THENCE N.46°52'37"E., ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, FOR 1018.39 FEET TO THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 26; THENCE N.89°26'44"E., ALONG SAID EAST-WEST QUARTER SECTION LINE, FOR 1928.68 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 3940613 SQUARE FEET OR 90.46 ACRES, MORE OR LESS.

ALSO:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 26; THENCE N.00°33'59"W., ALONG THE EAST LINE OF SAID SECTION 26, FOR 710.29 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N.00°33'59"W., ALONG SAID EAST LINE, FOR 630.00 FEET, THENCE S.89°31'03"W., FOR 30.00 FEET; THENCE S.00°33'59"E., FOR 630.00 FEET, THENCE N.89°31'03"E., FOR 30.00 FEET

PARCEL CONTAINS 18900 SQUARE FEET OR 0.43 ACRES, MORE OR LESS.

(O.R. 2052, PG. 1108 & ATTORNEYS' TITLE INSURANCE FUND COMMITMENT NO. CF-7119293)

PARCEL 1:

EXHIBIT A

BEGINNING AT THE NORTHEAST CORNER OF THE SE ¼ OF THE NE ¼ AND RUN WEST 140 YARDS; SOUTH 210 YARDS; THENCE EAST 140 YARDS; THENCE NORTH 210 YARDS TO THE POINT OF BEGINNING IN SECTION 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST, LESS AND EXCEPT ANY PORTIONS OF LAND CONVEYED IN DEEDS RECORDED IN O.R. BOOK 560, PAGE 2075 AND O.R. BOOK 835, PAGE 2107.

PARCEL 2:

N ½ OF THE NW ¼ OF THE SE ¼ LESS THREE ACRES NORTH OF THE RAILROAD IN THE NORTHWEST CORNER, AND THE NE ¼ OF THE SE ¼ LESS ONE ACRE IN THE SOUTHEAST CORNER; AND THE S ½ OF THE NW ¼ OF THE SE ¼, LESS APPROXIMATELY TWELVE ACRES IN THE SOUTHWEST CORNER, OF SECTION 26, TOWNSHIP 40 SOUTH, RANGE 23 EAST.

PARCEL 3:

BEGINNING AT THE NORTHWEST CORNER OF THE NW ¼ OF THE SW ¼ AND RUN EAST 766 FEET; THENCE SOUTH 991 FEET TO HIGHWAY NO. 17, THENCE SOUTHWESTERLY ALONG SAID HIGHWAY 800 FEET; THENCE NORTH 1320 FEET TO THE POINT OF BEGINNING,

AND ALSO BEGINNING AT THE CORNER OF THE SW ¼ OF THE NW ¼ AND RUN NORTH 420 FEET; THENCE EAST 420 FEET; THENCE SOUTH 420 FEET; THENCE WEST 420 FEET TO THE POINT OF BEGINNING, IN SECTION 25, TOWNSHIP 40 SOUTH, RANGE 23 EAST.

PARCEL 4:

BEGINNING AT THE SOUTHEAST CORNER OF THE NE ¼ OF THE SE ¼ OF SECTION 26, IN TOWNSHIP 40 SOUTH, RANGE 23 EAST, AND GO WEST 575 FEET TO THE POINT OF BEGINNING; THENCE WEST 1212.58 FEET ON A FENCE LINE AND THE NORTH LINE OF VILLA TRIANGULO TO A POINT OF MEETING WITH ANOTHER FENCE GOING NORTH; THENCE NORTH IN THE DIRECTION OF SAID FENCE 525 FEET TO THE APPROXIMATE CENTER OF A CREEK; THENCE SOUTHEASTERLY IN A STRAIGHT LINE 1320 FEET, MORE OR LESS, TO A POINT WHICH WILL LIE WITHIN THE FLORIDA POWER & LIGHT COMPANY EASEMENT AND BE FIFTY (50) FEET NORTHERLY FROM THE POINT OF BEGINNING, ON A LINE PASSING THROUGH THE POINT OF BEGINNING, AND BEING PERPENDICULAR TO THE NORTH LINE, THE 1320 FOOT LINE; THENCE RETURN EAST ALONG THE LINE FROM THE POINT OF BEGINNING 365 FEET TO A FENCE (THIS POINT IS 210 FEET FROM THE STARTING POINT); THENCE NORTH ALONG THE FENCE 210 FEET TO A FENCE; THENCE WEST IN THE DIRECTION OF THIS FENCE 755 FEET, MORE OR LESS (BEING PARALLEL TO THE LINE FROM THE BEGINNING POINT) TO AN INTERSECTION WITH THE DESCRIBED SOUTHEASTERLY LINE FROM THE NORTHWEST CORNER OF THE PARCEL. INCLUDING ALSO: THE AGREEMENT COMPLETE WITH DRAWING OF THE ABOVE PARCEL AS RECORDED MARCH 14<sup>TH</sup>, 1962 IN BOOK 125, PAGES 96, 97, 98 AND 99 OF THE PUBLIC RECORDS. LESS AND

EXCEPT ANY PORTION CONTAINED IN WARRANTY DEED RECORDED IN O.R. BOOK  
1579, PAGE 1013.

PARCEL 5:

BEGINNING 140 YARDS EAST OF THE SW CORNER OF THE SW  $\frac{1}{4}$  OF THE NW  $\frac{1}{4}$  AND  
RUN EAST  $36 \frac{1}{2}$  RODS, NORTH 27 RODS, WEST  $36 \frac{1}{2}$  RODS AND SOUTH 27 RODS TO  
BEGINNING, ALL IN SECTION 25, TOWNSHIP 40 SOUTH, RANGE 23 EAST.

ALL LANDS LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

**CONDITIONS:**

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Banks Engineering, Inc, dated October 20, 2005, except such modifications as may be required to meet the conditions of the PD zoning district. Areas indicated for single-family development will be developed as such. Residential development standards shall be as indicated on the PD Concept Plan submitted by the applicant, with minor modifications allowed to increase lot sizes.
- b. The subject property currently retains 90 units of density. The applicant is proposing to develop 258 units total. The subject property will require a total of 168 units of transferred density, of which 8 units of density must be transferred from other property designated as Tropical or Category 1 Storm Surge with an 8AE (or higher) Flood Zone. The transfer of density units must be approved by the Board of County Commissioners prior to Preliminary Plat application or Final DRC application, whichever shall occur first.
- c. No development shall occur prior to Final DRC approval. The developer shall minimize impervious surfaces within the development wherever practicable.
- d. A development time line and phasing plan for the entire PD shall be submitted prior to Final DRC approval.
- e. The maximum building height is 35 feet from the base flood elevation.
- f. All roads within the development area shall be constructed to Charlotte County Standards and shall be dedicated to the County.
- g. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. All heritage trees shall be preserved unless the applicant can provide substantial evidence that such preservation will cause the development of the site to be severely hindered. Should any heritage tree be removed, the applicant will plant a sufficient number of trees of the same species to equal the girth of the tree removed. These trees will not be counted as part of the points needed for development but in addition to those trees needed for points.
- h. A Conservation Easement preserving all wetlands and associated uplands in perpetuity shall be granted to the County. A copy of the easement shall be sent to the County Attorney's office as well as the Comprehensive Planning Section of the Community Development Department for review and approval prior to being filed with the Clerk of the Circuit Courts, which filing shall be completed prior to Preliminary Plat application or Final DRC application, whichever shall occur first.
- i. The developer shall obtain an incidental take permit for gopher tortoise, but all gopher tortoises shall be relocated to areas of suitable habitat on the subject property, which areas shall be preserved through a Conservation Easement and no development allowed.
- j. The entire Planned Development site shall be developed with a unified landscaping theme.
- k. Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the residential common areas. The developer shall also make every effort to ensure that residential property owners within the development also utilize Florida Friendly plantings and xeriscape landscaping. The developer is required to remove exotic/nuisance species from the subject property.

- EXHIBIT B -

- l. All improved vegetation must be irrigated as necessary to ensure survival. If available, non-potable water shall be utilized for public and private irrigation throughout the subject property.
- m. Landscaping around the common areas shall meet the landscape requirements of Chapter 3-5, Article XVIII, Landscaping and Buffering, of the Charlotte County Code. A Type "C" buffer must be provided around the clubhouse and pool area as it considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code, by providing an eight foot (8') wide perimeter landscaping strip along Duncan Road.
- n. At a minimum, there shall be a Type "A" buffer within the 25 foot PD setback along all property boundaries except that adjacent to Duncan Road.
- o. The developer shall be in compliance with Southwest Florida Water Management District (SWFWMD) requirements.
- p. The development must utilize potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued.
- q. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along all internal roadways. An eight (8) feet wide sidewalk is required along the main road from the entrance of the site to the first recreational area and along the front property line on Duncan Road (U.S.17). The developer shall coordinate with Public Works. The sidewalk must be completed prior to 50% buildout.
- r. The developer shall outline steps to ensure the survival of wetlands on the subject property and reduce the impact to wetlands on adjacent parcels. These steps must be executed in concurrence with the development activities associated with the property. This outline is required prior to Final DRC approval and approval of these steps shall be part of the approval for Final DRC.
- s. The developer shall maintain hydrogeology to all of the wetlands. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be a minimum of fifteen (15) feet in width as measured from the landward limit of the wetland or surface water.
- t. A detailed plan for the recreation areas shall be submitted for approval prior to Final DRC approval. According to the developer, the .62± acre recreation area will contain a clubhouse, swim pool and tennis courts. The clubhouse shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a hurricane shelter to the proposed neighborhood in the case of imminent natural disaster. The 1.50± acre recreation area will contain a playground, and the majority of the area is intended to be left open (green) in order to provide a location for free play such as ballgames, tag, catch, etc.
- u. Any changes in the Concept Plan must receive a recommendation from the Natural Resources Planning Section and the Comprehensive Planning Section.

# CHARLOTTE COUNTY PLANNING AND ZONING BOARD

02/17/2006 8:52 AM

## DRAFT Minutes of Regular Meeting Continued

January 9, 2006 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

**Chair Hess** stated that while it is easy to understand the predicament that the Alligator Park residents find themselves in, she personally is equally influenced by the fact that the Board has recently recommended a similar change in another park, based in part on the fact that the buffering ordinance is so strong now. So based purely on planning principles, she expressed disagreement with staff and felt that the petition should be approved.

**Ms. Seay** said she felt the petition should be approved. **Mr. Gravesen** agreed, and noted that one thing the residents could have done (though it would likely be too late now) would have been private deed restrictions on the property to control what the final use would be.

### Recommendation

**Mr. Gravesen** moved that Petition PA-05-12-81 be forwarded to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 30, 2005, along with the evidence presented at today's meeting, second by **Mr. Seay** with unanimous vote .

**Mr. Gravesen** moved that Petition Z-05-12-82 be forwarded to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated December 30, 2005, along with the evidence presented at today's meeting, second by **Mr. Seay** with a unanimous vote.

**Chair Hess** called for a brief recess while the room cleared.

### **Z-05-10-66 (Quasi-Judicial)**

### **Commission District I**

An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Planned Development (PD), for property located Southeast of Riverside Drive and Northwest of Duncan Road (U.S.17); containing 90.89 acres more or less, in the Punta Gorda area; Commission District I; Petition No. Z-05-10-66; applicant Westfield Homes.

### Staff Presentation

**Jie Shao, Planner II**, presented the findings and analysis to forward to the Board of County Commissioners with a recommendation of *Approval* based on the reasons stated in the staff report dated December 30, 2005. She noted that, based on a conference with the applicant, there would be changes to some of the conditions enumerated in the staff report, as follows:

- Condition h: Change the first sentence to read: A Conservation Easement preserving all wetlands and associated fifteen-foot buffer uplands in perpetuity shall be dedicated granted to the County.
- Condition l: Change the second sentence to read: If available, non-potable water may shall be utilized for public and private irrigation throughout the subject property.
- Condition r: Change the first sentence to read: The developer shall be in compliance with SWFWMD requirements.
- Condition s: Change the first sentence to read: The developer shall maintain hydrogeology to all of the wetlands.

As for Conditions t and u, staff is continuing to work with the applicant on the language.

### Questions for Staff

None.

### Applicant's Presentation

**Geri Waksler, Esq.**, attorney for the applicant, spoke in support of the project, calling particular attention to the recreational areas and the green space/buffer left around the lake to be used as an amenity for all residents of the development. She also noted that DRC was unable to recommend

# CHARLOTTE COUNTY PLANNING AND ZONING BOARD

02/17/2006 8:52 AM

## DRAFT Minutes of Regular Meeting Continued

January 9, 2006 @ 1:30 P.M.

These minutes have been approved by the Charlotte County Planning and Zoning Board.

approval for the project because there are some lots which are 45 feet wide, an issue that should be considered by the Community Development Department staff; staff has recommended approval, thus removing that lot size as a concern. **Ms. Waksler** confirmed that agreement had been reached with Staff regarding changes to the language of the conditions, as just enumerated by **Ms. Shao**, and that the final two conditions were still in process; applicant is in agreement with the remaining conditions.

### Public Input - None

- **Ms. Seay** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

### Discussion

**Chair Hess** called for the motion with the modification to the conditions as previously stated. There was discussion about the TDU ordinance specifying that the more restrictive use shall control.

### Recommendation

**Ms. Seay** moved that Z-051-0-66 be forwarded to the Board of County Commissioners with a recommendation of Approval with conditions as revised during this hearing, based on the findings and analysis in the staff report dated December 30, 2005, the evidence presented at today's meeting, second by **Mr. Gravesen** with a unanimous vote.

### **PA-05-11-73 (Legislative)**

### **Commission District III**

Pursuant to Section 163.3817(1)(C), Florida Statutes, adopt a Small Scale Future Land Use Map amendment to the Charlotte County Comprehensive Plan from Low Density Residential to Medium Density Residential for 2.87± acres located at 11632, 11607, 11608, 11601, 11617, 11616 Lakeside Lane and a Small Scale Future Land Use Map amendment for 1.8± acres from High Density Residential to Low Density Residential located at 13111 Gasparilla Road; Petition No. PA-05-11-73; applicant CCC DR, LLC.

### **Z-05-11-74 (Quasi-Judicial)**

### **Commission District III**

An Ordinance approving an amendment to the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Residential Multi-Family 7.5 (RMF-7.5) and from Residential Multi-Family 12 (RMF-12) to Agriculture Estates (AE) for a total of 2.87± acres located at 11632, 11607, 11608, 11601, 11617, 11616 Lakeside Lane and 1.8± acres located at 13111 Gasparilla Road. Petition No. Z-05-11-74; applicant CCC DR, LLC.

### Staff Presentation

**Jan Rogers, Planner III**, presented the findings and analysis to forward to the Board of County Commissioners with a recommendation of Approval for the Plan Amendment and Approval with Conditions for the Rezoning request, based on the reasons stated in the staff report dated December 30, 2005.

### Questions for Staff

**Ms. Seay** asked what will happen to the Special Exception applicant was already granted on the rental cottages; **Ms. Rogers** said it will become null with the change in zoning.

### Applicant's Presentation

**Geri Waksler, Esq.**, attorney for the applicant, spoke behalf of the project, covering the history of the property with regard to the previously-granted Special Exception and how that affects the current request for RMF-7.5 zoning, and the density issues involved.

# CHARLOTTE COUNTY PLANNING AND ZONING BOARD

08/28/2006 4:56 PM

*DRAFT Minutes of Regular Meeting* Continued

***August 14, 2006 @ 1:30 P.M.***

These minutes are not official until they have been approved by the Charlotte County Planning and Zoning Board

## **PP-06-04-03 Quasi Judicial**

## **Commission District I**

Standard Pacific of SW FL has applied for a Preliminary Plat for Kensington Lakes, a subdivision consisting of a 255 lot residential subdivision in a Planned Development, lying in Sections 25 and 26, Township 40S, Range 23E. The site, consisting of 90.46± acres, is located on the North side of Duncan Road in Commission District I in Charlotte County, Florida. A complete legal description is on file.

### **Staff Presentation**

**Jim Dossett, Development Review Manager**, presented the findings and analysis to forward to the Board of County Commissioners with a recommendation of *Approval with four conditions* based on the reasons stated in the staff report dated July 24, 2006. The project is a Planned Development.

### **Questions for Staff**

**Chair Hess** questioned the indication on one of the packet pages that the DRC did not approve; **Mr. Dossett** noted that was a Department of Public Works objection due to the issues that were covered in the conditions accompanying the recommendation for approval.

### **Applicant's Presentation**

**Geri Waksler, Esq.**, applicant's agent, spoke on behalf of the project, noting that the applicant accepts the conditions.

### **Public Input**

None.

- **Ms. Seay** moved to close the public hearing, second by **Mr. Gravesen** with a unanimous vote.

### **Discussion**

None.

### **Recommendation**

**Ms. Seay** moved that application PP-06-04-03 be forwarded to the Board of County Commissioners with a recommendation of *Approval with four conditions*, based on the findings and analysis in the staff report dated July 24, 2006, and the evidence presented at today's meeting, second by **Mr. Gravesen** with a unanimous vote.