Application No.
Z-12-09-11
(Rezoning Request)

Applicant
Peninsula Property Holdings IV LLC /
SR 776 & Pine St.

Quasi-Judicial

Commission Dist. III

Charlotte County Government

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

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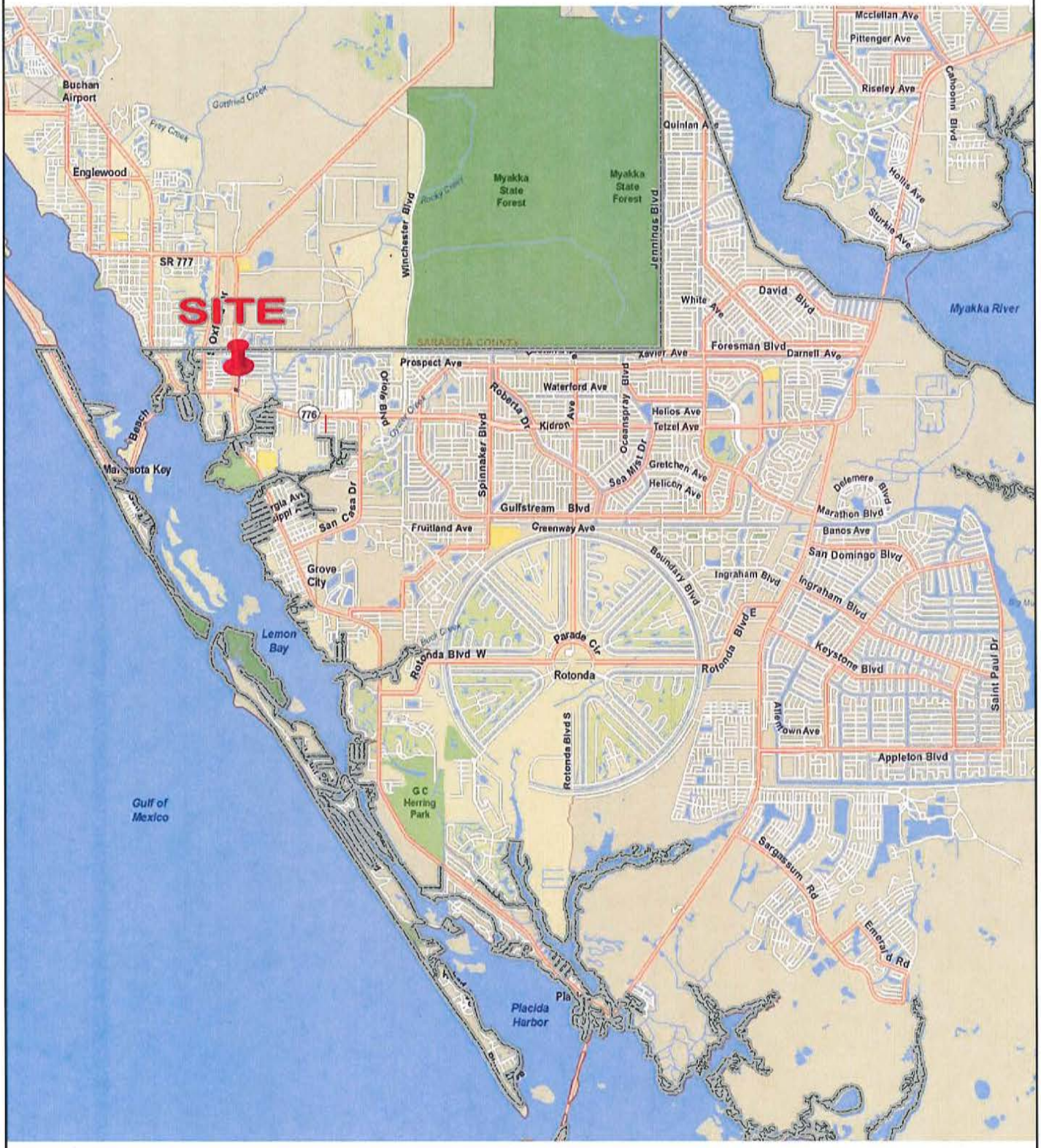
Community Development

CHARLOTTE COUNTY

Location Map for Z-12-09-11



05/41/20 West 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 guaranties, 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 Date Saved: 9/26/2012 3:37:36 PM

Path: M:\Departments\LIS\Projects\Petition_Maps\Comp_Planning\2012\EnglewoodWalgreen2012\PCKT_Location_RevZ120911.mxd

NOT TO SCALE

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Community Development Department
Staff Report for Z-12-09-11

DATE: September 27, 2012

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

FROM: Jie Shao, Planner III

REQUESTED ACTION(S): A publicly initiated request to amend the Charlotte County Zoning Atlas from Planned Development (PD) to Commercial General (CG)

PART I

Applicant(s): Peninsula Property Holdings IV LLC
2500 Weston Road, Suite 300
Weston, FL 33331

Owner(s): Same as applicant

General Location and Acreage: The subject property is located north of S McCall Road (SR 776), south of E 1st Street, east of Pine Street and west of Hickory Drive, in the Englewood area. The site contains a total of 1 acre more or less.

Account Number(s): 412005156019

Analysis:

The petitioner is requesting a rezoning from PD to CG. The subject property is located at the northeast corner of Pine Street and SR 776, in the Englewood area, and it contains approximately 1 acre.

History and Reason of This Petition

On August 18, 2009, the Board of County Commissioners approved a unified petition that included a small scale land use change from Low Density Residential to Commercial Corridor for 0.85 acres and a rezoning from CG and Residential Multi-family 10 (RMF-10) to Planned Development (PD) for a total of 2.75 acres. This current 1 acre subject site was a portion of the property included in that land use change. The petition numbers were PA-09-05-07 and Z-09-05-08 (Please See Attachment 2: Ordinance Number 2009-035 and Ordinance Number 2009-036). The applicant for that petition was Peninsula Ground Services, LLC, who was under the contract with

the owner (Peninsula Bank) for this portion of the PD and also with the owner of the north 1.75 acres of the PD site. The purpose of that 2009 unified petition was to allow commercial development including a Walgreens Pharmacy on the 2.75 acres.

In early 2012, this petitioner's attorney had several meetings and phone conservations with County staff expressing their desire to revert the property's zoning back to the original CG zoning because neither the owner/petitioner nor Walgreens has any intention to move forward with constructing a Walgreens Pharmacy on the site in fulfillment of the approved PD Concept Plan. Instead, they would like to have a range of commercial general uses on the site.

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

The subject property is located within a Revitalizing Neighborhood, and it is also located at a major intersection in the Englewood area. The property is surrounded by existing commercial uses and some vacant lands designated for commercial uses. The subject site is currently designated as Commercial on the 2030 Future Land Use map. The proposed CG zoning is consistent with the Commercial Future Land Use designation.

Compatibility

The subject property is located at the northeast corner of SR 776 and Pine Street, which are major roadways in the County, and is immediately adjacent to SR 776. Existing commercial uses are located directly to the west, south and east of the site. Further to the north, across E 1st Street, there are some single-family homes. It is staff's determination that the site is suitable for commercial development and the proposed commercial development will not create any detrimental impacts on the existing residential neighborhood located further to the north and northeast.

Concurrency issues

- Water and Sewer: Englewood Water District retains enough capacity to provide water and sewer services to the proposed commercial general uses
- Traffic: Both SR 776 and Pine Street are currently operating at an acceptable Level-of-Service (LOS). According to the County's Transportation Planner, the proposed uses will not cause the LOS of the County roadways to fall below the adopted LOS D. Therefore, the proposed development will not raise any concurrency issues.

STAFF RECOMMENDATION:

"Approve adoption of Petition No. Z-12-09-11 based on the findings and analysis in the Comprehensive Planning Division staff report dated September 27, 2012 and any evidence presented at the public hearing on the application."

Conclusion:

Staff recommends approval of this rezoning to CG because it is consistent with Smart Charlotte and will create no detrimental effects.

The Planning and Zoning Board proposed recommendations:

"Motion to forward application No. PA-12-09-11 to the Board of County Commissioners with a recommendation of [Approval or Denial], based on the findings and analysis in the staff report dated September 27, 2012 and the evidence presented at the public hearing on the application (if applicable)."

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The entire property is designated as part of the Revitalizing Neighborhoods.

2. **2030 Service Area Delineation:** The entire site is located in the Urban Service Area.

3. **Existing Land Use on the Site:** The site contains a gas station, which has ceased operations for many years.

4. **Existing Designation(s):**

FLUM	Development Standard
Commercial (COM)	The Commercial category is used for properties wherein nodal-style and strip-style commercial development occurs or is projected to occur in the future. Establishing a nodal-style commercial development shall be the principal and preferred use of the Commercial category. Further strip-style commercial development is prohibited except in the specific circumstances listed in FLU Policy 5.4.2. Nodal-style commercial development is differentiated into three sub-categories based upon size, character and location. The acreage of adjacent lands designated Commercial shall be aggregated to determine the standards to which the development may occur. **General Range of Uses** These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities. **Community:** These developments are designed to provide for the daily shopping and service needs of residents located in surrounding neighborhoods with a service area of up to a ten-mile radius. Businesses operating in these areas provide daily convenience and retail goods such as food, drugs, and sundries as well as professional and business services which meet the needs of the trade area. **Locational Standards:** These developments shall be located adjacent to and with access provided by arterial or collector roadways. **Residential Support:** up to 40,000 persons **Size:** Three to 30 acres **Maximum Intensity:** 0.5 FAR for commercial / retail 1.0 FAR for professional office buildings

Zoning	Development Standard
Planned Development (PD)	Minimum lot and yard requirements. There are no minimum lot and yard requirements for this district, provided no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-98, "Waterfront property," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be twenty (20) feet.

	However, minimum lot and yard requirements other than those contained in this section and section 3-9-98 may also be established through the final site plan approval process. Maximum height of structures. There is no maximum height for structures in this district, except as required by section 3-9-98, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-98 may also be established through the PD review process. Open space. A minimum of twenty (20) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface. Utilities. Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the county subdivision regulations except as modified in subsection (c) (1)e of this section, "Relation to utilities, public facilities and services." Internal circulation. Streets to be dedicated to the public shall be designed and constructed in accordance with the subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the master plan.

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A

Zoning	Development Standard
Commercial General (CG)	The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses. • Minimum lot size is 12,000 square feet. • Minimum lot width is 100 feet. • Maximum structure height is 60 feet. • Setbacks: o Front setback is 25 feet. o Side setback is 20 feet (Abutting a road). o Rear setback is 10 feet (Abutting a lot).

Table 2

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

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Vacant property for commercial uses Single-family homes Vacant lands designated for residential uses	Commercial (COM) Low Density Residential (LDR)	Planned Development (PD) Residential Single-family 3.5 (RSF-3.5)

East	Bay Harbor Ford Single-family homes Vacant lands designated for residential uses	Commercial (COM) Medium Density Residential (MDR)	Commercial Intensive (CI) Residential Multi-family 10 (RMF-10)
South	Palm Plaza Shopping Center Wachovia Bank Taco Bell/Pizza Hut	Commercial (COM)	Commercial General (CG) Commercial Intensive (CI)
West	CVS Drug Store Single-family homes Vacant lands designated for residential uses	Commercial (COM) Medium Density Residential (MDR) Low Density Residential (LDR)	Planned Development (PD) Residential Multi-family 10 (RMF-10) Residential Single-family 5 (MSF-5)

Table 3

7. **Buildout Calculations (square footage &/or density):**
The proposed commercial general uses involve no residential density. Based on the Commercial FLUM designation and proposed CG zoning district, the maximum Floor Area Ratio is 0.5 for commercial and 1 for professional office buildings. The maximum building height is 60 feet. The maximum buildout of the subject site is 21,780 square feet of commercial uses or 43,560 square feet of professional office uses.

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 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:** No, according to the Protected Species Assessment report, prepared by W. Dexter Bender & Associates, Inc., dated June, 2009, no protected species or evidence of protected species utilization which would require permits from the U.S. Fish and Wildlife Service or FWC were observed on site during the June 2009 site inspection.
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 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 in Flood Zone 10 AE, an area with a determined base flood elevation of 10 feet.
e. **Storm Surge Evacuation Zone:** The site is located within Evacuation Zone A.
f. **Coastal High Hazard Area?** Yes
g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

a. **Nearest Park:** N/A
b. **Nearest Police Station:**
Name: District 1
Address: 6868 San Casa Drive, Englewood
Distance: approximately 2.81 miles to the southeast of the subject site
c. **Nearest Fire/EMS Station:**
Name: Charlotte County Station No. 13
Address: 6868 San Casa Road, in the Englewood area
Response Time: Approximate response time is 4-6 minutes
d. **Nearest Library:** N/A
e. **Nearest Hospital:**
Name: Peace River Regional Medical Center
Address: 2500 Harbor Boulevard, Port Charlotte
Distance: approximately 20.06 miles to the northeast of the subject site
f. **Nearest Potential Emergency Shelter:** N/A
g. **Nearest Public Schools:** N/A

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:* Englewood Water District (EWD)

	225 gallons per ERU per day		
Permitted Facility Capacity	**Current Facility Usage**	**Proposed Land Use estimated water needs**	
5,360,000	2,300,000	21,780 square feet of commercial uses	43,560 square feet of professional office uses
		1,089	4,356

Table 4

2. *Analysis:* If the Board approves this rezoning application, it will allow the property owner to have a maximum of 21,780 square feet of commercial uses or 43,560 square feet of professional office uses. The estimated water usage would be 4,356 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial development.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:* Englewood Water District (EWD)

	190 gallons per ERU per day		
Permitted Facility Capacity	**Current Facility Usage**	**Proposed Land Use estimated sewer needs**	
3,000,000	1,400,000	21,780 square feet of commercial uses	43,560 square feet of professional office uses
		926	3,703

Table 5

2. *Analysis:* If the Board approves this rezoning application, it will allow the property owner to have a maximum of have a maximum of 21,780 square feet of commercial uses or 43,560 square feet of professional office uses. The estimated sewer generation would be 3,703 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial 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: N/A

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

FLU Policy 4.1.5: Adequate Support Services

The County shall support plan amendments to the sub-neighborhood Commercial category or the Office and Institutional category, when appropriate, within Maturing Neighborhoods, Revitalizing Neighborhoods, or Emerging Neighborhoods as one method to ensure that there are adequate commercial neighborhood support services in close proximity to these predominantly residential areas.

21. Standards for Rezoning Approval:

For the rezoning of land, the final action of the Board shall be made after giving due consideration to:

a. Would the proposed change be contrary to the Comprehensive Plan?

Finding: No. The proposed CG zoning is consistent with the Commercial FLUM designation on the site.

b. The existing land use pattern in adjacent areas:

Finding: To the east are Bay Harbor Ford and other improved commercial uses. To the west, across Pine Street, is CVS Pharmacy (the site was rezoned to PD in 2002). To the south is SR 776 with commercial uses along the south side. To the north is land was part of the original PD, which allows for commercial general uses. The County initiated a land use change and rezoning for commercial general and professional office uses. Across E. 1st Street, further to the north, there are single-family homes and some vacant parcels designated for residential development. Further northwest, there are single-family homes and some vacant parcels designated for residential uses.

c. The population density pattern and possible increased load on public facilities, such as schools, utilities, and roads:

Finding: The proposed CG rezoning involves no residential density, so student populations are not expected to change as a result of this rezoning. The use of potable water and sanitary sewer could be increased compared to the existing PD zoning. Although the proposed general commercial uses would potentially increase the automobile trip generation to the site, SR 776 and Pine Street are currently operating at an acceptable Level-of-Service (LOS). The County Transportation Planner reviewed the proposed development and has concluded that the proposed change will not cause the LOS of the County roadways to fall below an adopted LOS.

d. Would changed conditions make the passage of the proposed amendments appropriate?

Finding: Yes. The subject property is part of an approved PD rezoning but the existing owner/petitioner who owns the front portion of the PD changed his business plan and he will not fulfill the original PD Concept Plan. In addition, Walgreens also decided not relocate a Walgreens Pharmacy on the site.

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

Finding: The subject property is currently zoned PD for a commercial development. The existing gas station located on the site has ceased operations for many years. The majority of the properties located directly to the north, east, south and west of the subject site are commercial uses; a few single-family homes and vacant residential lots are located further to the north and northwest of the site. The proposed CG rezoning allows for commercial general uses on the site, which is compatible with the surrounding existing land uses. Therefore, the proposed change should not have any adversely influence on living conditions or property values in adjacent areas.

f. Would the proposed change affect public safety?

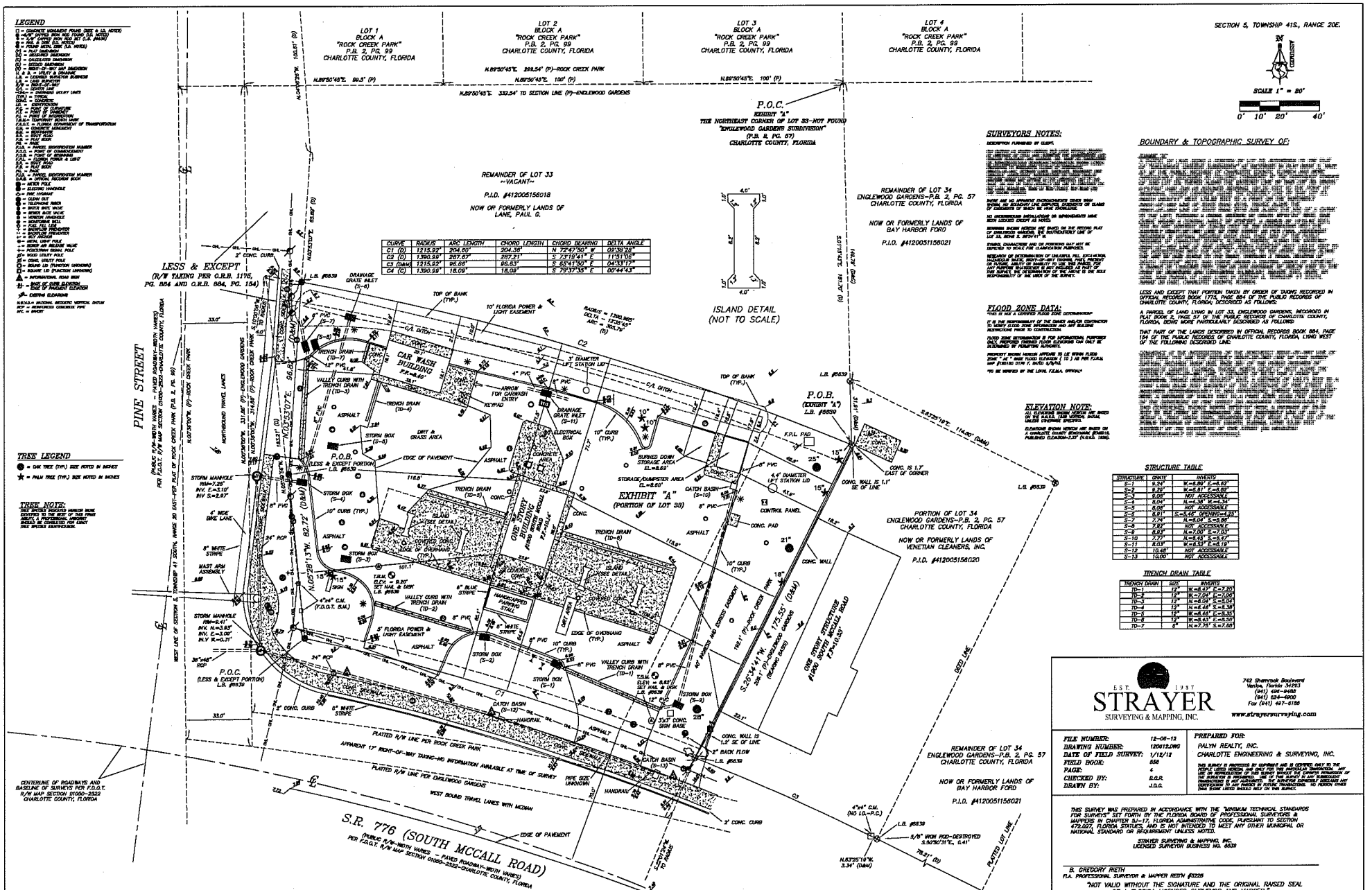
Finding: Public safety should not be affected by this proposed change.

g. Would the proposed change reduce light and air to adjacent areas?

Finding: No. The existing gas station located on the site has ceased operations for many years. Any redevelopment must comply with the setbacks, height limitations, landscaping and buffering requirements set forth in the County's Land Development Regulations.

h. Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

Finding: No, but the PD, Ordinance Number 2009-036, limits the use of the subject property to a Walgreens Pharmacy. The owner/petitioner and Walgreens are no longer planning on placing a Walgreens at this site. Therefore, the owner would like to revert the property back to the original CG zoning in order to have a range of commercial general uses instead of just one singular use.



Attachment 1

SURVEYORS NOTES:

DESCRIPTION FURNISHED BY CLIENT.

THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE, AND THEREFOR THE UNDERSIGNED AND STRAYER SURVEYING AND MAPPING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, BUT IF THE SAME, OR ANY OF THEM ACTUALLY (IS) ARE IN EXISTENCE ON THE LAND SURVEYED, THEN IN THAT EVENT, THE SAME (IS) ARE SHOWN HEREON.

THERE ARE NO APPARENT ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS OF WHICH WE HAVE KNOWLEDGE.

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF ENGLEWOOD GARDENS, THE SOUTHEASTERLY LINE OF LOT 33, BEING S. 26°34'41" W.

SYMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

RESEARCH OR DETERMINATION OF UNLAWFUL FILL, EXCAVATION, HAZARDOUS WASTE, RIGHT-OF-WAY TAKINGS, PAST, PRESENT OR FUTURE, ABILITY OR INABILITY TO USE THIS PARCEL FOR ANY PURPOSE WHATSOEVER IS NOT INCLUDED AS PART OF THIS SURVEY, THE DETERMINATION OF THE ABOVE IS THE SOLE RESPONSIBILITY OF THE USER OF THE SURVEY.

FLOOD ZONE DATA:

THIS IS NOT A CERTIFIED FLOOD ZONE DETERMINATION

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND ANY BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION.

FLOOD ZONE DETERMINATION IS FOR INFORMATIONAL PURPOSES ONLY. PROPOSED FINISHED FLOOR ELEVATIONS CAN ONLY BE DETERMINED BY PERMITTING AUTHORITY.

PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE " AE " BASE FLOOD ELEVATION (10) AS PER F.I.R.M. MAP #12015C 0179 F, DATED 5/5/03.

TO BE VERIFIED BY THE LOCAL F.E.M.A. OFFICIAL

ELEVATION NOTE:

ALL ELEVATIONS SHOWN HEREON ARE BASED ON THE N.G.V.D. 1929 VERTICAL DATUM, UNLESS OTHERWISE SPECIFIED.

ELEVATIONS SHOWN HEREON ARE BASED ON A CHARLOTTE COUNTY BENCHMARK #ENG018, PUBLISHED ELEVATION=7.33' (N.G.V.D. 1929).

BOUNDARY & TOPOGRAPHIC SURVEY OF:

EXHIBIT "A"

A PARCEL OF LAND BEING A PORTION OF LOT 33, ACCORDING TO THE PLAT OF "ENGLEWOOD GARDENS SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 33; THENCE ALONG THE EASTERLY LINE OF SAID LOT 33, SOUTH 01°15'43" EAST (ON AN ASSUMED BEARING) 181.70 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG THE EASTERLY LINE OF SAID LOT 33, SOUTH 26°34'41" WEST 175.55 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #776, THENCE ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD #776 AND ALONG THE ARC OF A CURVE TO THE LEFT, THROUGH A RADIAL BEARING OF SOUTH 22°01'24" WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 9°38'28", A RADIUS OF 1215.92 FEET, FOR AN ARC DISTANCE OF 234.60 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET AS PER FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 592 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET, NORTH 05°59'56" WEST 183.21 FEET TO THE INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT, THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A RADIAL BEARING OF SOUTH 10°00'06" WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 12°35'45", A RADIUS OF 1390.985 FEET, FOR AN ARC DISTANCE OF 305.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 44,686.561 SQUARE FEET, MORE OR LESS. SAID PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 41 SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1775, PAGE 884 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN LOT 33, ENGLEWOOD GARDENS, RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 884, PAGE 154 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776 AND THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET (OFFICIAL RECORDS BOOK 803, PAGE 591 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA); THENCE NORTH 05°28'13" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 82.72 FOR A POINT OF BEGINNING; THENCE NORTH 03°53'07" EAST, A DISTANCE OF 16

, A DISTANCE OF 79.36 FEET TO THE POINT OF TERMINATION ON THE NORTHERLY LINE OF LOT 1, BLOCK A, ROCK CREEK PARK, RECORDED IN PLAT BOOK 2, PAGE 99 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING 43.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE).

Clerk BOC #14-2.

FILED WITH THE DEPARTMENT OF STATE August 24, 2009

ORDINANCE
NUMBER 2009 - 035

AN ORDINANCE PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL CORRIDOR, FOR PROPERTY LOCATED NORTH OF SOUTH MCCALL ROAD (SR 776), SOUTH OF EAST 1ST STREET, EAST OF PINE STREET, AND WEST OF HICKORY DRIVE, IN THE ENGLEWOOD AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT III, CONTAINING 0.90 ACRES MORE OR LESS; PETITION PA-09-05-07; APPLICANT, PENINSULA GROUND SERVICES, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, August 18, 2009, the Board of County Commissioners of Charlotte County ("Board"), reviewed land use amendment Petition PA-09-05-07, which is a small scale plan amendment to the Future Land Use Map of the 1997-2010 Charlotte County Comprehensive Plan (such plan shall herein be referred to as "the Charlotte County Comprehensive Plan"); and

WHEREAS, applicant, Peninsula Ground Services, LLC, whose address is 1637 Oak Street, Sarasota, Florida 34236 ("Applicant"), filed Petition PA-09-05-07, seeking a small scale plan amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Medium Density Residential to Commercial Corridor, for property containing 0.90 acres more or less, which is owned by Peninsula Bank and Paul G. Lane, described as property located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

Attachment 2

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3415, PGS 272-275 4 pg(s)
INSTR # 1875910
Doc Type GOV, Recorded 09/03/2009 at 10:27 AM
Rec. Fee: $35.50
Cashiered By: CAROLINEH Doc. #:1

IMAGED 9-4-09-AP

Item 4

WHEREAS, Petition PA-09-05-07 has previously been heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis presented in the Planning Division Staff Report dated June 26, 2009, and the evidence presented to the P&Z Board, the proposed amendment has been found to be consistent with the Charlotte County Comprehensive Plan and has been recommended for approval by the P&Z Board; and

WHEREAS, after due consideration, the Board has found that the requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition, have been met and that it is in the best interests of the County to approve Petition PA-09-05-07.

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

Section 1. Approval. The following petition for amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan be and hereby is approved:

> Petition PA-09-05-07, submitted by Peninsula Ground Services, LLC ("Applicant"), requesting a small scale plan amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Medium Density Residential to Commercial Corridor for property containing 0.90 acres more or less, which is owned by Peninsula Bank and Paul G. Lane, described as property located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein.

Section 2. Effective date. This ordinance shall take effect upon the filing of this ordinance in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 18 day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair

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

By: Anne L Klaller
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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

LR 09-437
RB

p:\wpdata\public\karen\ord\small scale\PA-09-05-07.Peninsula Ground Services, LLC
LR2009-437

Legal Description for a Small Scale Plan Amendment

PARCEL 1:

LOTS 1, 2, AND 3, BLOCK A, ROCK CREEK PARK, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 99, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; LESS AND EXCEPT THAT PART DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 591, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1748, PAGE 1322, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

EXHIBIT A

CG BCC #14D.

FILED WITH THE DEPARTMENT OF STATE August 24, 2009

ORDINANCE
NUMBER 2009 - 036

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL MULTI-FAMILY-10 (RMF-10) AND COMMERCIAL GENERAL (CG) TO PLANNED DEVELOPMENT (PD) FOR PROPERTY LOCATED NORTH OF SOUTH MCCALL ROAD (SR 776), SOUTH OF EAST 1ST STREET, EAST OF PINE STREET, AND WEST OF HICKORY DRIVE, IN THE ENGLEWOOD AREA, COMMISSION DISTRICT III, CHARLOTTE COUNTY, FLORIDA, CONTAINING 2.75 ACRES MORE OR LESS; PETITION Z-09-05-08; APPLICANT, PENINSULA GROUND SERVICES, LLC; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3447, PGS 760-770 11 pg(s)
INSTR # 1905477
Doc Type GOV, Recorded 01/08/2010 at 10:20 AM
Rec. Fee: $95.00
Cashiered By: MARGEC Doc. #:2

RECITALS

WHEREAS, in a public hearing held on Tuesday, August 18, 2009, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-09-05-08, submitted by applicant, Peninsula Ground Services, LLC ("Applicant"), which requested a rezoning from Residential Multi-family-10 (RMF-10) and Commercial General (CG) to Planned Development (PD) on 2.75 acres more or less of property owned by Peninsula Bank and Paul G. Lane, described as property located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Commission District III, Charlotte County, Florida, and more particularly described in Exhibit "A"; and

WHEREAS, the Applicant seeks a rezoning to Planned Development (PD) in order to allow for a unified commercial development on the subject site; and

** NOTE: This Ordinance is being re-recorded to include Attachments 2 & 3

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3415, PGS 276-283 8 pg(s)
INSTR # 1875911
Doc Type GOV, Recorded 09/03/2009 at 10:30 AM
Rec. Fee: $69.50
Cashiered By: CAROLINEH Doc. #:1

IMAGED 1-20-10 AP

WHEREAS, Petition Z-09-05-08 has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis presented in the Planning and Zoning Division staff report dated June 26, 2009, and the evidence presented to the P&Z Board, has been recommended for approval; and

WHEREAS, after due consideration, based on the Planning & Zoning Division staff report dated June 26, 2009, and the evidence presented to it, the Board has found that approval of Petition Z-09-05-08 is consistent with the 1997-2010 Charlotte County Comprehensive Plan, and that it meets the requirements for the granting of a rezoning; and

WHEREAS, based on the above findings, the Board has determined it to be in the best interests of the County to rezone the subject property from Residential Multi-family-10 (RMF-10) and Commercial General (CG) to Planned Development (PD).

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

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

> Petition Z-09-05-08 requesting rezoning from Residential Multi-family-10 (RMF-10) and Commercial General (CG) to Planned Development (PD) for 2.75 acres more or less of property owned by Peninsula Bank and Paul G. Lane, described as located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Commission District III,

Charlotte County, Florida, and more particularly described in Exhibit "A".

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

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

PASSED AND DULY ADOPTED this 18 day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair

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

By: Anne L. Pfahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

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

LR 09-437
RB

p:\wp data\public\karen\ord\small scale\Z-09-05-08.Peninsula Ground Services, LLC
LR2009-437

Legal Description for a Planned Development Rezoning

PARCEL 1:

LOTS 1, 2, AND 3, BLOCK A, ROCK CREEK PARK, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 99, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; LESS AND EXCEPT THAT PART DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 591, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1748, PAGE 1322, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL 2:

LOT 33, ENGLEWOOD GARDENS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; LESS AND EXCEPT THAT PART DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 591, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART CONVEYED TO MOBIL OIL CORPORATION BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 884, PAGE 154, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1748, PAGE 1322, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL 3:

A PARCEL OF LAND BEING A PORTION OF LOT 33, ACCORDING TO THE PLAT OF "ENGLEWOOD GARDENS SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 33; THENCE ALONG THE EASTERLY LINE OF SAID LOT 33, S01°15'43"E (ON AN ASSUMED BEARING) 181.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EASTERLY LINE OF SAID LOT 33, S26°34'41"W 175.55 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #776; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #776 AND ALONG THE ARC OF A CURVE TO THE LEFT, THROUGH A RADIAL BEARING OF S22°01'24"W, SAID CURVE HAVING A CENTRAL ANGLE OF 09°38'28", A RADIUS OF 1215.92 FEET, FOR AN ARC DISTANCE OF 234.60 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET, AS PER THE FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK

EXHIBIT A
Page 1 of 2

803 PAGE 592 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET, N05°59'56"W 183.21 FEET TO THE INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THROUGH A RADIAL BEARING OF S10°00'06"W, SAID CURVE HAVING A CENTRAL ANGLE OF 12°35'45", A RADIUS OF 1390.985 FEET, FOR AN ARC DISTANCE OF 305.79 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 41 SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1775 PAGE 884 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN LOT 33, ENGLEWOOD GARDENS, RECORDED IN PLAT BOOK 2 PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 884 PAGE 154 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776, AND THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET (OFFICIAL RECORDS BOOK 803 PAGE 591 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA); THENCE N05°28'13"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 82.72 FEET FOR A POINT OF BEGINNING; THENCE N03°53'07"E, A DISTANCE OF 162.71 FEET TO A POINT LYING 55.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE); THENCE N04°06'26"W, A DISTANCE OF 100.61 FEET TO A POINT LYING 47.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE); THENCE N02°25'13"W, A DISTANCE OF 79.36 FEET TO THE POINT OF TERMINATION ON THE NORTHERLY LINE OF LOT 1, BLOCK A, ROCK CREEK PARK, RECORDED IN PLAT BOOK 2 PAGE 99 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING 43.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE).

Conditions:

a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by DMK Associates, dated May 18, 2009, except for such modifications as may be required to meet the conditions of the PD zoning district. In addition, the site plan review conditions of approval, per letter dated April 7, 2009 and signed by Nicole C. E. Dozier, Charlotte County Zoning Official, are required to be met.

b. Two phases of development are contemplated for the subject site. Within Phase Two, County staff reserves the right to place additional conditions upon the proposal when it is submitted for Final Site Plan review.

c. Permitted uses:
   i. Special exceptions shall not be allowed.
   ii. Outside storage and outside display of items are prohibited.
   iii. Within the Phase One Development (legal description is attached, see Attachment 2):
      a) 14,820 square feet of Walgreens building and associated parking
   iv. Within the Phase Two Development (legal description is attached, see Attachment 2):
      a) Professional services.
      b) Personal Services.
      c) Business services.
      d) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
      e) Automotive parts provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
      f) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation only may be outside the building.
      g) Banks and other financial institutions.
      h) Package stores for the sale of liquor.
      i) Laundromats and dry cleaning facilities.
      j) Laboratories, class3, provided central sewer is available.
      k) Child and adult day care facilities.
      l) Photocopying shops.

d. At a minimum, the gathering area shown on the Concept Plan, dated May 18, 2009 shall include a bike rack and gazebo.

e. For the purpose of providing future internal connection points between the subject site and adjacent sites, the applicant shall provide an easement as depicted on the May 18th Concept plan, when requested by adjacent property owners.

f. The maximum building height for the entire development is 38 feet from base flood elevation. The maximum Floor Area Ratio (FAR) is 0.6.

g. This development is subject to the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards. Information pertaining to building design elements shall be provided by the applicant at the time of application for Final Site Plan approval. At a minimum, the architectural features

EXHIBIT B
Page 1 of 3

and elevation of the Walgreens building shall meet the graphic shown on Attachment 3 of this staff report, "Architecturally Enhanced Walgreens".

h. The Planned Development setback requirement of twenty-five (25) feet will be adhered to on the east and north borders of the proposed site. No pavement or other structures except a wall or fence, driveways, signs, landscaping and sidewalk will be allowed within the 25 foot setback on all sides of the property. Within the south and west setback, parking may also encroach into the setback as shown on the approved Concept Plan dated May 18, 2009.

i. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. When and if available, the developer must also extend recycled water utility lines along with the potable water and sanitary sewer lines throughout the development.

j. Landscaping and Buffer requirements:
   i. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings or xeriscaping shall be allowed for landscape plantings.
   ii. At a minimum, the buffer requirements of Chapter3-5, Article XXII of the County Code for a type C buffer will be utilized within the 25 foot PD setback along western, northern and eastern property which is adjacent to the RSF and RMF-10 zoned properties. As part of the buffer, a six (6) foot high decorative opaque wall must be placed along northern and eastern side of the property with exterior landscaping; the wall must be kept in good repair and appearance.
   iii. At a minimum, an eight (8) foot perimeter landscaped strip must be incorporated along the perimeter of the subject property which is adjacent to rights-of-way.

k. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. Phase Two development shall use all reasonable efforts to preserve as many trees as possible.

l. The developer is required to provide a sidewalk as depicted on the May 18th Concept plan, with a minimum width of five (5) feet from Pine Street along E. 1st Street along the subject property line.

m. In order to provide "Green" features within the overall building and site design to the highest degree practicable, the applicant shall utilize, at a minimum, the following Green techniques:
   i. Energy saving lighting design incorporating a 20% reduction in watts/square feet (based on Title 24 requirements) and use of devices such as motion sensor controls, photocell controls, dimmers, and high efficiency fluorescent & LED light fixtures.
   ii. Energy saving building components such as dual-glazed, thermally broken (insulated) storefront windows;
   iii. Water conservation measures such as use of low flow plumbing fixtures and rain sensors for control of irrigation systems;
   iv. Use of materials with low VOC (Volatile Organic Compounds) finishes; and
   v. A minimum of 10 parking spaces utilizing pervious concrete.

n. No development shall occur prior to Final Site Plan approval.

Exhibit B
Page 2 of 3

o. Outdoor lighting will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property. Pole or standing lights will be no higher than 10 feet.

p. The developer shall minimize impervious surfaces within the development wherever practicable.

Exhibit B
Page 3 of 3

Attachment 2

Legal Description for Phase One Development

A PORTION OF LOT 33 OF ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, AND LOTS 1, 2 AND 3, BLOCK "A" OF ROCK CREEK PARK SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 99, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT ADDITIONAL RIGHT OF WAY FOR PINE STREET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 33, ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE RUN S00°27'46"E ALONG THE EAST BOUNDARY OF THE AFOREMENTIONED SAID LOT 33, ENGELWOOD GARDENS SUBDIVISION, A DISTANCE OF 82.04 FEET; THENCE RUN N72°12'56"W, A DISTANCE OF 285.76 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF PINE STREET AS PER FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 803 AT PAGE 592 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA,; THENCE RUN N04°06'26"W ALONG THE EASTERLY RIGHT OF WAY LINE FOR PINE STREET, A DISTANCE OF 61.66 FEET; THENCE RUN N02°25'13"W ALONG THE EASTERLY RIGHT OF WAY LINE FOR PINE STREET, A DISTANCE OF 79.36 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE FOR FIRST STREET; THENCE RUN S89°10'06"E, ALONG THE SOUTHERLY RIGHT OF WAY LINE FOR FIRST STREET A DISTANCE OF 280.59 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, BLOCK "A" OF ROCK CREEK PARK SUBDIVISION; THENCE RUN S00°32'50"W ALONG THE EAST BOUNDARY LINE OF SAID LOT 3, BLOCK "A" OF ROCK CREEK SUBDIVISION, A DISTANCE OF 141.97 FEET TO THE POINT OF BEGINNING. CONTAINING 1.153 ACRES.

Legal Description for Phase Two Development

A PORTION OF LOT 33 OF ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT ADDITIONAL RIGHT OF WAY FOR PINE STREET AND MCCALL ROAD (STATE ROAD #776). BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 33, ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE RUN S 00°27'46" E, ALONG THE EAST BOUNDARY LINE OF SAID LOT 33, ENGLEWOOD GARDENS SUBDIVISION, A DISTANCE OF 82.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE OF LOT 33. S00°27'46"E, A DISTANCE OF 99.58 FEET; THENCE RUN S27°44'18"W, ALONG THE EAST BOUNDARY LINE OF SAID LOT 33, ENGELWOOD GARDENS SUBDIVISION, A DISTANCE OF 174.97 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE FOR MCCALL STREET (STATE ROAD #776) THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD #776 AND ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1215.92 FEET, A CHORD AND CHORD BEARING OF 200.46 FEET, N73°07'04"W, A DISTANCE 200.68 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PINE STREET (PER OFFICIAL RECORDS BOOK 803, PAGE 591 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE RUN ALONG SAID EASTERLY

RIGHT OF WAY LINE N05°28'13"W, A DISTANCE OF 82.70 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE, N03°53'07"E, A DISTANCE OF 162.71 FEET; THENCE CONTINUE ALONG SAID LINE, N04°06'26W, A DISTANCE OF 38.95 FEET; THENCE RUN S72°12'56"E, A DISTANCE OF 285.76 FEET TO THE POINT OF BEGINNING. CONTAINING 1.597 ACRES.

Attachment 3

Architecturally Enhanced Walgreens

Application for Rezoning
Petition Number: Z-12-09-11

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

FROM: Venkat Vattikuti

DATE: September 26, 2012

REQUESTED ACTION:

APPLICANT: Peninsula Property Holdings IV LLC

OWNER: 2500 Weston Road, Suite 300, Weston, FL 33331

GENERAL LOCATION: Southeast Corner of SR 776 and Pine Street

ACCOUNT NUMBER: Parcel ID# 412005156019

ANALYSIS: From the transportation perspective, the review of the proposed re-zoning request of the subject property from the current zoning of Planned Development (PD) to Commercial General (CG), the surrounding roadway segments within the area of significance (shown in the Table below) which are currently operating at acceptable levels of service would continue to operate at acceptable levels of service to the year 2017 (which is the estimated built-out year). There wouldn't be any roadway concurrency failures with the proposed re-zoning. No modifications would be required for the adopted FDOT Transportation Improvement Program, 2035 Long range Transportation Plan and County's Capital Improvements Program.

RECOMMENDATION: Approve the requested rezoning and small scale plan amendment (MAP).

Transportation Element: Roadway Segments in the Area of Significance

ROADWAY	FUNCTIONAL CLASSIFICATION	PM Peak Hour LOS		# of additional trips to exceed a LOS "D"
		Actual	Adopted	
SR 776: Oriole Blvd to Pine Street	Major Arterial	C	D	700
SR 776: Pine Street to Beach Road	Major Arterial	C	D	1,000
Pine Street: SR 776 to County Line	Urban Collector	C	D	1,800

APPLICATION FOR REZONING

FOR

PENINSULA PROPERTY HOLDINGS IV LLC

1800 S. MC CALL ROAD

ENGLEWOOD, FL

PARCEL ID #412005156019

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for REZONING

Date Received: 8/20/2012	Time Received:
Date of Log-in: 9-10-2012	Petition #: Z-12-09-11 Accela #: RZ-12-00002
Receipt #:	Amount Paid: $2,490.00

1. PARTIES TO THE APPLICATION

Name of Applicant: Peninsula Property Holdings IV LLC

Mailing Address: 2500 Weston Road, Suite 300

City: Weston	State: FL	Zip Code: 33331
Phone Number:		Fax Number:
Email Address:		

Name of Agent: Akerman Senterfitt c/o Cecelia Bonifay, Esq.

Mailing Address: 420 South Orange Avenue, Suite 1200

City: Orlando	State: FL	Zip Code: 32801
Phone Number: (407) 423-4000		Fax Number: (407) 254-4230
Email Address: cecelia.bonifay@akerman.com		

Name of Engineer/Surveyor: Joseph S. Menen, P.E.

Mailing Address: 1700 El Jobean Road

City: Port Charlotte	State: FL	Zip Code: 33948
Phone Number: (941) 629-2552		Fax Number: (941) 743-8298
Email Address: jmenen@charlotteeng.com		

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

Mailing Address:

City:	State:	Zip Code:
Phone Number:		Fax Number:
Email Address:		

2. PROPERTY INFORMATION

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

Property Account #: 412005156019		
Section: 05	Township: 41 S	Range: 20 E
Parcel/Lot #: Portion of Lot 33	Block #:	Subdivision: Englewood Gardens
Total acreage or square feet of the property: 1.004 AC		

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.

See attached.

4. PROOF OF LAND OWNERSHIP:

Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

See attached title insurance commitment.

5. NOTARIZED AUTHORIZATION:

- 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.

See attached agent authorization

6. RESTRICTIONS:

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

See attached.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Commercial Corridor	1.004 AC

Zoning District(s)	Acreage
PD	1.004 AC

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: CG

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?
Non applicable.

9. REASON FOR PROPOSED CHANGE(S):
The property is currently zoned PD for the construction of a Walgreens Pharmacy. The Walgreens was never constructed and the property was foreclosed on by the lender. The current property owner desires to rezone the property back to its original CG zoning to allow for a variety of commercial uses.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.)**:**
Former gas and convenience store.

11. SURROUNDING LAND USES:

North: *Commercial Corridor (vacant)*

South: *Commercial Center (Wachovia Bank)*

East: *Commercial Corridor (Venetian Cleaners)*

West: *Commercial Corridor (CVS Pharmacy)*

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.

See attached.

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):
SR 776 (S. McCall Road) and Placida Road/Pine Street

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.

Pursuant to conversation with Inga Williams, because the rezoning is to the prior zoning district and traffic conditions at the property have not changed, a Traffic Impact Report is not necessary.

B. Potable Water and Sanitary Sewer

i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property. ***See attached Utility Availability Letter from Englewood Water.***

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 Zoning.

See attached Exhibit A.

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.

See attached Exhibit B.

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-11(e) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

A. Whether the proposed change would be contrary to the Comprehensive Plan
B. The existing land use pattern in adjacent areas
C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets
D. Whether changed conditions make the passage of the proposed amendment appropriate
E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas
F. Whether the proposed change will affect public safety
G. Whether the proposed change will reduce light and air to adjacent areas
H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning

See attached Rezoning Narrative.

16. 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

See attached aerial and adjacent property owners list in electronic text file format.

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL. 33948

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF ~~MIAMI DADE~~ Broward

The foregoing instrument was acknowledged before me this 14 day of August, 20 12, by

who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Mahriah Tucker	
Notary Public Signature	Signature of Applicant or Agent
Mahriah Tucker	LARRY BENTON
Notary Printed Signature	Printed Signature of Applicant or Agent
Notary	2500 Weston Road, Suite 300
Title	Address
EE 197992	Weston, FL 33331
Commission Code	City, State, Zip
	305-662-4538
	Telephone Number

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Foreign Limited Liability Company

PENINSULA PROPERTY HOLDINGS IV, LLC

Filing Information

Document Number	M11000004307
FEI/EIN Number	371654616
Date Filed	08/26/2011
State	DE
Status	ACTIVE

Principal Address

2500 WESTON ROAD
SUITE 300
WESTON FL 33331 US

Changed 03/29/2012

Mailing Address

2500 WESTON ROAD
SUITE 300
WESTON FL 33331 US

Changed 03/29/2012

Registered Agent Name & Address

NRAI SERVICES, INC.
515 E. PARK AVE.
TALLAHASSEE FL 32301 US

Manager/Member Detail

Name & Address

Title MGR

ELLERT, KENT
2500 WESTON ROAD, SUITE 300
WESTON FL 33331 US

Title MGR

BAITER, JAMES E
2500 WESTON ROAD, SUITE 300
WESTON FL 33331 US

Title MGR

CASTRO, JUAN
2500 WESTON ROAD, SUITE 300
WESTON FL 33331 US

Title MGR

BENTON, LARRY
2500 WESTON ROAD, SUITE 300
WESTON FL 33331 US

Annual Reports

Report Year	Filed Date
2012	03/29/2012

Document Images

03/29/2012 -- ANNUAL REPORT | View image in PDF format

08/26/2011 -- Foreign Limited | View image in PDF format

Note: This is not official record. See documents if question or conflict.

Previous on List | Next on List | Return To List

Entity Name Search

No Events | No Name History | Submit

| Home | Contact us | Document Searches | E-Filing Services | Forms | Help |

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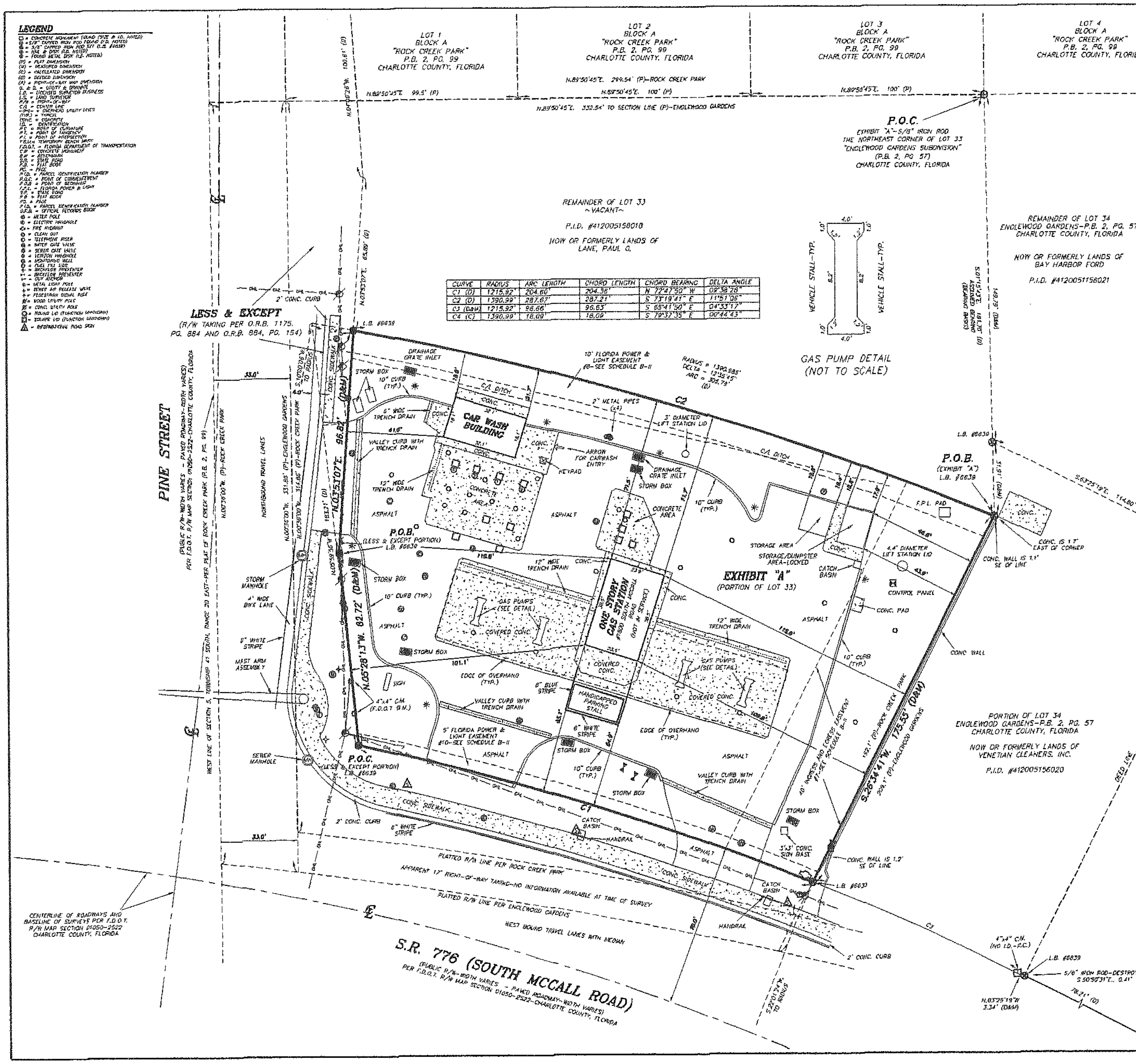
State of Florida, Department of State

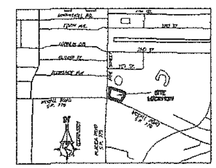
SURVEY

(Also see attached full size survey)

SECTION 5, TOWNSHIP 41S., RANGE 20E.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1 (D)	1215.92'	204.60'	204.36'	N 72°47'50" W	09°38'28"
C2 (D)	1390.99'	287.67'	287.21'	S 73°19'41" E	11°51'06"
C3 (D&M)	1215.92'	96.66'	96.63'	S 65°41'50" E	04°33'17"
C4 (C)	1390.99'	18.09'	18.09'	S 79°37'35" E	00°44'43"



VICINITY MAP–NOT TO SCALE

SCALE 1" = 20'

0' 10' 20' 40'

SURVEYORS NOTES:

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT BY STEWART TITLE GUARANTY COMPANY, FILE NO. 20110327, EFFECTIVE DATE OF DECEMBER 21, 2011.

DESCRIPTION FURNISHED BY CLIENT

THERE ARE NO APPARENT ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS OF WHICH WE HAVE KNOWLEDGE.

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED (I.E. UNDERGROUND GAS TANKS, ETC.) EXCEPT AS NOTED

THE GROSS LAND AREA=43,743.86 SQUARE FEET, 1.00 ACRE.

FLOOD ZONE DATA:

"THIS IS NOT A CERTIFIED FLOOD ZONE DETERMINATION"

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND ANY BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION.

TO BE VERIFIED BY THE LOCAL F.E.M.A. OFFICIAL

ALTA/ACSM LAND TITLE SURVEY OF:

EXHIBIT "A"

A PARCEL OF LAND BEING A PORTION OF LOT 33, ACCORDING TO THE PLAT OF "ENGLEWOOD GARDENS SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 33; THENCE ALONG THE EASTERLY LINE OF SAID LOT 33, SOUTH 01°15'43" EAST (ON AN ASSUMED BEARING) 181.70 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE ALONG THE EASTERLY LINE OF SAID LOT 33, SOUTH 26°34'41" WEST 175.55 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #776. THENCE ALONG THE RIGHT-OF-WAY LINE OF STATE ROAD #776 AND ALONG THE ARC OF A CURVE TO THE LEFT, THROUGH A RADIAL BEARING OF SOUTH 22°01'24" WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 9°38'28", A RADIUS OF 1215.92 FEET, FOR AN ARC DISTANCE OF 234.60 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET AS PER FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 592 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA. THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET, NORTH 05°59'56" WEST 183.21 FEET TO THE INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT. THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A RADIAL BEARING OF SOUTH 10°00'08" WEST, SAID CURVE HAVING A CENTRAL ANGLE OF 12°35'45", A RADIUS OF 1390.985 FEET, FOR AN ARC DISTANCE OF 305.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 44,886.561 SQUARE FEET, MORE OR LESS. SAID PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 41 SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA

LESS AND EXCEPT THAT PORTION TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1175, PAGE 884 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN LOT 33, ENGLEWOOD GARDENS, RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 884, PAGE 154 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776 AND THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET (OFFICIAL RECORDS BOOK 803, PAGE 591 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA); THENCE NORTH 05°28'13" WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 82.72 FOR A POINT OF BEGINNING; THENCE NORTH 03°53'07" EAST, A DISTANCE OF 162.71 FEET TO A POINT LYING 55.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE); THENCE NORTH 04°08'28" WEST, A DISTANCE OF 100.81 FEET TO A POINT LYING 47.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE); THENCE NORTH 02°25'13" WEST, A DISTANCE OF 79.36 FEET TO THE POINT OF TERMINATION ON THE NORTHERLY LINE OF LOT 1, BLOCK A, ROCK CREEK PARK, RECORDED IN PLAT BOOK 2, PAGE 99 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING 43.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE).

SCHEDULE B–II

THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE COMMITMENT BY STEWART TITLE GUARANTY COMPANY, FILE NO. 20110327, EFFECTIVE DATE OF DECEMBER 21, 2011, THE FOLLOWING ARE REFERENCED IN SCHEDULE B-II:

ITEMS 1 THROUGH 6 OF SCHEDULE B-II OF SAID COMMITMENT ARE NOT LAND SURVEYING MATTERS AND ARE NOT SHOWN ON THIS SURVEY.

7. EASEMENT SET FORTH IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 884, PAGE 154, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.
(LAND SURVEYING MATTER AND SHOWN ON SURVEY)

8. EASEMENT IN FAVOR OF FLORIDA POWER & LIGHT COMPANY RECORDED IN OFFICIAL RECORDS BOOK 884, PAGE 233 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.
(LAND SURVEYING MATTER AND SHOWN ON SURVEY)

9. (DELETED)

10. EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 334, PAGE 190 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA
(LAND SURVEYING MATTER AND SHOWN ON SURVEY)

11. COVENANTS, CONDITIONS AND RESERVATIONS SET FORTH IN SPECIAL WARRANTY DEED DATED DECEMBER 18, 2003 AND RECORDED JANUARY 23, 2004 IN OFFICIAL RECORDS BOOK 2300, PAGE 2146, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

ITEM 12 IS NOT A LAND SURVEYING MATTER AND IS NOT SHOWN ON THIS SURVEY.

CERTIFICATION:

DATE OF PLAT OR MAP

B. GREGORY BETH
FLORIDA PROFESSIONAL SURVEYOR & MAPPER REG'N #5329

FILE NUMBER:	12-01-02
DRAWING NUMBER:	120102.DWG
DATE OF FIELD SURVEY:	1/12/12
FIELD BOOK:	545
PAGE:	32-34
CHECKED BY:	B.G.P.
DRAWN BY:	J.D.G.

PREPARED FOR: BOOS DEVELOPMENT GROUP, INC.
BRYAN J. STANLEY, P.A.
AKERMAN, SENTERFITT & EDISON, P.A.
STEWART TITLE GUARANTY COMPANY

EST. 1987
STRAYER
SURVEYING & MAPPING, INC.

742 Shamrock Boulevard
Venice, Florida 34293
(941) 496-9488
(941) 624-4900
Fax (941) 497-6186
www.strayersurveying.com

ENVIRONMENTAL

ASSESSMENT REPORT

1800 S. McCall Road
Protected Species Assessment

Section 5, Township 41 South, Range 22 East
Charlotte County, Florida

July 2012

Prepared for:

Akerman Senterfitt
Peninsula Holdings, VI, LLC
Florida Community Bank
Charlotte Engineering and Surveying, Inc.

Prepared by:

W. Dexter Bender & Associates, Inc.
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966

INTRODUCTION

The subject property is located in the northeast quadrant at the intersection of S.R. 776 (South McCall Road) and Pine Street within a portion of Section 5, Township 41South, Range 20East in Charlotte County. The property is comprised of one parcel (Parcel Identification Number 412005156019).

SITE CONDITIONS

The property consists of an abandoned gas station. This site is surrounded by roads, commercial development, and single family homes.

VEGETATIVE CLASSIFICATIONS

The predominant vegetation association was mapped in the field on 2011 digital 1" = 80' scale aerial photography. One vegetation association was identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of this vegetation association and Table 1 summarizes the acreage by FLUCCS Code. A brief description of the FLUCCS Code is also provided below.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS Code	Description	Approximate Acres
147	Gas Station	1.0
	Total	**1.0**

FLUCCS Code 147, Gas Station

The property consists of an abandoned gas station, surrounding landscaped areas, and associated structures. Due to a lack of maintenance, the surrounding landscaped areas are dominated by a variety of opportunistic vegetative species such as Bahia grass (*Paspalum notatum*), crow's foot grass (*Dactyloctenium aegyptium*), southern sida (*Sida acuta*), frog fruit (*Phyla nodiflora*), beggar tick (*Bidens alba*), and sandspur (*Cenchrus* sp.). Remnant landscape species include laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), and wax myrtle (*Myrica cerifera*).

SECTION: 5
TOWNSHIP: 41 S
RANGE: 20 E

Walgreens Planned Development

0 40 80
SCALE FEET

FLUCCS	Description	Acreage
147	Gas Station	1.0 ac.

Notes:
1. Property boundary is approximate and obtained from Charlotte County Property Appraiser's Website.
2. Mapping based on photointerpretation of 2011 aerial photography and ground truthing in July 2012.
3. Delineation of jurisdictional wetlands is preliminary and subject to field review/approval by applicable regulatory agencies.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

July 31, 2012 1:03:14 p.m.
Drawing: AKERMAN1.VEG.MAP.DWG

Figure 1. Protected Species Assessment Map

W. DEXTER BENDER & ASSOCIATES, INC.
ENVIRONMENTAL & MARINE CONSULTING
FORT MYERS 239-334-3680

SURVEY METHOD

In accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidelines, meandering linear pedestrian belt transects were completed across the parcel to provide approximately 100 percent coverage of the site. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of species listed as endangered, threatened, or species of special concern by the FWC or the United States Fish and Wildlife Service (FWS) were denoted on the aerial photography. The site inspection for this protected species was conducted by a qualified ecologist during mid-day hours on July 5, 2012. At the time of the inspection, skies were mostly clear with temperatures between 90° and 95°F.

Prior to conducting the protected species survey, a search of the FWC listed species database (updated in June 2012) was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

RESULTS

No species listed by either the FWS or the FWC or evidence of listed species utilization were observed on the site during the July 2012 protected species survey. This is consistent with the findings of a protected species survey conducted on June 11, 2009 by W. Dexter Bender & Associates, Inc. and the overall very poor quality of the habitat on-site. In addition, a search of the FWC listed species database was conducted and no known protected species that could affect the future development of the subject property is currently documented.

UTILITY SERVICE

AVAILABILITY

Board of Supervisors
Taylor Meals, Chair
Sydney B. Crampton, Vice-Chair
Steve Samuels
Phyllis Wright
Eric Fogo

Michael J. Ray
Administrator

STATEMENT REGARDING
AVAILABILITY OF ENGLEWOOD WATER DISTRICT SERVICE

ISSUE DATE: 08/07/12 EXPIRATION DATE: 08/17/15

PROPERTY DESCRIPTION: 1800 S. McCall Rd. - PID #412005156019

PROPOSED TYPE UNIT: 6,000 SF Medical Office

PROPERTY OWNER: Peninsula Property Holdings IV LLC

PROJECT ENGINEER: Joseph Menen, Charlotte Engineering
SENT VIA E-MAIL: 08/17/12

Please be advised that the Englewood Water District hereinafter called "District", a political subdivision and body corporate, created pursuant to a Special Act of the Florida Legislature has the authority and duty to serve property located within the District service area.

Based upon information supplied, the subject property lies within the District, and is an existing water customer. The property has not yet connected to sewer. There appears to be an unfinished lift station on the property for possible connection to EWD sewer. There is a 1 inch meter for the water service to this property. There is a credit for a 5/8 inch irrigation meter which is currently removed. With the flow you provided, the District has determined the ERC's/Units is 5. There is a water and sewer credit of 5 ERC/Unit on the property. A Water and Wastewater Service Agreement is required for any re-installation fees involved. The Agreement must be executed and payment of any fees that may be applicable before service is provided.

This statement does not constitute a contract for service. The District has capacity and will provide water and sewer service when the Developer/Owner pays the applicable fees and complies with the rules and regulations of the District.

The District does not regulate design for fire protection. Our specifications mandate the installation of the mains and their appurtenances to supply water and sewer to the property. It is the Developer/Owner's responsibility to have a professional engineer design the system for the proposed project to meet the requirements of all appropriate regulatory agencies.

Inquiries concerning this matter should be directed to the undersigned by e-mail at rsofa@englewoodwater.com.

Sincerely,

Robin Sofa
Project Coordinator

/rs
ec: Jay Linden, Technical Support Manager
Susan Franklin, Customer Service Manager

Englewood Water District

201 Selma Avenue
Englewood, FL 34223

Phone: 941-474-3217
Toll Free: 1-866-460-1080
Fax: 941-460-1025
Email: info@englewoodwater.com
Website: englewoodwater.com

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Charlotte Engineering & Surveying, Inc.

CIVIL ENGINEERS,
LANDSCAPE ARCHITECTS,
LAND DEVELOPMENT
CONSULTANTS &
LAND SURVEYORS

Joseph S. Menen, P.E./P.S.M.
President/Chairman

Daniel M. Vickstrom, P.E.
Vice President

John T. Swen, R.L.A./A.S.L.A.
Vice President

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Venice:
(941) 485-0736
(direct to Port Charlotte office)

EB No. 2904
LB No. 2904
LC No. 371

www.charlotteeng.com

EXHIBIT A

August 13, 2012

Ms. Robin Sofa, Project Coordinator
Englewood Water District
201 Selma Avenue
Englewood, FL 34223

Re: Center for Sight, 1800 S. McCall Road (SR 776)
Water Usage and Flow Evaluation

Dear Ms. Sofa:

The estimated water usage flow for a 6,000 SF medical office building located at 1800 S. McCall Road is as follows:

Flow = 15 GPD/SF X 6,000 SF = 900 GPD

Therefore, the estimated flow is 900 GPD.

Sincerely,

Charlotte Engineering & Surveying, Inc.

Joseph S. Menen, PE/PSM
President

cc: client/file

EXHIBIT B

ARCHEOLOGICAL / HISTORICAL MEMO

14. Based on the SPAM Series Map #3, Archeological Predictive Model, the property is located in an area of medium probability. Since the site is a former gas station it is unlikely to contain archeological remains.

PENINSULA PROPERTY HOLDINGS IV, LLC

REZONING NARRATIVE

The Property (Charlotte County Property Account # 412005156019) is located at the northeast corner of SR 776 and Pine Street, Englewood, FL, and is currently zoned PD, pursuant to Charlotte County Ordinance Number 2009-036 ("PD Ordinance").

The PD Ordinance provided for a unified commercial development including a Walgreens Pharmacy on the Property and certain adjacent parcels to the North of the Property (Charlotte County Property Account #'s 412005156018 and 412005156009). Following the approval of the PD Ordinance, the proposed Walgreens use became unavailable for the Property, the predecessor in title to the applicant foreclosed its mortgage on and took title to the Property, and the PD Ordinance expired.

Prior to the enactment of the PD Ordinance, the Property was zoned Commercial General (CG). The applicant is requesting that the Property be rezoned back to its original CG zoning to facilitate the redevelopment of the Property.

The applicant maintains that such a request complies with the following standards for approval of a rezoning set forth Charlotte County Code, Section 3-9-11(e)(1):

A. Whether the proposed change would be contrary to the Comprehensive Plan

The future land use for the Property is commercial corridor which allows for a variety of commercial uses provided by the CG zoning designation. Therefore, the proposed rezoning of the Property to CG is consistent with the Charlotte County Comprehensive Plan.

B. The existing land use pattern in adjacent areas

The Property is located adjacent to and within an area of intensive commercial uses with CG, CI and PD zonings.

C. The population density pattern and possible increased load on public facilities such as schools

The proposed rezoning of the Property to CG will have no increased load on public facilities, as the Property was initially zoned CG.

D. Whether changed conditions make the purpose of the proposed amendment appropriate

The inability to construct a Walgreens at the Property and the expiration of the PD Ordinance make rezoning the Property back to the original zoning classification of CG appropriate.

E. Whether the proposed change will adversely influence living conditions or property values in the adjacent areas

The proposed rezoning of the Property to CG will facilitate the redevelopment of the Property, which is anticipated to improve living conditions and increase property values in adjacent areas.

F. Whether the proposed change is consistent with current uses and will not affect public safety

The proposed rezoning of the Property to CG is consistent with the current use of the Property (a former gas station/convenience store site), and will not affect public safety. While the current use of the Property is generally estimated to generate over 1,200 vehicle trips per 24 hour period, it is anticipated that any other commercial use of the Property would likely generate significantly fewer vehicle trips. Such an anticipated reduction in vehicle trips would likely improve public safety at the SR 776 and Pine Street intersection.

G. Whether the proposed change will reduce light and air to adjacent areas

Because the current use of the Property is commercial, it is unlikely that rezoning the Property back to CG would reduce light and air to adjacent areas.

H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning

The PD Ordinance limits the use of the Property to being a Walgreens Pharmacy. Because the proposed Walgreens use is no longer available for the Property and the PD Ordinance has expired, the existing zoning for the Property must be addressed to enable any future uses of the Property. The proposed rezoning of the Property to CG is the most practicable manner to address the current situation with respect to the zoning of the Property.