

**Application No.**

**Z-14-01-01**

**(Rezoning)**

**Applicant**

**Placida 169 Holdings, LLC /**

**Grove City PD to RMF-3.5**

**Quasi-Judicial**

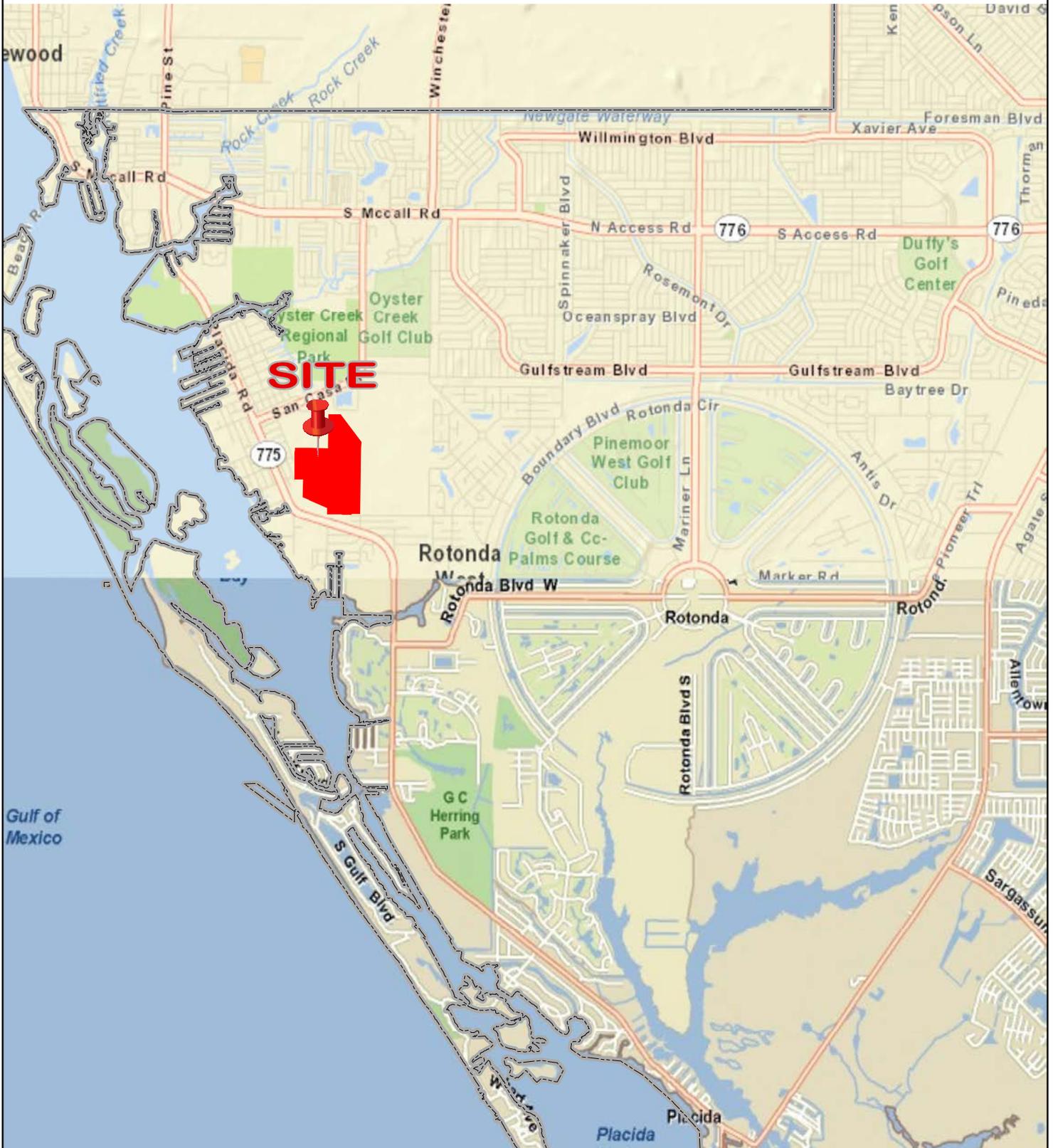
**Commission Dist. II**



Community Development

# CHARLOTTE COUNTY

## Location Map for Z-14-01-01



### 16/41/20 West County

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Community Development

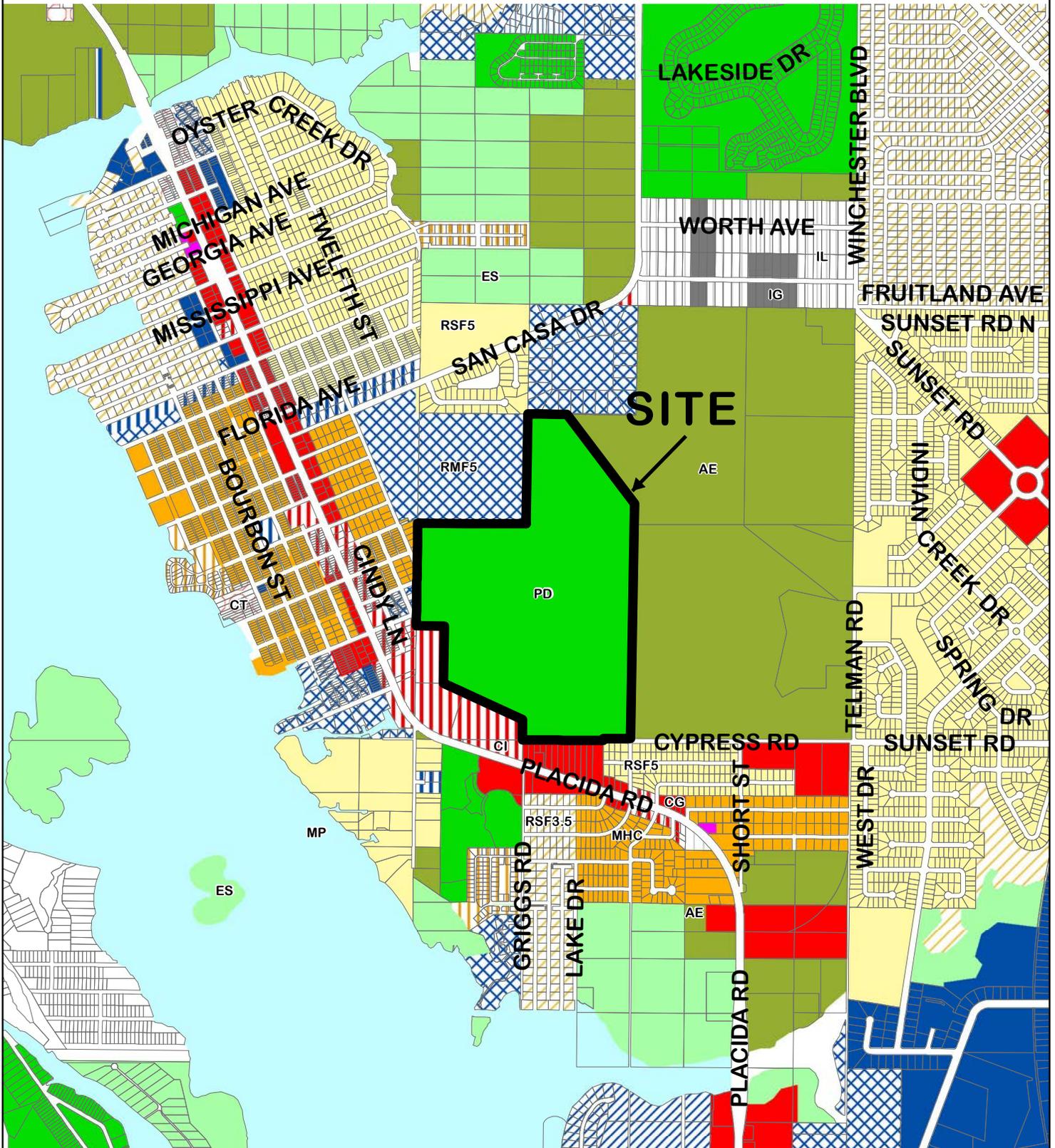
# CHARLOTTE COUNTY

## Zoning Map for Z-14-01-01

Charlotte County Government

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

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### 16/41/20 West County

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## Community Development Department Staff Report for Z-14-01-01

**DATE:** February 19, 2014

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

**FROM:** Jie Shao, Planner III

**REQUESTED**

**ACTION(S):** A privately initiated request to amend the Charlotte County Zoning Atlas from Planned Development (PD) to Residential Multi-family 3.5 (RMF-3.5)

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### PART I

**Applicant(s):** Placida 169 Holdings, LLC  
300 E. Bay Heights Avenue  
Englewood, FL 34223

**Owner(s):** ADC REO-FL Land, LLC  
2450 Broadway, Sixth Floor  
Santa Monica, CA 90404

**General Location  
and Acreage:**

The subject property is located South of San Casa Drive and East of Placida Road (C.R. 775), in the Englewood area. The site contains a total of 169.68± acres.

**Account Number(s):** 412016300001

**Analysis:**

The applicant, Placida 169 Holdings, LLC, is requesting a rezoning from Planned Development (PD) to Residential Multi-family 3.5 (RMF-3.5) in order to remove the original PD Concept Plan and allow additional flexibility for a residential development under the proposed residential multi-family zoning district. The site is currently vacant and contains approximately 169.68 acres located south of San Casa Drive and east of C.R. 775, in the Grove City/Englewood area.

***History of the Site***

On January 8, 2002, this parcel was approved for a Large Scale Plan Amendment (Petition Number PA-01-5-16-LS) from Low Density Residential to RV Park. The zoning of this parcel was also amended from Residential Single-family-2.5 (RSF-2.5) to Planned Development (PD) for the

development of an RV Park. The PD (Petition Number Z-01-5-17) established a maximum of 400 units of density for the site, which is 24 units less than the total gross density allowed by the previous RSF-2.5 zoning district. The PD also imposed a number of conditions upon development within the subject parcel. The ordinance (Ordinance Number 2002-003, Attachment 1) and the concept plan (Attachment 2) related to that PD are attached for your reference.

In 2007, the Board of County Commissioners (Board) adopted a Large Scale Plan Amendment petition, PA-05-11-76-LS, changing the Future Land Use Map (FLUM) designation from RV Park to Low Density Residential. It was subsequently found to be not-in-compliance by the Department of Community Affairs (DCA, now called the Department of Economic Opportunity). The County and the applicant negotiated a Stipulated Settlement Agreement with the DCA, which the Board approved on August 12, 2008. The Settlement Agreement required the adoption of an annotation to the FLUM limiting the overall density of the subject site to 400 units and specifically limiting the amount of density that can be placed in the portion of the property located within the Coastal High Hazard Area (CHHA) to 3.5 units per acre (please see Attachment 3, Ordinance Number 2008-089).

Per Case No. 13-002169-CA, the subject property was sold to ADC REO-FL Land LLC on December 18, 2013. The new owner and applicant have no intent to fulfill the originally approved PD for the development of an upscale RV park. Therefore, the applicant is now requesting a rezoning of the property from PD to RMF-3.5.

#### ***Compatibility and Impacts on the Adjacent Residential Uses***

The subject property is located east of C.R 775 and south of San Casa Drive, in the Grove City area. Properties located directly to the northwest and north of the subject site are all designated as Low Density Residential (LDR) with RMF-5, RSF-5 and MHC zoning. To the east, there is a large vacant parcel designated as LDR which is owned by Englewood Water Distract. To the southwest and south, there is vacant land designated for commercial development as well as several existing small businesses. The proposed change to RMF-5 is compatible with the property located immediately to the northwest and north of the site. There are commercial properties located to the south and southwest of the site, which will provide daily services to the future residents on the site. It is Staff's opinion that the subject property is an ideal location for residential development.

#### ***Consistency with the Smart Charlotte 2050 Comprehensive Plan and Land Development Regulations***

The subject property is located within a Revitalizing Neighborhood as shown on the 2050 Framework Map. Revitalizing Neighborhoods are considered infill locations within the County. The proposed change is consistent with the FLUM designation of LDR. The site is limited to 400 residential dwelling units. The applicant wishes to have single-family, multi-family and cluster development opportunities; therefore, the proposed RMF-3.5 is the most appropriate residential zoning district to meet the applicant's needs. The 3.5 units per acre is the lowest intensity multi-family zoning category within the County's Land Development Regulations. In addition, the annotation placed on the subject property on the 2030 Future Land Use Map limits the amount of density that can be placed within the portion of the property located in the Coastal High Hazard

Area (CHHA) to 3.5 units per acre. Therefore, the proposed change is consistent with the Smart Charlotte 2050 Comprehensive Plan.

***Consistency Issues***

- **Water and Sewer:** The maximum allowable density for the site is 400 units. The proposed change will not increase or decrease the existing development rights of the site. Therefore, the proposed residential uses would likely result in similar levels of utility usage compared to the 400 RVs planned for the original concept plan. In addition, the site will be served by Englewood Water District, which has more than adequate capacity to accommodate the proposed uses.
- **Traffic:** After reviewing the application, the County’s Transportation Planner has concluded that the surrounding roadway segments (mainly Placida Road) within the area of the subject property is currently operating at acceptable levels of service and would continue to operate at acceptable levels of service in the analysis for years 2020 and 2030.

It is Staff’s conclusion that the proposed development will not create any concurrency issues or concerns.

**STAFF RECOMMENDATION:**

“Approve adoption of Petition No. Z-14-01-01 based on the findings and analysis in the Comprehensive Planning Division staff report dated February 19, 2014 and any evidence presented at the public hearing on the application.”

**Conclusion:**

The site is designated as Low Density Residential on the 2030 Future Land Use Map; the rezoning request to RMF-3.5 is consistent with the goals, objectives, and policies of the Smart Charlotte 2050 Comprehensive Plan.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-14-01-01 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated February 19, 2014 and the evidence presented at the public hearing on the application (if applicable).”

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**PART II: RESEARCH AND FINDINGS**

- 1. 2050 Framework Designation:** Revitalizing Neighborhood
- 2. 2030 Service Area Delineation:** Urban Service Area
- 3. Existing Land Use on the Site:** The subject property is currently vacant. The site was previously excavated for fill and contains four man-made lakes as well as some natural wetlands.
- 4. Existing Designation(s):**

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

Table 1

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

FLUM	Development Standard
N/A	N/A
Zoning	Development Standard
Residential Multi-family 3.5 (RMF-3.5)	<p>The residential, multifamily (RMF) districts are intended to be low- or high-density residential districts with emphasis on multifamily use.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 7,500 square feet.</li> <li>• Minimum width is 80 feet.</li> <li>• Maximum lot coverage by all buildings is 35 percent.</li> </ul>

	<ul style="list-style-type: none"> <li>• Maximum building height is 60 feet.</li> <li>• Maximum density is 3.5 units per acre.</li> <li>• Minimum yard requirements:             <ul style="list-style-type: none"> <li>○ Front yard is 25 feet.</li> <li>○ Side yard:                 <ul style="list-style-type: none"> <li>▪ Interior, half the building height but not less than seven and one-half (7 1/2) feet.</li> <li>▪ Abutting a road, half the building height but not less than fifteen (15) feet.</li> </ul> </li> </ul> </li> </ul>
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Table 2

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

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
<b>North</b>	Vacant residential lands Single family residences	Low Density Residential (LDR)	Residential Multi-Family 5 (RMF-5) Residential Single Family 5 (RSF-5) Agriculture (AE)
<b>East</b>	Vacant agricultural lands Vacant land owned by Englewood Water District	Low Density Residential (LDR)	Agriculture (AE)
<b>South</b>	Vacant commercial Lands Improved commercial Lands Single family residences	Commercial (COM) Low Density Residential (LDR)	Commercial General (CG) Commercial Intensive (CI) Planned Development (PD) Residential Single Family 3.5 (RSF-3.5) Residential Single Family 5 (RSF-5)
<b>West</b>	Single family residences Mobile homes Vacant commercial Lands Improved commercial lands	Low Density Residential (LDR) Commercial (COM)	Mobile Home Conventional (MHC) Residential Multi-Family 5 (RMF-5) Commercial Intensive (CI) Commercial General (CG)

Table 3

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

Based on the 2030 Future Land Use, the maximum buildout of the subject site is 400 units.

**8. Is the subject site within a Community Planning Area or Special Plan area?**

The subject site is located within the boundary of the Grove City Community 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 will not be used for uses that could impact 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?** Yes. Per the environmental assessment report, prepared by EarthBalance dated January 2014, the site contains a total of 8.22± acres of wetlands and 0.52± acres of other surface waters

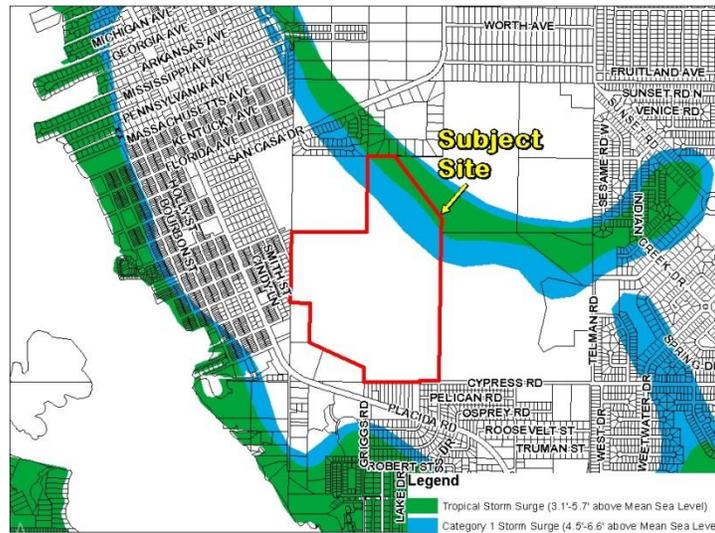
- a. **Number of acres of Category I:** Unknown amount
- b. **Number of acres of Category II:** Unknown amount

**13. Natural Resources:**

- a. **Significant natural resources and/or critical habitat for endangered/potentially endangered species:** A preliminary environmental assessment and FLUCCS Map has been provided by EarthBalance dated January 2014. Per the report, the site contains a total of 8.22± acres of wetlands, 0.52± acres of other surface waters, 53.08± acres of borrow ponds and 107.59± acres of upland habitats occur on site. The site is located within the core foraging area for the endangered Wood Stork (*Mycteria Americana*) and a 15% site survey identified at least 10 (ten) potentially occupied Gopher Tortoise burrows.
- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** None
- 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 11 AE, an area with a determined base flood elevation of 11 feet.
- e. **Storm Surge Evacuation Zone:** The majority of site is located within Evacuation Zone B, and a small portion of the site located at the northeast corner of the site is located within Evacuation Zone A.
- f. **Coastal High Hazard Area?** The majority of site is located outside of the Coastal High Hazard Area (CHHA). Only a small portion of the site located at the northeast corner of the site is located within the CHHA.



Z-14-01-01- Coastal High Hazard Area

**g. Could the proposed changes impact evacuation times? No**

**15. Facilities and Services**

**a. Nearest Park:**

*Name:* Ann Dever Memorial Regional Park at Oyster Creek

*Classification:* Regional

*Address:* 6791 San Casa Drive, in the Englewood area

*Distance:* Approximately 2.1 miles to the northeast of the subject site

**b. Nearest Police Station:**

*Name:* District 1

*Address:* 6868 San Casa Drive, Englewood

*Distance:* Approximately 1.8 miles to the northeast 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:**

*Name:* Englewood Charlotte Public Library

*Address:* 3450 North Access Road, Englewood, FL 34224

*Distance:* Approximately 4 miles to the northeast of the subject site

**e. Nearest Hospital:**

*Name:* Peace River Regional Medical Center

*Address:* 2500 Harbor Boulevard, Port Charlotte

*Distance:* Approximately 20.8 miles to the east of the subject site

**f. Nearest Potential Emergency Shelter:**

*Name:* Lemon Bay High School

*Address:* 2201 Placida Road, Englewood

*Distance:* Approximately 1.7 miles to the northwest of the subject site

**g. Nearest Public Schools:**

1. **Elementary:**  
*Name:* Vineland Elementary School  
*Address:* 467 Boundary Boulevard, Rotonda  
*Distance:* Approximately 4.6 miles to the northeast of the subject site
2. **Middle:**  
*Name:* L.A. Ainger Middle School  
*Address:* 245 Cougar Way, Rotonda West  
*Distance:* Approximately 3.2 miles to the northeast of the subject site
3. **High:**  
*Name:* Lemon Bay High School  
*Address:* 2201 Placida Road, Englewood  
*Distance:* Approximately 1.7 miles to the northwest of the subject site

**16. Concurrency**

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

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

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

Permitted Facility Capacity	225 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated water needs
5,360,000	2,400,000	76,000

Table 4

2. *Analysis:* If the Board approves this rezoning application, it will only allow the property owner to have a maximum of 400 residential dwelling units (either single-family or multi-family development) because of the FLUM annotation which limits the maximum residential development rights of 400 units. The estimated water usage would be 76,000 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial general development.

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

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

Permitted Facility Capacity	190 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated sewer needs
3,000,000	1,580,000	64,600

Table 5

2. *Analysis:* If the Board approves this rezoning application, it will only allow the property owner to have a maximum of 400 residential dwelling units (either single-family or multi-family development) because of the FLUM annotation which limits the maximum residential development rights of 400 units. The estimated sewer generation would be

64,600 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial general development.

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

1. *Level of Service*

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

2. *Analysis:*

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

**e. Schools:**

1. *Analysis:* The proposed rezoning will not increase or decrease the maximum allowable density of 400 dwelling units for the subject property. Therefore, no school concurrency issues will occur as a result of this rezoning.

**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:**

Various goals, objectives, and policies

**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:** The proposed rezoning to Residential Multi-family 3.5 (RMF-3.5) will not be contrary to the Future Land Use Map designation of Low Density Residential on the site.

**b. The existing land use pattern in adjacent areas:**

**Finding:** Located directly to the north and west of the site is a vacant property which contains RMF-5 zoning. Further to the north, there are single-family residences within subdivisions known as Palm Lakes Estates and Casa Meadows subdivision; this area is zoned RSF-5 and RMF-5 with a Low Density Residential (LDR) FLUM designation. To the west of the site are mobile homes within an area zoned Mobile Home Conventional (MHC) with a LDR FLUM designation and single-family residences in an area zoned RMF-5 with a Medium Density Residential (MDR) FLUM. Along the site's lower west border and to the south are properties zoned Commercial Intensive (CI). Several existing small businesses, as well as vacant land, are also located south of the site. This area has a FLUM designation of Commercial (COM) with Commercial General (CG) zoning. Also to the south of the site is an area of single-family residential development, which is zoned RSF-5 and contains a FLUM designation of LDR. To the east of the site is a large tract of vacant land owned by Englewood Water District. It is zoned Agriculture Estates (AE) and contains a LDR FLUM designation.

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

**Finding:** The proposed rezoning will not increase or decrease the existing residential development rights. Therefore, the impact to schools, roads and utilities would likely be similar compared to the existing PD zoning.

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

**Finding:** Yes. The original applicant for the PD rezoning no longer owns the property. The new owner/applicant has no desire to construct an RV park on the site.

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

**Finding:** No. The proposed RMF-3.5 zoning allows the site to be developed as a single-family or multi-family development. The surrounding properties located directly to the northwest and north are zoned RMF-5, RSF-5 and MHC, which allow for higher density than the proposed zoning for the site. The development standards of the proposed RMF-3.5 are similar to the RMF-5 zoning. Therefore, the proposed change will not adversely influence living conditions or property values in adjacent areas.

**f. Would the proposed change affect public safety?**

**Finding:** The proposed change should not affect public safety.

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

**Finding:** Although the development standards for the proposed RMF-3.5 zoning district are different from the development standards of the current PD zoning, all development of the site must comply with the setbacks, height limitations, landscaping and buffering requirements set forth in the County's Land Development Regulations. Therefore, the proposed change will not reduce light or air to adjacent areas.

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

**Finding:** A PD rezoning was approved on January 8, 2002 to allow an upscale RV park. The subject site can be used as it is currently zoned. However, the owner who had the PD rezoning approved no longer owns the property, and the current owner/applicant would like to have more flexibility in developing the site and does not want to fulfill the originally approved concept plan and its associated PD conditions.

January 1, 2002

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Wiley  
BCC #14

ORDINANCE  
NUMBER 2002-003

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FOR J & J HOMES, INC., REZONING 166.9 ACRES MORE OR LESS FROM RESIDENTIAL SINGLE FAMILY 2.5 (RSF-2.5) TO PLANNED DEVELOPMENT (PD), PETITION #Z-01-5-17, PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on Tuesday, January 8, 2002, the Board of County Commissioners in a public hearing reviewed Petition Z-01-5-17, which requested a rezoning of 166.9 acres more or less from Residential Single Family 2.5 (RSF-2.5) to Planned Development (PD) on property owned by J & J Homes, Inc., 1901 S. Tamiami Trail, Venice, Florida 34293, described in Exhibit "A" attached hereto and incorporated herein by reference (herein "the Property"); and

WHEREAS, the applicant, J & J Homes, Inc., seeks a rezoning to allow for continued development of a recreational vehicle park; and

WHEREAS, after due consideration, the Board of County Commissioners has found that the request is consistent with the Charlotte County Comprehensive Plan and has determined it to be in the best interest of the public to rezone 166.9 acres more or less of this property from RSF 2.5 to PD.

FILE 879501 OR BOOK 1991 PAGE 1163 RECORDED 01/22/02 @ 09:00 AM  
CHARLOTTE COUNTY, BARBARA T. SCOTT, CLERK FEES \$24.00

Attachment 1

IMAGED  
KB

Minutes



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

SECTION 1. The following petition for a zoning amendment to the Charlotte County Zoning Atlas is hereby approved, subject to the conditions contained in this ordinance:

Petition Z-01-5-17 for a rezoning of 166.9 acres more or less of property from Residential Single Family 2.5 (RSF-2.5) to Planned Development (PD) on property owned by J & J Homes, Inc., 1901 S. Tamiami Trail, Venice, Florida 34293, described in Exhibit "A" attached hereto and incorporated herein (hereinafter referred to as "the Property").

SECTION 2. The Planned Development zoning amendment approved by this ordinance shall be subject to the following conditions:

- a. The Property will be developed at no more than 400 units of density.
- b. Prior to issuance of a certificate of occupancy for the Property, the property must be buffered in accordance with the provisions and requirements of Chapter 3-5, Article XXII, Code of Laws and Ordinances of Charlotte County, with the following additional conditions:
  1. The buffer area will be of no less than 25 feet in width along all borders of the Property and will contain no structures other than that of a wall, fence, berm or gate.
  2. The required buffer will be of type "D" where the Property is bordering any property with existing residential development, regardless of the existing zoning designation of the bordering property. All other buffers will be type "C".
  3. With the exception of the east boundary line where the Property abuts the Englewood Water District treatment plant, all buffer areas will contain an opaque wall, fence or berm (or combination thereof) of at least 6 feet and no greater than 8 feet in height. The exterior of any such wall, fence or berm shall contain at least 75% of the vegetative material required herein. The interior side of any such wall, fence or berm shall contain at least 15% of the vegetative material required herein.

4. All existing native trees and vegetation within the buffer area will be retained as part of the buffer with additional vegetation planted in order to meet the buffering requirements herein. Removal of existing native species may be allowed with the prior approval of the Natural Resources Planning Section if so required for the placement of a required wall, fence or berm.

c. Consistent with Sections 3-9-49(a)(4), (6) and (10) , Code of Laws and Ordinances of Charlotte County, the Property development shall be designed such that all site planning will be dependent upon the natural features of the Property, even if this results in a developable density below 400 units. Such natural features include all native tree species. No native trees will be removed except for those within the designated footprint of the recreational vehicle within each lot, access drives from a lot to the road, the roadways, and where retaining a tree will result in unsafe conditions. It is the intent of this condition to retain as many as possible of the native trees found on site and to specifically prohibit the total clearing of every recreational vehicle site. No natural wetland will be impacted by development except for the development of a roadway to allow safe circulation. Such roadway will be designed and built to allow for the natural flow of water. Any mitigation for wetland impacts must be performed in Charlotte County.

d. No external public address system shall be allowed.

e. No tent camping or park models shall be allowed.

f. Recreational vehicles may be occupied as temporary living quarters for periods not to exceed 180 days.

g. Lots may be organized and/or sold by any legal means, provided that all applicable platting, condominium, property association, and land development regulation provisions are met.

h. Applicant will provide park rules and regulations or deed restrictions (whichever are applicable) prior to final detail plan approval sufficient to insure that the park will not be subject to use as a parking or storage area for recreational vehicles and for compliance with intent of this park as an upscale recreational vehicle park.

SECTION 3. The zoning for this property shall run with the property and shall apply to any subsequent owners, heirs and assigns.

SECTION 4. This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 8 day of January 2002.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Mac V. Horton  
Mac V. Horton, 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:

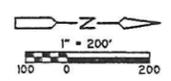
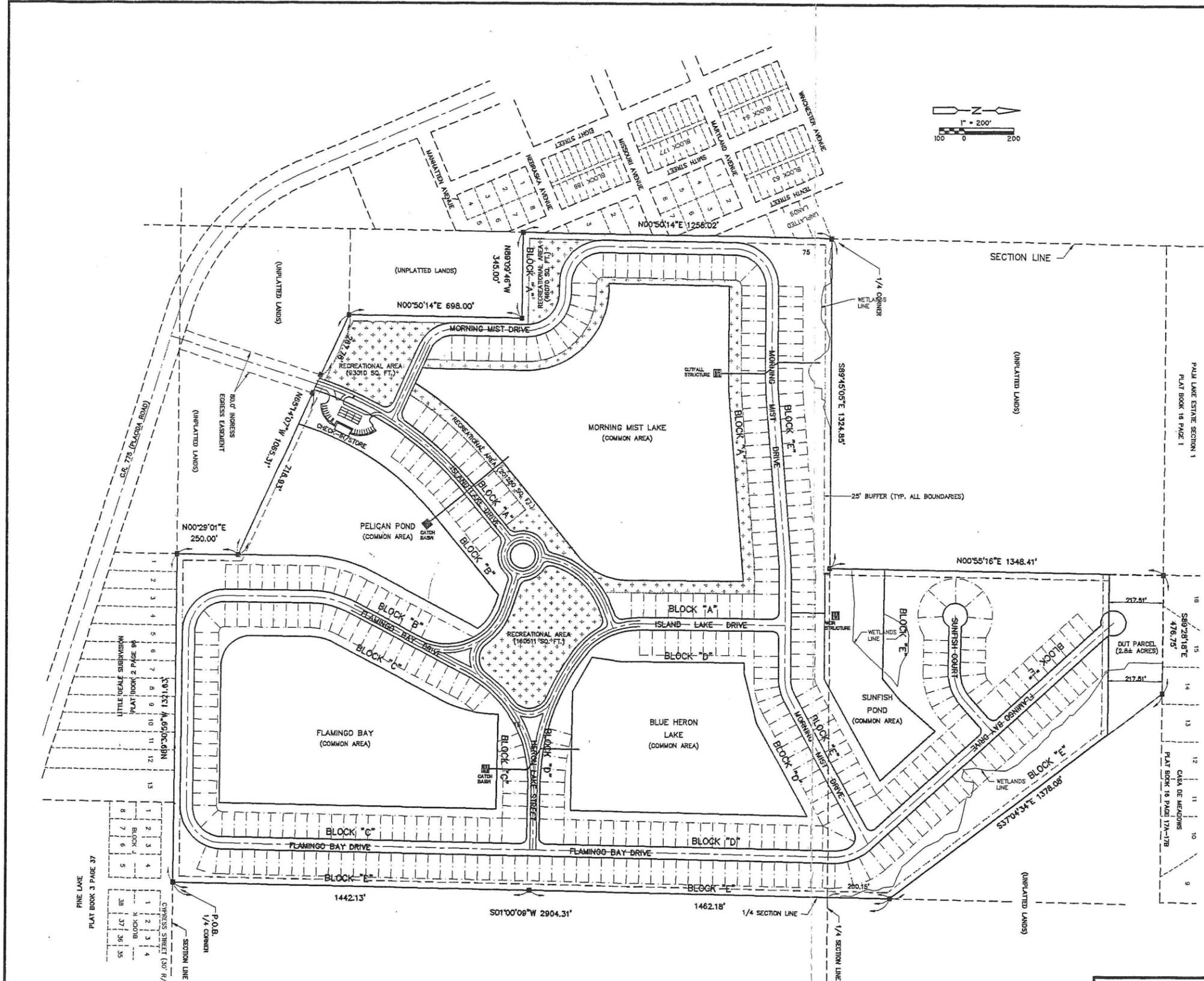
Brendan Bradley for  
Reneé Francis Lee, County Attorney

p:\wpdata\public\sue\ord\z01-5-17  
December 19, 2001 LR01-342

# EXHIBIT "A"

A parcel of land lying in the West half of Section 16, Township 41 South, Range 20 East, Charlotte County, Florida, being more particularly described as follows:

Begin at the Southeast corner of the Southwest Quarter of said Section 16 (Northing 933497.329; Easting 554063.544); Thence along the South line of said Southwest Quarter N89°30'59"W, a distance of 1321.63 feet; Thence N00°29'01"E, a distance of 250.00 feet; Thence N85°14'07"W, a distance of 1085.31 feet to the East line of those lands as described in O.R. Book 395, Page 570, Public Records of Charlotte County, Florida; Thence along the Easterly and Northerly limits of said lands the following two courses: N00°50'14"E, a distance of 698.00 feet; Thence N89°09'46"W, a distance of 345.00 feet to the West line of the Southwest Quarter of said Section 16; Thence N00°50'14"E along said West line, a distance of 1255.02 feet to the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 16; Thence S89°45'05"E along the South line of said Southwest Quarter of the Northwest Quarter to the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 16, a distance of 1324.85 feet; Thence N00°55'16"E along the West line of said Southeast Quarter, a distance of 1348.41 feet to the Southwest corner of the Northeast Quarter of the Northwest quarter of said Section 16; Thence S89°28'18"E along the South line of said Northeast Quarter of the Northwest Quarter, a distance of 476.75 feet; Thence S37°04'34"E, a distance of 1378.07 feet to the East line of the Southeast Quarter of the Northwest Quarter of said Section 16; Thence S01°00'09"W along said East line to the Southeast corner thereof, a distance of 250.15 feet to a permanent reference monument (Northing 936150.956; Easting 554109.979); Thence S01°00'09"W along the East line of the Southwest Quarter of said Section 16, a distance of 2854.16 feet to the Point of Beginning. Less the North 217.51 feet thereof. Containing 166.9 acres more or less.



**OWNER-DEVELOPER**  
 J & J HOMES, INC.  
 1801 TAMiami TRAIL, SUITE A  
 VENICE, FL 34293

**ENGINEER'S-SURVEYORS**  
 DMK GROUP, INC.  
 4315 McCall ROAD  
 ENGLEWOOD, FLORIDA 34224

**DESCRIPTION**  
 A parcel of land lying in the West half of Section 16, Township 41 South, Range 20 East, Charlotte County, Florida, being more particularly described as follows:  
 Begin at the Southwest corner of the Southwest Quarter of said Section 16 (Northing 933487.329; Easting 554083.544); Thence along the South line of said Southwest Quarter N89°30'59\"/>

**UTILITIES**  
 WATER: ENGLEWOOD WATER DISTRICT  
 SEWER: ENGLEWOOD WATER DISTRICT

**ZONING**  
 PD - RVP (PROPOSED)

TOTAL PARCEL AREA..... 166.9 ACRES  
 TOTAL LAKE AREA..... 50.19 ACRES  
 MAXIMUM No. OF LOTS ALLOWED.....1335  
 MAXIMUM No. OF LOTS PROPOSED.....390  
 ALLOWABLE DENSITY = 8 R.V. UNITS PER ACRE  
 PROPOSED DENSITY = 2.33 UNITS PER ACRE

TOPOGRAPHY PER HAMRICK AERIAL PHOTOGRAPH.

Attachment 2

<b>CONCEPT PLAN</b>		SHEET 1 of 2	
ISLAND LAKE ESTATES			
 <b>DMK GROUP, INC.</b> ENGINEERS SURVEYORS PLANNERS	4315 McCall Rd. Englewood, FL 34224 (941) 475-6596	DATE: 04/02/98	JOB No. 95-858
		SCALE: 1"=200'	DWN. RG CK'D BY:
UPDATES & REV.		DATE	DWN. BY:

In accordance with 610.5-30.04 F.A.C., these preliminary engineering documents are not to be used for final construction. However, any interpretation of the documents may be made by the Engineer to reflect resolution of issues prior to final action. Changes, revisions and modifications to the project may require additional document submissions for agency approval.

W #14  
BCE  
D.

FILED WITH THE DEPARTMENT OF STATE *October 27, 2008*



CLERK'S OFFICE  
COMMISSION MINUTES  
MURDOCK ANNEX

ORDINANCE  
NUMBER 2008 - 089

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AN ORDINANCE OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; ADDING AN ANNOTATION TO THE FUTURE LAND USE MAP OF THE 1997-2010 CHARLOTTE COUNTY COMPREHENSIVE PLAN LIMITING THE DENSITY ON THE SUBJECT SITE OF PETITION PA-05-11-76-LS; SATISFYING A REQUIREMENT OF A STIPULATED SETTLEMENT AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

18 WHEREAS, on October 7, 1997, the Board of County Commissioners of  
19 Charlotte County ("Board") in a public hearing, adopted the 1997-2010 Charlotte  
20 County Comprehensive Plan ("Charlotte County Comprehensive Plan"), which  
21 became effective in June of 2000, which has also been subsequently amended  
22 by numerous ordinances adopted by the Board; and

23 WHEREAS, on April 26, 2007, the Board adopted Ordinance 2007-026,  
24 attached hereto as Exhibit "A" and by this reference provided herein, which was a  
25 large scale plan amendment to the Future Land Use Map of the Charlotte County  
26 Comprehensive Plan from Recreational Vehicle Park to Low Density Residential  
27 for property containing 170 acres more or less and located in the Englewood  
28 Area; and

29 WHEREAS, the State of Florida, Department of Community Affairs  
30 ("DCA") is the state land planning agency and has authority to administer and  
31 enforce the Local Government Comprehensive Planning and Land Development

*Attachment 3*

*9*

1 Act, Chapter 163, Part II, Florida Statutes; and

2 WHEREAS, DCA found this plan amendment to be not in compliance as  
3 set forth in its Statement of Intent dated September 20, 2007; and

4 WHEREAS, DCA and the County entered into a Stipulated Settlement  
5 Agreement on August 12, 2008 ("Stipulated Settlement Agreement"), which  
6 contains two Remedial Actions needed for compliance, one of which is the  
7 adoption of this ordinance to add an annotation to the Future Land Use Map of  
8 the Charlotte County Comprehensive Plan limiting the overall density of the plan  
9 amendment site described in Ordinance 2007-026 to 400 units and limiting the  
10 amount of density that can be placed in the portion of the property that is located  
11 within the Coastal High Hazard Area to 3.5 units per acre; and

12 WHEREAS, pursuant to the terms of the Stipulated Settlement  
13 Agreement, the County agrees to consider adoption of the Remedial Actions  
14 within sixty (60) days after execution of the Stipulated Settlement Agreement;  
15 and

16 WHEREAS, the County has previously addressed and satisfied one of the  
17 two Remedial Actions set forth in the Stipulated Settlement Agreement; and

18 WHEREAS, the County, at this time, desires to adopt this one remaining  
19 Remedial Action set forth in the Stipulated Settlement Agreement and thereby  
20 effectively bring the plan amendment adopted under Ordinance 2007-026 into  
21 compliance.

22 NOW, THEREFORE, BE IT RESOLVED by the Board of County  
23 Commissioners of Charlotte County, Florida:

1           **Section 1.** An annotation to the Future Land Map of the 1997-2010

2 Charlotte County Comprehensive Plan is hereby added as follows:

3           “The 170 acres more or less of property that is the subject of  
4           Petition PA-05-11-76-LS and Ordinance 2007-026, which carries  
5           the Low Density Residential designation on the Future Land Use  
6           Map, shall contain a maximum of 400 units of density, and the  
7           portion of the property that is located within the Coastal High  
8           Hazard Area shall be limited to 3.5 units per acre.”

9           **Section 2.** Effective Date. The effective date of this Ordinance shall be  
10 following the appeal period after Notice of Intent issued by DCA is published  
11 addressing the annotation to the Future Land Use Map as being in compliance.  
12 The Department shall file this cumulative notice with DOAH and shall move to  
13 realign the parties or to have this proceeding dismissed, as may be appropriate  
14 and further outlined in the Stipulated Settlement Agreement.

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[SIGNATURE PAGE FOLLOWS]

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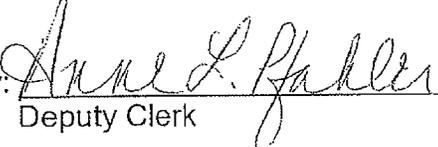
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PASSED AND DULY ADOPTED this 21 day of October, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Thomas C. D'Aprile, Chairman

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

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney  
LR2007-570  
RB

Handwritten initials and number #14

FILED WITH THE DEPARTMENT OF STATE *May 3, 2007*



CLERK'S OFFICE  
COMMISSION MINUTES  
MURDOCK ANNEX

ORDINANCE  
NUMBER 2007 -026

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AN ORDINANCE PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, ADOPTING A LARGE SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM RECREATIONAL VEHICLE PARK TO LOW DENSITY RESIDENTIAL FOR PROPERTY LOCATED IN COMMISSION DISTRICT III, SOUTH OF SAN CASA DRIVE, NORTH OF CYPRESS ROAD, AND EAST OF PLACIDA ROAD (C.R. 775), ENGLEWOOD AREA, CHARLOTTE COUNTY, FLORIDA, CONTAINING 170 ACRES MORE OR LESS; PETITION PA-05-11-76-LS, APPLICANT, J&J HOMES, INC.; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Thursday, April 26, 2007, the Board of County Commissioners of Charlotte County ("Board") reviewed land use amendment Petition PA-05-11-76-LS, which is a large scale 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, J&J Homes, Inc., whose address is 1901 South Tamiami Trail, Suite A, Venice, Florida 34293 ("Applicant"), has filed Petition PA-05-11-76-LS seeking a large scale amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Recreational Vehicle Park to Low Density Residential for property containing 170 acres more or less, which is owned by the Applicant, and described as property located South of San Casa Drive, North of Cypress Road, and East of Placida Road (C.R. 775), in Commission District III, Englewood area, Charlotte County,

**EXHIBIT A**

Handwritten initials and number 5

1 Florida, and more particularly described in Exhibit "A" attached hereto and by this reference  
2 provided herein; and

3 WHEREAS, Petition PA-05-11-76-LS has previously been heard before the  
4 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings  
5 and analysis presented in the Planning and Zoning Division Staff Report, dated January  
6 30, 2006 and revised on August 24, 2006, and the evidence presented to the P&Z Board,  
7 the proposed amendment has been found to be consistent with the Charlotte County  
8 Comprehensive Plan and has been recommended for approval by the P&Z Board; and

9 WHEREAS, after due consideration, the Board has found that the  
10 requirements and conditions of Chapter 163, Florida Statutes, as they relate to this  
11 Petition, have been met, and that it is in the best interests of the County to approve Petition  
12 PA-05-11-76-LS.

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

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

17 Petition PA-05-11-76-LS requesting a large scale amendment  
18 to the Future Land Use Map of the Charlotte County  
19 Comprehensive Plan from Recreational Vehicle Park to Low  
20 Density Residential, for property containing 170 acres more or  
21 less, described as property located South of San Casa Drive,  
22 North of Cypress Road, and East of Placida Road (C.R. 775),  
23 in Commission District III, Englewood area, Charlotte County,  
24 Florida, and more particularly described in Exhibit "A" attached  
25 hereto and by this reference provided herein.

26 Section 2. Effective date. The effective date of this plan amendment shall  
27  
28 be the date a final order is issued by the Department of Community Affairs or the

1 Administration Commission finding the adopted amendment to be in compliance with  
2 Section 163.3184, Florida Statutes, whichever occurs earlier; provided this ordinance has  
3 been filed in the Office of the Secretary of State, State of Florida. No development orders,  
4 development permits, or land uses dependent on this amendment may be issued or  
5 commenced before it has become effective. If a final order of noncompliance is issued by  
6 the Administration Commission, this amendment may nevertheless be made effective by  
7 adoption of a resolution affirming its effective status, a copy of which resolution shall be  
8 sent to the Florida Department of Community Affairs, Division of Community Planning,  
9 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

10 Section 3. Transmittal. County staff is hereby directed to forward a certified  
11 copy of this ordinance and its attachments to the Florida Department of Community Affairs,  
12 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and to the Executive  
13 Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor,  
14 North Fort Myers, FL 33918-3909.

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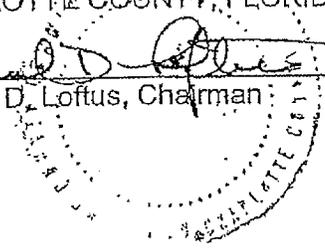
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PASSED AND DULY ADOPTED this 26 day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Richard D. Loftus  
Richard D. Loftus, Chairman



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

By: Barbara T. Scott  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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

RB  
LR 2006-168

**GENERAL LOCATION:** 170± acres located South of San Casa Drive, North of Cypress Road,  
and East of Placida Road (C.R. 775), in the Englewood area.

**LEGAL DESCRIPTION:**

Account # 0069995-000000-2

Section 16, Township 41S, Range 20E; Parcel P-2; 169.68Acres

M/L BEG AT SE COR OF SW1/4 TH W 1321.63FT N 250FT NW 1065.29FT N 698FT W 345FT  
TO W LN OF SEC 16 TH N 1254.88FT E 1324.86FT N 1348.41FT E 476.75FT SE 1378.23FT S  
250FT TO SE COR OF NW1/4 TH CONT S 2654.13FT TO POB PRB-828(PM), 456/256 494/383  
513/766 E660/2086 E663/215 944/1520 967/702 1930/492 ORD1991/1163 E2502/1095

**EXHIBIT A**



## MEMORANDUM

**Date:** February 11, 2014

**To:** Jie Shao, Planner III

**From:** Jamie Scudera, Environmental Specialist

**Subject:** Z-14-01-01  
Placida 169 Holdings, LLC  
Account #412016300001

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

- The applicant is proposing to amend  $\pm 169.68$  acres from the current zoning designation of Planned Development (PD) to Residential Multi Family 3.5 units per acre (RMF-3.5).
- A preliminary environmental assessment and FLUCCS Map has been provided by EarthBalance dated January 2014. Per the report, a total of  $\pm 8.22$  acres of wetlands,  $\pm 0.52$  acres of other surface waters,  $\pm 53.08$  acres of borrow ponds and  $\pm 107.59$  acres of upland habitats occur on site. The site is located within the core foraging area for the endangered Wood Stork (*Mycteria Americana*) and a 15% site survey identified at least 10 (ten) potentially occupied Gopher Tortoise burrows.

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

- All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- The environmental assessment provided is only a preliminary assessment therefore a complete listed species assessment must be provided prior to final site plan review submittal. All applicable Florida Fish and Wildlife Conservation Commission (FWCC) and

U.S. Fish and Wildlife Service (FWS) permits must be obtained prior to the commencement of the development (at the time of clearing permit application).

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

Chapter 3-2:

Article IX. *TREE REQUIREMENTS\**

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

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,  
Article XV, *SURFACE WATER AND WETLAND PROTECTION*,  
Article XVI, *OPEN SPACE / HABITAT RESERVATION TRUST*,  
Article XVIII, *LANDSCAPING AND BUFFERS*.

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

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

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

JS

P:\ANIMAL\Planamen\_Rezonings\2014\Z-14-01-01(Placida169Holdings).doc

**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning and Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1242 | Fax: 941.743.1292

**Planned Development Rezoning  
Petition/ Account Number: Z-14-01-01**

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

**FROM:** Venkat Vattikuti

**DATE:** February 06, 2014

**REQUESTED ACTION:**

**APPLICANT:** Placida 169 Holdings, LLC., 300 E Bay Heights Ave., Englewood, FL

**OWNER:** ADC REO-FL Land, LLC, 2450 Broadway, 6<sup>th</sup> Floor, Santa Monica, CA

**GENERAL LOCATION:** Property Account No: 412016300001 (Section 16, Township 41, Range 20)

1 **ANALYSIS:**

2 From the transportation perspective, with the proposed request for rezoning from  
3 Planned Development (PD) to Residential Multi-Family 3.5 (RMF-3.5), by capping  
4 the residential units at original approved 400 units (under Charlotte County's  
5 Comprehensive Plan) there would not be any increase in the number of new trips.  
6 Hence, with the proposed rezoning and the surrounding roadway segments  
7 (mainly Placida Road) within the area of significance of the subject property is  
8 currently operating at acceptable levels of service would continue to operate at  
9 acceptable levels of service in the analysis year 2020 and 2030 and offer no  
10 comments.

11



CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for REZONING

Date Received: JAN. 21, 2014	Time Received:
Date of Log-in: JAN. 22, 2014	Petition #: 2-14-01-01 Accela #: 2-14-57-12
Receipt #: 133230	Amount Paid:

**1. PARTIES TO THE APPLICATION**

**Name of Applicant:** Placida 169 Holdings, LLC

---

Mailing Address: 300 E. Bay Heights Ave.

---

City: Englewood	State: FL	Zip Code: 34223
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Phone Number: 941-416-4055	Fax Number:
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Email Address: ronsgreenland@comcast.net

**Name of Agent:** Robert H. Berntsson; Berntsson, Ittersagen, Gunderson & Wideikis, LLP

---

Mailing Address: 18401 Murdock Circle, Suite C

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City: Port Charlotte	State: FL	Zip Code: 33948
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Phone Number: 941-627-1000	Fax Number: 941-255-5483
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Email Address: rberntsson@bigwlaw.com

**Name of Engineer/Surveyor:** DMK Associates, Inc.

---

Mailing Address: 4315 S. Access Road

---

City: Englewood	State: FL	Zip Code: 34224
-----------------	-----------	-----------------

---

Phone Number: 941-475-6596	Fax Number:
----------------------------	-------------

---

Email Address: tmeadows@dmkassoc.com

**Name of Property Owner** (if more than one property owner, attach a separate sheet with a list of all owners):  
 ADC REO-FL Land, LLC

---

Mailing Address: 2450 Broadway, Sixth Floor

---

City: Santa Monica	State: CA	Zip Code: 90404
--------------------	-----------	-----------------

---

Phone Number:	Fax Number:
---------------	-------------

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Email Address: KMitchell@argentmanagementllc.com

**2. PROPERTY INFORMATION**

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

Property Account #: 412016300001		
Section: 16	Township: 41	Range: 20
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 169.68 acres		

**3. SURVEY:**

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

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

**5. NOTARIZED AUTHORIZATION:**

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

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

**7. EXISTING LAND USE DESIGNATIONS**

Future Land Use Map (FLUM) designation(s)	Acreage
Low Density Residential	169.68
Zoning District(s)	Acreage
PD	169.68

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

Amending Zoning designation(s) to: RMF-5 RMF-3.5 (per Rob Bertsson's email dated 2/6/2014)

---



---

**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?**

No density increase. Capped at 400 units under Comp Plan.

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

To delete expired PD.

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

Vacant residential.

**11. SURROUNDING LAND USES:**

North: Single Family and Multifamily

South: Commercial

East: Agricultural Estates

West: Commercial Intensive, Multifamily, & Mobile Home Conventional

**12. ENVIRONMENTAL ASSESSMENT:**

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

**13. INFRASTRUCTURE:**

**A. Roadway**

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

Placida Road

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional engineer. Address the number of vehicle trips that may be generated by development of the

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

**FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT**

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

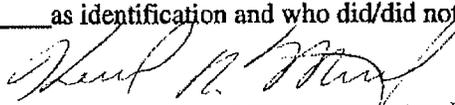
I give authorization for Placida 169 Holdings, LLC to be the applicant for this REZONING.

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

\_\_\_\_\_ who is personally known to me or has/have produced

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

Notary Public Signature	
Notary Printed Signature	Signature of Owner's Representative Kenneth R. Mitchell, Asset Manager
Title	Printed Signature of Owner P.O. Box 372698
Commission Code	Address Satellite Beach, FL 32937
	City, State, Zip 321-288-2101
	Telephone Number

**FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT**

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for Placida 169 Holdings, LLC to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 1 day of February, 2014, by Kenneth R. Mitchell who is personally known to me or has/have produced N/A as identification and who did/did not take an oath.



Notary Public Signature

Donna Buist

Notary Printed Signature

  
DONNA BUIST  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# EE147016  
Expires 11/16/2015

Commission Code

 ASSET MANAGER

Signature of Owner's Representative

Kenneth R. Mitchell

Printed Signature of Owner

1021 Nightingale Drive

Address

Fort Collins, Co. 80525

City, State, Zip

321-288-2101

Telephone Number

**FORM B. APPLICANT AUTHORIZATION TO AGENT**

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the REZONING of the property described and which is the subject matter of the proposed hearing.

I give authorization for Robert H. Bertsson, Esq. to be my agent for this application.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 21 day of January, 2014, by RON GREENLAND who is personally known to me or has/has produced \_\_\_\_\_ as identification and who did/did not take an oath.

KATRINA RYDZENSKI | Ron Greenland  
Notary Public Signature | Signature of Applicant

KATRINA RYDZENSKI | Ron Greenland  
Notary Printed Signature | Printed Signature of Applicant

\_\_\_\_\_| 300 E Bay Heights  
Title | Address

\_\_\_\_\_| Englewood FL 34223  
Commission Code | City, State, Zip

\_\_\_\_\_| 941-416-4055  
Telephone Number



**AFFIDAVIT A**

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 Charlotte

The foregoing instrument was acknowledged before me this 20 day of January, 2014,  
by Robert H. Beertsson who is personally known to me or has/have produced

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

Katrina Rydzenski | [Signature]  
Notary Public Signature | Signature of Applicant or Agent

Katrina Rydzenski | ROBERT H. BEERTSSON  
Notary Printed Signature | Printed Signature of Applicant or Agent

\_\_\_\_\_ | 18401 Murdock Circle, Ste. C  
Title | Address

\_\_\_\_\_ | Port Charlotte, FL 33948  
Commission Code | City, State, Zip



\_\_\_\_\_ | 941.627.1000  
Telephone Number

**AFFIDAVIT B**

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

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 20 day of January, 2014, by Robert H. Berntsson who is personally known to me or has/have produced \_\_\_\_\_ as identification and who did/did not take an oath.

<u>Katrina Rydzewski</u> Notary Public Signature	<u>Robert H. Berntsson</u> Signature of Applicant or Agent
<u>Katrina Rydzewski</u> Notary Printed Signature	<u>ROBERT H. BERNTSSON</u> Printed Signature of Applicant or Agent
_____ Title	<u>18401 MURDOCK CIRCLE, STE C</u> Address
_____ Commission Code	<u>PORT CHARLOTTE, FL 33948</u> City, State, Zip
	<u>941.627.1000</u> Telephone Number

**NARRATIVE TO THE  
Placida 169 Holdings, LLC  
REZONING FROM PD TO RMF-5<sup>3.5</sup>**

Placida 169 Holdings, LLC is applying to amend the zoning atlas from Planned Development (PD) to Residential Multi-family 3.5(RMF-3.5). The subject property is approximately one hundred and sixty nine (169) acres located on C.R. 775, in the Grove City area. It has a future land use designation of Low Density Residential on the FLUM.

The property is currently undeveloped. In the past excavation activity took place, creating several lakes on site. The PD was approved to allow an upscale RV park. The owner who had the PD zoning approved no longer owns the property.

There should be no traffic impacts as the comprehensive plan limits density on the site to 400 units. There are no known archeological or historical objects on site.

This application meets the criteria for rezoning as follows:

- A. The proposed change would not be contrary to the Comprehensive Plan. The density is capped by the plan which will limit development to 400 units.
- B. The application is consistent with existing land use patterns of adjacent areas; commercial uses to the north, south and east of the subject property, with residential uses almost completely surrounding the property.
- C. The population density pattern and load on public facilities such as schools, utilities and streets, would not likely be affected.
- D. Changed conditions make the passage of the proposed amendment appropriate. The new owners of the property have no desire to construct an RV park on the property. The PD has expired.
- E. The proposed change will not adversely influence living conditions or property values in the adjacent area. The contiguous uses are mostly residential. Current regulations will ensure proper buffering to the adjacent properties.
- F. The proposed change shall have no negative effect on public safety.
- G. The proposed change will not reduce light and air to adjacent areas.

H. The property cannot be used in accordance with the expired PD.

Based on the foregoing, it is respectfully requested that the property be rezoned to RMF-3.5. Respectfully submitted, this 21st day of January.

A handwritten signature in blue ink, appearing to read "Robert H. Berntsson", with a long horizontal flourish extending to the right.

Robert H. Berntsson

**Shao, Jie**

---

**From:** Shao, Jie  
**Sent:** Thursday, February 06, 2014 11:45 AM  
**To:** 'Robert Berntsson'  
**Cc:** Trepal, Matthew  
**Subject:** RE: FW: RMF3.5

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	'Robert Berntsson'	
	Trepal, Matthew	Read: 2/6/2014 11:48 AM

Rob,

This email is enough. I will attach it to your application.

Thanks,  
Jie

*Jie Shao*  
Planner III  
Charlotte County Community Development Department  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948-1094  
(941) 743-1272 / (941) 743-1292 (fax)

Please visit our [Smart Charlotte 2050 website](#) to view the adopted Comprehensive Plan  
Please click on [www.CharlotteCountyFL.com](http://www.CharlotteCountyFL.com) to visit the Charlotte County Homepage

**"To Exceed Expectations in the Delivery of Public Services"**

**From:** Robert Berntsson [mailto:rberntsson@bigwlaw.com]  
**Sent:** Thursday, February 06, 2014 11:40 AM  
**To:** Shao, Jie  
**Cc:** Trepal, Matthew  
**Subject:** Re: FW: RMF3.5

My client is fine with going to RMF 3.5 rather than RMF 5, the density is capped at 400 in either case, and it appears the development standards are the same for both districts. Let me know if you need me to do anything else to effect the change. ROB

Robert H. Berntsson, Esq.  
*Board Certified in City, County and Local Government Law by the Florida Bar*

**Berntsson, Ittersagen, Gunderson & Wideikis, L.L.P**  
**The BIG W Law Firm**  
**18401 Murdock Circle, Suite C**  
**Port Charlotte, Florida 33948**

(941) 627-1000, ext. 331-Office  
(941) 255-5483-Fax  
[rberntsson@bigwlaw.com](mailto:rberntsson@bigwlaw.com)  
[www.bigwlaw.com](http://www.bigwlaw.com)

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On Thu, Feb 6, 2014 at 10:44 AM, Shao, Jie <[Jie.Shao@charlottefl.com](mailto:Jie.Shao@charlottefl.com)> wrote:

Rob,

Please see the following email and the new LDRs will keep the RMF-3.5 zoning district. I would appreciate it if you would confirm that your client (Placida 169 Holdings, LLC) is ok to rezone the property (account number is 412016300001) from PD to RMF-3.5.

Thanks,

Jie

*Jie Shao*  
Planner III  
Charlotte County Community Development Department  
18500 Murdock Circle, B-208  
Port Charlotte, FL 33948-1094  
(941) 743-1272 / (941) 743-1292 (fax)

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"To Exceed Expectations in the Delivery of Public Services"

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**From:** Trepal, Matthew  
**Sent:** Thursday, February 06, 2014 10:27 AM  
**To:** Shao, Jie; Williams, Inga  
**Subject:** RE: RMF3.5

Yes, we're keeping the RMF-3.5. According to the most recent records I have, there are over 200 acres of RMF-3.5 in the County, and that was too much to merge up to RMF-5.

Do you have particular concerns about RMF-3.5?

Matt Trepal

Principal Planner

Charlotte County

Community Development Department

Planning Section

18500 Murdock Circle

Port Charlotte, FL 33948

Tel: (941) 764-4934

Fax: (941) 743-1292

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

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**From:** Shao, Jie  
**Sent:** Thursday, February 06, 2014 10:24 AM  
**To:** Trepal, Matthew; Williams, Inga  
**Subject:** RMF3.5  
**Importance:** High

Good morning Matt and Inga,

I would appreciate it if you would let me know whether or not the new LDRs will keep the RMF3.5 zoning district.

According to the posting, the new LDRs include the RMF3.5 zoning.

Thanks,

Jie

*Jie Shao*

Planner III

Charlotte County Community Development Department

18500 Murdock Circle, B-208

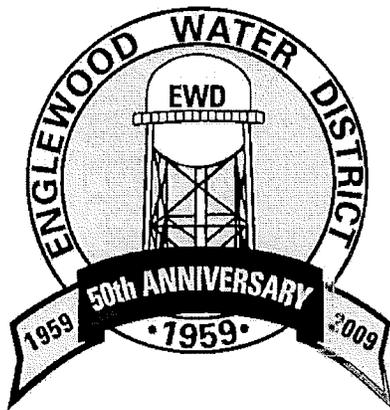
Port Charlotte, FL 33948-1094

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**"To Exceed Expectations in the Delivery of Public Services"**



**Board of Supervisors**

Taylor Meals, Chair  
Steven Samuels, Vice-Chair  
Sydney B. Crampton  
Phyllis Wright  
Eric Fogo

Michael J. Ray  
Administrator

STATEMENT REGARDING  
AVAILABILITY OF ENGLEWOOD WATER DISTRICT SERVICE

ISSUE DATE: 01/15/14                      EXPIRATION DATE: 01/15/17

PROJECT NAME: Grove City Development Property Rezone

AVAILABILITY REQUESTED BY: Robert H. Berntsson, Esq.  
The Big W Law Firm  
Sent Via E-mail 01/15/14

PROPOSED # OF UNITS: 400                      PROPOSED TYPE UNIT: SF

PROPERTY DESCRIPTION: PID #412016300001

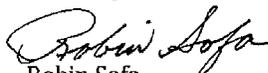
Please be advised that the Englewood Water District hereinafter called "District", a political subdivision and body corporate, created pursuant to a Special Act of the Florida Legislature has the authority and duty to serve property located within the District service area.

Based upon information supplied, the subject property lies within the District, and there is a 12 inch water main on Placida Road to provide water service and wastewater will be available with a Developer installed force main to the EWD Wastewater Treatment Plant. This statement does not constitute a contract for service. The District has capacity to and will provide both water service and sewer service when the Developer/Owner executes a Water and Wastewater Service Agreement, pays the applicable rates, fees, and charges, 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.

It is recommended that the necessary documents required by the District be prepared as soon as possible prior to the intended commencement date of the project to accommodate the service request. Enclosed is a copy of the Developer Submittal Package List for your information. All inquiries or requests for additional information concerning this matter should be directed to the undersigned by e-mail at [rsofa@ewdfl.com](mailto:rsofa@ewdfl.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](mailto:info@englewoodwater.com)  
Website: [englewoodwater.com](http://englewoodwater.com)

## PROPERTY DEVELOPMENT SUBMITTAL PACKAGE LIST

### **Initial Project Submittal Package to the District must include:**

1. Six (6) sets of completed construction drawings. The District will keep four (4) sets if you need more than two (2) back adjust your submittal accordingly.
2. Four (4) original Department of Environmental Protection Permit (Water) applications, signed by the Owner/Applicant and Engineer of Record. Both Sarasota and Charlotte County must be submitted to Sarasota County Health Department. The District will keep one (1) original if you need more than three (3) back adjust your submittal accordingly.
3. Four (4) original Department of Environmental Protection Permit (Wastewater) applications, signed by the Owner/Applicant and Engineer of Record. Both Sarasota and Charlotte County must be submitted to the DEP/Fort Myers Office. The District will keep one (1) original if you need more than three (3) back adjust your submittal accordingly.

The Service Agreement must be executed prior to the preliminary review of the drawings which will be completed within five (5) working days. After which, a letter will be sent either approving the drawings or requesting additional items, noting corrections and/or changes to the drawings to meet EWD specifications. **Once the drawings meet EWD specifications they will be stamped approved and must be used by the Contractor for the utility installation.**

If a Commercial project, the anticipated flow data/usage from historical records of similar facilities, or accepted standard published data must be provided. The Englewood Water District will review the flow information to determine the number of units (ERC's) and the Capital Capacity Charges (impact fee) for the Water and Wastewater Service Agreement.

If the project will be connecting to the District's vacuum sewer system and have five (5) or more valve pit installations, the Developer/Owner will be responsible to secure an AirVac Inspector to inspect and certify the system and pits.

### **Certification of Construction Completion Submittal Package to the District must include:**

1. Six (6) sets of completed construction drawings. The District will keep four (4) sets if you need more than two (2) back adjust your submittal accordingly. One (1) disk (CDROM) of the Record Drawings of the master plan file, including, where applicable, easements, water/wastewater facilities, and storm water drainage system. The digital data to be submitted shall follow these formatting guidelines: All data shall be delivered in the State Plane coordinate system, with a Florida East Projection, and a NAD83 datum, with USFEET units; files shall be in a Digital File DWG (AutoCAD format); information layers shall have common naming conventions (i.e. right-of-way - ROW, centerlines - CL, edge-of-pavement - EOP, etc.). For a plan to be deemed complete, the layering scheme must be readily understood by EWD Staff. These digital submittal requirements are enacted to enable the Englewood Water District to serve our customers better.
2. Four (4) original Department of Environmental Protection Permit (Water) applications, signed by the Owner/Applicant and Engineer of Record with copies of the bacteriological test results and pressure test results. Both Sarasota and Charlotte County must be submitted to Sarasota County Health Department. The District will keep one (1) original if you need more than three (3) back adjust your submittal accordingly.
3. Four (4) original Department of Environmental Protection Permit (Wastewater) applications, signed by the Owner/Applicant and Engineer of Record. Both Sarasota and Charlotte County must be submitted to the DEP/Fort Myers Office. The District will keep one (1) original if you need more than three (3) back adjust your submittal accordingly.

4. The Capital Capacity Charges must be paid on or before the submittal of the DEP or Health Department Certification of Completion of Construction of the water and/or wastewater utility systems(s).
5. If the project will be contributing the distribution and collection systems to the District, a copy of the recorded plat and a Certificate of Value of the contributed Distribution System and its appurtenances and a Certificate of Value of the contributed Collection System and its appurtenances must be submitted with the Certification of Completion of Construction.
6. If the project is a vacuum system, a Valve Pit Record Drawing is required. See attached example for the information required.
7. The following items are required on submitted record drawings:
  - Type of materials installed-mains, services. Also indicate all locations of change of material.
  - Indicate depth of cover over water mains at 100 feet intervals, as well as at major breaks in direction
  - As-built length of all jack and bore casings, and as-built distance from each casing to limit of mechanical joint pipe.
  - Tie in distances from at least two (2) permanent structures to each valve, fitting, service line, blow-off point, hydrant, each end of jack and bore casing, etc.
  - Certified survey of the line with the valves only to be located from two (2) fixed structures.
  - As-built measurements of the service line main must be indicated along each segment of the installed pipe route, as well as as-built measurements from the centerline of the road to the main, must be indicated at least every 200 feet.
  - Bacteriological sample test points must be identified.

A preliminary review of the record drawings will be completed within five (5) working days. After which, a letter will be sent either approving the drawings or requesting additional items, noting corrections and/or changes to the drawings.

January 20, 2014

Mr. Ron Greenland.  
P.O. Box 1505  
Englewood, FL 34295

**Subject: Natural Resources Inventory  
PID. 412016300001 / ±169 acres  
Section 16, Township 41S, Range 20E  
Charlotte County, Florida**

Dear Mr. Greenland:

On January 17, 2014, EarthBalance® conducted an environmental assessment of the above-referenced property. The purpose of the assessment was to identify and describe habitats located on the site using the Florida Land Use, Cover, and Forms Classification System (FLUCCS) and perform a cursory survey of protected species habitat including a preliminary 15% survey of suitable gopher tortoise habitat.

#### **METHODOLOGY**

The site was assessed for wetlands using both the State wetland jurisdictional methodology, as described in Chapter 62-340, Florida Administrative Code (FAC), and the U.S. Army Corps of Engineers (USACE) *Wetland Delineation Manual* (Environmental Laboratories 1987). The following methods were employed to assess the parcel:

- Field inspection of the site for evidence of wetlands, protected species, or other sensitive environmental features,
- Recent photograph interpretation of the subject property,
- Review of the Soil Survey of Charlotte County, Florida (<http://websoilsurvey.nrcs.usda.gov>),
- Research of the Florida Natural Areas Inventory (FNAI) for documented occurrence and potential occurrence of protected wildlife species on or near the site (<http://lotmaps.freac.fsu.edu/bio05/index.html>),
- Florida Wildlife Conservation Commission (FWC) Eagle Nest Locator (<https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx>), and
- Charlotte County Scrub Jay Property Search (<http://www.charlottecountyfl.gov/services/scrubjay/Pages/default.aspx>).

No topographic or wetland/surface water boundary data were collected during this assessment of natural resources.

## **HABITATS**

A pedestrian survey of the site was conducted in order to identify habitat types and to inspect the overall condition of the site. Each habitat on site was identified according to the FLUCCS. The attached FLUCCS map details the habitats identified on the site. The wetland boundaries on the map were estimated based on a combination of mapped hydric soils, aerial interpretation, and observed site characteristics.

### **Pine Flatwoods (FLUCCS 411)**

The majority of the site, 83.86 acres, is comprised of pine flatwoods habitat. This habitat is vegetated with slash pine (*Pinus elliottii*), saw palmetto (*Serenoa repens*), wax myrtle (*Myrica cerifera*), and sparse cabbage palm (*Sabal palmetto*). Brazilian pepper (*Schinus terebinthifolius*) is found throughout this habitat; in areas it is the dominant species to the exclusion of native species. While Brazilian pepper is most common in previously disturbed areas, native areas are overgrown and significantly fire suppressed with an overgrown shrub layer of saw palmetto, shrubs, and vines. A portion of this habitat has been disturbed by the construction of trails and the disposal of asphalt debris. Numerous mounds of asphalt debris were observed throughout the site, but particularly along the entrance trail.

### **Scrubby Pine Flatwoods (FLUCCS 412)**

Approximately 17.01 acres of the site were identified as scrubby pine flatwoods. This habitat occurs along the southeast and western boundaries of the site. This habitat type is characterized by a sparse canopy of slash pine, occasional longleaf pine, and a sparse understory of saw palmetto with numerous open sandy patches. Small amounts of dwarf live oak (*Quercus minima*) occurs in the shrub layer with wire grass (*Aristida* sp.), fetterbush (*Lyonia lucida*), and pawpaw (*Asimina* sp.) in the understory. This habitat has been disturbed by trails and previous clearing activities.

### **Upland Cut Ditch (FLUCCS 510)**

Approximately 0.52 acre of upland cut ditch habitat occurs on site. The bottom of the ditch is sparsely vegetated. The banks of the ditch are vegetated with saw palmetto and dense Brazilian pepper.

### **Reservoirs (Borrow Ponds) (FLUCCS 530)**

Five borrow ponds occur on the site. The ponds comprise approximately 53.08 acres of the site. The four larger borrow ponds are vegetated with Brazilian pepper, slash pine, and wax myrtle along the top of bank. The shoreline of each is vegetated with sporadic swamp fern (*Blechnum serrulatum*), dense cattail (*Typha* sp.), and Carolina willow (*Salix caroliniana*).

The smaller borrow pond is not as deep as the remaining four borrow ponds. It appears that construction of the pond was suspended and it does not hold water year around. The borrow pond is vegetated with Brazilian pepper, wax myrtle, and saltbush (*Baccharis halimifolia*). Torpedo grass (*Panicum repens*) dominates the groundcover.

The borrow ponds and their littoral areas are jurisdictional wetlands and surface waters for the State; further research is needed to determine their federal jurisdiction. Preliminarily, these areas appear to be isolated and not subject to federal jurisdiction. Wetland habitat along the shoreline is generally of poor quality due to the dominance and density of nuisance vegetation (Brazilian pepper, cattails) and lack of open marsh habitat. The bulk of the borrow ponds is open water with no visible structure or submerged or emergent vegetation (such as water lilies). As such, it is unlikely that the regulatory agencies would require compensation to re-contour or otherwise impact these man-made upland-cut borrow ponds.

#### **Vegetated Non-forested wetlands (FLUCCS 640)**

This habitat comprises approximately 8.22 acres of the site. This habitat occurs near the northern boundary and in the northeastern portion of the site. Emergent wetland vegetation observed included arrowhead (*Sagittaria* sp.) and swamp fern. Other species observed included bushy bluestem (*Andropogon glomeratus*), sawgrass (*Cladium jamaicense*), and the exotic species torpedo grass. Canopy vegetation observed included occasional slash pine, Carolina willow, cabbage palm, and a few red maple (*Acer rubrum*). Brazilian pepper is the dominant exotic observed in this habitat, excluding native vegetation in some areas. Shrub and ground cover included wax myrtle, salt bush, swamp fern, and chain fern (*Woodwardia virginica*). This habitat appears to be a remnant herbaceous slough system that is now drained as a result of surrounding development that has reduced the historic drainage basin and altered the wetlands hydroperiod. In addition the lack of a natural fire regime has contributed to a change in the expected cover for this habitat type allowing for a dense shrub and vine layer.

This habitat is likely jurisdictional for both the State and federal regulatory agencies. Any impacts to this habitat would require measures that avoid or minimize wetland impacts. Unavoidable impacts would require compensation in the form of wetland preservation, enhancement, or creation to offset the required impacts.

#### **Disturbed Land (FLUCCS 740)**

Disturbed lands comprise 6.72 acre of the site. This area is large a sand pile, largely devoid of vegetation.

#### **WILDLIFE**

The majority of the site has been altered thereby reducing the amount of habitat available for wildlife. The aquatic resources of the site (the borrow ponds and the wetlands) provide marginal foraging habitat for the endangered wood stork (*Mycteria americana*). The site is within the core foraging habitat of documented wood stork colonies. Typically, any acceptable wetland compensation measures will offset impacts to wood storks and other State-listed wading birds. No nesting or roosting areas for wading birds were observed on site.

Mr. Ron Greenland  
January 20, 2014  
169 Acre Parcel  
Page 4

Although scrub oaks occur on site in the xeric flatwoods, the site is not within a scrub jay review area per Charlotte County's scrub jay property search. Therefore no consultation would be required for impacts to xeric flatwoods habitat located on site.

A review of the FWC's eagle nest locator did not identify any know nest on the site of within 750 feet. No eagle's nest was located on the site during the cursory field review.

A 15% gopher tortoise burrow survey was performed over suitable habitat. As stated by the FWC, acceptable conditions for tortoises in most suitable natural communities in Florida include canopy cover of no more than 60% and native herbaceous groundcover at 30% cover or greater. Much of the habitat on site is not suitable due to the extensive exotic and shrub cover and lack of an herbaceous layer. Ten (10) potentially occupied gopher tortoise burrows were identified during the survey. The burrows were identified along the top of bank of the borrow ponds, within pine flatwoods habitat, and within the scrub habitat; generally these areas were more open and contained a reduced amount of Brazilian pepper and more available grass forage. Therefore, it is likely that the burrows observed represent a disproportionate sample of the total population as they seemed to be clustered in these more open portions of the site.

A Gopher Tortoise Relocation Permit from the FWC will be required prior to development of the site. The total amount of burrows identified after performing a 100% survey of suitable habitat will dictate the type of permit needed from the FWC. Each burrow identified will need to be excavated to determine occupancy; any gopher tortoises captured will have to be relocated. A suitable long-term recipient site capable of accepting relocated tortoises is located in Sarasota County.

The purpose of this assessment was to give a cursory inventory of the natural resources, including habitats and protected species, occurring or that may occur on the site. Further investigation is needed to determine wetland and surface water boundaries and the jurisdictional status of each wetland or surface water. Should you have any questions about this report, please contact me at (941) 426-7878 or via email at [rmendieta@earthbalance.com](mailto:rmendieta@earthbalance.com).

Sincerely,  
EarthBalance®

Ramon Mendieta  
Biologist

Enc: FLUCCS Map  
cc: File 14007

### Legend

 Parcel Boundary (169.41 ac.)

 FLUCCS

Code Description, Acreage:

411, PINE FLATWOODS (83.86 ac.)

412, SCRUBBY PINE FLATWOODS (17.01 ac.)

510, DITCH (0.52 ac.)

530, RESERVOIRS (53.08 ac.)

640, VEGETATED NON-FORESTED WETLANDS (8.22 ac.)

740, DISTURBED LAND (6.72 ac.)



DATE: 01-20-14  
FILE: FLUCCS Map 01-17-14  
PROJECT NO: 14007  
AERIAL: 2011 TC 1R LABINS  
SCALE : 1" = 450'

PLACIDA PARCEL PEA  
FLUCCS MAP  
CHARLOTTE COUNTY, FLORIDA

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