

**Application No.**

**Z-14-02-02**

**(Rezoning)**

**Applicant**

**TAG Consultants, LLC /  
Duncan Rd. PD – Major Modification**

**Quasi-Judicial**

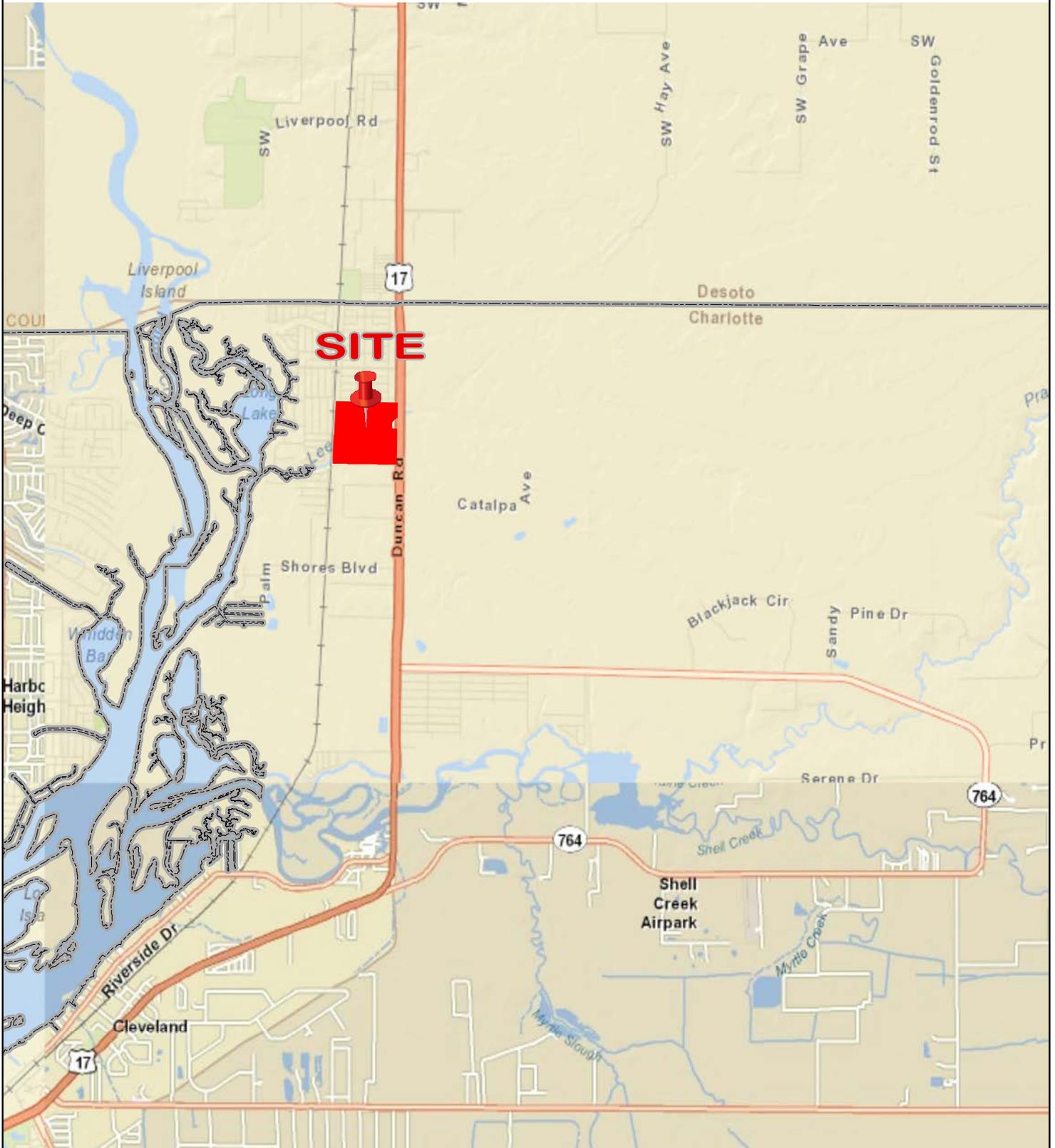
**Commission Dist. I**



Community Development

# CHARLOTTE COUNTY

## Location Map for Z-14-02-02



### 01/40/23 East County

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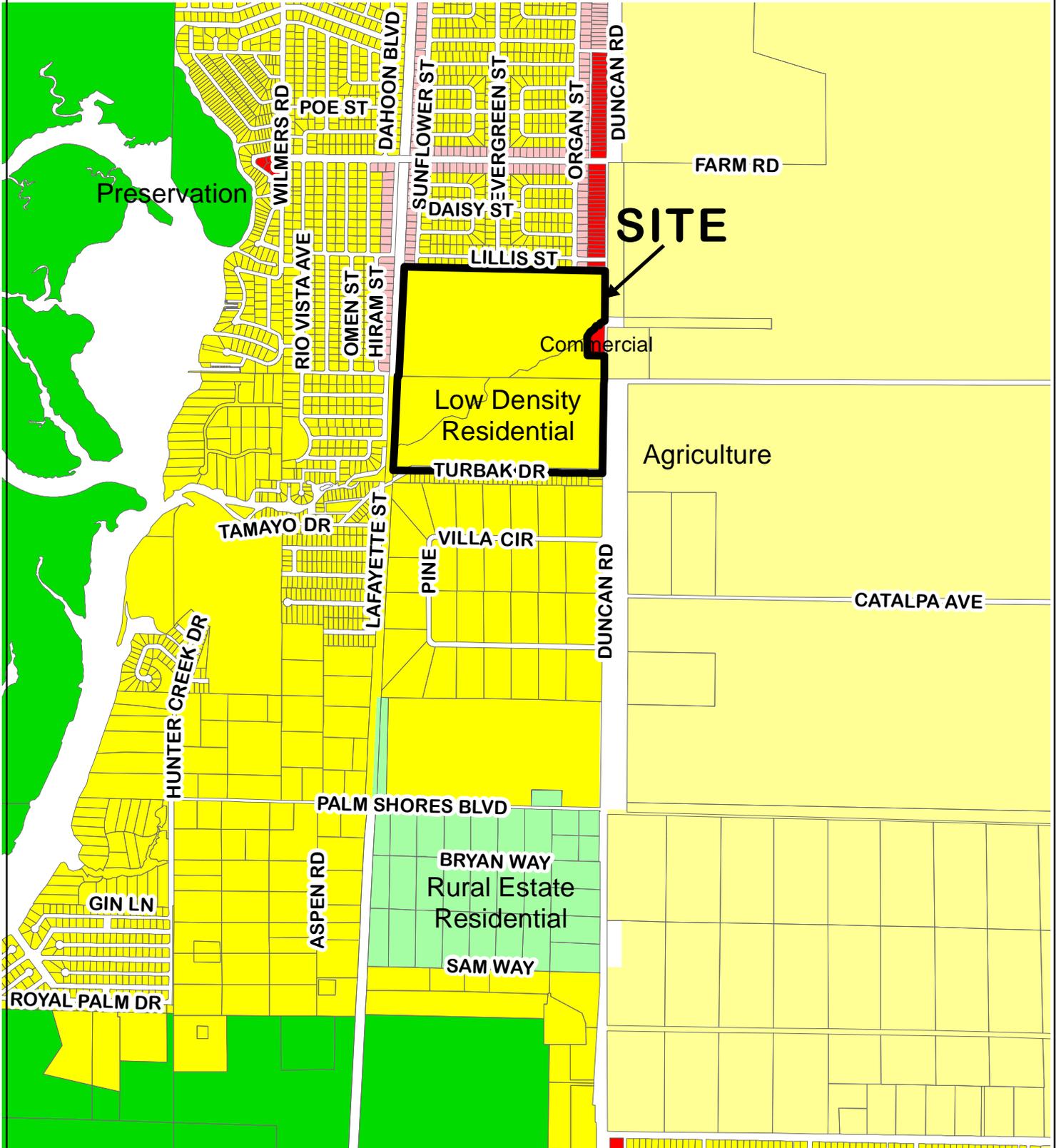


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Community Development

# CHARLOTTE COUNTY FLUM Map for Z-14-02-02



01/40/23 East County

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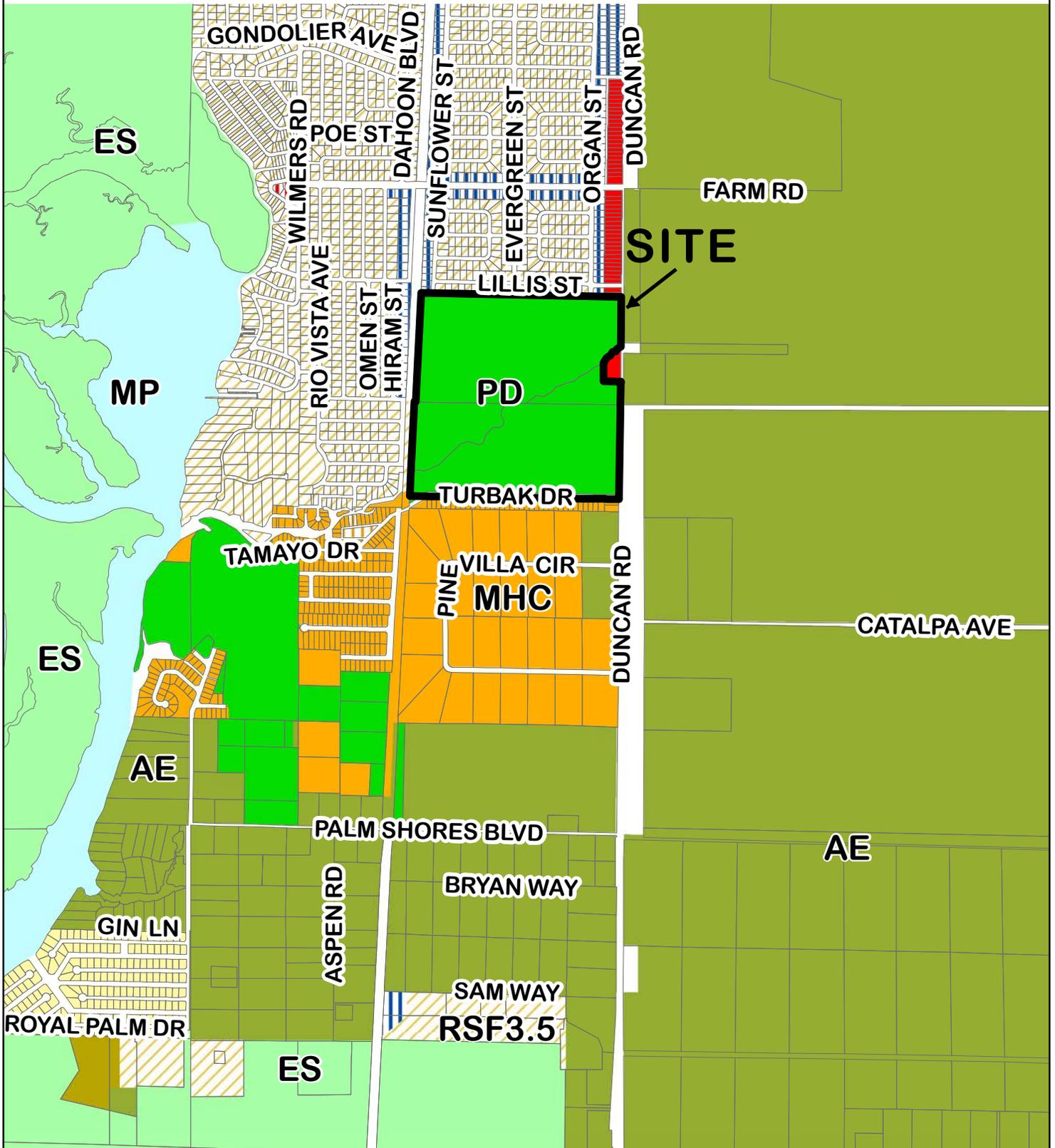
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Community Development

# CHARLOTTE COUNTY

## Zoning Map for Z-14-02-02



### 01/40/23 East County

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## Community Development Department Staff Report for Z-14-02-02

**DATE:** April 1, 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 PD

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### PART I

**Applicant(s):** TAG Consultants, LLC  
150 Sarah Street  
Punta Gorda, FL 33950

**Owner(s):** TAG Real Estate Corp  
1133 Bal Harbor Boulevard PMB 200 UN 1139  
Punta Gorda, FL 33950  
TECTO USA Corp  
PMB 220 1133 Bal Harbor Boulevard UN 1139  
Punta Gorda, FL 33950

**General Location  
and Acreage:**

The subject site is located north of Turbak Drive, south of Peace River Shores Boulevard, east of Cobalt Boulevard and west of Duncan Road (US17); in the Punta Gorda area. It contains approximately 138.32± acres.

**Account Number(s):** 402301451001, 402301476002, 402312201001 and 0402312226001

**Analysis:**

The applicant, TAG Consultants, LLC, is requesting a major modification of an existing Planned Development (PD). The subject property is currently vacant and located north of Turbak Drive, south of Peace River Shores Boulevard, east of Cobalt Boulevard and west of Duncan Road (US17); in the Punta Gorda area. The site is designated as Low Density Residential (LDR) on FLUM Series Map #1, 2030 Future Land Use, and is zoned PD.

***History of This Petition***

On July 18, 2006, the subject property was approved for a rezoning (Petition Number Z-06-02-16-TDU) from Agricultural Estates (AE) to Planned Development (PD) with conditions. The existing PD allows for a mixed-use development which includes residential development of 351 dwelling units and neighborhood commercial uses on the site.

According to the Protected Species Assessment Report prepared by W. Dexter Bender & Associates, Inc., dated January 2006, the subject property is located in the Florida Scrub Jay permitting Yellow Zone which means Florida Scrub Jay permitting may be required. However, according to the updated environmental assessment report, dated January, 2014, Florida Scrub Jays are currently utilizing the subject site making it impossible to fulfill the originally approved PD Concept Plan. Therefore, the applicant is requesting this major modification to revise the residential portion of the development as follows:

- Reducing the maximum allowable residential density from 365 units to 303 units;
- Changing the housing type from a combination of attached single-family and detached conventional single-family homes to manufactured homes;
- Preserving a total of 25.35 acres for open habitat area including habitat utilized by the Florida Scrub Jays;
- Providing a pedestrian crossing (single span bridge) and a vehicular crossing (single span bridge) over the creek and the Lee Branch, a historic flow-way; and
- Using a portion of the property located at the southwest corner of the site, containing approximately two acres more or less, for outside storage uses.

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

There are vacant lands and some single-family residences located to the north of the subject property; this area has both Low Density Residential (LDR) and Medium Density Residential (MDR) FLUM designations with RSF-3.5 and Residential Multi-family 10 (RMF-10) zoning. Further to the northeast, there are vacant lands designated as Commercial and MDR with Commercial General (CG) and RMF-10 zoning. Across U.S 17, to the east, there are vacant and agricultural lands; this area has an Agriculture FLUM designation with AE zoning. Across Turback Road, to the south, there are mobile homes and single-family residences, which are designated as LDR FLUM designation with Mobile Home Conventional (MHC) zoning. The CSX Railroad right-of-way is located immediately to the west of the site. Further to the west, there are platted vacant residential lots with scattered single-family homes; this area is designated as LDR with RSF-3.5 zoning.

The proposed residential development with an overall residential density of 2.19 dwelling units per acre and some small commercial uses located along U.S. 17 are compatible with the land use pattern in the surrounding area.

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

The subject property is located within the Maturing Neighborhood designation on the 2050 Framework Map, and is designated as LDR. It is also located within the U.S. 17 Corridor Planning Area, where the County encourages developers/property owners to preserve and enhance the natural

environment and to promote mixed use development. The proposed major modification is consistent with the intent of the U.S. 17 Corridor Plan.

The proposed major modification would maintain the subject property as residential with small commercial neighborhood uses located in the northeast corner, which is consistent with FLU Policy 4.3.1, Maintain Maturing Neighborhoods. The policy requires that *“the County shall protect the residential subdivisions within Maturing Neighborhoods and shall ensure the long-term viability of these residential areas by regulating adjacent and internal future development and redevelopment to maintain compatibility with these areas.”*

Additionally, according to the current application, the applicant has met with Wayne Sallade, Charlotte County Emergency Management Director, and intends to construct the proposed club house so that it can be utilized as a County Hurricane Refuge. Therefore, the proposed development is consistent with FLU Policy 6.3.5, Hurricane Shelters.

Furthermore, in order to meet the requirement set forth in FLU Policy 6.3.10, Landscaping and Buffer Requirement, the proposed development will include at a minimum, a Type B buffer, which will be placed along U.S. 17 and Turback Road.

Finally, FLU Policy 6.3.11, Established Flow-ways and FLU Policy 6.3.12, Greenways Plan; requires the County to incentivize the protection of historic flow-ways within the U.S 17 Corridor Planning Area by designating them as environmentally sensitive and may then allow the incorporation of passive recreational uses into upland areas. Although the policies require the County to implement a Greenways Plan, a set of detailed incentives has not yet been established by the County. The proposed project will construct bridges to cross the Lee Branch flow-way in order to minimize any negative impacts to the creek. In addition, the entirety of the creek is proposed as part of the on-site preservation area. Therefore, the proposed development is not contrary to these policies.

### ***Concurrency Issues***

- Water and Sewer: The maximum allowable density for the site is 303 units. The proposed change will decrease the existing development rights of the site. Therefore, the proposed mixture of residential and commercial development would likely result in less utility usage compared to the originally approved PD Concept Plan. In addition, according to the letter prepared by Sun River Utilities, Inc., dated February 6, 2014, the subject property is within Sun River Utilities, Inc.’s service area. It will require site-specific information to evaluate utility availability status. Off-site utility line extensions or improvements may be required to provide utility service to the subject parcels, and such improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owners, or developer. Furthermore, Sun River Utilities, Inc. recommends that the parties meet to discuss site-specific information to review capacity and location of existing utility lines, as well as options for providing the water and wastewater service needed for the proposed project on the subject parcels.

- Traffic: After reviewing the application, the County's Transportation Planner has concluded that the proposed development would not create an adverse impact on the surrounding roadway network and no additional improvements are needed.

**STAFF RECOMMENDATION:**

"Approve adoption of Petition No. Z-14-02-02 with conditions "a" through "z" based on the findings and analysis in the Comprehensive Planning Division staff report dated April 1, 2014, and any evidence presented at the public hearing on the application."

**Conclusion:**

The proposed revision to the residential development of the approved PD's Concept Plan and conditions is consistent with the goals, objective, and policies of the Smart Charlotte 2050 Comprehensive Plan.

**The Planning and Zoning Board proposed recommendations:**

"Motion to forward application No. Z-14-02-02 to the Board of County Commissioners with a recommendation of Approval/Denial with conditions "a" through "z", based on the findings and analysis in the staff report dated April 1, 2014 and the evidence presented at the public hearing on the application (if applicable)."

**CONDITIONS:**

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Banks Engineering, Inc., dated January 28, 2014, revised on April 1, 2014, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review (Petition Number DRC-PD-14-01) conditions of approval per the letter dated February 10, 2014, are required to be met. The total commercial area shall be 2.87± acres and the total residential/open space area shall be 135.45± acres. Areas indicated for single-family development will be developed as such. Residential development standards shall be as indicated on the PD Concept Plan submitted by the applicant, with minor modifications allowed to increase lot sizes.
- b. The subject property currently retains 135 units of density. The applicant is proposing to develop 303 units total. The subject property will require a total of 168 units of transferred density. The transfer of density units must be approved by the Board of County Commissioners prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first.
- c. Approval of the proposed development by the U.S. Fish and Wildlife Service (FWS) regarding the Florida Scrub Jay habitat mitigation must be submitted to the Community Development Department prior to the commencement of development activities on site. .
- d. No development shall occur prior to Final Detail Site Plan approval.
- e. Within the commercial portion:
  - i. The permitted uses and structures, permitted accessory uses and structures, prohibited uses and structures, and special exceptions shall following those in the Commercial Neighborhood zoning district.

- ii. Development standards shall meet those of the Commercial Neighborhood zoning district.
  - iii. At a minimum, two (2) vehicular entries to the commercial area are required. The main entry shall be located on the southern side; and the secondary entry shall be located on the western side.
  - iv. The commercial portion is subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code. All buildings within this portion of the site shall be designed and constructed in a uniform architectural style.
  - v. Exterior signage will consist of one landscaped, monument style sign. Lighting shall be from an external source. All other signage shall be in compliance with the existing County Sign Ordinance, Section 3-9-95.
  - vi. Commercial buildings shall face Duncan Road (U.S.17), and the parking area shall be in the front of the commercial buildings facing U.S.17.
  - vii. Landscaping around the buildings and parking lot shall meet the landscape requirements of Chapter 3-5, Article XVIII, Landscaping and Buffering, of the Charlotte County Code. At a minimum, a Type "C" buffer must be provided around the commercial site, except for clear areas necessitated by sight triangles for vehicles exiting and entering site.
- f. For the residential portion of the site:
- i. Common areas shall have perimeter landscaping.
  - ii. A Type "C" buffer must be provided around the clubhouse and pool area along the west boundary only as is considered to be similar to an "active use park". These uses shall be located within an Amenity Area shown on the Concept Plan.
  - iii. A Type "B" buffer is required along the northern, southern and western side of the property bordering the RSF3.5 and MHC zoned properties except where a 200 foot preserve is provided.
  - iv. A Type "B" buffer is required along U.S. 17.
  - v. A Type "D" buffer must be provided around the outside storage area, containing two acres, shown on the Concept Plan, except for the perimeters facing north and west towards the area designated for preservation.
- g. Dumpsters must be contained within an opaque, gated enclosure which must be painted or otherwise decorated consistent with the coloration/decoration scheme of the parent structure.
- h. A development timeline and phasing plan for the entire PD shall be submitted with the Final Detail Site Plan application.
- i. The maximum building height is 38 feet from the base flood elevation.
- j. All roads within the development area shall be constructed to Charlotte County Standards. Following Final Detail Site Plan approval, the developer, and subsequently, the homeowner's association, of the PD is required to maintain all private roads within the development area. Any roads which will be public must be dedicated to the County.
- k. A 5-foot wide pathway will be constructed along one side of the main looped streets, excluding the cul-de-sacs, by extending the pavement width of the streets, dividing the street from the pathway with a painted yellow stripe and periodically marking the pathway as "Walkway Only."
- l. The developer shall minimize impervious surfaces within the development wherever feasible.

- m. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. All heritage trees shall be preserved unless the applicant can provide substantial evidence that such preservation will cause the development of the site to be severely hindered. Should it be necessary, for any heritage tree to be removed, the applicant shall plant a sufficient number of trees of the same species to equal the caliper inches of the tree removed. These trees will not be counted as part of the points needed for development but in addition to those trees needed for points. If the terms of this condition conflict with any conditions set by the U.S. Fish and Wildlife Service (FWS), the FWS conditions shall prevail.
- n. The developer shall pursue onsite relocation for gopher tortoises in the relocation area up to the maximum density allowed by the Florida Fish and Wildlife Conservation Commission guidelines prior to pursuit of an off-site relocation permit.
- o. All commonly owned land of the Planned Development site shall be developed with a unified landscaping theme.
- p. Only Florida Friendly plantings shall be allowed in landscaping within the residential and commercial publicly accessible areas. The developer shall also make every effort to ensure that residential property owners within the development also utilize Florida Friendly plantings and landscaping. Landscaping of areas accessible to the public must be done under a unified theme for the entire Planned Development site.
- q. All improved vegetation must be irrigated as necessary to ensure survival. The applicant shall plan for non-potable water utilization when extending water and sewer lines to the site and shall utilize the non-potable water for common area and private irrigation throughout the subject property when made available by the utility provider.
- r. The developer shall outline steps to ensure the survival and preservation of scrub jay habitat on the subject property. These steps must be executed in concurrence with the development activities associated with the property. This outline is required prior to Final Detail Site Plan approval and approval of these steps shall be part of the approval for Final Detail Site Plan. Approval by the U.S. Fish and Wildlife Service of a Habitat Conservation Plan for the onsite preserve area shall satisfy this condition.
- s. The developer shall maintain pre-development hydrology to all wetlands. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be an average of twenty-five (25) feet, but no less than fifteen (15) feet, in width as measured from the landward limit of the wetland or surface water.
- t. The management of the scrub jay preservation area shall be pursuant to the conditions of a Habitat Conservation Plan as approved by the U.S. Fish and Wildlife Service. If a Conservation Easement over the Scrub Jay preservation area is granted to the County, the easement must grant management authority of the preservation areas to the County along with a right of ingress and egress for management purposes and a copy of the easement shall be sent to the County Attorney's Office as well as the Zoning and Planning Section of the Community Development Department for review and approval prior to being recorded with the Clerk of the Circuit Court. The recording shall be completed prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first. The developer shall provide notice to homeowners that prescribed burning may occur within the County's easement. If the terms of this condition conflict with any conditions of a

U.S. Fish and Wildlife Service permit addressing the same area, the conditions of the Fish and Wildlife Service permit shall prevail.

u. A conservation easement over all wetlands and associated upland buffers located within the preservation areas shown on the Concept Plan shall be granted to Charlotte County. A copy of the easement shall be sent to the County Attorney's Office as well as the Zoning and Planning Section of the Community Development Department for review and approval prior to being recorded with the Clerk of the Circuit Court. The recording shall be completed prior to Preliminary Plat application or Final Detail Site Plan application, whichever shall occur first. If the terms of this condition conflict with any conditions of a Southwest Florida Water Management District permit addressing the same area, the conditions of the Southwest Florida Water Management District permit shall prevail.

v. The development must utilize potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected and capacity available to serve the site before any certificates of occupancy shall be issued.

w. If no sidewalk currently exists along U.S 17, an eight (8)-foot wide sidewalk is required along the main road from the main entrance of the site to the first intersection and along the front property line on Duncan Road (U.S.17), and this sidewalk may be constructed within the 25-foot setback. The sidewalk shall be constructed at or before such time as connecting sidewalks are installed by adjacent property owners or by the County. The developer shall coordinate with the Department of Public Works.

x. There is one primary vehicle entrance located on U.S.17, one secondary vehicle entry located on Turbak Road, and one secondary vehicle entrance located on Lillis Street. The vehicular entrance located on U.S.17 shall each be allowed a maximum of one (1) monument sign with the name of the development; the secondary entrances shall not contain signage.

y. A detailed plan for the recreation/amenity area shall be submitted for approval with the Final Site Plan approval. According to the developer, the 4.36 acres recreation/amenity area may contain a clubhouse, swimming pool and tennis courts. If a clubhouse is constructed, it shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.

z. If applicable, the applicant shall work with the School Board to provide pick-up and drop-off for the community. Should the pickup and drop off point be located at the entrance of the development, the developer shall provide adequate means for traffic circulation at the entrance. A bicycle rack and a shelter for the children are required at the pick-up area(s). This addition must be shown on the Final Detail Site plan for approval.

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## **PART II: RESEARCH AND FINDINGS**

**1. 2050 Framework Designation:** Maturing Neighborhood

**2. 2030 Service Area Delineation:** Urban Service Area

**3. Existing Land Use on the Site:** The property contains undeveloped/unimproved upland, scrub and wetland habitat.

**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><b><u>Minimum lot and yard requirements.</u></b> 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><b><u>Maximum height of structures.</u></b> 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><b><u>Open space.</u></b> 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><b><u>Utilities.</u></b> 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><b><u>Internal circulation.</u></b> 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
Planned Development	<b><u>Minimum lot and yard requirements.</u></b> There are no minimum lot and yard

(PD)	<p>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>
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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 Single-family residences, Vacant commercial	Low Density Residential(LDR), Medium Density Residential (MDR), Commercial (COM)	Residential Single-family-3.5 (RSF3.5), Residential Multi-family-10 (RMF10), Commercial General (CG)
<b>East</b>	Agricultural lands, State of Florida DOT owned land	Agriculture (AG)	Agriculture Estates (AE) - 1 unit per 10 acres
<b>South</b>	Vacant residential, Mobile homes	Low Density Residential(LDR)	Mobile Home Conventional (MHC)
<b>West</b>	Vacant multi-family lands, Single-family residences, Vacant residential, Mobile Homes	Medium Density Residential (MDR), Low Density Residential(LDR)	Residential Multi-family-10 (RMF10), Residential Single-family-3.5 (RSF3.5), Mobile Home Park (MHP)

Table 3

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

The proposed change will reduce the maximum allowable density on the site from 365 units to 303 units.

- 8. Is the subject site within a Community Planning Area or Special Plan area?** The subject property is located with the U.S. 17 Corridor Planning 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?** Yes, according to the Protected Species Assessment report, prepared by Ian Vincent & Associates, dated January, 2014, the subject site contains seasonally dry surface water, which is a natural drainage feature, displaying steep side-slopes and approximately 15 feet wide on average, spanning through the entire property from northeast to southwest. This surface water/wetland association is dominated by wax myrtle, Virginia chainfern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), and lizard's tail (*Saururus cernuus*). Additional vegetative species present include laurel oak, cabbage palm (*Sabal palmetto*), red bay, Peruvian primrose willow (*Ludwigia peruviana*), saw palmetto, royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), leather fern (*Acrostichum danaeifolium*), poison ivy (*Toxicodendron radicans*), greenbrier, and grapevine.
- 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:** Yes, according to the County's Environmental Specialist's report, dated March 13, 2014, a protected species assessment and Florida Land Use, Cover and Forms Classification System (FLUCCS) Map have been provided by Ian Vincent & Associates dated January 2014. A total of 174 Gopher Tortoise burrows were documented on site. Three of the four parcels are located within the U.S. Fish and Wildlife Service (FWS) Scrub Jay review area and subsequent surveys have documented Scrub Jay utilization on site. The site is also located within the Core Foraging area for several Wood Stork (*Mycteria Americana*) nesting colonies, the Consultation Area for the Crested Caracara (*Caracara cheriway*) and the Consultation area for the Red Cockaded Woodpecker (*Picoides borealis*).

- 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:** Most of the subject site is located within the flood zone "X", which is an area that is determined to be outside the 0.2% annual chance floodplain. The remainder of the property is located within both the flood zone "9AE" and the flood zone "10AE". The flood zone 9AE is an area with determined the base flood elevation at 9 feet; the flood zone 10AE is an area with determined the base flood elevation at 10 feet.
- e. Storm Surge Evacuation Zone:** The northern portion of the site is located within Evacuation Zone C, and the southern portion of the site is located within Evacuation Zone B.
- f. Coastal High Hazard Area?** No
- g. Could the proposed changes impact evacuation times?** No

#### 15. Facilities and Services

- a. Nearest Park:**
  - Name:* Helen Wrobbles Park
  - Classification:* Mini-Park
  - Address:* Route 17 and Cleveland Avenue, Punta Gorda
  - Distance:* approximately 4.7 miles southeast of the subject site
- b. Nearest Police Station:**
  - Name:* District 3
  - Address:* 7474 Utilities Road, Punta Gorda
  - Distance:* approximately 8.7 miles southwest of the subject site
- c. Nearest Fire/EMS Station:**
  - Name:* Charlotte County Fire Station No. 16
  - Address:* 29400 Palm Shores Blvd., Punta Gorda 33982
  - Response Time:* response time would be 4-6 minutes
- d. Nearest Library:**
  - Name:* Punta Gorda Public Library
  - Address:* 424 West Henry Street, Punta Gorda
  - Distance:* approximately 11.2 miles southwest of the subject site
- e. Nearest Hospital:**
  - Name:* Charlotte Regional Medical Center
  - Address:* 809 East Marion Avenue, Punta Gorda

*Distance:* approximately 9.2 miles southwest of the subject site

**f. Nearest Potential Emergency Shelter:**

*Name:* South County Regional Park

*Address:* 670 Cooper Street, Punta Gorda

*Distance:* approximately 9.8 miles southwest of the subject site

**g. Nearest Public Schools:**

1. **Elementary:**

*Name:* East Elementary School

*Address:* 27050 North Fairway Drive, Punta Gorda

*Distance:* approximately 7.3 miles southwest of the subject site

2. **Middle:**

*Name:* Punta Gorda Middle School

*Address:* 825 Carmalita Street, Punta Gorda

*Distance:* approximately 10.1 miles southwest of the subject site

3. **High:**

*Name:* Charlotte High School

*Address:* 1250 Cooper Street, Punta Gorda

*Distance:* approximately 10 miles southwest 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:* Sun River Utilities, Inc.

Permitted Facility Capacity	225 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated water needs
N/A	N/A	57,570

Table 4

2. *Analysis:* The site is not currently provided with water service, it is located in an area serviced by Sun River Utilities, Inc. According to the letter, prepared by Sun River Utilities, Inc., dated February 6, 2014, the subject property is within Sun River Utilities, Inc.'s service area. It will require site-specific information to evaluate utility availability status. Off-site utility line extensions or improvements may be required to provide utility service to the subject parcels, and such improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer. If the Board of County Commissioners (Board) approves this major modification to the existing PD, it will only allow the property owner to have a maximum of 303 residential dwelling units. The estimated water usage would be 57,570 gallons per day.

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

1. *Provider's Name:* Sun River Utilities, Inc.

<b>190 gallons per ERU per day</b>		
<b>Permitted Facility Capacity</b>	<b>Current Facility Usage</b>	<b>Proposed Land Use estimated sewer needs</b>
N/A	N/A	48,935

Table 5

2. *Analysis:* The site is not currently provided with water service, it is located in an area serviced by Sun River Utilities, Inc. According to the letter, prepared by Sun River Utilities, Inc., dated February 6, 2014, the subject property is within Sun River Utilities, Inc.’s service area. It will require site-specific information to evaluate utility availability status. Off-site utility line extensions or improvements may be required to provide utility service to the subject parcels, and such improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer. If the Board approves this major modification to the existing PD, it will only allow the property owner to have a maximum of 303 residential dwelling units. The estimated sewer generation would be 48,935 gallons per day.

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

1. *Level of Service*

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

2. *Analysis:*

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

**e. Schools:**

1. *Analysis:* The requested major modification of the existing PD will reduce the maximum allowable residential dwelling units from 351 to 303. Therefore, there should have no negative impact on the student population.

**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?** The proposed change may affect the Comprehensive Plan of the City of Punta Gorda. A copy of this application was sent to the City of Punta Gorda Planning Department for comments on March 17, 2014.

- 19. Has a public hearing been held on this property within the last year?** No. The applicant submitted a Site Plan Review application for a PD Concept Plan for the proposed project. The application number is DRC-PD-14-01. On February 10, 2014, the Site Plan Review Committee recommended approval with conditions.

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

**Future Land Use**

**FLU Objective 4.3: Maturing Neighborhoods**

To protect the existing growth patterns of Maturing Neighborhoods.

**FLU Policy 4.3.1: Maintain Maturing Neighborhoods**

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

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

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

**FLU Objective 6.3: U.S. 17 Corridor Planning Area**

To create parameters for the U.S. 17 Corridor Planning Area (FLUM Series Map #11) that guide future development and that accomplish the following:

- Job creation.
- Redevelopment and beautification of existing neighborhoods.
- Preservation, access to and enhancement of the natural environment.
- Application of low impact development practices.
- Development of sustainable communities.
- Provision of adequate infrastructure to meet current and future needs.

**FLU Policy 6.3.5: Hurricane Shelters**

Schools and other community facilities located along the U.S. 17 corridor, but outside the Coastal High Hazard Area, shall be designed to serve as hurricane shelters to meet the identified evacuation needs as established by Southwest Florida Regional Planning Council.

**FLU Policy 6.3.9: Encouraged Uses**

In order to revitalize and promote the U.S. 17 commercial and business areas, including Solana and Cleveland, and to reduce trip generation, the County shall encourage mixed use developments, conversion of mobile homes to conventionally-built homes, live/work spaces, bed and breakfasts, and multi-family developments along the U.S. 17 Corridor.

**FLU Policy 6.3.10: Landscaping and Buffer Requirement**

The County shall work with developers and property owners to provide street tree planting and landscape buffers along the U.S. 17 highway corridor in order to enhance the safe and pleasant experience of pedestrians and improve the visual experience of travelers. This shall include the provision of enhanced landscape elements at community entryway points, clustered tree requirements to encourage view corridors into commercial areas, and streetscape improvements.

**FLU Policy 6.3.11: Established Flowways**

The County shall incentivize the protection of historic flowways (SPAM Series Map #6) by designating them as environmentally sensitive and allowing density to be severed from these areas. Passive recreational uses may be incorporated into upland areas adjacent to restored flowways. Development along a flowway must provide for public use by providing pedestrian paths and connections to adjacent properties. Public uses shall not include any activities that are detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation and preservation. Proposed crossings of flowways shall include appropriately sized culverts or bridges to maintain surface water flows and wildlife underpasses where appropriate.

**FLU Policy 6.3.12: Greenways Plan**

The County shall implement a Greenways Plan (SPAM Series Map #6) for the U.S. 17 Corridor area that will connect flowways and wildlife corridors. The flowways and wildlife corridors may be a minimum of 300 feet wide for 20 percent of their length but shall be a minimum of 500 feet wide for the remaining 80 percent of their length. The County shall also work with the property owners and various State and Federal agencies to explore funding source in order to construct wildlife crossings underneath U.S. 17 and C.R. 74 (Bermont Road).

**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 subject property has a Low Density Residential Future Land Use Map designation. According to the concept plan and the application, the proposed development will include 25 acres of habitat preservation area and the entirety of the flowway – portion of the Lee Branch within the project boundary will be placed into preservation. Furthermore, in order to minimize impacts to the creek, the project proposes a bridge to cross the Lee Branch flowway. Therefore, the proposed change is consistent with FLU Policies 6.3.11 and 6.3.12 and the proposed major modification to the existing Planned Development (PD) zoning is consistent with the goals, objectives, and policies of Smart Charlotte 2050 Comprehensive Plan.

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

**Finding:** The site is located in the Maturing Neighborhood on the 2050 Framework Map and is situated within the Urban Service Area. To the west of the subject site are single-family residences, some mobile homes and some vacant residential lands. To the north, there are some single-family residences, vacant residential lands, and some vacant commercial lands. Across Duncan Road (U.S. 17) to the east, there is agricultural land as well as land owned by the State of Florida Department of Transportation (FDOT). To the south, there are some mobile homes and single-family residences.

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

**Finding:** The existing approved PD on the subject property allows for a total of 351 residential units. The proposed major modification will reduce the maximum density to 303 units. Therefore, the proposed change will decrease the load on public facilities that was anticipated with the existing PD.

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

**Finding:** The original PD was approved in 2006. At that time, no Florida Scrub Jays were detected on the site. However, a recent Florida Scrub Jay survey discovered that a portion of the site is utilized by the Florida Scrub Jays. The proposed revisions to the approved concept plan address the requirement for preserving Scrub Jay habitat. Therefore, changed conditions make the passage of the proposed amendments appropriate.

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

**Finding:** The majority of the properties that are adjacent to the subject site are currently vacant with the exception of some mobile homes to the south and single-family residences to north and east of the property. The proposed PD requires a 25-foot setback with landscaping. In addition, 25.35± acres of open habitat space are proposed for Scrub Jay habitat, gopher tortoises, and Lee Branch preservation; a 5-foot wide sidewalk/pathway will be constructed along the lake areas as well as one side of the streets to create a walkable community. The proposed change would not adversely influence living conditions or property values in adjacent areas.

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

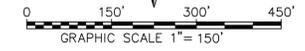
**Finding:** The proposed change would not adversely affect the public safety.

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

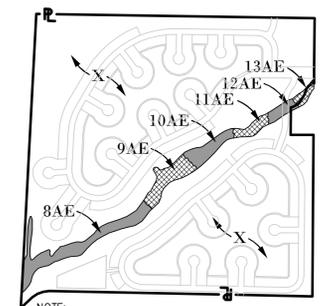
**Finding:** The development standards of the proposed PD zoning district are similar to the development standards of the current PD zoning district. According to the Concept Plan of this project, a 25-foot setback with landscaping will be required to minimize the possible impacts to the surrounding residential homes. These areas are additionally buffered by lakes, open habitat space, wetlands or vegetation. The applicant will be required to comply with all buffering, setback, and site design requirements prescribed by County Code. The proposed change would not reduce light and air to adjacent areas.

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

**Finding:** Yes. The newly-discovered existence of Florida Scrub Jays on the subject site makes it impossible to fulfill the originally approved PD Concept Plan.

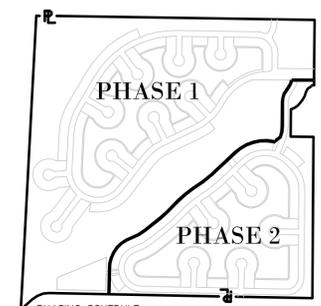


**FEMA FLOOD ZONES**



NOTE: PROPERTY LIES WITHIN THE CATEGORY 2, 3, 4, 5 STORM SURGE AREA.

**DEVELOPMENT PHASING MAP**



PHASING SCHEDULE:  
 PHASE 1 = 0-2 YEARS  
 PHASE 2 = 0-4 YEARS

**SITE PLAN SUMMARY**

**1) SITE PLAN DATA:**  
 PROJECT AREA: 138.32 ACRES  
 CURRENT ZONING AND LAND USE: PD / VACANT  
 PROPOSED USE: RESIDENTIAL PLANNED DEVELOPMENT

**2) PROJECT LAND USE**

PROJECT AREA:	138.32 AC (100%)
COMMERCIAL AREA:	2.87 AC (2.1%)
MANUFACTURED HOME UNIT AREA:	41.68 AC (30.1%)
ROADWAY AREA:	18.43 AC (13.3%)
STORMWATER MANAGEMENT AREA:	23.88 AC (17.3%)
AMENITY AREA:	4.36 AC (3.2%)
PRESERVE AREA (OPEN HABITAT SPACE):	25.35 AC (18.3%)
COMMON OPEN AREA: (GREEN SPACE)	21.75 AC (15.7%)

**3) FLOOD ZONE**  
 PARCEL LIES IN FLOOD ZONES X, 9AE, 10AE, 11AE, 12AE, 13AE, SEE FEMA FLOOD ZONES MAP INSERT, THIS SHEET.

**4) DWELLING UNIT BREAKDOWN**

MANUFACTURED HOME UNITS	303
<b>TOTAL UNITS:</b>	<b>303</b>

**5) DENSITY**

**EXISTING ZONING**  
 AREA ZONED PD = 138.32 ACRES  
 ZONING: PD = 2.54 UNIT PER ACRE  
 TOTAL PD ZONING AREA WITH ASSOCIATED DENSITY: 138.32 AC  
 MAX UNITS ALLOWED = 138.32 AC X 2.54 = 351 UNITS

**PROPOSED ZONING**  
 ZONING: PD  
 DENSITY = NUMBER DWELLING UNITS / TOTAL ACREAGE  
 = 303 UNITS / 138.32 AC  
 = 2.19 UNITS PER ACRE

**6) PARKING CALCULATIONS:**

**MANUFACTURED HOME UNIT**  
 REQUIRED: 2.0 SPACES PER DWELLING UNIT  
 (303 UNITS) X (2.0)  
 = 606 SPACES

PROVIDED: 606 SPACES (303 LOTS WITH 2 PARKING SPACES PER DRIVEWAY)

**7) OPEN SPACE**

COMMON OPEN AREA:	21.75 AC
STORMWATER MANAGEMENT AREA:	23.88 AC
PRESERVE AREA (OPEN HABITAT SPACE):	25.35 AC
OPEN SPACE = (COMMON OPEN AREA + S.W.M.A. + OPEN HABITAT SPACE) / PROJECT AREA	= (21.75 AC + 23.88 AC + 25.35 AC) / 138.32 AC
	= 51.3%

**8) OPEN HABITAT SPACE**

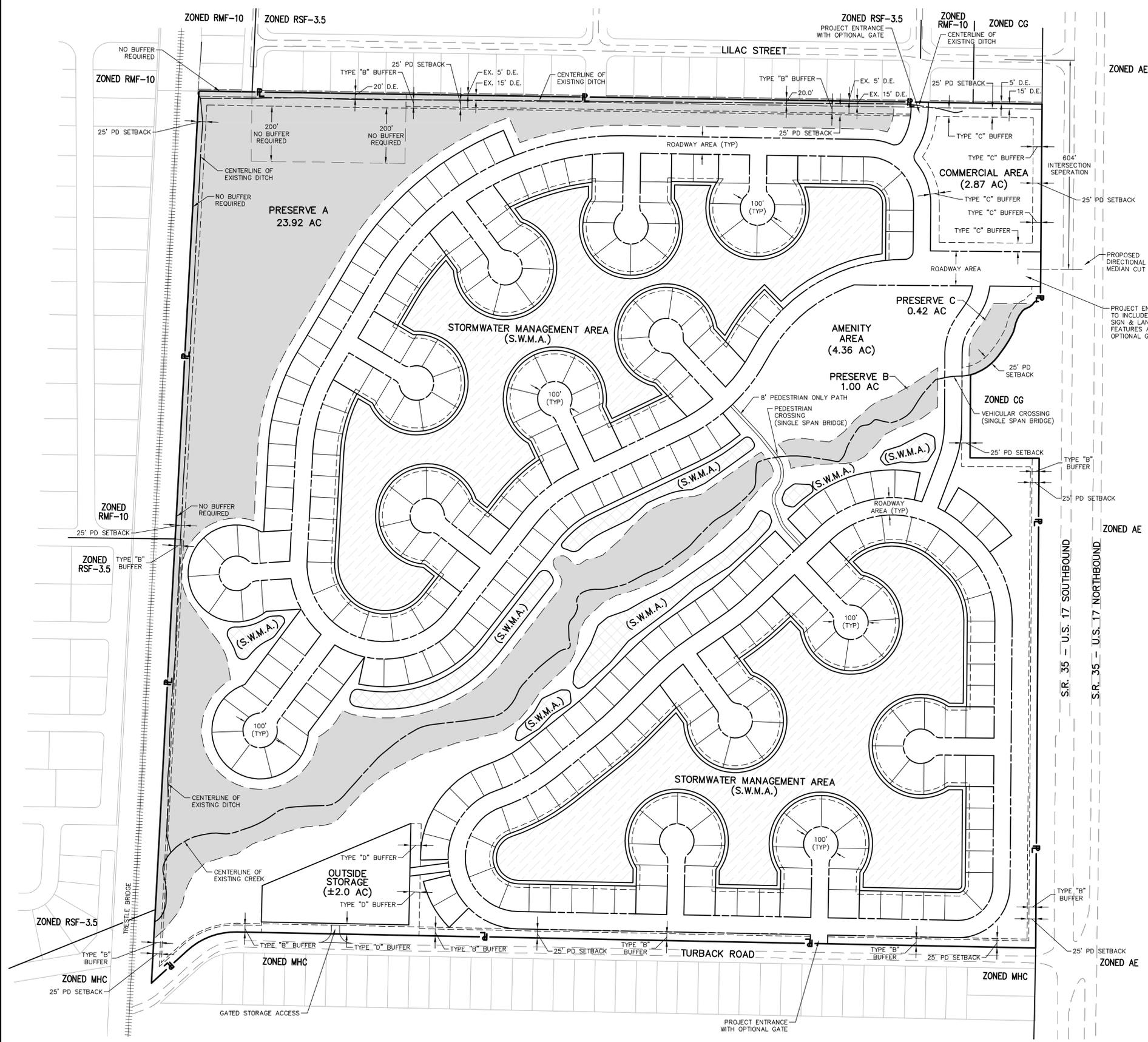
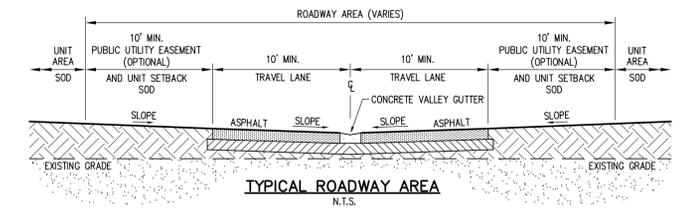
REQUIRED: 5% OF PROJECT AREA = (138.32 AC X 0.05) = 6.92 AC  
 PROVIDED: OPEN HABITAT SPACE / PROJECT AREA (25.35 / 138.32) = 18.3%

**DEVELOPMENT STANDARDS:**

- (1) UNIT AND YARD REQUIREMENTS:**  
 MINIMUM MANUFACTURED HOME LIVING AREA: FOUR HUNDRED (400) SQUARE FEET.  
 MINIMUM UNIT REQUIREMENTS:  
 UNIT AREA, FOUR THOUSAND (4,000) SQUARE FEET.  
 UNIT WIDTH, FIFTY (50) FEET.  
 MINIMUM YARD REQUIREMENTS.
- NO STRUCTURE OTHER THAN SCREENING REQUIRED PURSUANT TO ARTICLE XXII, CHAPTER 3-5, OF THE CODE, SHALL BE LOCATED CLOSER THAN TWENTY-FIVE (25) FEET TO EXTERNAL PROPERTY BOUNDARY. A BUFFER IN COMPLIANCE WITH ARTICLE XXII, CHAPTER 3-5 SHALL BE LOCATED WITHIN THE TWENTY-FIVE (25) FOOT SETBACK.
  - NO STRUCTURE SHALL BE LOCATED CLOSER THAN TEN (10) FEET TO ANOTHER STRUCTURE AND TEN (10) FEET TO THE PAVEMENT LINE OF ANY INTERNAL STREET.
  - MAXIMUM HEIGHT OF STRUCTURES: THIRTY-EIGHT (38) FEET.

**PD CONCEPT PLAN GENERAL NOTES:**

- ALL UNIT LINES SHOWN ARE PRELIMINARY AND MAY BE CHANGED DUE TO MARKET CONDITIONS, DESIGN CONSTRAINTS OR PERMITTING REQUIREMENTS AT FINAL PLAN APPROVAL.
- WHERE A LANDSCAPE BUFFER IS REQUIRED, DEVELOPER TO WORK WITH COUNTY STAFF TO DETERMINE IF EXISTING TREES AND VEGETATION MEET BUFFER REQUIREMENTS AND DETERMINE WHAT ADDITIONAL TREES WILL BE REQUIRED TO MEET COUNTY LANDSCAPE BUFFER MINIMUM REQUIREMENTS.
- ALL ON-SITE LAKES WILL BE A PART OF THE STORM WATER MANAGEMENT SYSTEM.
- PROPOSED PROJECT SHALL BE SERVICED BY CENTRAL WATER & SEWER.
- FOOT PATH IS SUBJECT TO ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
- NO INTERNAL PEDESTRIAN SYSTEM IS PROPOSED.
- ALL INTERNAL STREETS ARE PROPOSED TO BE PRIVATE.
- COMMERCIAL AREA WILL BE DEVELOPED IN ACCORDANCE WITH ALL REQUIREMENTS WITHIN THE COMMERCIAL NEIGHBORHOOD (CN) ZONING DISTRICT IN ACCORDANCE WITH APPROVED ORDINANCE PD-2006-067.



PREPARED FOR:  
**TAG CONSULTANTS, LLC**  
 150 SARAH STREET  
 PUNTA GORDA, FL 33950  
 PHONE: (941) 276-5221

NO.	DATE	REVISED PER	REVISION DESCRIPTION	BY
1	4-1-14	REVISED PER STAFF COMMENTS		

**BANKS ENGINEERING**  
 Professional Engineers, Planners, & Land Surveyors  
 Serving The State Of Florida

12653 SW COUNTY ROAD 769 - SUITE B  
 LAKE SUZY, FLORIDA 34269  
 PHONE: (941) 625-1165 FAX: (941) 625-1149  
 ENGINEERING LICENSE # EB 6469  
 SURVEY LICENSE # LB 6690  
 WWW.BANKSENG.COM

PD CONCEPT PLAN LAKESIDE VILLAGE CHARLOTTE COUNTY, FLORIDA						
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE
4-1-14	3706	_PDCP	TRR	TBV	TRR	1"=150'
SHEET						3



February 10, 2014

Banks Engineering  
Attn: Todd Rebol, P.E.  
12653 SW County Rd. 769 Ste. B  
Lake Suzy FL 34269

Re: DRC-PD-14-01 Concept Plan  
Lakeside Village February 13, 2014 agenda

Dear Todd:

Tecto USA Corp. & TAG Real Estate Corp. are requesting Concept Plan approval for Lakeside Village. This project consists of the rezoning of several land parcels from Planned Development (PD-06-01) to Planned Development (PD-14-01) for the purpose of constructing a 303 unit manufactured home community. This 138.32 +/- acre site is located at 601 Duncan Road on Parcels P-1, P1-3, P-2 & P2-2 in Sections 1 & 12, Township 40 South, Range 23 East in Punta Gorda, Florida.

**DRC-PD-14-01 Concept Plan has been approved with the following conditions.**

1. The survey submitted is over 7 years old; it needs to be updated and all vertical data needs to be on NAVD '88. Additional comments may be forthcoming upon submission of more detailed plans. Steven Ford – Survey & Mapping
2. The survey indicates that the property is described from OR BK. 2161, Pgs 1131. It shows to be a mortgage that includes OR Bk 2161, pages 1131, but the mortgage is for property located in Harbour Heights (see OR Book 2161, Pages 1123-1133) Debbie Alexander – Real Estate Services
3. Show fire hydrants and spacing between fire hydrants. What is the turn radius in the cul de sac? Is this going to be a gated community? If so, a Knox box will be required to operate the gate.
4. This development will be served by Sun River Utilities, Inc. Developer to provide Letter of Utilities Services Availability prior to February 13, 2014.

**COMMUNITY DEVELOPMENT**

**Zoning | Current Planning**

18400 Murdock Circle | Port Charlotte, FL 33948-1068  
Phone: 941.743.1964 | Fax: 941.743.1598

5. A protected species assessment and Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map has been provided by Ian Vincent & Associates dated January 2014. A total of 174 Gopher Tortoise burrows were documented on site. Three of the four parcels are located within the U.S. Fish and Wildlife Service (FWS) Scrub Jay review area and subsequent surveys have documented Scrub Jay utilization on site. The site is also located within the Core Foraging area for several Wood Stork (*Mycteria Americana*) nesting colonies, the Consultation Area for the Crested Caracara (*Caracara cheriway*) and the Consultation area for the Red Cockaded Woodpecker (*Picoides borealis*).
6. Please provide additional information concerning the preservation / relocation of the 174 Gopher Tortoise burrows located on site. Pursuant to Florida Statute 166.033, a Florida Fish and Wildlife Conservation Commission (FWCC) gopher tortoise relocation permit must be obtained prior to the commencement of the development (at the time of clearing permit application) along with verification of successful on/off site relocation.
7. All applicable U.S. Fish and Wildlife Service (FWS) Scrub Jay permits/mitigation must be obtained prior to the commencement of the development (at the time of clearing permit application).
8. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. Final site plans must clearly document a minimum 15', average 25' naturally vegetated upland buffer along the perimeter of all wetlands and natural surface waters.
9. The project must comply with Chapter 3-5, Article IV, Clearing, Filling Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
10. The project must comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. Preliminary site plans provided document a total of  $\pm 25.35$  acres as Open Space/Habitat area (project area of 138.32 acres / 5% = 6.92 acres open space required). Final site and landscape plans must label the preservation areas as 'preserved, in perpetuity' with calculations shown to meet the 5% requirement.
11. All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, Tree Requirements, of the County Code. Heritage trees may occur on site. A tree survey was not provided with this Concept Plan Review Application. If Heritage trees are found to occur on site, they must be clearly identified on the tree survey/inventory which must be provided with the final site plan application. These trees are further protected by Section 3-2-190 of the Tree code. The applicant must show that every effort has been made to incorporate these trees into the proposed development. If no Heritage trees are found to occur on site, provide information to that effect.

12. Tree permits must be obtained prior to any land clearing / fill activity or the issuance of any building permits.
13. The applicant must supply landscape plans that comply with **Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements**, of the County Code with the final site plan application.
14. Zoning recommends approval of the residential and commercial land uses specified on sheet 3 of the engineering plans submitted for this review.
15. Zoning recommends approval of the building types and development standards specified on sheet 3 of the engineering plans submitted for this review with the following exceptions and clarifications.
  - a. Typical mobile home accessory structures such as screen rooms, carports, garages, storage units, etc. that are attached to the mobile home are permitted.
  - b. The minimum setback from all buildings to water is 20 feet as measured from the control elevation of the stormwater lakes to the building line.
  - c. The development standards for the amenity area and the outdoor storage area will be determined at the time of Final Detail Plan review.

A Concept Plan approval is valid for 12 months calculated from the BCC approval date. If you wish to request a 12 month extension, you must make this request in written form a minimum of 30 days prior to the expiration date. Final Detail plan approval will not be granted until all conditions are met. No permits to build will be issued until final approval. If you have any questions regarding the review please call the listed reviewer.

Sincerely,



Shaun Cullinan  
Charlotte County Zoning Director

cc: Tecto USA Corp. & TAG Real Estate Corp  
150 Sarah Street  
Punta Gorda FL 33950



## MEMORANDUM

**Date:** March 13, 2014

**To:** Jie Shao, Planner III

**From:** Jamie Scudera, Environmental Specialist

**Subject:** Z-14-02-02  
TAG Consultants, LLC / Duncan Rd. PD, MM  
Account #'s 402301451001, 402301476002, 402312201001 & 402312226001

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 ±138.32 acres Planned Development (PD) in order to accommodate environmental factors that were discovered on site.
- A protected species assessment and Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map has been provided by Ian Vincent & Associates dated January 2014. A total of 174 Gopher Tortoise burrows were documented on site. Three of the four parcels are located within the U.S. Fish and Wildlife Service (FWS) Scrub Jay review area and subsequent surveys have documented Scrub Jay utilization on site. The site is also located within the Core Foraging area for several Wood Stork (*Mycteria Americana*) nesting colonies, the Consultation Area for the Crested Caracara (*Caracara cheriway*) and the Consultation area for the Red Cockaded Woodpecker (*Picoides borealis*).

**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.**

- Additional information concerning the preservation / relocation of the 174 Gopher Tortoise burrows located on site. Pursuant to Florida Statute 166.033, a Florida Fish and Wildlife Conservation Commission (FWCC) gopher tortoise relocation permit must be obtained

prior to the commencement of the development (at the time of clearing permit application) along with verification of successful on/off site relocation.

- All applicable U.S. Fish and Wildlife Service (FWS) Scrub Jay permits/mitigation must be obtained prior to the commencement of the development (at the time of clearing permit application).
- The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. Final site plans must clearly document a minimum 15', average 25' naturally vegetated upland buffer along the perimeter of all wetlands and natural surface waters.
- The project must comply with **Chapter 3-5, Article IV, Clearing, Filling Conservation** requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
- The project must comply with **Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust** requirements of the County Code. Preliminary site plans provided document a total of ±25.35 acres as Open Space/Habitat area (project area of 138.32 acres / 5% = 6.92 acres open space required). Final site and landscape plans must label the preservation areas as 'preserved, in perpetuity' with calculations shown to meet the 5% requirement.

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

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

JS

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**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning and Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1242 | Fax: 941.743.1292

**Application for Rezoning**  
**Petition Number: Z-14-02-02**

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

**FROM: Venkat Vattikuti**

**DATE:** March 10, 2014

<b>REQUESTED ACTION:</b>
--------------------------

**APPLICANT:** TAG Conculatants, LLC, 150 Sarah Street, Punta Gorda, FL 33950

**OWNER:** TAG Real Estate Corp and TECTO USA Corp, 150 Sarah Street, Punta Gorda, FL 33950

**GENERAL LOCATION:** NW Corner of Duncan Road (US 17) and Turbak Drive

**ACCOUNT NUMBER:** 402301451001, 402301476002, 402312201001 and 402312226001, approximate area of 138.32 acres in Section 1 and 12, Township 40S and Range 23E, Sunbidivion ZZZ

1 **ANALYSIS:** From the transportation perspective, the review of the submitted  
2 application for Planned Development Rezoning of the subject property shows that  
3 the surrounding roadway segments (mainly US 17) within the area of significance  
4 which is currently operating at acceptable levels of service would continue to  
5 operate at acceptable level of service to the year 2020 (which is the estimated  
6 built-out year.  
7

8 **RECOMMENDATION:** Approve the requested Amendment.  
9

10 **Transportation Element: Roadway Segments in the Area of Significance**  
11

ROADWAY	FUNCTIONAL CLASSIFICATION	PM Peak Hour LOS		# of additional trips to exceed a LOS "D"
		Actual	Adopted	
US 17: Lillis St to Turback Drive	State	B	B	n/a

12



**CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for  
 PLANNED DEVELOPMENT REZONING**

Date Received:	Time Received:
Date of Log-in:	Petition #:
Receipt #:	Accela #:
	Amount Paid:

**1. PARTIES TO THE APPLICATION**

**Name of Applicant:** TAG Consultants, LLC

**Mailing Address:** 150 Sarah Street

City: Punta Gorda	State: FL	Zip Code: 33950
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Phone Number:	Fax Number:
---------------	-------------

**Email Address:**

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

**Mailing Address:** 150 Laishley Court, Suite 122

City: Punta Gorda	State: FL	Zip Code: 33950
-------------------	-----------	-----------------

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

**Email Address:** geri@mccrorylaw.com

**Name of Engineer/Surveyor:** Todd Rebol, Banks Engineering

**Mailing Address:** 12653 SW County Rd. 769

City: Lake Suzy	State: FL	Zip Code: 34269
-----------------	-----------	-----------------

Phone Number: (941) 625-1165	Fax Number: (941) 625-1149
------------------------------	----------------------------

**Email Address:** TRebol@bankseng.com

**Name of Property Owner** (if more than one property owner, attach a separate sheet with a list of all owners):  
 TAG Real Estate Corp./TECTO USA Corp.

**Mailing Address:** 150 Sarah Street

City: Punta Gorda	State: FL	Zip Code: 33950
-------------------	-----------	-----------------

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 #: 402301451001, 402301476002, 402312201001 and 402312226001		
Section: 1 and 12	Township: 40S	Range: 23E
Parcel/Lot #:	Block #:	Subdivision: ZZZ
Total acreage or square feet of the property: 138.32 +/- 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	138.32 +/-
Zoning District(s)	Acreage
PD	138.32 +/-

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

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?

The site has 135 units of base density. The existing PD requires 216 units of density to be transferred to the site. The proposed modification will require 168 units of density. The property meets all receiving zone criteria.

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

The discovery of scrub jays utilizing portions of the property

necessitate a modified plan of development.

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

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**11. SURROUNDING LAND USES:**

North: RSF3.5, RMF10 and CG with scattered single family homes

---

South: MHC with scattered mobile homes

---

East: AE, Vacant

---

West: RMF10, RSF3.5, CSX railroad ROW

---

**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):  
Duncan Road (US 17), Turbak Dr.
- 
- 
- 

- ii. *Traffic Impact Analysis*: This study must be authored by a registered professional engineer in the State of Florida. Provide a study showing the impacts development of the subject site would have on the surrounding roadway network. Where traffic impacts reduce LOS below 'D' provide a proportionate fair share assessment for impacted roadways.

- *Hurricane Evacuation Study*: For any property that is even partially located in a Coastal High Hazard Area, or which generates trips wherein the majority of those trips would utilize a roadway that runs through a Coastal High Hazard Area, a *Hurricane Evacuation Study*



PARCEL B: A Parcel of land in Sections 1 and 12, Township 40 South, Range 23 East, described as follows: Commence at the S.E. Corner of the NE 1/4 of the NE 1/4 of Said Section 12: Thence N 00 degrees 19' 45" East, along the East line of Section 12, for a distance of 150.00 feet; thence S 88 degrees 55' 19" W, 50.00 feet to the West Right-of-way line of State Road No. 35 (U.S. Highway 17) for a Point of Beginning; thence N 0 degrees 19' 45" E, along said right-of-way line, 1174.68 feet to the North line of said Section 12; thence N 0 degrees 23' 02" E, continuing along said westerly right-of-way line of State Road No. 35, for a distance of 300.00 feet; thence leaving said right-of-way line, N 89 degrees 36' 58" W, 200.00 feet; thence N 0 degrees 23' 02" E to a Point in the centerline of Lee Branch; thence Southwesterly meandering said centerline of Lee Branch to the Westerly boundary of the NE 1/4 of said Section 12; thence Southerly along said Westerly boundary of NE 1/4 of Section 12 for a Distance of 300 feet more or less to the SW corner of the NW 1/4 of the NE 1/4 of Section 12; thence S 88 degrees 55' 19" E, along the South line of said NW 1/4 of the NE 1/4 of Section 12 to the Southeasterly right-of-way of County Road (Turbak Road - 60 foot right-of-way); thence Northeasterly and Easterly along the Southerly right-of-way of said Turbak Road to the West right-of-way of said State Road No. 35 and the Point of Beginning. Less R/W for Seaboard Coastline Railroad R/W in the NW 1/4 of the NE 1/4 of said Section 12. Less also the 60' RJ"V for Turbak Road. All lying and being in Sections 1 and 12, Township 40 South, Range 23 East, Charlotte County, Florida.

LESS AND EXCEPT THE FOLLOWING PARCEL: A parcel of land lying within Section 1, Township 40 South, Range 23 East, Charlotte County, Florida, being more specifically described as follows: From the Southeast corner of the Northeast quarter of the Northeast quarter of Section 12, Township 40 South, Range 23 East, bear North 00 degrees 19' 45" East, along the East line of Section 12, a distance of 150.00 feet; thence South 88 degrees 55' 19" West, a distance of 50.00 feet to the West right-of-way line of US Highway 17, (State Road 35); thence North 00 degrees 19' 45" East, along said West Right-of-Way Line 1174.68 feet to the South line of Section 1 and to the point of beginning; thence continue North 00 degrees 23' 02" East, along said West right-of-way Line a distance of 300 feet; thence North 89 degrees 36' 58" West, a distance of 200.00 feet; thence North 00 degrees 23' 02" East, to a point in the center of Lee Branch Creek, thence Southwesterly, meandering the center of said creek, to the South line of said Section 1; thence Easterly, along the South Line of said section 1 to the said West right-of-way line of U.S. Highway 17 and to the point of beginning.

PARCELS A AND B CAN ALSO BE DESCRIBED AS: A Parcel of land in Sections 1 and 12, Township 40 South, Range 23 East, described as follows: Commence at the S.E. Corner of the NE 1/4 of the NE 1/4 of Said Section 12: Thence N 0 degrees 19' 45" East, along the East line of Section 12, for a distance of 150.00'; thence S 88 degrees 55' 19" W, 50.00' to the West R/W line of State Road No. 35 (U.S. 17) for a Point of Beginning; thence N 0 degrees 19' 45" E, along said R/W, 1174.68 feet to the North line of said Section 12; thence N 0 degrees 23' 02" E, continuing along said westerly R/W line of State Road No. 35, for a distance of 300.00'; thence leaving said R/W N 89 degrees 36' 58" W, 200.00'; thence N 0 degrees 23' 02" E to a Point in the centerline of Lee Branch; thence Southwesterly meandering said centerline of Lee Branch to the Westerly boundary of the NE 1/4 of said Section 12; thence Southerly along said Westerly boundary of NE 1/4 of Section 12 for a Distance of 300' more or less to the SW corner of the NW 1/4 of the NE 1/4 of Section 12; thence S 88 degrees 55' 19" E, along the South line of said NW 1/4 of the NE 1/4 of Section 12 to the Southeasterly R/W of County Road (Turbak Road - 60' R/W); thence Northeasterly and Easterly along the Southerly RIW of said Turbak Road to the West R/W of said State Road No. 35 and the Point of Beginning. Less R/W for Seaboard Coastline Railroad R/W in the NW 1/4 of the NE 1/4 of said Section 12. Less also the 60' R/W for Turbak Road. All lying and being in Sections 1 and 12, Township 40 South, Range 23 East, Charlotte County, Florida.

**SCHEDULE B - SECTION I  
REQUIREMENTS**

The following requirements must be met:

1. Payment of the full consideration to, or for the account, of, the grantors or mortgagors.
2. Instrument(s) necessary to create the estate or interest to be insured must be properly executed, delivered and duly filed for record:
  - a) Warranty Deed from Duncan/US17, LLC, a Florida limited liability company a/k/a a Florida limited liability corporation to the proposed insured.
  - b) Satisfaction of that certain Mortgage in favor of Calusa National Bank given by Duncan/US17, LLC, a Florida limited liability company recorded August 21, 2008 in O.R Book 3318, page 136, securing a principal indebtedness of \$350,000.00, Public Records of Charlotte County, Florida.
  - c) Proof of payment of taxes for the year 2010 must be furnished.
  - d) Redemption of outstanding Tax Certificate(s) numbered 9710 for 2009 unpaid taxes against tax parcel number(s) 402312226001.
  - e) Redemption of outstanding Tax Certificate(s) numbered 7884 for 2009 unpaid taxes against tax parcel number(s) 402301476002.
  - f) The agent must:
    - (1) Determine that Duncan/US17, LLC, a Florida limited liability corporation is in good standing in the state of its formation; and
    - (2) Establish that the manager(s) or member(s) executing the deed or mortgage to be insured are authorized by the Articles of Organization or Operating Agreement of the limited liability company to execute said instruments on behalf of the company.

**NOTE:** All recording references in this commitment/policy shall refer to the Public Records of Charlotte County, unless otherwise noted.

**SCHEDULE B SECTION II IS CONTINUED ON AN ADDED PAGE**

SCHEDULE B - SECTION II

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Facts which would be disclosed by an accurate and comprehensive survey of the premises herein described.
3. Rights or claims of parties in possession.
4. Construction, Mechanic's, Contractors' or Materialmen's lien claims, if any, where no notice thereof appears of record.
5. Easements or claims of easements not shown by the public records.
6. General or special taxes and assessments required to be paid in the year 2010 and subsequent years.

Note: Taxes for the year 2010 in the amount of \$8,627.12 and 807.65 are NOT PAID. Tax ID Number 402312226001 and 402301476002 respectively.

7. Florida Power and Light Easement recorded in Official Records Book 1892, Page 1630, of the Public Records of Charlotte County, Florida.
8. Restrictions or reservations affecting rights in Oil, Gas or any other Minerals, lying upon or beneath the lands insured hereby, pursuant to that instrument recorded in Deed Book 49, Page 258, of the Public Records of Charlotte County, Florida. NOTE: the right of entry has been released pursuant to Florida Statute.
9. Reservation (or Grant of the oil, gas and minerals underlying the land, contained in the Deed recorded in Deed Book 39, Page 515, of the Public Records of Charlotte County, Florida, and all rights and easements there under by said holders of the oil, gas and mineral estate or by any party claiming by, through or under said holder.
10. The Reservation of fifty feet (50') along State Road 35, as disclosed in Official Records Book 561, Page 1344, of the Public Records of Charlotte County, Florida.
11. TUFF Right of Way Reservation along the Easterly 50ft of State Road 35 as disclosed in Official Record Book 38, Page 34A
12. Riparian rights and littoral rights, if any, incident to the land.
13. Title to any portion of the land lying below the mean high water mark of Lee Branch Creek and/or any connecting waterways, unaffected by fills, man-made jetties and bulkheads.
14. Rights, if any, of the property owners abutting ponds and to the waters and the bed thereof; also the rights of property owners abutting lakes and/or creeks or any stream of water leading thereof or therefrom.
15. Rights of the United States Government and/or the State of Florida arising under the United States Government control over navigable waters and the inalienable rights of the State of Florida in the lands or waters of similar character as to any part of the premises herein described in Schedule "A" which are submerged beneath navigable waters or may be artificially filled in lands in what was formerly navigable waters, and any accretions thereto.
16. Liability as to all Charlotte County assessments is hereby limited to only that which Charlotte County has filed in the Public Records of Charlotte County, Florida, which contains the Property Description, Name of Owner and Lien Amount.

17. Any lien provided by Chapter 159 Florida Statutes, in favor of any municipality or authority for unpaid charges for services by any water, sewer or gas system to the land described herein.



**ATTORNEYS' TITLE INSURANCE FUND, INC.**  
**OWNER'S FORM**  
**SCHEDULE B**

Policy No.: **OPM-2719734**

This policy does not insure against loss or damage by reason of the following exceptions:

1. Taxes for the year of the effective date of this policy and taxes or special assessments which are not shown as existing liens by the public records.
  2. Rights or claims of parties in possession not shown by the public records. **(DELETED)**
  3. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises. **(DELETED)**
  4. Easements or claims of easements not shown by the public records. **(DELETED)**
  5. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records. **(DELETED)**
  6. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.
  7. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded in Deed Book 40, Page 408, Public Records of Charlotte County, Florida.
  8. Oil, gas, mineral, or other reservations as set forth in deed recorded in Deed Book 49, Page 49, Public Records of Charlotte County, Florida (without right of entry). No determination has been made as to the current record owner for the interest excepted herein.
  9. Easement in favor of Charlotte County, contained in instrument recorded April 14, 2000 in O.R. Book 1784, Page 789, Public Records of Charlotte County, Florida.
  10. Resolution No. 91-19 regarding widening of U.S. Highway No. 17 recorded in O.R. Book 1142, Page 864, Public Records of Charlotte County, Florida.
  11. Riparian and littoral rights are not insured.
  12. This Policy does not insure any portion of the insured parcel lying waterward of the ordinary high water mark of Lee's Branch.
  13. Lands lie within various county special assessment districts and municipal taxing districts and are subject to liens for any unpaid special assessments by virtue of the ordinances and resolutions creating these districts. The special assessments are payable with the ad valorem taxes.
-

**ATTORNEYS' TITLE INSURANCE FUND, INC.**  
**OWNER'S FORM**  
**SCHEDULE B**

**Policy No.: OPM-2719734**

14. Subject to any rights of the public to use as a public beach of recreation area, any part of the land lying between the body of water abutting the insured property and the natural line of vegetation, bluff, mean high waterline or other apparent boundary lines separating the publicly used area from the upland private area.
  15. This policy excludes from coverage the inalienable right of the public to use the navigable waters covering the lands.
  16. The policy excludes from coverage the rights of the State of Florida and the United States to regulate the use of the navigable waters.
-

**EXHIBIT "A"**

**Parts of the South 1/2 of the Southeast 1/4 of Section 1, and the North 1/2 of the Northeast 1/4 of Section 12, Township 40 South, Range 23 East, Charlotte County, Florida, described as follows:**

**Commencing at the Northeast corner of the South 1/2 of the Southeast 1/4 of said Section 1, thence North 89°07'22" West along the North limit of the South 1/2 of the Southeast 1/4 of said Section 1, 52.29 feet to the West limit of U.S. Highway 17 and the Point of Beginning of the herein described parcel; thence North 89°07'22" West along the North limit of the South 1/2 of the Southeast 1/4 of Section 1, 2,466.03 feet, more or less, to the Easterly limit of the right-of-way of the Seaboard Coastline Railroad; thence South 03°02'35" West along the last mentioned limit, 2,219.0 feet, more or less, to the centerline of a creek known as Lee's Branch; thence Northeasterly along said centerline of Lee's Branch, 3,108.0 feet, more or less to the West right-of-way limit of U.S. Highway 17; thence North 0°28'49" East along the last mentioned limit 573.34 feet, more or less, to the Point of Beginning.**

---

**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 TAG Consultants, LLC to be the applicant for this REZONING.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 30TH day of JAN, 2014, by

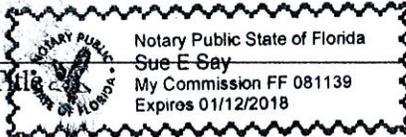
MARTIN SCHULZ who is personally known to me or has/have produced

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

Sue E Say  
Notary Public Signature

TECTO USA CORP.  
By: [Signature] VP  
Signature of Owner

MARTIN SCHULZ  
Printed Signature of Owner

Notary Printed Signature  


150 Sarah Street  
Address

Commission Code

Punta Gorda, FL 3395  
City, State, Zip

941-505-0482  
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 TAG Consultants, LLC to be the applicant for this REZONING.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 28TH day of JAN., 2014, by

MARTIN SCHULZ who is personally known to me or has/have produced

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

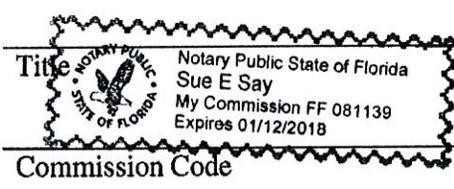
TAG Real Estate Corp.

Sue E Say  
Notary Public Signature

Martin Schulz  
Signature of Owner

Notary Printed Signature

MARTIN SCHULZ VR  
Printed Signature of Owner / Title



Commission Code

1133 Bal Harbor Blvd. PMB 220 UN 1139

Address

Punta Gorda, FL 33950

City, State, Zip

941-505-0482

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 Gerri L. Waksler, McCrory Law Firm to be my agent for this application.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 28TH day of JAN., 2014, by

MARTIN SCHULZ who is personally known to me or has/have produced  
as identification and who did/did not take an oath.

Sue E Say | Martin Schulz  
Notary Public Signature | Signature of Applicant

MARTIN SCHULZ  
Notary Printed Signature | Printed Signature of Applicant

 | 150 Sarah St.  
Title | Address

Commission Code | Punta Gorda, FL 33950  
City, State, Zip

| 941-505-0482  
Telephone Number

# ZONING AMENDMENT

## LAKESIDE VILLAGE CHARLOTTE COUNTY, FLORIDA

JANUARY 2014



**FTE**

"ENGINEERING FOR A WORLD IN MOTION"

## PROFESSIONAL ENGINEER CERTIFICATE

I hereby certify that I am a registered professional engineer in the State of Florida practicing with Florida Transportation Engineering, Inc., a consulting firm in the State of Florida and that I have supervised the preparation and approve the evaluation, findings, opinions, conclusions, and technical advice hereby reported for:

PROJECT: Lakeside Village TIS  
LOCATION: southwest corner of US 17 and Lillis Street  
COUNTY: Charlotte  
STATE: Florida

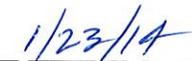
This report includes a summary of Trip Generation, Trip Distribution, Level of Service Analysis, and Recommendations for Lakeside Village. I acknowledge that the procedures and references used to develop the results contained in this report are standard to the professional practice of transportation engineering and planning as applied through professional judgment and experience.

SIGNATURE:



Ravi Devaguptapu, P.E., PTOE

DATE:



Florida P.E. No. 53150

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## **EXECUTIVE SUMMARY**

Florida Transportation Engineering, Inc. (FTE) was retained by Banks Engineering to perform a traffic impact analysis in order to evaluate the impacts of the rezoning of Lakeside Village Mobile Home Park. The proposed site is located in the southwest corner of US 17 and Lillis Street in Charlotte County. The proposed development is accommodating 303 mobile homes.

In order to evaluate the impact of the proposed mobile home park, trip generation was performed using the ITE Trip Generation Manual, 9th Edition. Based on the most conservative analysis, the proposed development would generate 101 trips during the AM peak hour and 175 trips during the PM peak hour.

The project trips from the development were distributed and assigned to the adjacent roadway network using the surrounding roadway network and land use patterns associated with local knowledge and professional judgment. The project trips from the development were distributed 40% to the north and 60% to the south onto US 17.

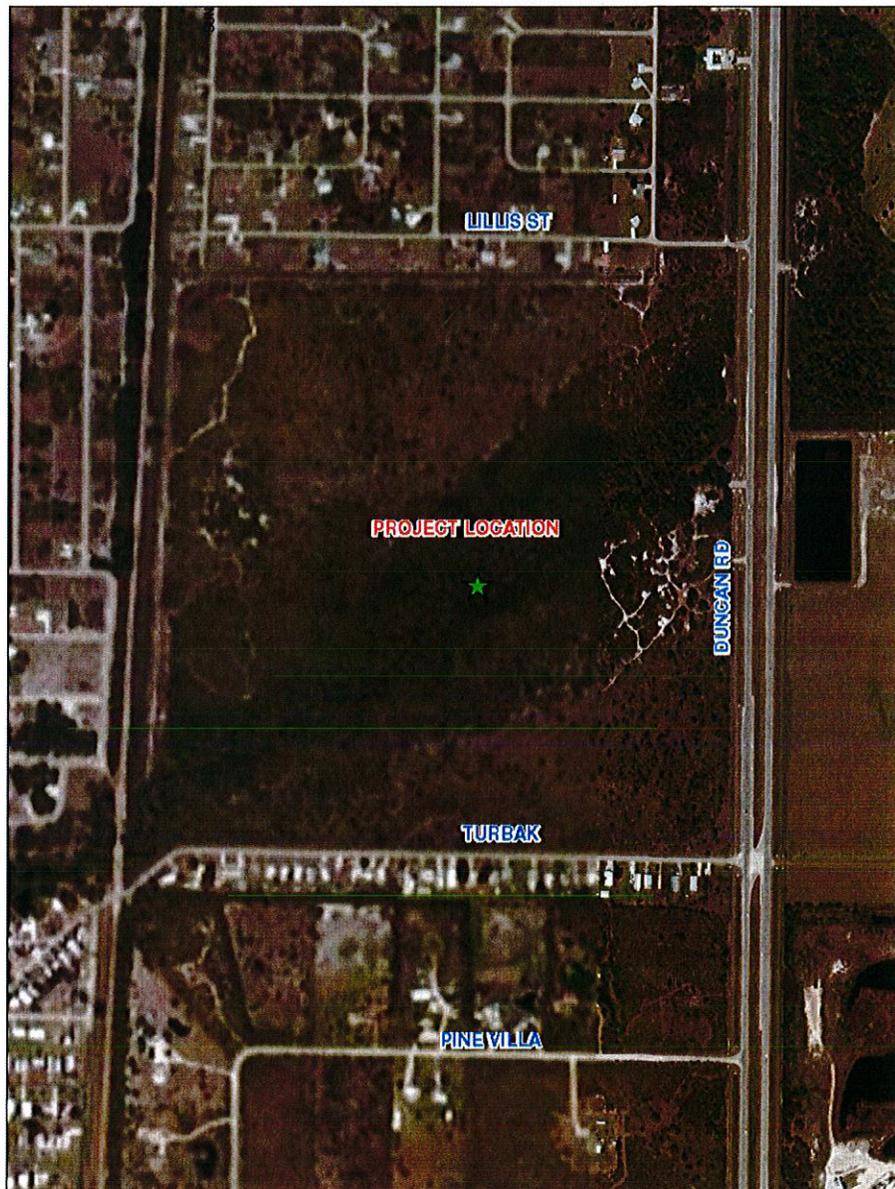
*An Annual Average Daily Traffic (AADT) and growth rate on US 17 were obtained from Charlotte County Concurrency Work Sheet.* Based on the analysis, currently the roadway links on US 17 operate at acceptable levels of service. These segments would continue to operate at acceptable levels of service with the proposed development

In summary, the proposed development does not create an adverse impact on the surrounding roadway network. No additional improvements are recommended.

## 1 INTRODUCTION

Florida Transportation Engineering, Inc. (FTE) was retained by Banks Engineering to perform a traffic impact analysis in order to evaluate the impacts of the rezoning of Lakeside Village Mobile Home Park. The proposed site is located on US 17 in Charlotte County. The proposed development is accommodating 303 mobile homes. The project location map is provided in Figure 1.

**FIGURE 1 – PROJECT LOCATION**



## 2 TRIP GENERATION

Trip Generation was performed using the Institute of Transportation Engineers (ITE) *Trip Generation*, 9<sup>th</sup> Edition for the proposed development.

Table 1 summarizes the trip generation calculations. The appropriate Land Use Code Worksheets from the ITE Manual are provided in Appendix A.

**Table 1**  
**Trip Generation**

Land Use	Land Use Code	# of Units	Daily Trips	In/Out	AM Peak Hour Trips	In/Out	PM Peak Hour Trips	In/Out
Mobile Homes	240	303	1,344	672/672	101	20/81	<b>175</b>	<b>109/66</b>

As shown in Table 1, the proposed development (Mobile Home Park, ITE Land Use Code 240) would generate 101 trips during the AM peak hour and 175 trips during the PM peak hour.

### 3 TRIP DISTRIBUTION

The project trips from the development were distributed and assigned to the adjacent roadway network using local knowledge of the surrounding land use patterns and professional judgment. The project trips from the development were distributed 40% to the north and 60% to the south onto US 17. The project trip distribution is shown in Figure 2.

**FIGURE 2 – PROJECT TRIP DISTRIBUTION**



### 4 PROJECT TRIPS

Based on the Trip Generation and Trip Distribution, the project trips were calculated based on the estimated PM Peak Hour trips. The resulting trips are shown in Figure 3.

FIGURE 3 – PROJECT TRIPS



## 5 EXISTING ROADWAY CONDITIONS

US 17 is a four lane divided State Road. Lillis Street and Turback Drive are local roads.

*An Annual Average Daily Traffic (AADT) and growth rate on US 17 were obtained from Charlotte County Concurrency Work Sheet.* There was no historical data and service volumes available for Lillis Street and Turback Drive. Therefore, these local streets were not analyzed. An excerpt from Charlotte County Concurrency Work Sheet is included in Appendix B.

As shown in Table 2, currently the roadway links on US 17 operate at an acceptable level of service.

**Table 2**  
**Existing Link LOS Analysis**

Roadway Segment	2013 AADT	K-Factor	2013 100 <sup>th</sup> Hour	Growth Rate	2014 100 <sup>th</sup> Hour	LOS
US 17, Lillis St to Project Entrance	10,228	0.091	931	2%	950	B
US 17, Project Entrance to Turback Dr						

\*US 17: LOS "B" = 2,840, LOS "C" = 3,440, LOS "D" = 3,560

## 6 FUTURE ROADWAY CONDITIONS

The 100th hour traffic (shown in Table 2) was projected to the build-out year 2020 using the growth rate discussed above. The results of this analysis are provided in Table 3.

**Table 3**  
**2020 Link LOS Analysis**

Roadway Segment	2014 Peak Hour	Growth Rate	2020 Background	LOS	PM Project Trips	2020 Total Traffic	
						Traffic	LOS
US 17, Lillis St to Project Entrance	950	2.00%	1,064	B	70	1,134	B
US 17, Project Entrance to Turback Dr					55	1,119	B

\*US 17: LOS "B" = 2,840, LOS "C" = 3,440, LOS "D" = 3,560

As shown in Table 3, the roadway links on US 17 would operate at acceptable levels of service with the proposed development.

## **7 CONCLUSION**

Based on the trip generation, the proposed development would generate 101 trips during the AM peak hour and 175 trips during the PM peak hour.

The project trips from the development were distributed and assigned to the adjacent roadway network using local knowledge of the surrounding land use patterns and professional judgment. The project trips from the development were distributed 40% to the north and 60% to the south onto US 17.

Based on the analysis, currently the roadway links on US 17 operate at acceptable levels of service. These segments would continue to operate at acceptable levels of service with the proposed rezoning of the development.

In summary, the proposed rezoning of the development does not create an adverse impact on the surrounding roadway network. No additional improvements are recommended.

**Appendix A**

**ITE Trip Generation Worksheets**



Period Setting						
<b>Analysis Name:</b>	AM Peak Hour		<b>No:</b>	114004-01		
<b>Project Name:</b>	Gurber Rezoning		<b>City:</b>	Punta Gorda		
<b>Date:</b>	1/14/2014		<b>Zip/Postal Code:</b>	33950		
<b>State/Province:</b>	FL		<b>Client Name:</b>	Banks Engineering		
<b>Country:</b>	US		<b>Edition:</b>	9th		
<b>Analyst's Name:</b>	FTE					

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
240 - Mobile Home Park	Occupied Dwelling Units	303	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LOG)	20	81	101

Traffic Reductions				
Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
240 - Mobile Home Park	0%	20	0%	81

External Trips				
Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
240 - Mobile Home Park	101	0%	0	101

ITE Deviation Details	
<b>Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.</b>	
Landuse	No deviations from ITE.
Methods	240 - Mobile Home Park The chosen method (LOG) is not recommended by ITE. ITE recommends Average based on the criterion.
External Trips	240 - Mobile Home Park ITE does not recommend a particular pass-by% for this case.

Summary	
Total Entering	20
Total Exiting	81
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0

<b>Total Exiting Internal Capture Reduction</b>	0
<b>Total Entering Pass-by Reduction</b>	0
<b>Total Exiting Pass-by Reduction</b>	0
<b>Total Entering Non-Pass-by Trips</b>	20
<b>Total Exiting Non-Pass-by Trips</b>	81

**Period Setting**

**Analysis Name:** PM Peak Hour  
**Project Name:** Gurber Rezoning **No:** 114004-01  
**Date:** 1/14/2014 **City:** Punta Gorda  
**State/Province:** FL **Zip/Postal Code:** 33950  
**Country:** US **Client Name:** Banks Engineering  
**Analyst's Name:** FTE **Edition:** 9th

Land Use	Independent Variable	Size	Time Period	Method	Entry	Exit	Total
240 - Mobile Home Park	Occupied Dwelling Units	303	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LIN)	109	66	175

**Traffic Reductions**

Land Use	Entry Reduction	Adjusted Entry	Exit Reduction	Adjusted Exit
240 - Mobile Home Park	0%	109	0%	66

**External Trips**

Land Use	External Trips	Pass-by%	Pass-by Trips	Non-pass-by Trips
240 - Mobile Home Park	175	0%	0	175

**ITE Deviation Details**

**Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.**

Landuse No deviations from ITE.

Methods No deviations from ITE.

External Trips 240 - Mobile Home Park  
 ITE does not recommend a particular pass-by% for this case.

**Summary**

Total Entering	109
Total Exiting	66
Total Entering Reduction	0
Total Exiting Reduction	0
Total Entering Internal Capture Reduction	0
Total Exiting Internal Capture Reduction	0

<b>Total Entering Pass-by Reduction</b>	0
<b>Total Exiting Pass-by Reduction</b>	0
<b>Total Entering Non-Pass-by Trips</b>	109
<b>Total Exiting Non-Pass-by Trips</b>	66

**Appendix B**

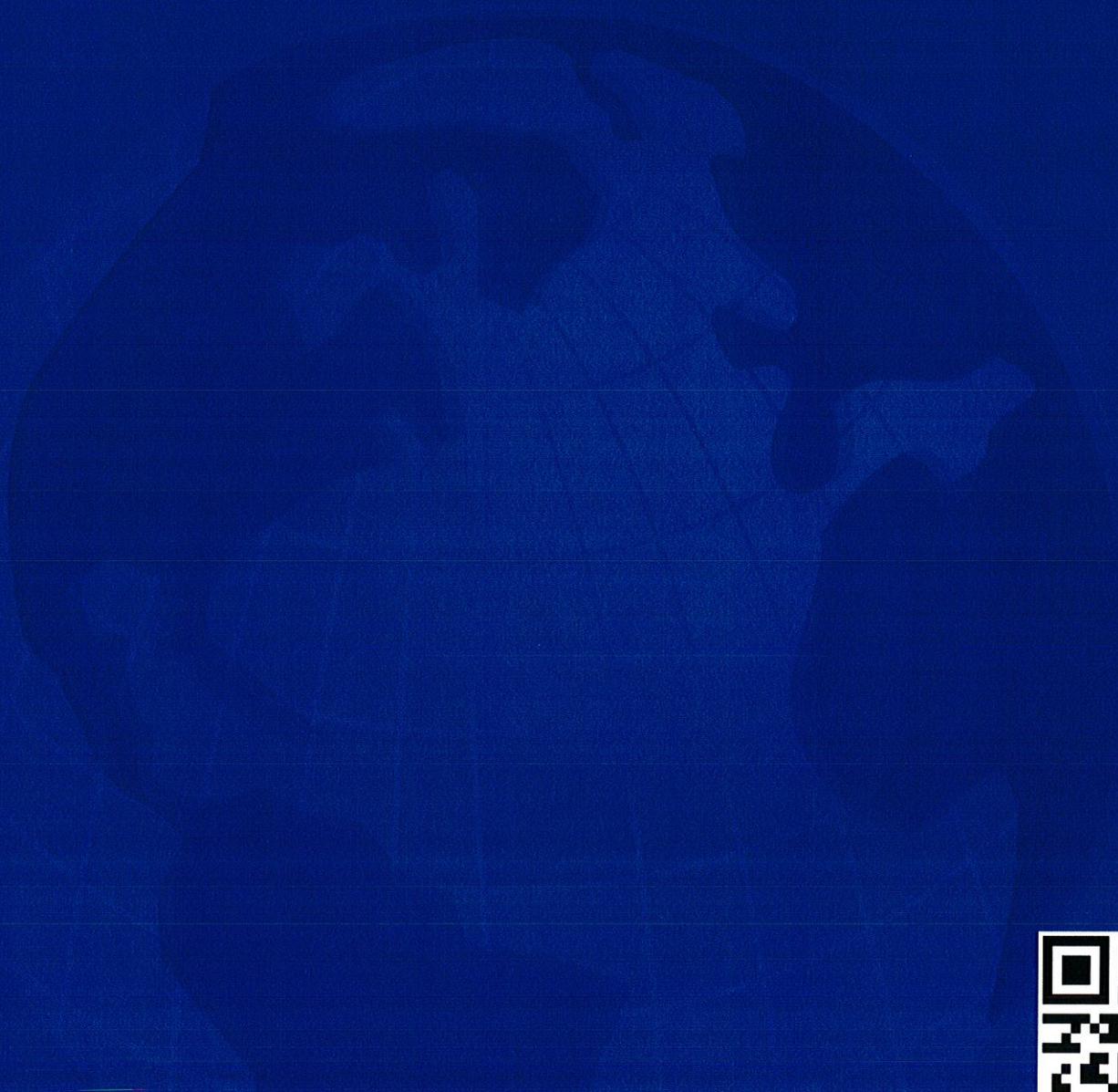
**Excerpt from Charlotte County Concurrency Work Sheet**



CHARLOTTE COUNTY: ROADWAY LEVEL OF SERVICE DATA (AS OF 05/15/2013) - DRAFT

LOS Report ID	Roadway	From	To	Fed. Func. Class.	Lanes	Config	2013 AADT	Date of Last Count	Sugg. Gr. Rate	Level of Service Calculations					Percent (%) Capacity Used	
										Level of Service Limits (Pk. Hr. Two-way Vol.)			Level of Service			
										B	C	D	E	Adopted		Current
180	US Highway 17	I-75	Mariympia Way	PA	6	D	15,838	Dec-12	2.00%	4,370	5,200	5,360	n/a	D	B	27%
181	US Highway 17	Constitution Avenue	I-75	PA	6	D	18,442	Jun-12	2.00%	4,370	5,200	5,360	n/a	C	B	32%
282	US Highway 17	Washington Loop Rd. S	Constitutional Ave.	PA	4	D	15,316	Jan-13	2.00%	2,840	3,440	3,560	n/a	C	B	41%
110	US Highway 17	Peace River Shores Blvd.	Washington Loop Rd. S	PA	4	D	10,228	Jan-13	2.00%	2,840	3,440	3,560	n/a	B	B	33%
113	US Highway 17	DeSoto Co Line	Peace River Shores Blvd.	PA	4	D	7,216	Jan-13	2.00%	2,840	3,440	3,560	n/a	B	B	23%
187	US Highway 41	Lee County Line	Zemel Rd.	PA	4	D	15,741	Mar-13	2.00%	2,840	3,440	3,560	n/a	D	B	40%
313	US Highway 41	Zemel Rd.	Alligator Creek Bridge	PA	4	D	19,071	Jan-00	2.00%	2,840	3,440	3,560	n/a	D	B	49%
183	US Highway 41	Alligator Creek Bridge	Burnt Store Rd.	PA	4	D	15,541	Jan-13	2.00%	2,840	3,440	3,560	n/a	D	B	40%
286	US Highway 41	Burnt Store Rd.	Aqui Esta Dr.	PA	4	D	24,564	Jan-13	2.00%	2,840	3,440	3,560	n/a	D	B	63%
274	US Highway 41	Kings Highway	Bayshore Rd.	PA	6	D	48,500	Jan-00	1.25%	n/a	3,790	4,880	5,150	D	D	81%
275	US Highway 41	Harborview Rd.	Kings Highway	PA	6	D	37,635	Nov-12	1.25%	n/a	3,790	4,880	5,150	D	C	63%
276	US Highway 41	Hancock Ave. (Beaver Ln.)	Harborview Rd./Edgewater Dr.	PA	6	D	41,250	Nov-12	2.00%	n/a	3,790	4,880	5,150	D	C	69%
277	US Highway 41	Gardner Dr.	Hancock Ave. (Beaver Ln.)	PA	6	D	42,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	C	71%
279	US Highway 41	Conway Blvd.	Gardner Dr.	PA	6	D	42,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	C	71%
281	US Highway 41	Easy St.	Conway Blvd.	PA	6	D	42,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	C	71%
283	US Highway 41	Harbor Blvd.	Easy St.	PA	6	D	42,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	C	71%
285	US Highway 41	Olean Blvd.	Harbor Blvd.	PA	6	D	52,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	D	88%
287	US Highway 41	Port Charlotte Blvd.	Olean Blvd.	PA	6	D	52,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	D	88%
289	US Highway 41	W Tarpon Blvd.	Port Charlotte Blvd.	PA	6	D	52,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	D	88%
291	US Highway 41	Midway Blvd.	W Tarpon Blvd.	PA	6	D	52,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	C	88%
293	US Highway 41	Forrest Nelson Blvd.	Midway Blvd.	PA	6	D	54,149	Nov-12	2.00%	n/a	3,790	4,880	5,150	D	D	91%
295	US Highway 41	Carrousel Mall	Forrest Nelson Blvd.	PA	6	D	49,676	Nov-12	2.00%	n/a	3,790	4,880	5,150	D	D	83%
297	US Highway 41	Cochran Blvd. (a.k.a. Toledo Blade)	Carrousel Mall	PA	6	D	55,500	Jan-00	2.00%	n/a	3,790	4,880	5,150	D	D	93%
95	US Highway 41	Murdock Circle	Cochran Blvd. (a.k.a. Toledo Blade)	PA	6	D	43,862	Feb-13	2.00%	n/a	3,790	4,880	5,150	D	C	74%
18	US Highway 41	S.R. 776	Murdock Circle	PA	6	D	31,401	Feb-13	2.00%	n/a	3,790	4,880	5,150	D	C	53%
19	US Highway 41	Enterprise Dr.	S.R. 776	PA	6	D	27,289	Feb-13	2.00%	n/a	3,790	4,880	5,150	D	C	51%
21	US Highway 41	Toledo Blade Blvd.(N) (CR 39)	Enterprise Dr.	PA	4	D	28,751	Feb-13	2.00%	2,840	3,440	3,560	n/a	D	B	66%
20	US Highway 41	Flamingo Blvd.	Toledo Blade Blvd. (N)	PA	4	D	24,545	Feb-13	2.00%	2,840	3,440	3,560	n/a	D	B	63%
17	US Highway 41	Chamberlain Blvd.	Flamingo Blvd.	PA	4	D	24,130	Feb-13	2.00%	2,840	3,440	3,560	n/a	D	B	62%
322	US Highway 41	Sarasota Co. Line	Chamberlain Blvd.	PA	4	D	31,864	Feb-13	2.00%	2,840	3,440	3,560	n/a	D	C	81%
264	US 41 Access Rd N		at Fordham Waterway	L	2	U	2,904	May-11	1.00%	n/a	918	1,332	1,413	D	C	20%
265	US 41 Access Rd N		at Elkcam Waterway	L	2	U	1,854	May-11	1.00%	n/a	918	1,332	1,413	D	C	13%
266	US 41 Access Rd N		at Sunrise Waterway	L	2	U	2,250	May-11	1.00%	n/a	918	1,332	1,413	D	C	15%
267	US 41 Access Rd S		at Sunrise Waterway	L	2	U	2,326	May-11	1.00%	n/a	918	1,332	1,413	D	C	16%
268	US 41 Access Rd S		at Elkcam Waterway	L	2	U	2,321	May-11	1.00%	n/a	918	1,332	1,413	D	C	16%
269	US 41 Access Rd S		at Fordham Waterway	L	2	U	2,173	May-11	1.00%	n/a	918	1,332	1,413	D	C	15%

***"ENGINEERING FOR A WORLD IN MOTION"***



**WWW.FTEINC.NET**



# Sun River Utilities, Inc.

5195 NW 77<sup>TH</sup> Avenue | Miami, Florida 33166  
Main: (305) 463-9838 | Fax: (305) 463-9881

February 6, 2014

Heather Polito  
Banks Engineering  
12653 SW County Rd 769, Suite B  
Lake Suzy, FL 34269  
Hpolito@bankseng.com

RE: Water and Wastewater Service Availability

Parcel ID; Section-Township-Range

402312226001 (12-40-23)  
402312201001 (12-40-23)  
402301476002 (01-40-23)  
402301451001 (01-40-23)

This letter is issued to confirm that the parcels identified above are within Sun River Utilities, Inc.'s service area. Parcels which are un-developed, or planned for re-development, or planned for change of use, will require site-specific information to evaluate utility availability status. Off-site utility line extensions or improvements may be required to provide utility service to the subject parcels, and such improvements necessary to obtain utility availability are the responsibility of the specially benefitted properties, property owner, or developer.

We recommend that the parties meet to discuss site-specific information, to review capacity and location of existing utility lines, and options for providing the water and wastewater service needed for the proposed project on the subject parcels.

Utility services availability is subject to: the execution of a Utility Agreement between the Owner/Developer and Sun River Utilities, Inc., and upon the fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site water and sewer facilities necessary to provide service, which may include upgrading or extending existing off-site utility facilities.
2. All utility plans and permits must be reviewed and approved by Sun River Utilities, Inc.
3. Owner/Developer shall obtain all necessary regulatory approvals, including Florida Department of Environmental Protection, City of Punta Gorda, Charlotte County, PSC and FDOT.
4. All off-site utility improvements must be contributed to Sun River Utilities, Inc. as a developer contributed asset prior to approval to place in service.

5. Service is contingent upon sufficient water and sewer plant capacity at time of connection.

6. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any utility facilities, or an alternative payment arrangement is mutually agreed upon in the Utility Agreement.

No commitment, express or implied, shall be construed by this letter, nor shall one exist until a Utility Agreement has been fully executed by both parties, all fees paid, the necessary approvals by all of the required regulatory bodies have been obtained and all conditions stated above have been met. This letter of confirmation is valid for 6 months from the date of this letter.

We look forward to working with you on your future project. If you should have any questions, please do not hesitate to call our office at 305-463-9838.

Sincerely



---

Lara Hechtkopf  
Vice President  
Sun River Utilities, Inc.

TAG Development, LLC  
Application for Planned Development Rezoning

Utility Usage Report

Residential (303 units):	Water - 68,175 gpd (225 gpd per unit) Sewer – 57,570 gpd (190 gpd per unit)
Commercial/Amenity (32,000 sf est.):	Water & Sewer – 3,200 gpd (100 gpd per 1,000 sf)
Total:	Water – 71,375 gpd Sewer – 60,770 gpd



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

January 16, 2014



Susan C. Johnson  
McCrary Law Firm  
150 Laishley Court, Suite 122  
Punta Gorda, FL 33950  
Phone: 941.205.1122  
Email: [susan@mccrorylaw.com](mailto:susan@mccrorylaw.com)

In response to your inquiry of January 16, 2014, the Florida Master Site File lists no previously recorded historic structures at the current address of **401 Duncan Road**, in Punta Gorda, Charlotte County, Florida.

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

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, State and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

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

Kind Regards,

Gabby McDonnell  
Archaeological Data Analyst  
Florida Master Site File  
[Gabrielle.McDonnell@DOS.myflorida.com](mailto:Gabrielle.McDonnell@DOS.myflorida.com)



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January 16, 2014



Susan C. Johnson  
McCrary Law Firm  
150 Laishley Court, Suite 122  
Punta Gorda, FL 33950  
Phone: 941.205.1122  
Email: [susan@mccrorylaw.com](mailto:susan@mccrorylaw.com)

In response to your inquiry of January 16, 2014, the Florida Master Site File lists no previously recorded historic structures at the current address of **551 Duncan Road**, in Punta Gorda, Charlotte County, Florida.

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

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
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Kind Regards,

Gabby McDonnell  
Archaeological Data Analyst  
Florida Master Site File  
[Gabrielle.McDonnell@DOS.myflorida.com](mailto:Gabrielle.McDonnell@DOS.myflorida.com)



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February 3, 2014



Susan C. Johnson  
McCrorry Law Firm  
150 Laishley Ct. Suite 122  
Punta Gorda, FL 33950  
Phone: 941.205.1122  
Email: [Susan@mccrorrylaw.com](mailto:Susan@mccrorrylaw.com)

In response to your inquiry of February 3, 2014, the Florida Master Site File lists no previously recorded historic structures at the current address of **601 Duncan Road**, in Punta Gorda, Charlotte County, Florida.

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

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, State and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

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Kind Regards,

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February 3, 2014



Susan C. Johnson  
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150 Laishley Ct. Suite 122  
Punta Gorda, FL 33950  
Phone: 941.205.1122  
Email: [Susan@mccrorylaw.com](mailto:Susan@mccrorylaw.com)

In response to your inquiry of February 3, 2014, the Florida Master Site File lists no previously recorded historic structures at the current parcel of **402312201001**, in Punta Gorda, Charlotte County, Florida.

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

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Federal, State and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

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

Kind Regards,

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[Gabrielle.McDonnell@DOS.myflorida.com](mailto:Gabrielle.McDonnell@DOS.myflorida.com)

TAG Consultants, LLC  
Application for Planned Development Rezoning

**PD NARRATIVE**

Include a narrative in which you cite specifically how this project meets the intent and goals of the Planned Development Zoning district, including any "community enhancements".

§3-9-49(a) Intent. The planned development (PD) district is intended to encourage concentrated, energy-efficient land development through the use of innovative land use planning and structural design techniques. Conventional zoning requirements are replaced by flexible performance criteria intended to accomplish as many as reasonable of the following goals:

(1) Provide for the planning, review and approval of one (1) or a combination of residential, commercial, public and industrial land uses and structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.

**The proposed PD modification maintains the residential and commercial uses and only slightly reduces density from the previously approved Planned Development while increasing preservation area and open space.**

(2) Allow a diversification of uses, structures and spaces compatible with existing or proposed sales and structures on surrounding properties, while promoting convenience in the location of related uses and amenities to reduce travel costs.

**The residential use of the site will change from a combination of attached single family and detached conventional single family homes to manufactured homes. The previously approved commercial neighborhood site is retained. As before, this will provide a location for residents of surrounding properties to obtain basic commercial retail goods without having to drive to the Winn Dixie to the south or further into town.**

(3) Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.

**Modifying the PD approval from conventional single family homes to manufactured homes creates the ability to utilize units that are smaller than platted lots, thereby maintaining density levels and making the provision of infrastructure financially feasible.**

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

**Over 50% of the site is open space including over 25 acres of preserve. The preservation areas include habitat utilized by the Florida Scrub Jay together with Lee Branch, an historic flowway.**

(5) Encourage an increase in the amount and usability of open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.

**The 4000 square foot manufactured home units are smaller than the approved 6500 square foot lots. As a result, the building area is more concentrated and open space has been increased.**

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

**As a result of the increased open space and preserve on the site, all residential units except three, back up to either open space or preserve area.**

(7) Assure the county and other public agencies that development of the project will occur in accordance with the approved concept plan, final plan(s) and final plats(s).

**No response necessary.**

(8) Assure the applicant that development may be undertaken and carried out in accordance with approved concept plan, final plan(s) and final plat(s).

**No response necessary.**

(9) Promote flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns and promote open space.

**The concept plan provides excellent interior circulation, including a pedestrian crossing over the creek, multiple vehicular access points and an emergency access. Density is maintained by reducing the size of the residential units which also allows for an increase in overall open space.**

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

**Scrub jay habitat and the entirety of the Lee Branch flowway are preserved by the proposed concept plan.**

(11) Promote the economy of development to encourage the provision of low- and moderate-cost housing.

**The change to manufactured housing on smaller units provides a more moderately-priced alternative to the conventional single family homes approved under the existing Planned Development.**

TAG Consultants, LLC  
Application for Planned Development Rezoning

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

The proposed modification is consistent with the 2050 Plan. The property has a Future Land Use ("FLU") designation of Low Density Residential. Low Density Residential permits single family residential development at densities ranging from one (1) unit/acre to five (5) units/acre. The proposed Planned Development would be at 2.19 units per acre which is consistent with the Low Density Residential FLU designation.

The property is within an area classified as a Maturing Neighborhood within the 2050 Framework. Maturing Neighborhoods are characterized by mainly residential use where infill continues to occur based on neighborhood and home builder marketing. Formal plans for Maturing Neighborhoods are not considered necessary.

As in the existing PD, the applicant wishes to pursue residential and commercial development on the subject property. The discovery of Florida Scrub Jays utilizing a portion of the site has necessitated modifications to the residential portion of the approved site plan. The Planned Development zoning designation allows for the clustering of residential units that enable increased preservation areas on the site. When combined with buffering, landscaping, and the required Planned Development setback, impacts to on-site environmentally sensitive lands as well as impacts to surrounding neighborhoods will be minimized.

Additionally, the property falls within the U.S. 17 Corridor Planning Area which provides objectives and policies to guide future development.

The proposed change specifically supports or is supported by the following goals, policies and objectives of the 2050 Plan:

***FLU Policy 4.3.1 Maintain Maturing Neighborhoods***

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

The proposed major modification would maintain the property as residential with a small commercial neighborhood parcel in the northeast corner.

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

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

No cut through traffic patterns are created by this proposed community.

***FLU Policy 6.3.5 Hurricane Shelters***

*Schools and other community facilities located along the U.S. 17 corridor, but outside the Coastal High Hazard Area, shall be designed to serve as hurricane shelters to meet the identified evacuation needs as established by Southwest Florida Regional Planning Council.*

The applicant has met with Wayne Sallade, Emergency Management Director, and intends to construct the proposed club house so that it can be utilized as a County Hurricane Refuge.

***FLU Policy 6.3.9 Encouraged Uses***

*In order to revitalize and promote the U.S. 17 commercial and business areas, including Solana and Cleveland, and to reduce trip generation, the County shall encourage mixed use developments, conversion of mobile homes to conventionally-built homes, live/work spaces, bed and breakfasts, and multi-family developments along the U.S. 17 Corridor.*

The proposed community will be a mixed use community, containing both residential units and an area for commercial neighborhood development.

***FLU Policy 6.3.10 Landscaping and Buffer Requirement***

*The County shall work with developers and property owners to provide street tree planting and landscape buffers along the U.S. 17 highway corridor in order to enhance the safe and pleasant experience of pedestrians and improve the visual experience of travelers. This shall include the provision of enhanced landscape elements at community entryway points, clustered tree requirements to encourage view corridors into commercial areas, and streetscape improvements.*

The developer intends to provide a landscaped buffer along U.S. 17 and enhanced landscaping at the project entrance.

***FLU Policy 6.3.11 Established Flowways***

*The County shall incentivize the protection of historic flowways (SPAM Series Map #6) by designating them as environmentally sensitive and allowing density to be severed from these areas. Passive recreational uses may be incorporated into upland areas adjacent to restored flowways. Development along a flowway must provide for public use by providing pedestrian paths and connections to adjacent properties. Public uses shall not include any activities that are detrimental to drainage, flood control, water conservation, erosion control or fish and wildlife habitat conservation and preservation. Proposed crossings of flowways shall include appropriately sized culverts or bridges to maintain surface water flows and wildlife underpasses where appropriate.*

The project proposes a bridge to cross the Lee Branch flowway in order to minimize impacts to the creek. The project design additionally incorporates a pedestrian

crossing. The entirety of the creek is proposed as part of the site's onsite preservation area.

***FLU Policy 6.3.12 Greenways Plan***

*The County shall implement a Greenways Plan (SPAM Series Map #6) for the U.S. 17 Corridor area that will connect flowways and wildlife corridors. The flowways and wildlife corridors may be a minimum of 300 feet wide for 20 percent of their length but shall be a minimum of 500 feet wide for the remaining 80 percent of their length. The County shall also work with the property owners and various State and Federal agencies to explore funding source in order to construct wildlife crossings underneath U.S. 17 and C.R. 74 (Bermont Road).*

The County has yet to implement a Greenways Plan incorporating the specifications set forth in this policy. Nor has it adopted the incentives for preservation which are discussed in FLU Policy 6.3.11. When read together, it appears that the intent was to incentivize the creation of flowways and wildlife corridors which would, in return for these incentives, meet the minimum widths outlined in these policies. Otherwise, the minimum widths are not proportional to the impact or to the benefits received by the property owner. Nevertheless, the proposed project incorporates the entire flowway into the onsite preservation area and positions detention areas adjacent to the limits of the preserved flowway areas, achieving a 300 foot wide width along much of the flowway.

***FLU GOAL 2 SMART GROWTH CONCEPT PLAN IMPLEMENTATION - NATURAL RESOURCE PROTECTION***

***Promote land use practices that:***

- Preserve and protect natural resources and wildlife habitat.***
- Target additional acquisition to close gaps in regional and Statewide wildlife corridors.***
- Improve the quality of water that discharges into surface waters and groundwaters.***
- Minimize environmental impacts within the built environment by reducing carbon emissions, minimizing water use, utilizing alternative energy resources and controlling pollution.***

***FLU Objective 2.1 Protect Natural Lands***

*To create, protect and manage systems of green infrastructure including open spaces within developments, conservation lands, areas protected by easement or covenant, parks, wetlands, and floodplains.*

The project maintains 138.32 acres, over 50% of the site, as open space, including more than 25 acres of habitat preservation area. The entirety of the flowway has been placed into preservation.

B. The existing land use pattern in adjacent areas.

The property currently has a Low Density Residential FLUM designation with Agriculture zoning. Vacant land and single-family residences are located to the north of the subject property; this area has Low and Medium Density Residential FLUM designations with Residential Single Family-3.5 and Residential Multi Family-10 zoning. The area northeast of the subject property, approximately adjacent to U.S. Highway 17 has Commercial Corridor and Medium Density Residential FLUM designations with Commercial General and Residential Multi Family-10 zoning, respectively. The CSX Railroad ROW is immediately west of the site, beyond the railroad the land is also vacant, with some scattered single-family residences. The FLUM designation immediately adjacent to west of the subject property is Medium Density Residential with Residential Multi Family-10 zoning; although, the majority of the land in this area has a Low Density Residential FLUM designation with Residential Single Family-3.5 zoning. Single-family residences are located south of the site and have a Low Density Residential FLUM designation with Mobile Home Conventional zoning. U.S. Highway 17, a principal arterial highway, is located directly east of the site. Vacant and agricultural land is located across U.S. Highway 17 and has an Agriculture FLUM designation with Agriculture Estate zoning.

The proposed community is compatible with the land use pattern in adjacent areas. The overall residential density of the site will be approximately 2.19 dwelling units per acre, a density that compares favorably to the zoning designations and the actual pattern of development on the majority of the properties in the surrounding area.

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

The existing PD on the site approved the development of 351 residential units at a density of 2.53 units/acre. The proposed modification limits residential units to 303, reducing density to 2.19 units/acre. As a result, the modification will decrease loads on public facilities. Additionally, this will be an over-55 community and, as such, will have no impact on schools.

The applicant is currently negotiating with Sun River Utilities, Inc. for the provision of water and sanitary sewer service to the site. Central water and sewer service will be made available to the subject property at the time of development.

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

At the time of the original approval, no scrub jays were detected on the site. A recent scrub jay survey found that a portion of the site is now utilized by the Florida scrub jay. The new site plan addresses the requirement for preserving scrub jay habitat. As a result of the additional preservation area, the utilization of the remaining area was reconsidered with a switch made from conventional single family homes to manufactured homes on smaller lots in order to keep density at economically practical

levels.

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

The modification will not adversely influence living conditions or property values in adjacent areas. Larger amounts of land will be preserved, the use of the site for a combination of residential and neighborhood commercial development is unchanged from the existing PD approval.

- F. Would the proposed change affect public safety?

The proposed change will not affect public safety. The modification reduces density and retains commercial development at the same levels as the existing approval.

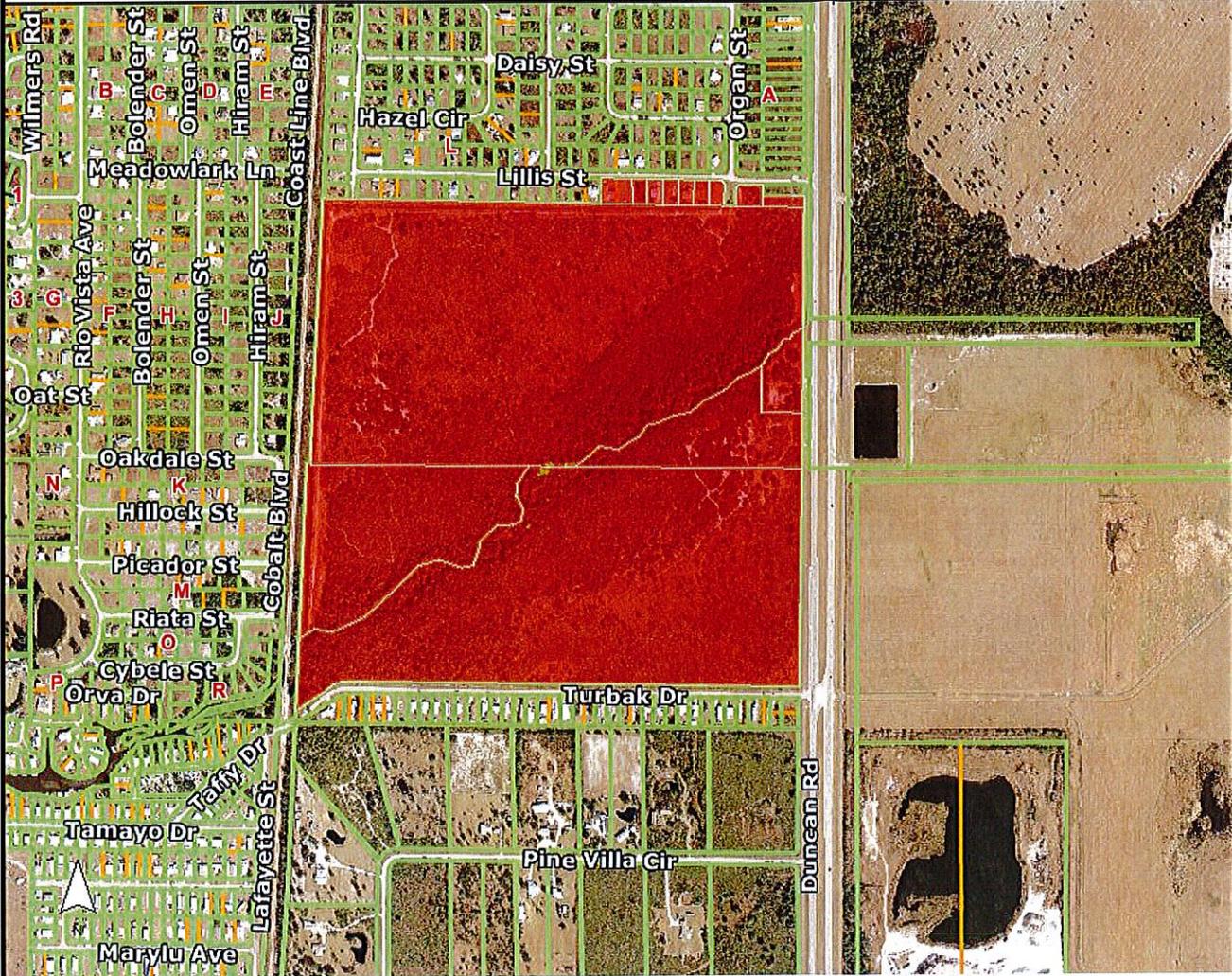
- G. Would the proposed change reduce light and air to adjacent areas?

Light and air will not be reduced to adjacent areas. If anything, it may be increased under the modification due to the enlarged preservation areas along the northern and eastern property boundaries. The applicant will comply with all buffering, setback, and site design requirements of the Charlotte County Code as well as complying with the twenty-five (25) foot Planned Development setback requirement

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

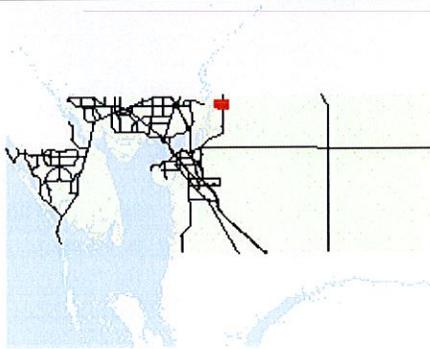
The newly-discovered existence of Florida Scrub Jays on the site makes it impossible to proceed with the approved PD Concept Plan.

# Charlotte County GIS Map



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0 1000ft



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 Charlotte County GIS  
 18500 Murdock Circle  
 Port Charlotte, FL 33948

- Legend**
- Selected\_Features
  - Accounts
  - ⚡ Lots
  - Waterway Names

DISCLAIMER : 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. C.C.G.I.S. maintains a record regarding the methods used to produce this map and can be furnished upon request.

Account	Legal	Owners_Name	Mailing_Address	Unit	City	State	Zipcode	Country
402312227017	"	"PHA 000 0000 0001"	"WEISS EILEEN	"	"2268 CLOVELON ST	"	"	"NORTH PORT
402312227018	"	"PHA 000 0000 0001"	"UNITED TELEPHONE CO OF FL	"	"PO BOX 7909	"	"	"OVERLAND PARK
402312227016	"	"PHA 000 0000 0003"	"SUGGS KERI	"	"29505 TURBAK DR	"	"	"PUNTA GORDA
402312227015	"	"PHA 000 0000 0004"	"HOSKINS JAMMENLIN P & HARRIS P"	"	"17990 MURDOCK CIR	"	"APT 106	"FORT CHARLOTTE
402312227014	"	"PHA 000 0000 0005"	"REDDEN WENDELL N	"	"29493 TURBAK DR	"	"	"PUNTA GORDA
402312227013	"	"PHA 000 0000 0006"	"COOK RONALD L & SUSAN G	"	"29487 TURBAK DR	"	"	"PUNTA GORDA
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402312227009	"	"PHA 000 0000 0010"	"REDDEN KEITH E	"	"29463 TURBAK DR	"	"	"PUNTA GORDA
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402312227006	"	"PHA 000 0000 0013"	"LOCKREY LARRY A & GLADYS J TRS"	"	"397 WHITE RD	"	"	"COLUMBIAVILLE
402312227005	"	"PHA 000 0000 0015"	"FAUVIE EMIL M & BETTY LIFE EST"	"	"2710 GREENVILLE RD	"	"	"BRISTOLVILLE
402312227004	"	"PHA 000 0000 0016"	"LLOYD JANE INGRAM TRUSTEE	"	"230 ARROWHEAD RD	"	"	"HARRIET
402312227003	"	"PHA 000 0000 0017"	"GEBLER PHILLIP E	"	"13155 ROUTE 19 S	"	"	"WATERFORD
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402312202014	"	"PHA 000 0000 0023"	"CHANDLER ROGER	"	"29385 TURBAK DR	"	"	"PUNTA GORDA
402312202013	"	"PHA 000 0000 0024"	"MILLER SHIRLEY A	"	"29379 TURBAK DR	"	"	"PUNTA GORDA
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402312202011	"	"PHA 000 0000 0026"	"BRADFORD DONALD F & BRENDA MON"	"	"29367 TURBAK DR	"	"	"PUNTA GORDA
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402312202008	"	"PHA 000 0000 0029"	"MCKENNA EDWARD J & SHIRLEY	"	"29391 TURBAK DR	"	"	"PUNTA GORDA
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402312202006	"	"PHA 000 0000 0031"	"CICH RAYMOND F JR	"	"29337 TURBAK DR	"	"	"PUNTA GORDA
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402312202004	"	"PHA 000 0000 0033"	"CHIPMAN CARL E & MARIANNE E	"	"29313 TURBAK DR	"	"	"PUNTA GORDA
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402312202001	"	"PHA 000 0000 0038"	"BENDER EVERETT	"	"29285 TURBAK DR	"	"	"PUNTA GORDA
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402312251003	"	"PRE 000 0000 0014"	"WIESBAUER ALFRED TR	"	"3708 MANATEE AVE WEST	"	"	"BRADENTON
402312251002	"	"PRE 000 0000 0015"	"HODSON ROBERT D JR & RAQUEL R	"	"PO BOX 68	"	"	"NOKOMIS
402312251001	"	"PRE 000 0000 0016"	"ROUGHTON DENNIS D & JULIE M	"	"PO BOX 494233	"	"	"PORT CHARLOTTE
402312276005	"	"PRE 000 0000 0017"	"PANCIP LOUIE & JUDY L	"	"32391 WASHINGTON LOOP RD	"	"	"PUNTA GORDA
402301330018	"	"PRS 005 0000 0012"	"FARPER PROPERTIES INC	"	"290 MCGUINNESS BLVD	"	"	"BROOKLYN
402312134001	"	"PRS 006 0000 0018"	"FITZPATRICK MARYLU & ETAL	"	"33 MCVHEIL DR	"	"	"WASHINGTON
402301334001	"	"PRS 006 000J 0001"	"WOKI REALTY LLC	"	"PO BOX 6737	"	"	"NORTH PORT
402301381001	"	"PRS 006 000J 0002"	"BETRO JOSEPH V	"	"234 ARCADIA RD	"	"	"GOSHEN
402301381002	"	"PRS 006 000J 0003"	"LEMUS RAQUEL LAU	"	"8700 SW 100TH ST	"	"	"MIAMI
402301381003	"	"PRS 006 000J 0004"	"SCHINDLER HUGO & ELAINE E	"	"10850 CLOUDLESS ST	"	"	"NAMPA
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402301381008	"	"PRS 006 000J 0009"	"FENA RAMON A & ESTHER F	"	"3721 18TH ST	"	"	"PLANO
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402301429027	"	"PRS 007 000F 0001"	"COX BRYCE W	"	"29484 LILLIS ST	"	"	"PUNTA GORDA
402301429026	"	"PRS 007 000F 0002"	"TORRES DIANA ORTIZ	"	"439 SAN LINO ST	"	"	"URBAN SAGRADO SAN JUAN
402301429025	"	"PRS 007 000F 0003"	"CANANIA LANCE SR	"	"2091 N ALMOND CT	"	"	"PALATINE
402301429024	"	"PRS 007 000F 0004"	"FLORIDA ECONOLAND SPECIALIST I"	"	"PO BOX 101290	"	"	"CAPE CORAL
402301429023	"	"PRS 007 000F 0005"	"BROWNE ELMORE M & MILDRED H	"	"33 PENDELTON ST	"	"	"CHARLESTON
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"402406400001	", "ZZZ 064024 P1-2", "SCHWARTZ CHARLOTTE PROPERTIES	", "1004 N LOCKWOOD RIDGE RD	", "	", "SARASOTA
"402406300002	", "ZZZ 064024 P7", "SCHWARTZ CHARLOTTE PROPERTIES	", "1004 A N LOCKWOOD RIDGE RD	", "	", "SARASOTA
"402312226001	", "ZZZ 124023 P1", "TECTO USA CORP	", "PMB 220 1133 BAL HARBOR BLVD	", "UN 1139	", "PUNTA GORDA
"402312201001	", "ZZZ 124023 P1-3", "TAG REAL ESTATE CORPORATION	", "1133 BAL HARBOR BLVD	", "139	", "PUNTA GORDA
"412320427001	", "ZZZ 204123 P-RR", "CSX TRANSPORTATION INC	", "500 WATER ST	", "C910	", "JACKSONVILLE

**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 29<sup>th</sup> day of JANUARY, 2014, by  
Geri L. Waksler who is personally known to me or has/have produced  
 \_\_\_\_\_ as identification and who did/did not take an oath.

	
Notary Public Signature	Signature of Applicant or Agent

Susan C. Johnson	Geri L. Waksler
Notary Printed Signature	Printed Signature of Applicant or Agent
	McCrorry Law Firm, PL 150 Laishley Court, Suit 122

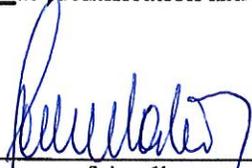
Title	Address	
	Punta Gorda, FL 33950	
Commission Code	City, State, Zip	
	941-205-1122	
	Telephone Number	

**AFFIDAVIT B**

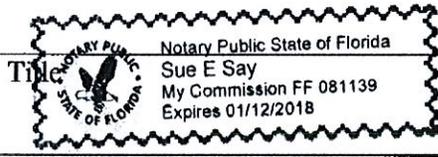
The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing 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 28TH day of JAN., 2014, by MARTIN SCHULZ who is personally known to me or has/have produced \_\_\_\_\_ as identification and who did/did not take an oath.

	
Notary Public Signature	Signature of Applicant or Agent

Notary Printed Signature	Printed Signature of Applicant or Agent
--------------------------	---



Commission Code	713 W RETTA ESPLANADE Address
	PUNTA GORDA, FL 33950 City, State, Zip
	941-505-0482 Telephone Number

# **PROTECTED SPECIES ASSESSMENT**

## **130-ACRE DUNCAN ROAD PARCEL Charlotte County, Florida**

**January 2014**

**Prepared by:**



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

## INTRODUCTION

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

The subject property is located in Sections 1 and 12, Township 40S, Range 23E, within Charlotte County, Florida. More specifically, the property is located south of Lillis Street and north of Turbak Drive, along the west side of Duncan Road (U.S. 17). The subject property is comprised of Charlotte County parcel identification numbers 402301451001, 402301476002, 402312201001, and 402312226001. Please refer to the attached LOCATION MAP.

## SITE CONDITIONS

A series of site inspections were conducted by qualified staff ecologists in January 2014. During the inspections, temperatures ranged from 50° - 80° F, winds were 0 - 10 mph, and skies were clear to overcast.

## VEGETATIVE COMMUNITIES

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

<b>FLUCCS ID</b>	<b>FLUCCS DESCRIPTION</b>	<b>ACREAGE</b>
321	Palmetto Prairie	28.06
411	Pine Flatwoods	13.74
416	Scrubby Pine Flatwoods	22.02
421	Xeric Oak	55.48
438	Mixed Hardwoods	8.38
510	Creek	N/A
510D	Ditch	N/A
740	Disturbed Land	10.00
740M	Mesic Disturbed Land	0.64
<b>TOTAL</b>		<b>138.32</b>

### FLUCCS 321 – Palmetto Prairie

This upland association is dominated by dense groundcover of saw palmetto (*Serenoa repens*). The canopy and mid-story is sparsely distributed and primarily comprised of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), sand live oak (*Quercus geminata*), myrtle oak (*Quercus myrtifolia*), and staggerbush (*Lyonia spp.*). Additional groundcover species include wiregrass (*Aristida stricta*), runner oak (*Quercus pumila*), pennyroyal (*Piloblephis rigida*), broomsedge (*Andropogon virginicus*), and shiny blueberry (*Vaccinium myrsinites*).

#### FLUCCS 411 – Pine Flatwoods

This upland association is dominated by dense groundcover of saw palmetto with a significant canopy of slash pine. Additional canopy and mid-story species include live oak, wax myrtle (*Myrica cerifera*), and staggerbush. Additional groundcover species include wiregrass, runner oak, broomsedge, shiny blueberry, and grapevine (*Vitis sp.*).

#### FLUCCS 416 – Scrubby Pine Flatwoods

This upland association is similar to the Pine Flatwoods (FLUCCS 411) habitat described above, but displays a more sparsely distributed canopy of slash pine and mid-story containing significant coverage of xeric oak species, primarily sand live oak and myrtle oak.

#### FLUCCS 421 – Xeric Oak

This upland association is dominated by a groundcover of saw palmetto and dense mid-story of xeric oak species, primarily sand live oak, myrtle oak, and Chapman oak (*Quercus chapmanii*). Additional canopy and mid-story species include slash pine, live oak, and rusty staggerbush (*Lyonia ferruginea*). Additional groundcover species include wiregrass, runner oak, shiny blueberry, gopher apple (*Licania michauxii*), coontie (*Zamia pumila*), greenbrier (*Smilax sp.*), and grapevine.

#### FLUCCS 438 – Mixed Hardwoods

This upland association is dominated by a groundcover of saw palmetto and dense canopy and mid-story comprised of live oak, laurel oak (*Quercus laurifolia*), pignut hickory (*Carya glabra*), pop ash (*Fraxinus caroliniana*), red bay (*Persea borbonia*), and wax myrtle. Additional dominant vegetative species include fetterbush (*Lyonia lucida*), beautyberry (*Callicarpa americana*), bracken fern (*Pteridium aquilinum*), greenbrier, and grapevine.

#### FLUCCS 510 – Creek

This seasonally dry surface water is a natural drainage feature, displaying steep side-slopes and approximately 15 feet wide on average, spanning through the entire property from northeast to southwest. This surface water/wetland association is dominated by wax myrtle, Virginia chainfern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), and lizard's tail (*Saururus cernuus*). Additional vegetative species present include laurel oak, cabbage palm (*Sabal palmetto*), red bay, Peruvian primrose willow (*Ludwigia peruviana*), saw palmetto, royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), leather fern (*Acrostichum danaeifolium*), poison ivy (*Toxicodendron radicans*), greenbrier, and grapevine.

#### FLUCCS 510D – Ditch

There are several man-made drainage ditches, considered to be other surface water associations, located within the subject property. The largest ditch is located along the western property boundary. This seasonally dry other surface water, spanning the entire western property boundary, displays steep side-slopes and is approximately 15 feet wide and 10 feet deep on average. The next largest ditch, spanning the majority of the northern property boundary, appears to be seasonally wet, displays gradual side slopes, and is approximately 8 feet wide and 2 feet deep on average. Both of these ditches are primarily comprised of torpedo grass (*Panicum repens*), creeping seedbox (*Ludwigia repens*), frog-fruit (*Phyla nodiflora*), water-hyssop (*Bacopa monnieri*), smartweed (*Polygonum punctatum*), pennywort (*Hydrocotyle umbellata*), cattail (*Typha sp.*), and Peruvian primrose willow. A third drainage feature is located within the northern half of the subject property and drains from north to south. This ditch appears to typically be completely dry, only conveying water during extreme rain events. This drainage feature displays steep side slopes, is approximately 5 feet wide and 2 feet deep on average, and is primarily comprised of wax myrtle and saw palmetto.

#### FLUCCS 740 – Disturbed Land

This upland association appears to have previously been cleared of native vegetation and the natural soils disturbed. As a result, these areas are dominated by opportunistic vegetative species. Dominant vegetative species within these areas include leadtree (*Leucaena leucocephala*), Brazilian pepper (*Schinus terebinthifolius*), winged sumac (*Rhus copallinum*), beautyberry, Caesarweed (*Urena lobata*), dogfennel (*Eupatorium capillifolium*), broomsedge (*Andropogon spp.*),

blackberry (*Rubus sp.*), ragweed (*Ambrosia artemisiifolia*), cogongrass (*Imperata cylindrica*), bahia grass (*Paspalum notatum*), rosary pea (*Abrus precatorius*), greenbrier, and grapevine.

#### FLUCCS 740M – Mesic Disturbed Land

This area is located along the southern property boundary and is similar to the Disturbed Land (FLUCCS) habitat described above, but is dominated by facultative and hydrophytic opportunistic vegetative species. As such, it is currently unclear whether this area would be classified as an upland or wetland community by applicable regulatory agencies. Dominant vegetative species within this area include gallberry (*Ilex glabra*), broomsedge, wiregrass, yellow-eyed grass (*Xyris sp.*), hat-pins (*Syngonanthus sp.*), and roadgrass (*Eleocharis baldwinii*). Slash pine saplings and wax myrtle are also present.

### **LISTED SPECIES SURVEY METHODOLOGY**

To provide approximately 80 percent coverage of the site, both linear and nonlinear overlapping transects were completed across the parcel per FWC guidelines. Transects were spaced approximately 10 - 30 feet apart depending on the visibility within the vegetative association being surveyed. Evidence of protected species was gathered through both direct observation and through observation of signs such as tracks, nests, burrows, and fecal material. If evidence of utilization by a protected species which may require permitting prior to development of the subject property was observed, an aerial photograph was marked depicting the approximate location. In addition, a search of available online resources was conducted to reveal the previously documented presence of listed species which may be utilizing the subject property. These resources included, but were not limited to, the following: FWC Eagle Nest Locator Database; Charlotte County Natural Resources Department Scrub Jay Territory Search Database; FWS Panther Consultation Area Map(s); and FWS Wood Stork Colony Map(s). In the event that the site contained suitable habitat for a protected species, or if the site is within close proximity to a verified sighting or consultation area for a protected species, additional scrutiny was given during the inspection relative to that specific species.

### **LISTED SPECIES ASSESSMENT RESULTS**

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

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

Search of available online resources revealed that the subject property is located within the Consultation Area of the red-cockaded woodpecker (*Picoides borealis*). The nearest documented red-cockaded woodpecker (RCW) sightings are approximately 5.5 miles southeast of the subject property. In accordance with FWC survey guideline protocol, larger pine trees were inspected for the presence of RCW nesting cavities. No RCW nest cavities or other evidence of utilization by the red-cockaded woodpecker was observed onsite during the January 2014 site inspections. The red-cockaded woodpecker is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future

development of the property. However, applicable environmental regulatory agencies may require a species specific survey relative to the red-cockaded woodpecker prior to development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (*Aphelocoma coerulescens*). Further, review of the Charlotte County Natural Resources Department Scrub Jay Territory Search Database revealed that three of the four parcels which comprise the subject property are designated as scrub jay parcels, and therefore, require additional review relative to the Florida scrub jay. A formal five-day presence/absence survey performed in accordance with FWC guidelines, as recommended by the FWS, was completed in April 2013 and resulted in confirmation of site utilization by the Florida scrub jay within the northern portion of the subject property. To determine the approximate limits of the utilized habitat, and based on survey methodology approved by FWS staff, a formal site-specific territory survey was performed between September and October, 2013. Reports illustrating the findings of the above referenced scrub jay surveys are enclosed, and have been submitted to the FWS to initiate consultation relative to the species. During the January 2014 Protected Species Assessment site inspections, three individual Florida scrub jays were again identified within the northern portion of the property. The approximate location of the scrub jay sightings are depicted on the attached PROTECTED SPECIES ASSESSMENT MAP.

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

One-hundred seventy-four (174) potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were identified within the subject property. The burrows were identified within the Palmetto Prairie (FLUCCS 321), Pine Flatwoods (FLUCCS 411), Scrubby Pine Flatwoods (FLUCCS 416), Xeric Oak (FLUCCS 421), and Disturbed Land (FLUCCS 740) communities. The approximate locations of the burrows are depicted on the attached PROTECTED SPECIES ASSESSMENT MAP. The appropriate permit relative to the gopher tortoise may be required from the FWC prior to development if gopher tortoise burrows cannot be avoided during construction.

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

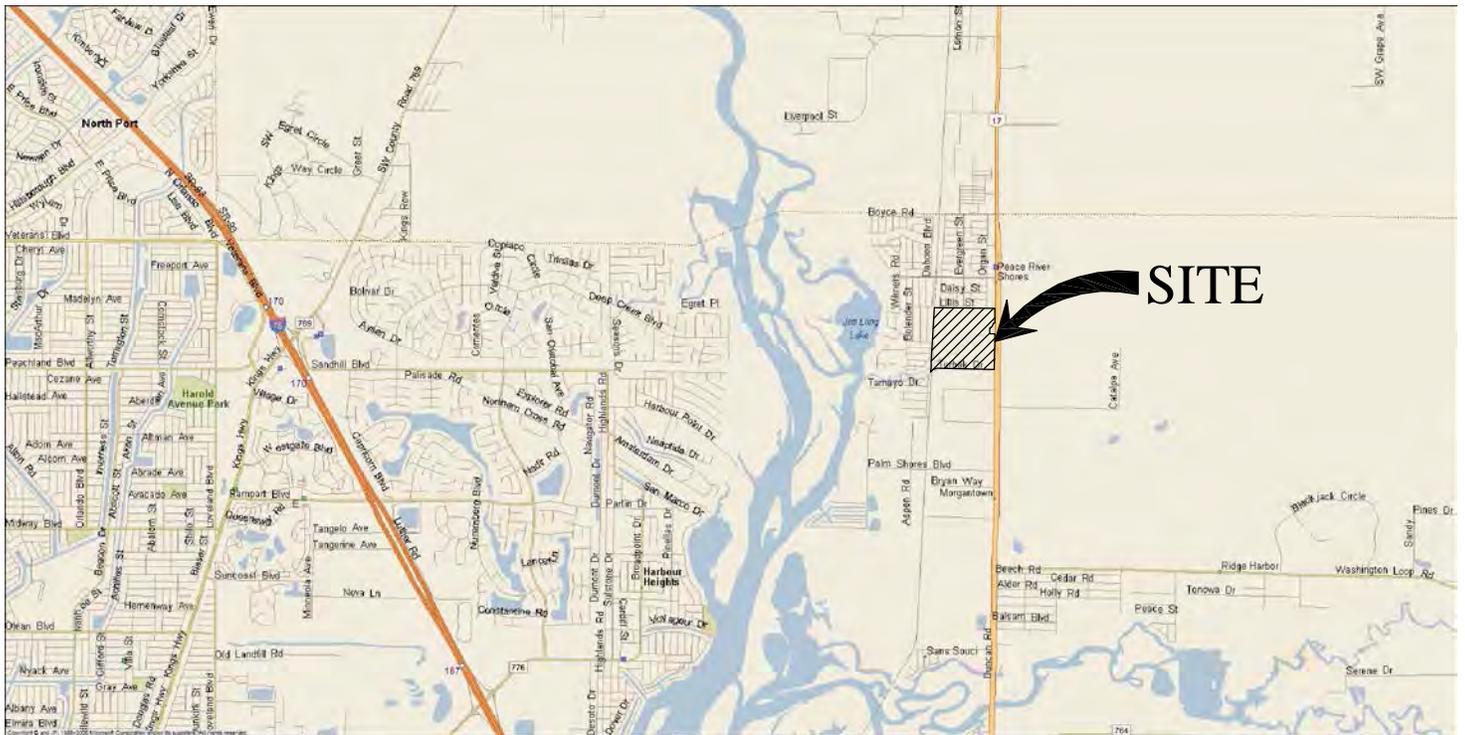


# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E

NOT TO SCALE



## CHARLOTTE COUNTY, FLORIDA



## LOCATION MAP

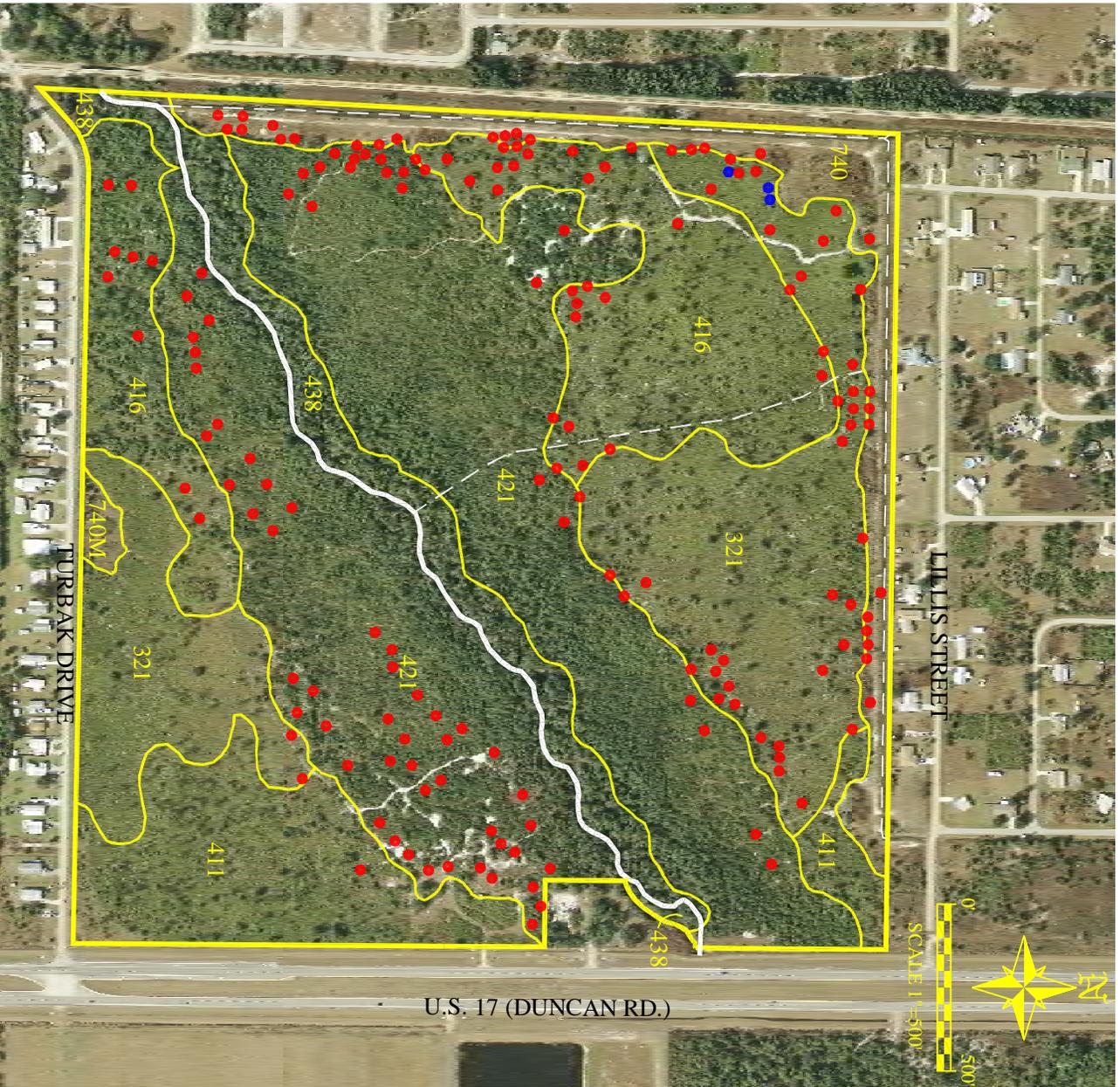
13-007 / APRIL 18, 2013

# 130-ACRE DUNCAN ROAD PARCEL

## LOCATION MAP



SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E



LEGEND

FLUCCS DESCRIPTIONS	ACREAGE
321 PALMETTO PRAIRIE	28.06±
411 PINE FLATWOODS	13.74±
416 SCRUBBY PINE FLATWOODS	22.02±
421 XERIC OAK	55.48±
438 MIXED HARDWOODS	8.38±
510 CREEK	N/A
510D DITCH	N/A
740 DISTURBED LAND	10.00±
740M MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>	<b>138.32±</b>

- POTENTIALLY OCCUPIED GOPHER TORTOISE BURROW (174)
- FLORIDA SCRUB JAY SIGHTING (3)

NOTES:  
 1. FOR PERMIT USE ONLY. NOT FOR CONSTRUCTION.  
 2. PROJECT LIMITS ARE APPROXIMATE AND BASED ON CHARLOTTE COUNTY GIS DATA.  
 3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2011 AERIAL PHOTOGRAPHY AT 1"=500' SCALE.  
 4. DELINEATION OF JURISDICTIONAL WATERS IS PRELIMINARY AND SUBJECT TO FIELD REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

13-007 / JANUARY 17, 2014

130-ACRE DUNCAN ROAD PARCEL  
 PROTECTED SPECIES ASSESSMENT MAP

**Ivan Vincent & Associates**  
 Environmental Consulting Services

**REPORT FINDINGS**  
**2013 FLORIDA SCRUB JAY SURVEYS**

# **FLORIDA SCRUB JAY SURVEY**

## **130-ACRE DUNCAN ROAD PARCEL Charlotte County, Florida**

**April 2013  
REVISED June 2013**

**Prepared by:**



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

## INTRODUCTION

The following report provides the findings of a survey conducted to determine the presence or absence of the Florida scrub jay (*Aphelocoma coerulescens*) within the 130-Acre Duncan Road Parcel property. To determine the presence or absence of the Florida scrub jay, a formal five-day survey in accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidelines, as recommended by the United States Fish and Wildlife Service (FWS), was conducted from April 9<sup>th</sup> - 16<sup>th</sup> 2013, with an additional survey day on May 31<sup>st</sup> 2013. The following report describes the habitats found onsite, details the methods used during the scrub jay survey, and provides the results of the survey.

The subject property is located in Sections 1 and 12, Township 40S, Range 23E, within Charlotte County, Florida. More specifically, the property is located south of Lillis Street and north of Turbak Drive, along the west side of Duncan Road (U.S. 17). The subject property is comprised of Charlotte County parcel identification numbers 402301451001, 402301476002, 402312201001, and 402312226001. Please refer to the attached LOCATION MAP.

## VEGETATIVE COMMUNITIES

Field observations, in conjunction with the Charlotte County Soil Survey and aerial photographs, were used to develop a map of the vegetative communities onsite. The following table displays the nine (9) vegetative associations found on the subject parcel. The vegetative communities were identified and classified utilizing the Florida Land Use Cover and Forms Classification System (FLUCCS). A description of each FLUCCS community is also included. The limits of any on-site wetlands and/or surface waters are preliminary and subject to review/approval by applicable regulatory agencies. Please refer to the attached FLORIDA SCRUB JAY SURVEY MAP.

<b>FLUCCS ID</b>	<b>FLUCCS DESCRIPTION</b>	<b>ACREAGE</b>
321	Palmetto Prairie	28.06
411	Pine Flatwoods	13.74
416	Scrubby Pine Flatwoods	22.02
421	Xeric Oak	55.48
438	Mixed Hardwoods	8.38
510	Creek	N/A
510D	Ditch	N/A
740	Disturbed Land	10.00
740M	Mesic Disturbed Land	0.64
<b>TOTAL</b>		<b>138.32</b>

### FLUCCS 321 – Palmetto Prairie

This upland association is dominated by dense groundcover of saw palmetto (*Serenoa repens*). The canopy and mid-story is sparsely distributed and primarily comprised of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), sand live oak (*Quercus geminata*), myrtle oak (*Quercus myrtifolia*), and staggerbush (*Lyonia spp.*). Additional

groundcover species include wiregrass (*Aristida stricta*), runner oak (*Quercus pumila*), pennyroyal (*Piloblephis rigida*), broomsedge (*Andropogon virginicus*), and shiny blueberry (*Vaccinium myrsinites*).

#### FLUCCS 411 – Pine Flatwoods

This upland association is dominated by dense groundcover of saw palmetto with a significant canopy of slash pine. Additional canopy and mid-story species include live oak, wax myrtle (*Myrica cerifera*), and staggerbush. Additional groundcover species include wiregrass, runner oak, broomsedge, shiny blueberry, and grapevine (*Vitis sp.*).

#### FLUCCS 416 – Scrubby Pine Flatwoods

This upland association is similar to the Pine Flatwoods (FLUCCS 411) habitat described above, but displays a more sparsely distributed canopy of slash pine and mid-story containing significant coverage of xeric oak species, primarily sand live oak and myrtle oak.

#### FLUCCS 421 – Xeric Oak

This upland association is dominated by a groundcover of saw palmetto and dense mid-story of xeric oak species, primarily sand live oak, myrtle oak, and Chapman oak (*Quercus chapmanii*). Additional canopy and mid-story species include slash pine, live oak, and rusty staggerbush (*Lyonia ferruginea*). Additional groundcover species include wiregrass, runner oak, shiny blueberry, gopher apple (*Licania michauxii*), coontie (*Zamia pumila*), greenbrier (*Smilax sp.*), and grapevine.

#### FLUCCS 438 – Mixed Hardwoods

This upland association is dominated by a groundcover of saw palmetto and dense canopy and mid-story comprised of live oak, laurel oak (*Quercus laurifolia*), pignut hickory (*Carya glabra*), pop ash (*Fraxinus caroliniana*), red bay (*Persea borbonia*), and wax myrtle. Additional dominant vegetative species include fetterbush (*Lyonia lucida*), beautyberry (*Callicarpa americana*), bracken fern (*Pteridium aquilinum*), greenbrier, and grapevine.

#### FLUCCS 510 – Creek

This seasonally dry surface water is a natural drainage feature, displaying steep side-slopes and approximately 15 feet wide on average, spanning through the entire property from northeast to southwest. This surface water/wetland association is dominated by wax myrtle, Virginia chainfern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), and lizard's tail (*Saururus cernuus*). Additional vegetative species present include laurel oak, cabbage palm (*Sabal palmetto*), red bay, Peruvian primrose willow (*Ludwigia peruviana*), saw palmetto, royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), leather fern (*Acrostichum danaeifolium*), poison ivy (*Toxicodendron radicans*), greenbrier, and grapevine.

#### FLUCCS 510D – Ditch

There are several man-made drainage ditches, considered to be other surface water associations, located within the subject property. The largest ditch is located along the western property boundary. This seasonally dry other surface water, spanning the entire western property boundary, displays steep side-slopes and is approximately 15 feet wide and 10 feet deep on average. The next largest ditch, spanning the majority of the northern property boundary, appears to be seasonally wet, displays gradual side slopes, and is approximately 8 feet wide and 2 feet deep on average. Both of these ditches are primarily comprised of torpedo grass (*Panicum repens*), creeping seedbox (*Ludwigia repens*), frog-fruit (*Phyla nodiflora*), water-hyssop (*Bacopa monnieri*), smartweed (*Polygonum punctatum*), pennywort (*Hydrocotyle umbellata*), cattail (*Typha sp.*), and Peruvian primrose willow. A third drainage feature is located within the northern half of the subject property and drains from north to south. This ditch appears to typically be completely dry, only conveying water during extreme rain events. This drainage feature displays steep side slopes, is approximately 5 feet wide and 2 feet deep on average, and is primarily comprised of wax myrtle and saw palmetto.

### FLUCCS 740 – Disturbed Land

This upland association appears to have previously been cleared of native vegetation and the natural soils disturbed. As a result, these areas are dominated by opportunistic vegetative species. Dominant vegetative species within these areas include leadtree (*Leucaena leucocephala*), Brazilian pepper (*Schinus terebinthifolius*), winged sumac (*Rhus copallinum*), beautyberry, Caesarweed (*Urena lobata*), dogfennel (*Eupatorium capillifolium*), broomsedge (*Andropogon spp.*), blackberry (*Rubus sp.*), ragweed (*Ambrosia artemisiifolia*), cogongrass (*Imperata cylindrica*), bahia grass (*Paspalum notatum*), rosary pea (*Abrus precatorius*), greenbrier, and grapevine.

### FLUCCS 740M – Mesic Disturbed Land

This area is located along the southern property boundary and is similar to the Disturbed Land (FLUCCS) habitat described above, but is dominated by facultative and hydrophytic opportunistic vegetative species. As such, it is currently unclear whether this area would be classified as an upland or wetland community by applicable regulatory agencies. Dominant vegetative species within this area include gallberry (*Ilex glabra*), broomsedge, wiregrass, yellow-eyed grass (*Xyris sp.*), hat-pins (*Syngonanthus sp.*), and roadgrass (*Eleocharis baldwinii*). Slash pine saplings and wax myrtle are also present.

## **BACKGROUND INFORMATION and SURVEY METHODOLOGY**

The Florida scrub jay was listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWC) in 1975 and federally listed by the U.S. Fish and Wildlife Service (FWS) as threatened in June 1987 (52 FR 20719) based upon loss, fragmentation, and degradation of suitable habitats throughout Florida, due primarily to urbanization, agriculture, and fire suppression. Florida scrub jays are extremely habitat-specific, sedentary, and territorial. The primary habitat of the Florida scrub jay is xeric oak scrub.

The guidelines outlined in Technical Report 8: Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay were used to assess the relative quality of scrub jay habitat; Type I is the highest quality and Type III is the lowest. The scrub habitats are classified according to aerial coverage by scrub oak species (myrtle oak, sand live oak, Chapman oak, scrub oak, and dwarf live oak). Type I habitat is defined as having greater than 15% coverage by scrub oak species while Type II habitat contains scrub oak species comprising less than 15% coverage. Uplands with no scrub oak coverage and seasonally dry wetlands that are within 0.25 mile of Type I or Type II habitat are classified as Type III habitats.

By these definitions, the 22.02± acres of Scrubby Pine Flatwoods (FLUCCS 416) and 55.48± acres of Xeric Oak (FLUCCS 421) would be considered Type I habitat; the 28.06± acres of Palmetto Prairie (FLUCCS 321) would be considered Type II habitat; and the 13.74± acres of Pine Flatwoods (FLUCCS 411), 8.38± acres of Mixed Hardwoods (FLUCCS 438), 10.00± acres of Disturbed Land (FLUCCS 740), and 0.64± acre of Mesic Disturbed Land (FLUCCS 740M) would be considered Type III habitat. Technically, the on-site Creek (FLUCCS 510) and Ditch (FLUCCS 510D) communities would also be considered Type III habitat.

To determine the presence or absence of the Florida scrub jay, a formal five-day survey was conducted by a qualified staff ecologist with Ian Vincent and Associates in April 2013. The survey was conducted in accordance with the guidelines outlined in Technical Report 8: Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay, as recommended by the FWC and FWS.

FWC guidelines recommend that calling stations be established between 100 and 200 meters (300-600 feet) apart to ensure adequate broadcast overlap of the recording. Therefore, pedestrian transects were established approximately 600 feet apart with sixteen (16) calling stations also located approximately 600 feet apart within the on-site Type I, II, and III habitats. The attached FLORIDA SCRUB JAY SURVEY MAP provides the locations of the calling

stations. At each call station, a pre-recorded compact disc of Florida scrub jay territorial scolding was broadcast for a minimum of one (1) minute, in all four (4) cardinal directions, for a total of four (4) minutes at each station. The recording, which includes the female “hiccup” call, was purchased from Archbold Biological Station.

The formal five-day survey was conducted from April 9<sup>th</sup> - 16<sup>th</sup> 2013, with an additional survey day on May 31<sup>st</sup> 2013. During the course of the survey, temperatures ranged from 70°-80° F, skies were clear to mostly cloudy, and winds varied from 0-5 mph. The following table provides survey times and weather conditions.

<b>DATE</b>	<b>SURVEY PERIOD</b>	<b>WEATHER CONDITIONS</b> (temperature; cloud cover; wind; precipitation; visibility)
04-09-2013	8:44 AM – 11:35 AM	70°-75° F ; clear ; E 0-5 mph ; none ; good
04-10-2013	7:30 AM – 9:51 AM	70°-75° F ; clear ; calm; none ; good
*04-11-2013	8:00 AM – 9:45 AM	70°-75° F ; partly cloudy ; SSE 0-5 mph ; none ; good
04-13-2013	7:14 AM – 9:22 AM	70°-75° F ; clear ; calm ; none ; good
04-14-2013	7:05 AM – 9:32 AM	70°-75° F ; partly cloudy ; SE 0-5 mph ; none ; good
**04-16-2013	8:30 AM – 9:40 AM	75°-80° F ; clear ; E 0-5 mph ; none ; good
***05-31-2013	6:40 AM – 8:53 AM	72°-75° F ; partly - mostly cloudy ; SE 0-5 mph ; none ; good

\* The survey event of 04-11-2013 was suspended at 9:45 AM due to strengthening winds and deteriorating weather conditions. All call stations south of the on-site Creek (FLUCCS 510), as well as Call Station No. 16, were surveyed during appropriate weather conditions. With the exception of Call Station 16, none of the call stations located north of the on-site Creek (FLUCCS 510) were surveyed on 04-11-2013.

\*\* An additional sixth day was added to the formal five-day survey in effort to further observe flight patterns and better define on-site territory boundaries for the on-site Florida scrub jays. This survey event was only conducted for areas within close proximity to those areas which scrub jays were previously observed during the formal five-day survey (Call Station Nos. 1, 8, 9, and 16).

\*\*\* Per guidance received from the FWS, an additional seventh day was added to the formal five-day survey to compensate for the half-day survey conducted on 04-11-2013. This survey event included all call stations (Call Station Nos. 1 - 16).

**FLORIDA SCRUB JAY SURVEY RESULTS and CONCLUSIONS**

Both Florida scrub jays and evidence of Florida scrub jay utilization was observed on the subject parcel during the formal five-day survey. Several Florida scrub jays were observed north of Call Stations 1 and 16. One or more of these scrub jays were consistently observed at the same approximate location(s) multiple days of the five-day survey event. Each time, utilizing the pre-recorded scrub jay calls, the surveyor attempted to attract the scrub jay(s) into the subject 130-Acre Duncan Road Parcel property in order to establish the limits of areas within the subject property which may currently be actively utilized by the scrub jays. The attached FLORIDA SCRUB JAY SURVEY RESULTS MAP depicts both the locations of the original scrub jay sightings and locations of the intermediate perches utilized by the scrub jays while following the pre-recorded calls onsite; these locations are referred to as “sightings” on the attached map. These sightings and observed flight patterns were then consolidated to establish and define the areas which the scrub jays utilized; these areas are referred to as “scrub jay utilization area” on the

attached map. No Florida scrub jays entered into the 130-Acre Duncan Road Parcel property any further than depicted on the attached FLORIDA SCRUB JAY SURVEY RESULTS MAP, approximately 250 feet from the northern property limits. No other Florida scrub jays were observed during the formal five-day survey. Below is a summary of the survey observations.

- 04-09-2013 Two (2) Florida scrub jays were observed along the northern property boundary directly north of Call Station 16. One scrub jay followed the recorded callings into the subject property, and was attracted onsite as far south as Call Station 16.
- 04-10-2013 One (1) Florida scrub jay was observed along the northern property boundary directly north of Call Station 16. The scrub jay would not follow the recorded callings into the subject property. The scrub jay flew away to the NNW.
- 04-11-2013 Two (2) Florida scrub jays were observed along the northern property boundary directly north of Call Station 16. Neither scrub jay would follow the recorded callings into the subject property. The scrub jays flew away to the NNW.
- 04-13-2013 Three (3) Florida scrub jays were observed just within the northern property boundary directly north and northeast of Call Station 1. One or more of the scrub jays followed the recorded callings into the subject property, and were attracted onsite as far south as Call Station 1, and as far east as approximately 150 feet northwest of Call Station 8.
- Two (2) Florida scrub jays were observed along the northern property boundary directly north of Call Station 16. Neither scrub jay would follow the recorded callings into the subject property. One of the scrub jays flew away to the WSW.
- 04-14-2013 One (1) Florida scrub jay was observed just within the northern property boundary directly north of Call Station 1. The scrub jay would not follow the recorded callings further into the subject property.
- Two (2) Florida scrub jays were observed along the northern property boundary directly north and northwest of Call Station 16. Neither scrub jay would follow the recorded callings into the subject property.
- 04-16-2013 Two (2) Florida scrub jays were observed along the northern property boundary directly north and northwest of Call Station 16. One scrub jay followed the recorded callings into the subject property, and was attracted onsite as far south as approximately 200 feet directly northwest of Call Station 16.
- 05-31-2013 No Florida scrub jays were observed within the subject property or within close proximity to the subject property during the 05-31-2013 survey event.

Additional avian species observed during the survey included black vulture (*Coragyps atratus*), cardinal (*Cardinalis cardinalis*), catbird (*Dumetella carolinensis*), red-headed woodpecker (*Melanerpes erythrocephalus*), mockingbird (*Mimus polyglottos*), towhee (*Pipilo erythrophthalmus*), red-bellied woodpecker (*Melanerpes carolinus*), mourning dove (*Zenaidura macroura*), titmouse (*Baeolophus bicolor*), ground dove (*Columbina passerina*), great blue heron (*Ardea herodias*), wood stork (*Mycteria americana*), grackle (*Quiscalus quiscula*), blue jay (*Cyanocitta cristata*), quail (*Colinus virginianus*), boat-tailed grackle (*Quiscalus major*), cattle egret (*Bubulcus ibis*) and warblers (species non-specific).

No other Florida scrub jays or evidence of Florida scrub jay utilization were observed onsite during the formal five-day survey. Based on the findings of this April 2013 (REVISED June 2013) Florida scrub jay survey, it is anticipated that formal coordination with the FWS and the appropriate permit(s) relative to the Florida scrub jay will be required prior to clearing or development of the subject 130-Acre Duncan Road Parcel property.



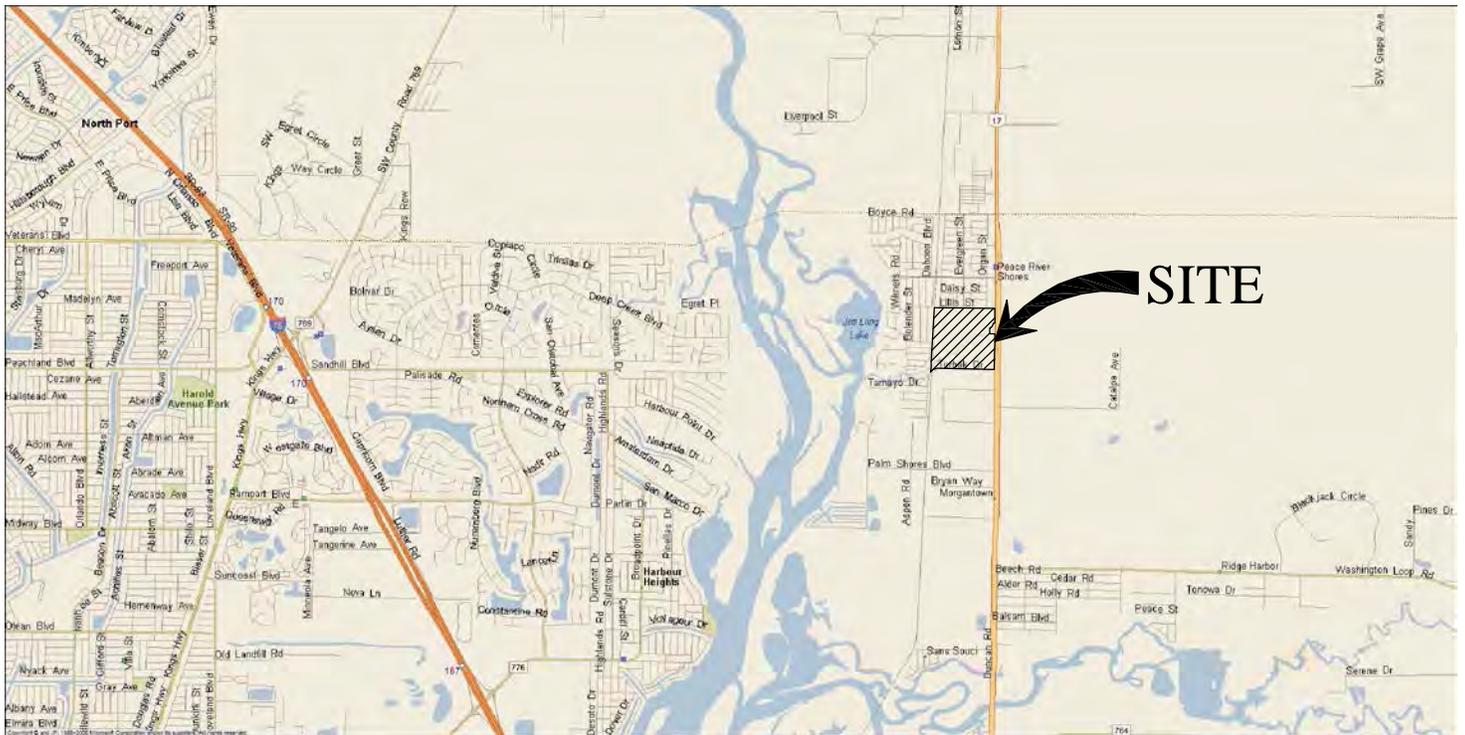
# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E

NOT TO SCALE



**SITE**

CHARLOTTE COUNTY, FLORIDA



**SITE**

LOCATION MAP

13-007 / APRIL 18, 2013

## 130-ACRE DUNCAN ROAD PARCEL

LOCATION MAP



# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E



## LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
321	PALMETTO PRAIRIE	28.06±
411	PINE FLATWOODS	13.74±
416	SCRUBBY PINE FLATWOODS	22.02±
421	XERIC OAK	55.48±
438	MIXED HARDWOODS	8.38±
510	CREEK	N/A
510D	DITCH	N/A
740	DISTURBED LAND	10.00±
740M	MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>		<b>138.32±</b>

 FLORIDA SCRUB JAY CALL STATIONS (16)

**NOTES:**

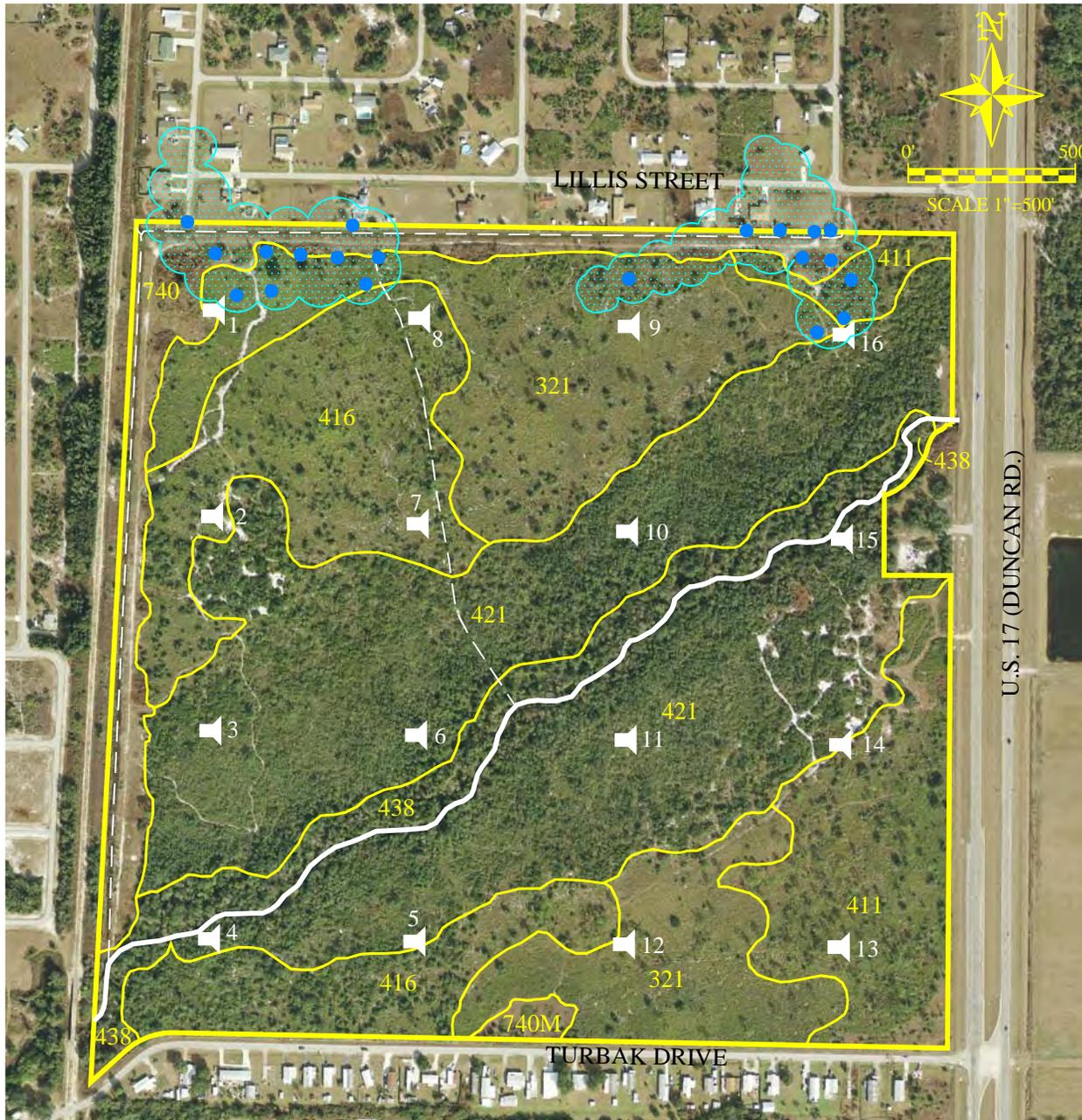
1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
2. PROJECT LIMITS ARE APPROXIMATE AND BASED ON CHARLOTTE COUNTY GIS DATA.
3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2011 AERIAL PHOTOGRAPHY AT 1"=500' SCALE.
4. DELINEATION OF JURISDICTIONAL WATERS IS PRELIMINARY AND SUBJECT TO FIELD REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

13-007 / APRIL 19, 2013

**130-ACRE DUNCAN ROAD PARCEL  
FLORIDA SCRUB JAY SURVEY MAP**

**IWA**  
Ian Vincent & Associates  
Environmental Consulting Services

# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E



## LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
321	PALMETTO PRAIRIE	28.06±
411	PINE FLATWOODS	13.74±
416	SCRUBBY PINE FLATWOODS	22.02±
421	XERIC OAK	55.48±
438	MIXED HARDWOODS	8.38±
510	CREEK	N/A
510D	DITCH	N/A
740	DISTURBED LAND	10.00±
740M	MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>		<b>138.32±</b>

-  FLORIDA SCRUB JAY CALL STATIONS (16)
-  FLORIDA SCRUB JAY SIGHTING
-  FLORIDA SCRUB JAY UTILIZATION AREA 11.00± Ac

### NOTES:

1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
2. PROJECT LIMITS ARE APPROXIMATE AND BASED ON CHARLOTTE COUNTY GIS DATA.
3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2011 AERIAL PHOTOGRAPHY AT 1"=500' SCALE.
4. DELINEATION OF JURISDICTIONAL WATERS IS PRELIMINARY AND SUBJECT TO FIELD REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

13-007 / APRIL 19, 2013

## 130-ACRE DUNCAN ROAD PARCEL FLORIDA SCRUB JAY SURVEY RESULTS MAP

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# **FLORIDA SCRUB JAY TERRITORY SURVEY**

## **130-ACRE DUNCAN ROAD PARCEL Charlotte County, Florida**

**October 2013**

**Prepared by:**



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## INTRODUCTION

The following report provides the findings of a territory survey conducted to determine and delineate the portions of the 130-Acre Duncan Road Parcel property which are actively utilized by the Florida scrub jay (*Aphelocoma coerulescens*).

A formal five-day presence/absence survey performed in accordance with Florida Fish and Wildlife Conservation Commission (FWC) guidelines, as recommended by the United States Fish and Wildlife Service (FWS), was conducted in April 2013 and resulted in confirmation of site utilization by the Florida scrub jay within the northern portion of the subject property. To determine the approximate limits of the utilized habitat, and based on survey methodology pre-approved by FWS staff, a formal site-specific territory survey was performed between September and October, 2013. To further facilitate the appropriate delineation of on-site habitats occupied by the Florida scrub jay, scrub jay utilization data collected during the five-day presence/absence survey conducted in April 2013 has been incorporated into the findings of this report.

The following report describes the habitats found onsite, details the methods used during the scrub jay survey, provides the results of the survey, and provides conclusions drawn from survey data in effort to appropriately delineate the on-site territory occupied by the Florida scrub jay.

The subject property is located in Sections 1 and 12, Township 40S, Range 23E, within Charlotte County, Florida. More specifically, the property is located south of Lillis Street and north of Turbak Drive, along the west side of Duncan Road (U.S. 17). The subject property is comprised of Charlotte County parcel identification numbers 402301451001, 402301476002, 402312201001, and 402312226001. Please refer to the attached LOCATION MAP.

## VEGETATIVE COMMUNITIES

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

<b>FLUCCS ID</b>	<b>FLUCCS DESCRIPTION</b>	<b>ACREAGE</b>
321	Palmetto Prairie	28.06
411	Pine Flatwoods	13.74
416	Scrubby Pine Flatwoods	22.02
421	Xeric Oak	55.48
438	Mixed Hardwoods	8.38
510	Creek	N/A
510D	Ditch	N/A
740	Disturbed Land	10.00
740M	Mesic Disturbed Land	0.64
<b>TOTAL</b>		<b>138.32</b>

#### FLUCCS 321 – Palmetto Prairie

This upland association is dominated by dense groundcover of saw palmetto (*Serenoa repens*). The canopy and mid-story is sparsely distributed and primarily comprised of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), sand live oak (*Quercus geminata*), myrtle oak (*Quercus myrtifolia*), and staggerbush (*Lyonia spp.*). Additional groundcover species include wiregrass (*Aristida stricta*), runner oak (*Quercus pumila*), pennyroyal (*Piloblephis rigida*), broomsedge (*Andropogon virginicus*), and shiny blueberry (*Vaccinium myrsinites*).

#### FLUCCS 411 – Pine Flatwoods

This upland association is dominated by dense groundcover of saw palmetto with a significant canopy of slash pine. Additional canopy and mid-story species include live oak, wax myrtle (*Myrica cerifera*), and staggerbush. Additional groundcover species include wiregrass, runner oak, broomsedge, shiny blueberry, and grapevine (*Vitis sp.*).

#### FLUCCS 416 – Scrubby Pine Flatwoods

This upland association is similar to the Pine Flatwoods (FLUCCS 411) habitat described above, but displays a more sparsely distributed canopy of slash pine and mid-story containing significant coverage of xeric oak species, primarily sand live oak and myrtle oak.

#### FLUCCS 421 – Xeric Oak

This upland association is dominated by a groundcover of saw palmetto and dense mid-story of xeric oak species, primarily sand live oak, myrtle oak, and Chapman oak (*Quercus chapmanii*). Additional canopy and mid-story species include slash pine, live oak, and rusty staggerbush (*Lyonia ferruginea*). Additional groundcover species include wiregrass, runner oak, shiny blueberry, gopher apple (*Licania michauxii*), coontie (*Zamia pumila*), greenbrier (*Smilax sp.*), and grapevine.

#### FLUCCS 438 – Mixed Hardwoods

This upland association is dominated by a groundcover of saw palmetto and dense canopy and mid-story comprised of live oak, laurel oak (*Quercus laurifolia*), pignut hickory (*Carya glabra*), pop ash (*Fraxinus caroliniana*), red bay (*Persea borbonia*), and wax myrtle. Additional dominant vegetative species include fetterbush (*Lyonia lucida*), beautyberry (*Callicarpa americana*), bracken fern (*Pteridium aquilinum*), greenbrier, and grapevine.

#### FLUCCS 510 – Creek

This seasonally dry surface water is a natural drainage feature, displaying steep side-slopes and approximately 15 feet wide on average, spanning through the entire property from northeast to southwest. This surface water/wetland association is dominated by wax myrtle, Virginia chainfern (*Woodwardia virginica*), swamp fern (*Blechnum serrulatum*), and lizard's tail (*Saururus cernuus*). Additional vegetative species present include laurel oak, cabbage palm (*Sabal palmetto*), red bay, Peruvian primrose willow (*Ludwigia peruviana*), saw palmetto, royal fern (*Osmunda regalis*), cinnamon fern (*Osmunda cinnamomea*), leather fern (*Acrostichum danaeifolium*), poison ivy (*Toxicodendron radicans*), greenbrier, and grapevine.

#### FLUCCS 510D – Ditch

There are several man-made drainage ditches, considered to be other surface water associations, located within the subject property. The largest ditch is located along the western property boundary. This seasonally dry other surface water, spanning the entire western property boundary, displays steep side-slopes and is approximately 15 feet wide and 10 feet deep on average. The next largest ditch, spanning the majority of the northern property boundary, appears to be seasonally wet, displays gradual side slopes, and is approximately 8 feet wide and 2 feet deep on average. Both of these ditches are primarily comprised of torpedo grass (*Panicum repens*), creeping seedbox (*Ludwigia repens*), frog-fruit (*Phyla nodiflora*), water-hyssop (*Bacopa monnieri*), smartweed (*Polygonum punctatum*), pennywort (*Hydrocotyle umbellata*), cattail (*Typha sp.*), and Peruvian primrose willow. A third

drainage feature is located within the northern half of the subject property and drains from north to south. This ditch appears to typically be completely dry, only conveying water during extreme rain events. This drainage feature displays steep side slopes, is approximately 5 feet wide and 2 feet deep on average, and is primarily comprised of wax myrtle and saw palmetto.

#### FLUCCS 740 – Disturbed Land

This upland association appears to have previously been cleared of native vegetation and the natural soils disturbed. As a result, these areas are dominated by opportunistic vegetative species. Dominant vegetative species within these areas include leadtree (*Leucaena leucocephala*), Brazilian pepper (*Schinus terebinthifolius*), winged sumac (*Rhus copallinum*), beautyberry, Caesarweed (*Urena lobata*), dogfennel (*Eupatorium capillifolium*), broomsedge (*Andropogon spp.*), blackberry (*Rubus sp.*), ragweed (*Ambrosia artemisiifolia*), cogongrass (*Imperata cylindrica*), bahia grass (*Paspalum notatum*), rosary pea (*Abrus precatorius*), greenbrier, and grapevine.

#### FLUCCS 740M – Mesic Disturbed Land

This area is located along the southern property boundary and is similar to the Disturbed Land (FLUCCS) habitat described above, but is dominated by facultative and hydrophytic opportunistic vegetative species. As such, it is currently unclear whether this area would be classified as an upland or wetland community by applicable regulatory agencies. Dominant vegetative species within this area include gallberry (*Ilex glabra*), broomsedge, wiregrass, yellow-eyed grass (*Xyris sp.*), hat-pins (*Syngonanthus sp.*), and roadgrass (*Eleocharis baldwinii*). Slash pine saplings and wax myrtle are also present.

### **BACKGROUND INFORMATION**

The Florida scrub jay was listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWC) in 1975 and federally listed by the U.S. Fish and Wildlife Service (FWS) as threatened in June 1987 (52 FR 20719) based upon loss, fragmentation, and degradation of suitable habitats throughout Florida, due primarily to urbanization, agriculture, and fire suppression. Florida scrub jays are extremely habitat-specific, sedentary, and territorial. The primary habitat of the Florida scrub jay is xeric oak scrub.

The guidelines outlined in Technical Report 8: Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay were used to assess the relative quality of scrub jay habitat; Type I is the highest quality and Type III is the lowest. The scrub habitats are classified according to aerial coverage by scrub oak species (myrtle oak, sand live oak, Chapman oak, scrub oak, and dwarf live oak). Type I habitat is defined as having greater than 15% coverage by scrub oak species while Type II habitat contains scrub oak species comprising less than 15% coverage. Uplands with no scrub oak coverage and seasonally dry wetlands that are within 0.25 mile of Type I or Type II habitat are classified as Type III habitats.

By these definitions, the 22.02± acres of Scrubby Pine Flatwoods (FLUCCS 416) and 55.48± acres of Xeric Oak (FLUCCS 421) would be considered Type I habitat; the 28.06± acres of Palmetto Prairie (FLUCCS 321) would be considered Type II habitat; and the 13.74± acres of Pine Flatwoods (FLUCCS 411), 8.38± acres of Mixed Hardwoods (FLUCCS 438), 10.00± acres of Disturbed Land (FLUCCS 740), and 0.64± acre of Mesic Disturbed Land (FLUCCS 740M) would be considered Type III habitat. Technically, the on-site Creek (FLUCCS 510) and Ditch (FLUCCS 510D) communities would also be considered Type III habitat.

## **SURVEY METHODOLOGY**

For the purposes of this survey, the property has been divided into two distinct areas. These areas will be referred to as the North Parcel and the South Parcel, with Lee Branch Creek serving as the demarcation between the two areas. It was determined appropriate to separate the two areas based on the findings of the Spring presence/absence survey, conducted in April 2013, in which Florida scrub jays were only observed north of Lee Branch Creek.

### **SOUTH PARCEL**

To provide additional assurance in the accurate determination of the presence or absence of the Florida scrub jay, an additional formal five-day survey was conducted by a qualified staff ecologist with Ian Vincent and Associates between September and October, 2013. The survey was conducted in accordance with the guidelines outlined in Technical Report 8: Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay, as recommended by the FWC and FWS.

FWC guidelines recommend that calling stations be established between 100 and 200 meters (300-600 feet) apart to ensure adequate broadcast overlap of the recording. Therefore, pedestrian transects were established approximately 450 feet apart with ten calling stations also located approximately 450 feet apart within the on-site Type I, II, and III habitats. The attached SOUTH - FLORIDA SCRUB JAY SURVEY RESULTS MAP provides the locations of the calling stations. At each call station, a pre-recorded compact disc of Florida scrub jay territorial scolding was broadcast for a minimum of one minute, in all four cardinal directions, for a total of four minutes at each station. The recording, which includes the female “hiccup” call, was purchased from Archbold Biological Station.

### **NORTH PARCEL**

To determine the approximate limits of the habitat within the North Parcel occupied by the Florida scrub jay, and based on survey methodology pre-approved by FWS staff, a formal site-specific territory survey was conducted by a qualified staff ecologist with Ian Vincent and Associates between September and October, 2013.

The methodology consisted of a six-day survey, with both morning and evening survey events performed each of the six days. To limit the potential for the subject scrub jays becoming desensitized to the territorial scolding recording, the territory survey events were distributed over a three week period. Each daily morning survey event was initiated approximately 30 minutes after sunrise and continued for approximately three hours; each daily evening survey event was initiated approximately three hours prior to sunset and continued until sunset. The territory survey protocol was designed to ensure that the entire North Parcel was covered during the course of each survey event. Due to the configuration of the survey area, meandering transects were generally oriented in an east-west direction. To ensure collection of the most reliable data possible reflecting an accurate extent of occupied habitat, the surveyor employed the following strategies:

- Reduce all unnecessary scrub jay exposure to the territorial scolding recording to avoid potential scrub jay desensitization to the recording.
- Utilize the landscape to help conceal the presence of the surveyor, such as locating recording broadcast areas so that the existing vegetation functions as a natural scrub jay blind.

The survey methodology consisted of the surveyor walking meandering transects and broadcasting the scrub jay territorial scolding recording approximately every 500 feet throughout the survey area until a scrub jay(s) was observed. Upon positive sighting of a scrub jay, the surveyor ceased broadcast of the scrub jay territorial scolding recording and relocated approximately 100 feet away in one of the four cardinal directions, and then resumed broadcast of the recording. If the jay(s) followed the surveyor, the surveyor ceased broadcast of the recording and moved an additional 100 feet in the same cardinal direction. These steps were repeated until the jay(s) no longer responded to the recording or stopped following the surveyor. The same methodology was then employed, starting at the location of the last scrub jay sighting, in each of the other three cardinal directions. Upon completion of this protocol, the surveyor then allotted time specifically to observe the subject scrub jays without interference from the scrub jay recording. Upon completion of acquiring as much new data as was anticipated to be gathered, the survey was then resumed with the surveyor continuing to walk meandering transects throughout the entire North Parcel. Throughout performance of each survey event, the surveyor marked an aerial photograph(s) illustrating the following: location of the initial scrub jay sighting; the number of jays sighted; the location(s) of where the jays followed during the broadcast of the territorial scolding recording; and an approximation of the direction from which the jays arrived and departed, if applicable.

In addition, following the completion of several on-site territory survey events, additional time was spent informally surveying the off-site areas directly north of the subject property. The survey methodology within these off-site areas consisted of broadcasting the scrub jay territorial scolding recording from public right-of-ways and attempting to draw scrub jays in different directions similar to the cardinal direction methodology described above. Based on the inability to lawfully enter off-site private property, progression of the off-site survey in each of the cardinal directions was limited to publicly accessible right-of-ways. Further, the documentation of Florida scrub jay sightings is limited to the approximate sighting location relative to the nearest public right-of-way in effort to avoid potential trespass issues.

**SURVEY TIMES and WEATHER CONDITIONS**

The formal Fall Florida scrub jay surveys were conducted from September 26<sup>th</sup> - October 16<sup>th</sup>, 2013. During the course of the surveys, temperatures ranged from 70°-85° F, skies were clear to mostly cloudy, and winds varied from calm to 5 mph. The following narratives provide a more detailed account of the survey times and weather conditions during the survey events conducted within each individual portion of the property (South Parcel and North Parcel).

**SOUTH PARCEL**

The formal Florida scrub jay five-day presence/absence survey was conducted between September 29<sup>th</sup> and October 4<sup>th</sup>, 2013. During the course of the survey, temperatures ranged from 70°-80° F, skies were clear to mostly cloudy, and winds varied from 0-5 mph. The following table provides survey times and weather conditions.

<b>DATE</b>	<b>SURVEY PERIOD</b>	<b>WEATHER CONDITIONS</b> (temperature; cloud cover; wind; precipitation; visibility)
09-29-2013	8:10 AM – 9:36 AM	70°-80° F ; clear ; ENE 0-5 mph ; none ; good
09-30-2013	7:55 AM – 9:28 AM	70°-75° F ; clear ; E 0-5 mph; none ; good
10-02-2013	8:00 AM – 9:31 AM	70°-75° F ; partly cloudy ; E 0-5 mph ; none ; good
10-03-2013	7:50 AM – 9:13 AM	70°-75° F ; clear ; ENE 0-5 mph ; none ; good
10-04-2013	8:05 AM – 9:33 AM	70°-75° F ; mostly cloudy ; calm ; none ; good

## **NORTH PARCEL**

The formal on-site Florida scrub jay territory survey was conducted between September 26<sup>th</sup> and October 16<sup>th</sup>, 2013. During the course of the survey, temperatures ranged from 70°-85° F, skies were clear to mostly cloudy, and winds varied from 0-5 mph. The following table provides survey times and weather conditions. In total, approximately 34 hours and 40 minutes of survey time was accumulated during the on-site Florida scrub jay territory survey.

<b>DATE</b>	<b>SURVEY PERIOD</b>	<b>WEATHER CONDITIONS</b> (temperature; cloud cover; wind; precipitation; visibility)
09-26-2013	6:50 AM – 10:15 AM	70°-75° F ; partly cloudy ; calm ; none ; good
09-26-2013	4:40 PM – 7:15 PM	80°-85° F ; clear ; W 3-5 mph ; none ; good
09-27-2013	6:50 AM – 9:50 AM	70°-75° F ; clear ; calm ; none ; good
10-03-2013	7:20 AM – 10:25 AM	70°-75° F ; clear ; calm ; none ; good
10-04-2013	7:25 AM – 10:20 AM	80°-85° F ; partly cloudy ; calm ; none ; good
10-04-2013	4:00 PM – 7:20 PM	80°-85° F ; partly cloudy ; calm ; none ; good
10-06-2013	4:30 PM – 7:10 PM	80°-85° F ; clear ; calm ; none ; good
10-08-2013	4:45 PM – 7:10 PM	80°-85° F ; mostly cloudy ; SW 3-5 mph; none ; good
10-15-2013	7:30 AM – 10:30 AM	75°-80° F ; partly cloudy ; calm ; none ; good
10-15-2013	4:30 PM – 7:20 PM	80°-85° F ; clear ; calm ; none ; good
10-16-2013	7:30 AM – 10:25 AM	70°-75° F ; clear ; calm ; none ; good
10-16-2013	4:30 PM – 7:00 PM	75°-80° F ; partly cloudy ; NE 3-5 mph ; none ; good

## **FLORIDA SCRUB JAY SURVEY RESULTS**

The findings of the formal Fall Florida scrub jay surveys are provided below, separately for each individual portion of the property (South Parcel and North Parcel). The following narratives provide a summary of observations for each individual survey event.

### **SOUTH PARCEL**

No Florida scrub jays or evidence of Florida scrub jay utilization was observed within the South Parcel during the formal Fall five-day presence/absence survey. These findings are consistent with the findings of the previously conducted Spring five-day presence/absence survey, performed in April 2013, in which no Florida scrub jays or evidence of Florida scrub jay utilization was observed within the South Parcel.

### **NORTH PARCEL**

Both Florida scrub jays and evidence of Florida scrub jay utilization was observed on the North Parcel during each day of the Fall territory survey. The attached NORTH - FLORIDA SCRUB JAY SURVEY RESULTS MAP provides the findings of the territory survey illustrated on an aerial photograph. The call stations previously utilized for the Spring five-day presence/absence survey, conducted in April 2013, are depicted on the map for reference to assist in description of the scrub jay sighting locations and flight patterns. In addition to the on-site survey, several Florida scrub jays were observed off-site to the north of the subject property. The off-site scrub jay sightings are also depicted on the attached map. All off-site scrub jay sightings are depicted relative to the nearest public right-of-way, rather than on privately owned

properties. During the survey, the number of scrub jays present during each sighting ranged from one to a maximum of five individuals. For the purposes of this report, multiple scrub jays at a single sighting location are illustrated as a single sighting on the attached supporting maps. The daily survey data below provides the detailed number of scrub jays observed during each sighting, as well as a description of the activities observed. Below is a summary of the survey observations.

09-26-2013 AM Four Florida scrub jays flew in from the S and perched just N of Call Station 2. The jays responded to the broadcasted recording, but did not follow to the S. Two jays followed the surveyor to the NNW, and then flew away to the residential neighborhood to the N, in the vicinity of Sunflower Street. Two jays were then observed again N of Call Station 2. These jays were actively caching. While taking survey notes, one jay landed on the surveyor's arm and head. Both jays followed the surveyor to the W and then returned to the area N of Call Station 2, and resumed caching activities. Neither jay followed the surveyor to the E.

One scrub jay was observed offsite on the overhead utility line N of Call Station 16. Two scrub jays were observed onsite N of Call Station 16. The jays did not follow the surveyor to the S or E. The jays followed the surveyor W, and then flew away to the NW. Upon leaving the survey area following completion of the survey event, one scrub jay was located offsite on the overhead utility line N of Call Station 16.

09-26-2013 PM One Florida scrub jay was observed along the N property boundary directly S of Sunflower Street. The jay followed the surveyor S near Call Station 1, and then flew away to the N property line. The jay did not follow the surveyor E or W. The jay then flew away N to Sunflower Street in the vicinity of Lillis Street.

09-27-2013 AM Two Florida scrub jays were observed on the overhead utility line along Lillis Street, near the NE corner of the subject property. The jays did not respond to the recording or follow S to property.

Two scrub jays were observed NW of Call Station 1. One jay followed the surveyor S to approximately half way between Call Station 1 and Call Station 2. The second jay remained at the original sighting location and was actively caching. The jays did not follow the surveyor to the W or E. After ten minutes, both jays flew away to the N property line and then back to the W.

10-03-2013 AM Four Florida scrub jays were observed NW of Call Station 2. The jays followed the surveyor W to the W property line, and then followed S to directly W of Call Station 2. Visual contact was lost. Three jays were observed at the original sighting location NW of Call Station 2. It is anticipated these were the same jays which visual contact was temporarily lost. The jays followed the surveyor E to directly N of Call Station 2. The jays would not follow further E. The jays followed the surveyor N to the E of Call Station 1, where they resumed caching activities. While taking survey notes, one jay landed on the surveyor's notebook.

10-04-2013 AM Two Florida scrub jays were observed W of Call Station 16. Both jays followed the surveyor E near Call Station 16, where the two jays were joined by a 3<sup>rd</sup> jay. All three jays followed the surveyor N to the NW of Call Station 16. The jays did not follow the surveyor to the E or W.

Five Florida scrub jays flew in from the SW and perched NW of Call Station 2. The jays followed the surveyor N to the property line, then W to the W property line, and then S to the approximate location of the original sighting NW of Call Station 2. The jays did not follow the surveyor to the E. While taking survey notes, two jays landed on the surveyor's notebook.

10-04-2013 PM One Florida scrub jay was observed N of Call Station 2. The jay did not follow the surveyor to the N or E. The jay followed the surveyor S to Call Station 2, and then flew away to the W offsite.

The surveyor spent additional time informally surveying the off-site areas directly N of the subject property. Two Florida scrub jays were observed along Daisy Street, near Organ Street. The jays followed the surveyor N to Glengary Circle.

10-06-2013 PM Three Florida scrub jays were observed S of Call Station 1. Two jays followed the surveyor S to Call Station 2. The jays did not follow the surveyor to the E. Upon the surveyor's return from attempting to draw the jays to the E, three scrub jays were observed N of Call Station 2. The jays followed the surveyor W to the W property line, then S to the W of Call Station 2. The jays flew away to the N.

The surveyor spent additional time informally surveying the off-site areas directly N of the subject property. Three Florida scrub jays were observed along Daisy Street, near Organ Street. The jays flew away to the N.

10-08-2013 PM The surveyor recognized Florida scrub jay vocalizations N of Call Station 1, but no visual confirmation of the scrub jay(s) was attained.

Five Florida scrub jays were observed N of Call Station 2. The surveyor did not broadcast the recording. The surveyor observed caching activity for approximately ten minutes. One jay landed on the surveyor's shoulder and arm. Three jays followed the surveyor W to the W property line without broadcast of the recording. The jays returned to the area N of Call Station 2. The jays did not follow the surveyor to the E.

10-15-2013 AM One Florida scrub jay was observed N of Call Station 16. The jays followed the surveyor W along the N property line for approximately 300 feet. The jays did not follow the surveyor S into property.

Three Florida scrub jays were observed caching S of Call Station 2. The jays did not follow the surveyor E or S. The jays followed the surveyor N to the E of Call Station 1. The jays then flew away to the S.

The surveyor spent additional time informally surveying the off-site areas directly N of the subject property. Two Florida scrub jays were observed along Lillis Street, approximately half way between Organ Street and Evergreen Street. The jays followed the surveyor E to Organ Street, and then W along Glengary Circle.

10-15-2013 PM Five Florida scrub jays were observed N of Call Station 2. The jays did not follow the surveyor N or E. The jays followed the surveyor W to the W property line, and then S

to the W of Call Station 2. The jays did not follow the surveyor to the S. The jays flew away to the area N of Call Station 2.

10-16-2013 AM Three Florida scrub jays were observed N of Call Station 2. The jays did not follow the surveyor to the E. The surveyor observed caching activity for approximately ten minutes. The jays followed the surveyor N to just S of Call Station 1.

10-16-2013 PM Four Florida scrub jays were observed W of Call Station 2. The jays did not follow the surveyor to the N or E. The jays followed the surveyor W to the W property line, and then flew away to the area N of Call Station 2. The surveyor attempted to draw the jays to the E a second time. Again, the jays did not follow the surveyor to the E.

One Florida scrub jay was observed W of Call Station 16. The jay did not follow the surveyor to the W. The jay followed the surveyor N to the N property line, and then flew away to the N offsite to the overhead utility line along Lillis Street. The jay followed the surveyor W along Lillis Street, and then flew away to the E, perching on the overhead utility line near the intersection of Lillis Street and Organ Street.

## **CONCLUSIONS**

The attached FLORIDA SCRUB JAY TERRITORY MAP accurately depicts the portions of the subject property which are currently being utilized by the Florida scrub jay. Delineation of on-site occupied Florida scrub jay territory, as depicted on the territory map, is based on compilation of sighting and flight pattern data gathered during both the Spring presence/absence survey conducted in April 2013 and the Fall territory survey conducted during September and October 2013.

### **SOUTH PARCEL**

No Florida scrub jays or evidence of Florida scrub jay utilization was observed within the South Parcel during the Spring and Fall five-day presence/absence surveys. Based on the findings of these surveys, this portion of the subject property does not contain habitat which is being utilized by the Florida scrub jay, and therefore, should not be subject to further review relative to the species.

### **NORTH PARCEL**

The daily survey event(s) data collected was definitively consistent, with Florida scrub jays being observed within the same two general locations on the majority of daily survey events performed during both the Spring and Fall surveys. To determine the extent of the on-site occupied habitat, a 50-foot offset from any individual sighting was incorporated to provide a liberal estimate of the area being utilized by scrub jays. Based on the compiled results of the Spring and Fall surveys, Florida scrub jays are actively utilizing approximately 12.98 acres of the subject property. This on-site occupied territory is comprised of two areas, with one occupied area located in the northwest corner of the property and the other occupied area located in the northeast corner of the subject property. The lack of scrub jay utilization within a significant portion of the North Parcel is likely due to the following key factors:

- While Xeric Oak (FLUCCS 421) habitat is typically considered the most suitable habitat for utilization by Florida scrub jays, the on-site Xeric Oak (FLUCCS 412) is characteristic of upland scrub which has

become overgrown, displaying a dense canopy and mid-story with some tree heights in excess of 30 feet. Due to prolonged fire suppression and lack of habitat management, this overgrown scrub has become virtually impenetrable, and is currently unable to sustain a viable scrub jay group and is unsuitable for utilization by the species.

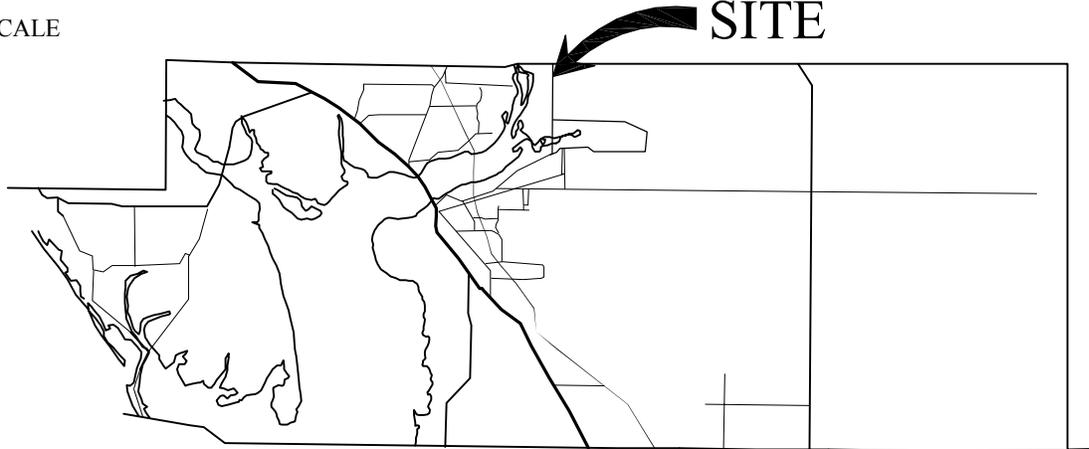
- Florida scrub jays are actively utilizing portions of the on-site Palmetto Prairie (FLUCCS 321), Pine Flatwoods (FLUCCS 411), Scrubby Pine Flatwoods (FLUCCS 416), and Disturbed Land (FLUCCS 740) habitats. While the subject property contains much greater acreage of these habitats than that which is currently actively occupied, the areas in which scrub jays were observed is characterized by significantly more abundant areas of open sand, as well as less canopy and mid-story cover than those areas which were not being utilized by scrub jays.
- Both of the occupied portions of the subject property are located within the northern half of the North Parcel. During the Spring survey performed in April 2013, scrub jays were observed flying into the single-family residential lots to the north of the subject property and returning with peanuts. The additional data obtained from surveying off-site areas within the residential neighborhood from public right-of-ways produced considerable evidence that the scrub jays are utilizing a substantial portion of the residential neighborhood area as part of their territory. Additionally, the scrub jays displayed a distinct lack of fear of humans during the Fall survey, landing on the surveyor's arms, head, and notebook on multiple occasions. Further, the scrub jays were documented following the surveyor without broadcast of the pre-recorded Florida scrub jay vocalizations. Based on these observations, it is likely that the scrub jays have become partially dependent upon feeding from the neighborhood residents, and have established the territory they occupy within the subject property so that it is in close proximity to the residential neighborhood located directly north of the property.

During both the Spring and Fall surveys, attempts to draw Florida scrub jays beyond the areas shown on the attached FLORIDA SCRUB JAY TERRITORY MAP were made during each daily survey event, with the scrub jays often times ceasing to follow the surveyor within only a few feet of the same point on multiple days. While the data provided above and the attached maps solely illustrate the actual sightings of scrub jays, it is important to note that the entire property was surveyed through ten presence/absence survey events (Spring five-day and Fall five-day surveys) and twelve Fall territory survey events. Accumulating the time spent within the subject property while performing the formal Spring 2013 and Fall 2013 survey events, approximately 57 hours have been devoted solely to the purpose of surveying for the species within the subject property. The consistency of the data collected both during each single survey event, as well as between each individual survey (Spring vs. Fall), provides reasonable assurance that the occupied territory, as depicted on the attached FLORIDA SCRUB JAY TERRITORY MAP, is an accurate portrayal of the occupied habitat onsite.

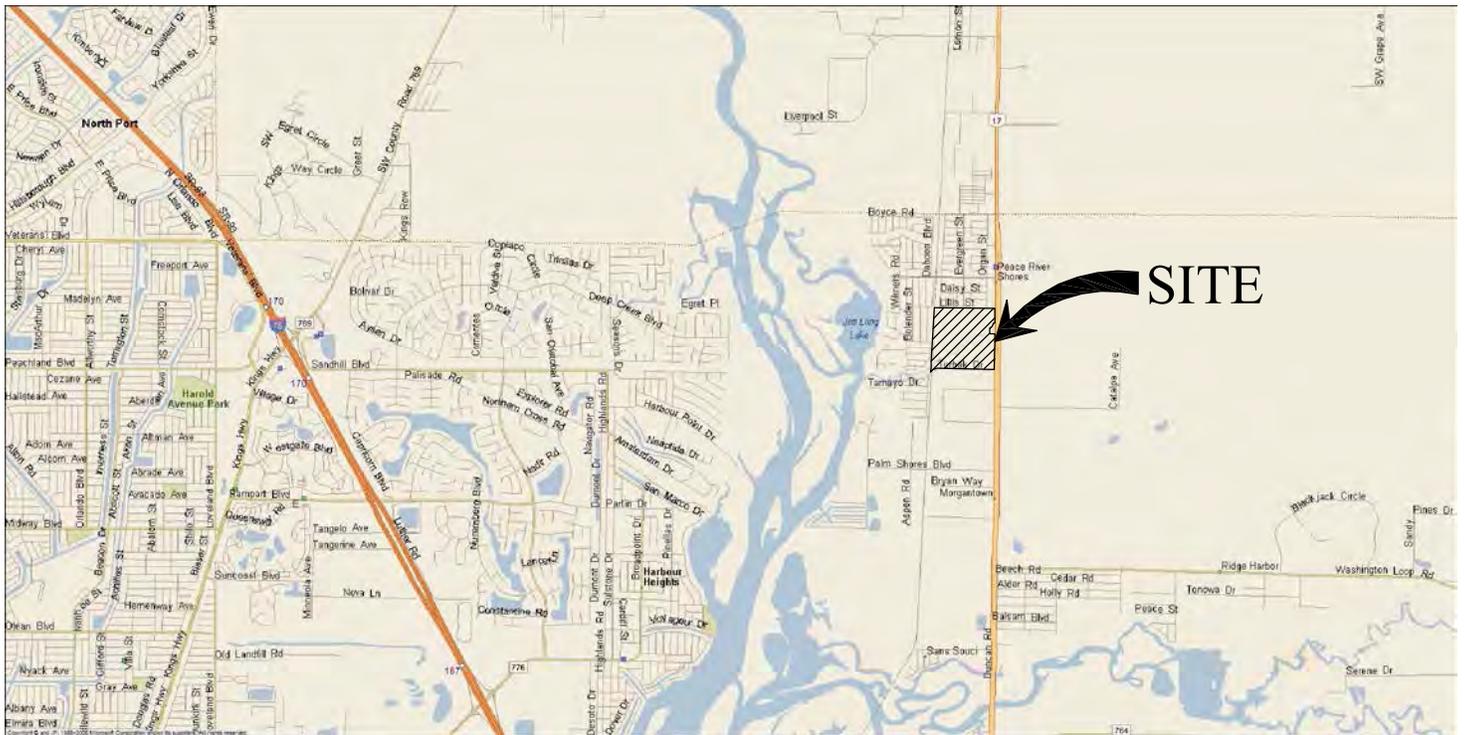


# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E

NOT TO SCALE



## CHARLOTTE COUNTY, FLORIDA



## LOCATION MAP

13-007 / APRIL 18, 2013

# 130-ACRE DUNCAN ROAD PARCEL

## LOCATION MAP



# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E

# LEGEND



FLUCCS	DESCRIPTIONS	ACREAGE
321	PALMETTO PRAIRIE	28.06±
411	PINE FLATWOODS	13.74±
416	SCRUBBY PINE FLATWOODS	22.02±
421	XERIC OAK	55.48±
438	MIXED HARDWOODS	8.38±
510	CREEK	N/A
510D	DITCH	N/A
740	DISTURBED LAND	10.00±
740M	MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>		<b>138.32±</b>

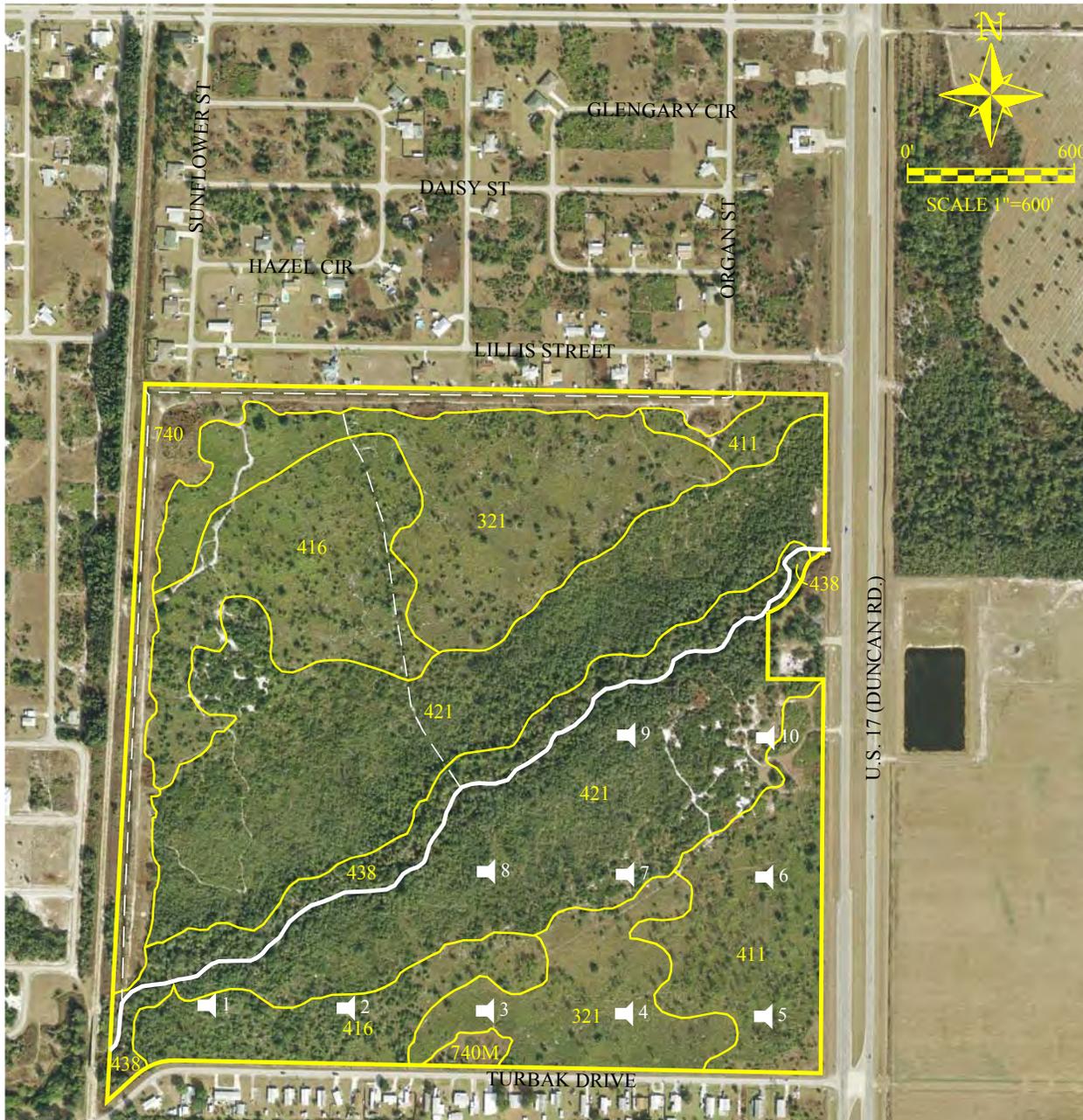
**NOTES:**

1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
2. PROJECT LIMITS ARE APPROXIMATE AND BASED ON CHARLOTTE COUNTY GIS DATA.
3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2011 AERIAL PHOTOGRAPHY AT 1"=500' SCALE.
4. DELINEATION OF JURISDICTIONAL WATERS IS PRELIMINARY AND SUBJECT TO FIELD REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

13-007 / NOVEMBER 6, 2013

## 130-ACRE DUNCAN ROAD PARCEL FLUCCS MAP

# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E



## LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
321	PALMETTO PRAIRIE	28.06±
411	PINE FLATWOODS	13.74±
416	SCRUBBY PINE FLATWOODS	22.02±
421	XERIC OAK	55.48±
438	MIXED HARDWOODS	8.38±
510	CREEK	N/A
510D	DITCH	N/A
740	DISTURBED LAND	10.00±
740M	MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>		<b>138.32±</b>

FALL PRESENCE/ABSENCE SURVEY  
 CALL STATIONS (10)

**\* NO FLORIDA SCRUB JAYS WERE OBSERVED  
 ON THE SOUTH PARCEL DURING THE FALL  
 PRESENCE/ABSENCE SURVEY.**

### NOTES:

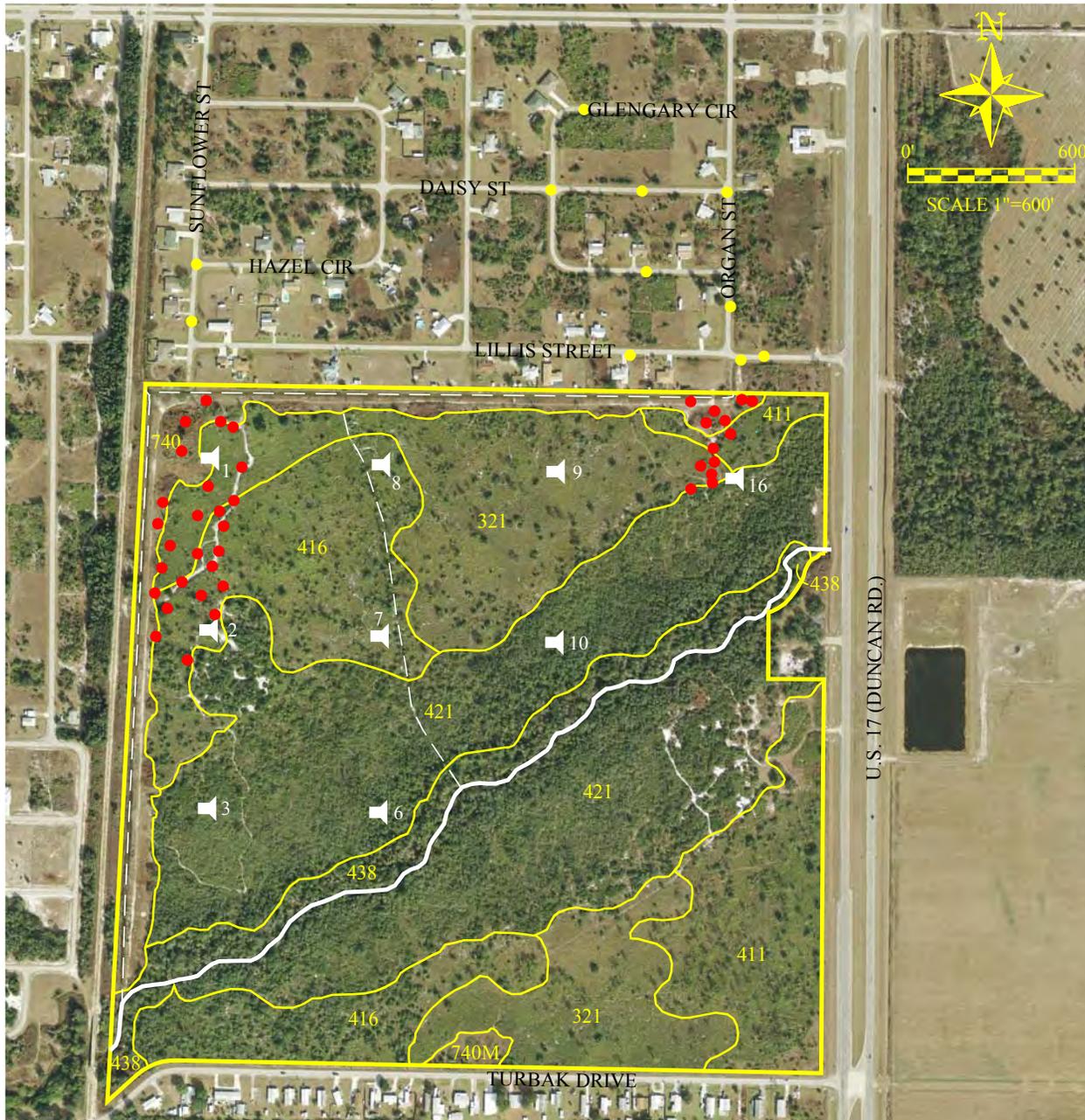
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13-007 / NOVEMBER 8, 2013

## 130-ACRE DUNCAN ROAD PARCEL - SOUTH FLORIDA SCRUB JAY FALL SURVEY RESULTS MAP

**IWA**  
 Ian Vincent & Associates  
 Environmental Consulting Services

# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E



## LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
321	PALMETTO PRAIRIE	28.06±
411	PINE FLATWOODS	13.74±
416	SCRUBBY PINE FLATWOODS	22.02±
421	XERIC OAK	55.48±
438	MIXED HARDWOODS	8.38±
510	CREEK	N/A
510D	DITCH	N/A
740	DISTURBED LAND	10.00±
740M	MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>		<b>138.32±</b>

▲ SPRING PRESENCE/ABSENCE SURVEY  
NORTH CALL STATIONS (9)

● FALL TERRITORY SURVEY  
SIGHTING

● FALL TERRITORY SURVEY  
OFF-SITE SIGHTING

### NOTES:

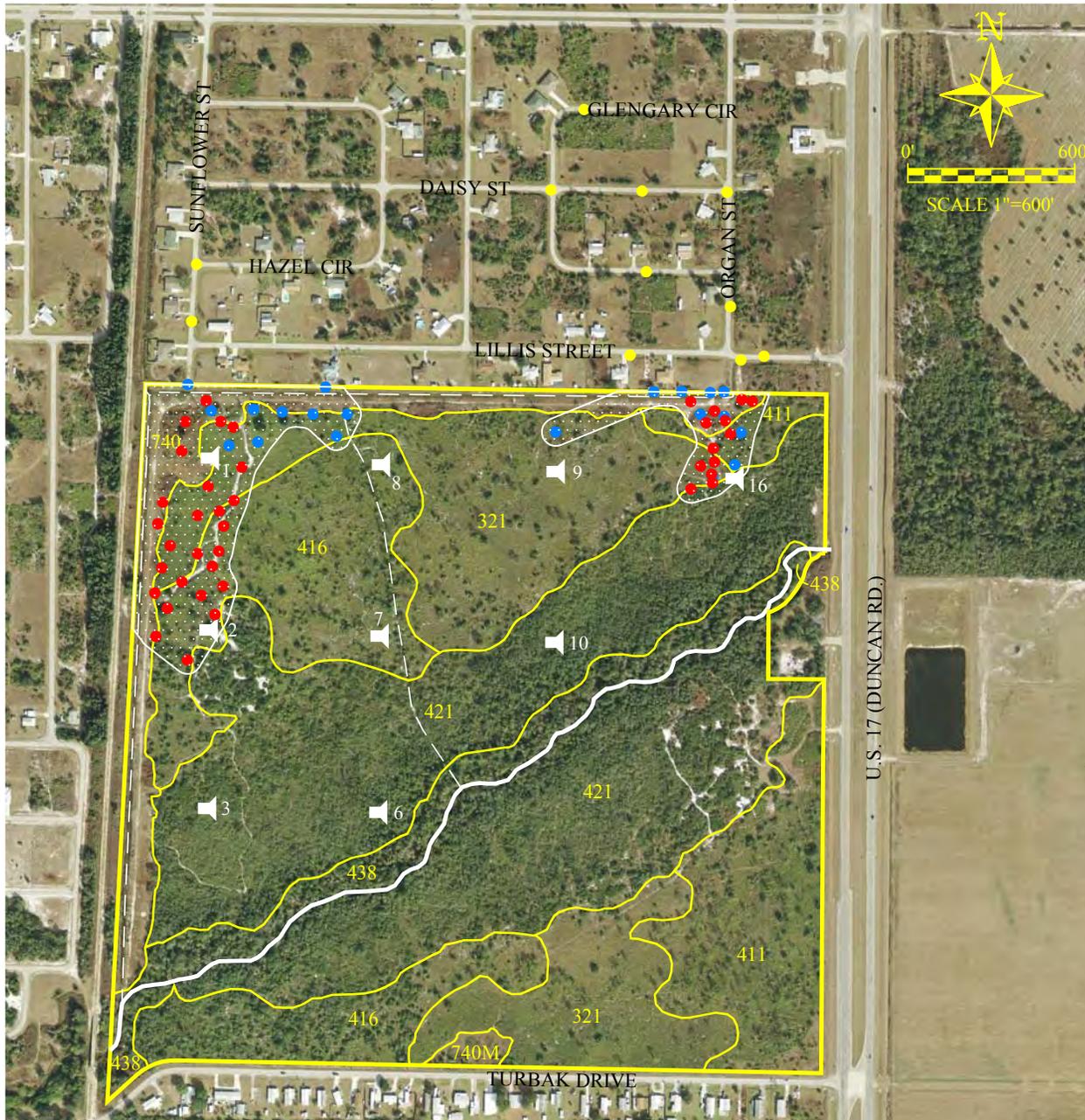
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13-007 / NOVEMBER 8, 2013

## 130-ACRE DUNCAN ROAD PARCEL - NORTH FLORIDA SCRUB JAY FALL SURVEY RESULTS MAP

**IWA**  
Ian Vincent & Associates  
Environmental Consulting Services

# SECTIONS 1 & 12; TOWNSHIP 40S; RANGE 23E



## LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
321	PALMETTO PRAIRIE	28.06±
411	PINE FLATWOODS	13.74±
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510	CREEK	N/A
510D	DITCH	N/A
740	DISTURBED LAND	10.00±
740M	MESIC DISTURBED LAND	0.64±
<b>TOTAL</b>		<b>138.32±</b>

- SPRING PRESENCE/ABSENCE SURVEY NORTH CALL STATIONS (9)
- SPRING PRESENCE/ABSENCE SURVEY SIGHTING
- FALL TERRITORY SURVEY SIGHTING
- FALL TERRITORY SURVEY OFF-SITE SIGHTING
- ON-SITE OCCUPIED TERRITORY (±12.98 Ac)

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13-007 / NOVEMBER 8, 2013

**130-ACRE DUNCAN ROAD PARCEL  
FLORIDA SCRUB JAY TERRITORY MAP**

**IWA**  
Ian Vincent & Associates  
Environmental Consulting Services