# MLEO WITH THE DEPARTMENT OF STATE FEBRUARY 24, 2020

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# ORDINANCE NUMBER 2022 - 0\3

ΑN OF THE BOARD OF COUNTY **ORDINANCE** COMMISSIONERS OF CHARLOTTE COUNTY. FLORIDA. AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL ESTATE 1 (RE-1) TO PLANNED DEVELOPMENT ORDER TO **ALLOW FOR** RESIDENTIAL DEVELOPMENT, INCREASING DENSITY FROM 31 UNITS TO 1,000 UNITS, FOR PROPERTY LOCATED AT 26000 ZEMEL ROAD, IN THE BURNT STORE AREA PLAN AREA AND IN THE PUNTA GORDA AREA, CONTAINING 315 ACRES MORE OR LESS; COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION PD-21-00012; APPLICANT, MARONDA HOMES, LLC OF FLORIDA; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT OR BOOK: 4933 PAGE 1050 PAGE: 1 OF 23 INSTR # 3063916 Doc Type: GOV Recorded: 2/24/2022 at 4:28 PM Rec. Fee: RECORDING \$197.00 Cashier By: THERESAA

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# **RECITALS**

WHEREAS, in a public hearing held on Tuesday, Februa	ry 22,
2022, the Board of County Commissioners of Charlotte County, Florida ("B	oard")
reviewed Petition PD-21-00012, submitted by applicant, Maronda Homes, I	LC of
Florida ("Applicant"), which requested a rezoning from Residential Est	tate 1
(RE-1) to Planned Development (PD), on 315 acres more or less of pro-	operty
owned by Mancini Packing Company, whose address is P.O. Box 157,	Zolfo
Springs, Florida 33890-0157, and described as property located at 26000	Zemel
Road, in the Burnt Store Area Plan area and in the Punta Gorda	area,
Commission District II, Charlotte County, Florida, and more particularly des	cribed
in Exhibit "A" which is attached hereto and provided herein ("Property"); and	I
WHEREAS, at its February 22, 2022 meeting, the Board	d also
considered the associated request submitted by the Applicant, for a large	scale
plan amendment for the Property under Petition PAL-21-00003; and	

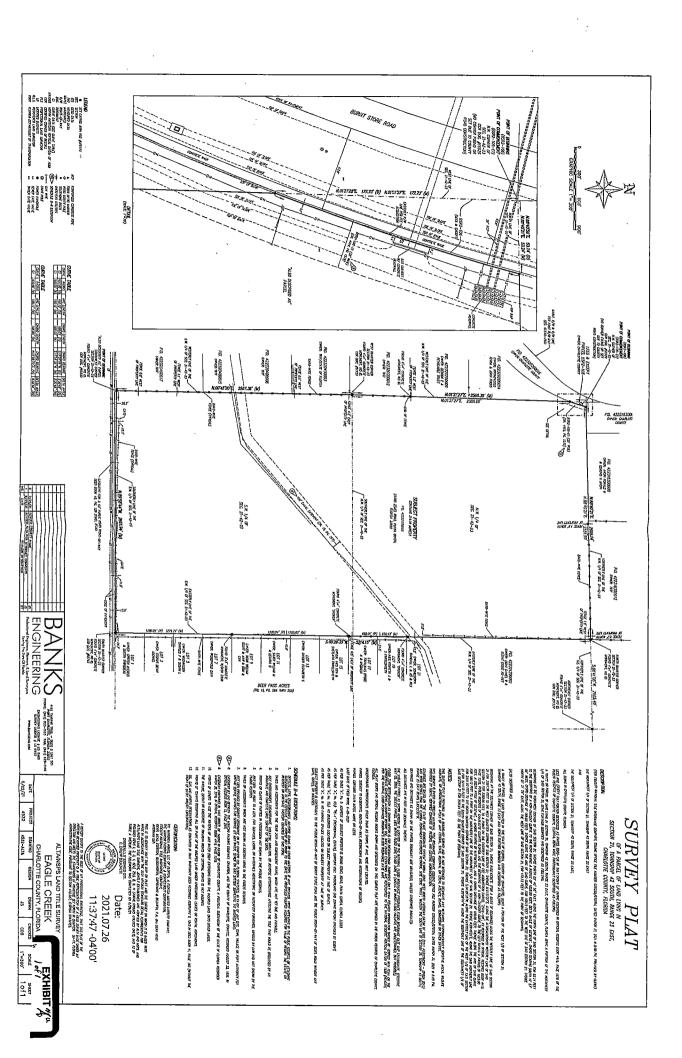


31	WHEREAS, the Applicant seeks to rezone the property from
32	Residential Estate 1 (RE-1) to Planned Development (PD) in order to allow for
33	residential development, increasing density from 31 units to 1,000 units; and
34	WHEREAS, Petition PD-21-00012 has previously been heard by
35	the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on
36	the findings and analysis provided by County Staff and the evidence presented to
37	the P&Z Board, has been recommended for approval on November 8, 2021; and
38	WHEREAS, the Applicant has requested, pursuant to recent
39	amendments to the PD Code under Ordinance Number 2021-044, that its
40	Concept Plan be valid until Final Detail Site Plan approval is granted by the
41	Board, and the Board finds such request to be appropriate; and
42	WHEREAS, after due consideration, based on the findings and
43	analysis provided by County Staff and the evidence presented to it, the Board
44	has found that approval of Petition PD-21-00012 is consistent with the County's
45	Comprehensive Plan, and that it meets the requirements for the granting of a
46	rezone; and
47	WHEREAS, based on the above findings, the Board has
48	determined it to be in the best interests of the County to rezone the subject
49	property from Residential Estate 1 (RE-1) to Planned Development (PD).
50	NOW, THEREFORE, BE IT ORDAINED by the Board of County
51	Commissioners of Charlotte County, Florida:
52	SECTION 1. The following petition, made by applicant,
53	Maronda Homes, LLC of Florida, for an amendment to the Charlotte County

Zoning Atlas is hereby approved subject to the conditions contained in the 54 attached Exhibit "B": 55 56 Petition PD-21-00012 requesting rezoning from Residential Estate 1 (RE-1) to Planned Development 57 (PD), for 315 acres more or less of property, located 58 at 26000 Zemel Road, in the Burnt Store Area Plan 59 area and in the Punta Gorda area, Commission 60 District II, Charlotte County, Florida, and more 61 particularly described in Exhibit "A". 62 63 SECTION 2. That the zoning for this property shall run with the 64 property and shall apply to any subsequent owners, heirs and assigns. 65 66 SECTION 3. This Ordinance shall take effect upon (1) filing in the 67 Office of the Secretary of State, State of Florida, but, (2) only after the companion 68 plan amendment, PAL-21-00003, to this rezoning, becomes effective. 69 effective date of PAL-21-00003, if not timely challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, PAL-21-00003 may not 70 71 become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that PAL-21-00003 is 72 in compliance. 73 74 75 76 77 78 79 80

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82	PASSED AND DULY ADOPTED this 22nd day of February, 2022.
83 84 85 86 87 88 89 90	BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY PLORIDA.  By: William G. Truex, Chairman
92 93 94 95 96	ATTEST: Roger D. Eaton, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners
97 98 99 100 101	By. Deputy Clerk
102 103 104 105	APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
106 107 108 109 110 111 112 113	By: Janette S. Knowlton, County Attorney LR2021-0726
114 115 116 117 118 119 120 121	
121 122 123 124 125 126 127 128 129	
130 131 132 133 134	p:\wp data\public\KAREN\ORD\small scale\PD-21-00012. Maronda Homes, LLC of Florida. RE-1 to PD. BCC. 2.22.2022.doc LR2021-0726



# PD Conditions for Application PD-21-00012

- a. Development on the subject property shall occur as generally illustrated on the PD Concept Plan (Attachment 1: Conceptual Site Plan Burnt Store Road 314 Development) submitted by the applicant, prepared by Banks Engineering, dated July 29, 2021, except such modifications as may be required to meet the conditions of the PD zoning district. The open space area shall be no less than 127.04± acres (The PD Concept Plan includes 71.21± acres of wetlands and associated uplands, 17.94± acres of wildlife corridor area, and 37.89± acres of common open space area). In addition, the PD Concept Plan Site Plan Review (Petition No. DRC-21-00109) comments/conditions according to the letter dated August 30, 2021, and signed by Shaun Cullinan, Charlotte County Planning and Zoning Official, are required to be met. Such PD Concept Plan shall be valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD).
- b. The base density for the subject property is 31 units. The proposal is to develop a total of 1,000 dwelling units. Any residential development above 31 units shall require transferred density units. The transfer of density units must be approved by the Board of County Commissioners subject to the County's Land Development Regulations 3-9-150: Transfer of Density Units, as may be amended, prior to Final Detail Site Plan or Preliminary Plat approval, whichever occurs first.
- c. Permitted uses and accessory uses.
  - i. Single-family homes attached or detached.
  - ii. Multi-family.
  - iii. Townhomes.
  - iv. Amenities such as clubhouse, community pool, tennis court or other similar noncommercial recreational uses and structures.
  - v. Community garden.
  - vi. Park, public or not-for-profit.
  - vii. Accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted within this development, including, but not limited to:
    - 1) Accessory structures, including, but not limited to, garages, carports and sheds.
    - 2) Fences or walls.
    - 3) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- d. No development shall occur prior to Final Detail Site Plan approval, which will be scheduled on the Board of County Commissioners land use consent agenda for approval.
- e. A development timeline and phasing plan for the entire PD shall be submitted as part of Final Detail Site Plan approval.
- f. The maximum building height for single-family homes is 38 feet from the base flood elevation. The maximum building height for multi-family, townhomes, and amenity structures is 45 feet from the base flood elevation. Other development standards are listed on the PD Concept Plan.



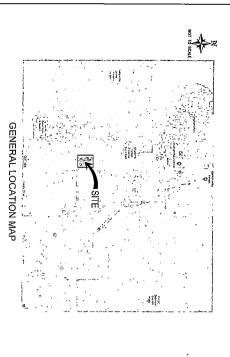
- g. All roadways within the development shall be constructed to Charlotte County standards. Following Final Detail Site Plan approval, all private roadways shall be required to be maintained by the developer, and subsequently, a homeowners' association or similar entity.
- h. The applicant/property owner shall provide a pedestrian/sidewalk system with a minimum width of five feet throughout the development, which shall be part of the Final Detail Site Plan. Such sidewalk system shall connect to the existing sidewalk system on Burnt Store Road. At a minimum, an eight feet sidewalk is required along Zemel Road for the subject property boundary, and prior to Final Detail Site Pan approval, the developer is required to work with the Department of Public Works to determine how and when such sidewalk be provided.
- i. There shall be one main entrance located on Burnt Store Road, one entrance on Zemel Road, an emergency access point on Zemel Road, and one pedestrian access to the property located immediately to the north which are shown on the PD Concept Plan. The exact locations for these access points will be determined during the Final Detail Site Plan review stage. With respect to the site related improvements and other items, County Transportation staff reserve the right to make additional comments at the time of Final Detail Site Plan development level.
- j. Prior to Final Detail Site Plan approval, the applicant shall be required to meet concurrency per Article XIV. Concurrency Management. As to transportation concurrency, the applicant shall be required to account for project traffic and previously approved developments which have reserved capacity in the roadway level of service analysis. If the level of service (LOS) falls below the adopted minimum standard due to the proposed development traffic, a proportionate share analysis and agreement may be required to satisfy concurrency.
- k. The development must use potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer may extend reclaimed water utility lines, if available at the time of construction.
- I. The 25-foot PD setback is required as shown on the PD Concept Plan. Roads, stormwater, landscaping and buffers may be located within the 25-foot PD setback.
- m. The site shall be developed with a unified landscaping theme. Landscaping and Buffers:
  - i. At a minimum, a type "B" buffer shall be required along the property boundary.
  - ii. At a minimum, planting equivalent to a type "B" buffer shall be required for multi-family development immediately abutting single-family homes.
  - iii. At a minimum, planting equivalent to a type "A" buffer shall be required for multi-family development immediately abutting townhomes.
  - iv. At a minimum, planting equivalent to a type "A" buffer shall be required for townhomes immediately abutting single-family homes.
  - v. At a minimum, a type "C" buffer is required for all amenities and recreational areas.
  - vi. All other landscaping and buffers shall follow Section 3-9-100, Buffers, Landscaping, and Tree Requirements.
- n. The final design of the amenity area shall be determined at Final Detail Site Plan Review approval.
- o. Habitat management plan (Attachment 2: Native Habitat Management Plan) shall be implemented to make sure that the onsite wetland identified as "wetland area", and the wildlife corridor area identified as "wildlife corridor area" on the PD Concept Plan shall be restored

and preserved in perpetuity. At a minimum, a 25-foot buffer is required along the proposed wildlife corridor. A minimum of 15-foot, and average of 25-foot buffer along all wetlands is required.

- p. The proposed bridge crossing over the proposed wildlife corridor shall be designed to allow the passage of such animals utilizing the corridor.
- g. The development shall comply with the "Bald Eagle Management Plan" (Attachment 3).
- r. If outdoor lighting in the proposed amenity area is proposed, it will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property.
- s. The proposed amenity area may contain a clubhouse, with a swimming pool, a tennis court, or similar uses, and a parking area. 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.
- t. For the school concurrency issues:
  - i. If the school concurrency process is still required under a valid interlocal agreement, prior to Final Detail Site Plan or Final Plat approval for any residential development for any Phases, the applicant/property owner must obtain a School Concurrency Availability Determination Letter (SCADL) from Charlotte County Public Schools (CCPS) indicating that sufficient capacity exists, or has been accounted for through a binding and enforceable agreement with CCPS to address school concurrency.
  - ii. If an agreement is required, the terms of both agreements shall be incorporated into the Planned Development Final Detail Site Plan approval and shall not constitute a major modification.

# Attachment 1 Conceptual Site Plan – Burnt Store Road 314 Development

# EAGLE CREEK (BURNT STORE ROAD 314)



# SITE INFORMATION

SECTION 21, TOWNSHIP 42 SOUTH, RANGE 23 EAST CHARLOTTE COUNTY, FLORIDA

LOCATION MAP

PARCEL ADDRESS: PARCEL STRAP NO.: PROJECT AREA:

26000 ZEMEL RD. PUNTA GORDA, FL 33955 314.19 ACRES 42232110001

RESIDENTIAL PLANNED DEVELOPMENT (PD)

PROPOSED USE: CURRENT ZONING:

# 9416 CAMDEN FIELD PARKWAY RIVERVIEW, FLORIDA 33569 MARONDA HOMES PHONE: FAX:

PREPARED FOR:

# UTILITY SERVICE PROVIDERS

COVER SHEET AERIAL PD CONCEPT PLAN

INDEX OF SHEETS

CENTURYLINK WATER: COUNTY UTILITIES EIRE PROTECTION: CHARLOTTE COUNTY FIRE/EMS SEWER: CHARLOTTE COUNTY UTILITIES MASTE MANAGEMENT FLORIDA POWER AND LIGHT 2245 MURPHY CT. NORTH PORT, FL 34289 PHONE: (800) 375-8490 26571 AIRPORT RD. PUNTA GORDA, FL 33982 PHONE: (941) 833-5600 25550 HARBORVEW RD, SUITE 1
PORT CHARLOTTE, FL 33980
PHONE: (941) 764-4300 22258 EDGEWATER DRIVE PORT CHARLOTTE, FL 339E PHONE: (800) 266-2278 4195 KINGS HIGHWAY PORT CHARLOTTE, FL 33980 PHONE: (941) 637-5141 2559 HARBORVIEW RD. SUITE 1
PORT CHARLOTTE, FL 33980
PHONE: (941) 764—4300

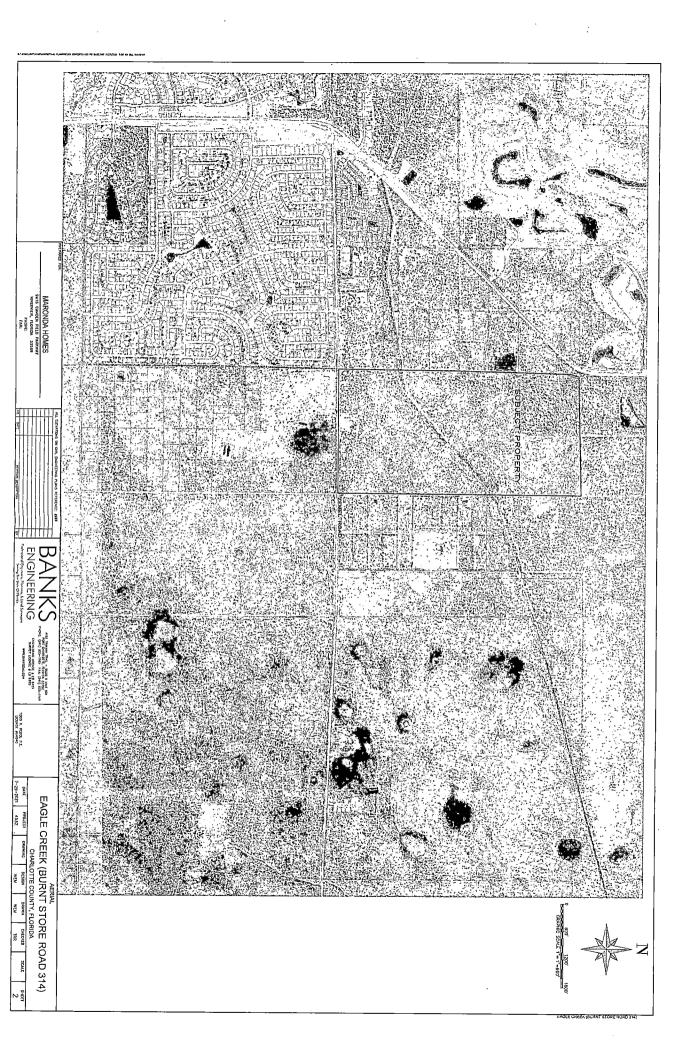
# PROJECT CONTACTS

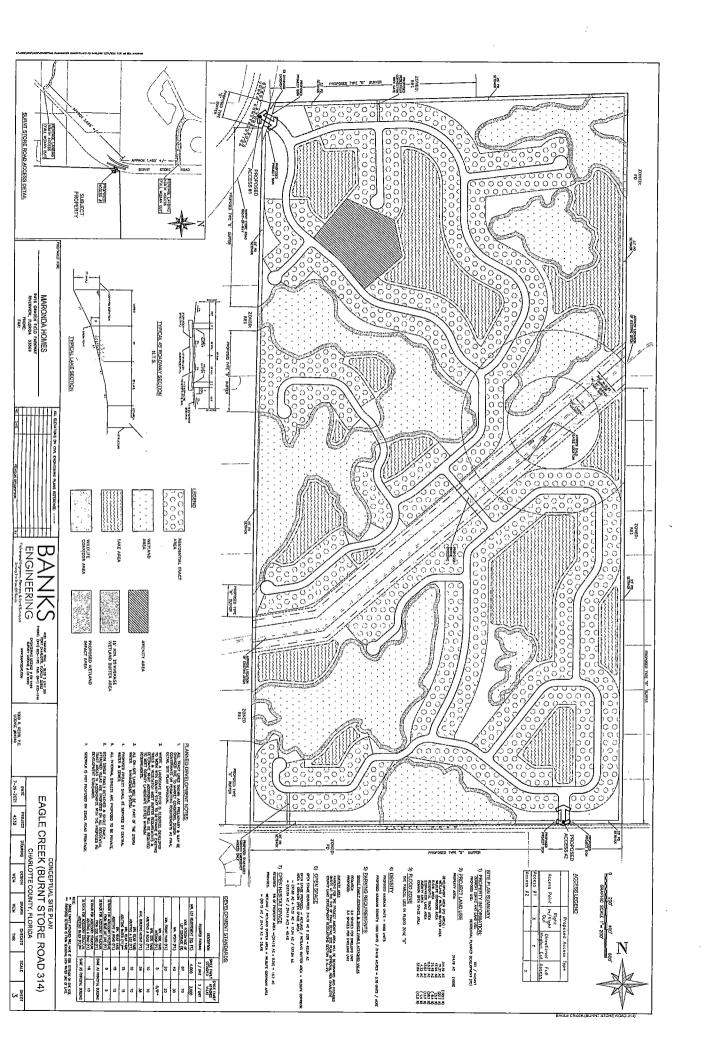
SURYEYOR: BANKS ENGINEERING DREW BRANCH, RLS JOHN T. SWEN, P.A. ENVIRONMENTAL:
LAN VINCENT & ASSOCIATES
LAN M. VINCENT 4161 TAMIAMI TRAIL — BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 33952 PHONE: (941) 625-1165 4050 ROCK CREEK DRIVE PORT CHARLOTTE, FL 33948 PHONE: (941) 457-6272 4161 TAMIAM: TRAIL — BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 3J952 PHONE: (941) 825-1165 P.O. SOX 494465 PORT CHARLOTTE, FL 33849 PHONE: (941) 626-7365

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

ENGINEERING

TODD R. REBOL P.E. LICENSE #54040





# Attachment 2 Native Habitat Management Plan

# NATIVE HABITAT MANAGEMENT PLAN

# **EAGLE CREEK**Charlotte County, Florida

October 2021

# Prepared by:



4050 Rock Creek Drive, Port Charlotte, FL 33948 (941) 457-6272 www.IVAenvironmental.com

# INTRODUCTION

The following Native Habitat Management Plan has been prepared to address the long-term management of the wetland, wildlife corridor and upland preservation areas for the proposed development.

The subject property is located in Section 20, Township 42S, Range 23E in Punta Gorda, Florida.

# NATIVE HABITAT PRESERVATION AREA MANAGEMENT PLAN

An aggressive maintenance plan shall be implemented to ensure that the preserve areas remains relatively free (<5% aerial coverage) of exotic and nuisance vegetative species, and maintain a minimum 80% aerial coverage of desirable native vegetative species. The maintenance plan will consist of an initial exotic/nuisance vegetation treatment and removal event, with scheduled maintenance events to ensure that regrowth of exotic and nuisance vegetation is limited. All maintenance activities will be conducted via a combination of hand removal and inplace treatment in conjunction with spray application of approved aquatic herbicides which can be used to selectively treat undesirable vegetation. No herbicide treatment of desirable native species is permitted.

# **Prohibited Activities**

Filling, excavating, alteration, trimming or removal of native vegetation within the preservation area will be prohibited. Except as provided in the next paragraph, only activities necessary to implement the maintenance plan described above will be allowed within the preservation areas.

# Measures to Protect Wildlife and Integrity of the Native Habitat

Entrance to the preservation area will be limited to the homeowners and guests of the homeowners for purposes of viewing the area or performing maintenance activities, and contractors hired to perform maintenance activities required or permitted by this plan. Public access to the preservation area will not be permitted. In the case of any entrance to the preservation area, care shall be taken to protect wildlife and the integrity of the habitat. Habitat for wildlife, as well as overall increase in the ecological value of the preservation areas will be ensured through implementation of the maintenance plan.

# **Monitoring Plan**

To ensure that the preservation areas meet the success criteria described above, a Time Zero Monitoring Event will be conducted within 45 days of the initial exotic removal event. Subsequent monitoring events will be conducted annually for a period of no less than 3 years. If, at the end of three years, the preserve areas have met or exceeded the success criteria described above, monitoring requirements for the preserve areas shall be suspended. However, additional monitoring may be required if the success criteria of native or invasive/nuisance pant coverage has not been achieved.

If assessment of the preserve areas demonstrates that the success criteria have been achieved, the responsible party shall provide written certification by an Environmental Scientist, Biologist, or registered Engineer, or Landscape Architect that the maintenance efforts have met applicable success criteria. If certification of success is not submitted or is not approved by the County, then annual monitoring shall continue until the criteria has been met and deemed successful. The monitoring program and any corrective actions to maintain the preserve areas shall be at the sole expense of the property owner(s) or developer.

The results of these monitoring events will be compiled in monitoring reports which will include:

- -Qualitative overview of vegetative species present
- -Percent coverage by exotic/nuisance vegetation
- -Wildlife observations
- -Permanent fixed-point photo stations
- -Discussion of ongoing maintenance activities
- -Identification of insufficiencies and recommendations for future remediation

Such monitoring report must be provided to the County within 45 days of monitoring inspection event, unless an extension by the County is granted.

# Attachment 3 Bald Eagle Management Plan

# **BALD EAGLE MANAGEMENT PLAN**

# **EAGLE CREEK**

Charlotte County, Florida

October 2021

# Prepared by:



4050 Rock Creek Drive = Port Charlotte, FL 33948 (941) 457-6272 www.IVAenvironmental.com

# INTRODUCTION

This plan is provided to allow for construction for the subject parcel which contains an undocumented bald eagle nest within the project limits. The field verified location of the nest is shown on the attached Bald Eagle Management Plan Map.

The purpose of this plan is to address protection and management measures necessary to ensure that the proposed construction for the subject parcel does not result in nesting disturbance of the bald eagle pair which utilizes the nest.

This plan is provided to address protection measures to be implemented for exterior construction activities during the nesting season.

# PROJECT LOCATION

The subject property is located in Section 20, Township 42S, Range 23E in Punta Gorda, Florida. Please refer to the attached Location Map.

# **EAGLE NEST INFORMATION**

An undocumented eagle nest is located in central portion of the parcel, near the eastern property line. The attached Bald Eagle Management Plan Map provides the location of the nest as well as the limits of the United States Fish and Wildlife Service (FWS) Primary Protection Zone (330') and Secondary Protection Zone (660').

# **BACKGROUND INFORMATION**

The parcel is currently undeveloped and is intended to be developed as a residential community. The attached Bald Eagle Management Plan Map provides the proposed site plan. As the site plan shows, no development is proposed within the 330' Primary Protection Zone. Approximately 2/3 of the 660' Secondary Protection Zone is proposed to be disturbed.

# **CONSTRUCTION ACTIVITIES**

Exterior activity within the 660' Secondary Protection Zone is anticipated to be conducted outside of the eagle nesting season (October 1 - May 15). In the event that construction activity within the 660' protection zone is required during nesting season, the monitoring plan outlined below will be implemented.

# **MONITORING PLAN**

Monitoring of the nest will be conducted in accordance with the guidelines outlined in the FWS Bald Eagle Monitoring Guidelines, revised September 2007. All monitoring will be conducted by a qualified eagle monitor with extensive experience with eagle monitoring and familiarity with eagle behavior, particularly behaviors which are indicative of nesting disturbance, distraction, or agitation.

# Initial Monitoring to Confirm Occupancy of the Nesting Territory

Bald eagles are considered to have returned to the territory when one or both members of the pair appear, flies, perches, roosts, exhibits courtship, carries nest material, begins repair of the existing nest or begins construction of a new nest on the territory.

Initial monitoring of eagles to determine territory occupancy shall be conducted a minimum of one day per week and consist of in sequence: nest tree observations for a minimum of three hours, followed by nest tree inspection for indirect evidence of eagle use if no adults are observed.

The following shall constitute positive indirect evidence that bald eagles have returned to the nesting territory: 1) fresh moss or green tree branches placed or interwoven into the nest top, or 2) fresh droppings ("whitewash") on vegetation or the ground beneath the nest tree. Direct or indirect evidence of territory occupancy by adult eagles triggers the requirement for more intensive nesting cycle monitoring described below.

# Monitoring During Early Phases of the Nesting Cycle

If the territory is determined to be occupied, it will be considered active, and nesting eagles shall, at that time, be monitored a minimum of three days each week and four hours each day from onset of nesting behavior through the fourth week post-hatching and care of eaglets. Monitoring shall be scheduled to occur on the days that are representative of all major phases of these activities at times when they will occur.

# REPORTING REQUIREMENTS

Monitoring reports summarizing the nest monitoring events will be submitted monthly with nest observations including:

- 1. Temporal patterns of nest attendance by the adults.
- 2. Observations of courtship, mating and nest building/maintenance.
- 3. Incubation and brooding behavior.
- 4. Feeding, growth and care of the eaglet(s).
- 5. Flight patterns to and from the nest tree.
- 6. Fledging of the eaglet(s).

Monitoring reports will also include survey times, weather conditions, other bird species observed during the monitoring events, and a summary of ongoing and completed construction activities.

# **CESSATION OF CONSTRUCTION**

If, at any time during the monitoring, the eagle monitor observes eagle behavior indicative of disturbance, agitation, or distraction resulting from the proposed construction activity, the monitor will notify the site contractor to cease all construction immediately.

# **ANTICIPATED IMPACT**

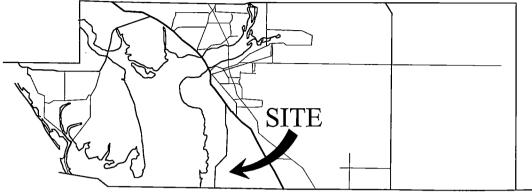
The monitoring plan described above has been designed in accordance with FWS guidelines to provide assurance that the proposed construction activity will not result in an adverse impact to the eagles or disturb nesting behavior during the nesting season. This monitoring plan provides for observations to determine when the eagles have returned to the nesting territory as well as intensive monitoring during the nesting cycle to ensure that the nesting is not disturbed by the proposed construction activity.

The information provided in this management plan regarding the proximity of the nest to the proposed construction activity, coupled with the safeguards in place through the implementation of the monitoring plan, provides reasonable assurance that no adverse impact to the nesting eagles can be expected from the proposed construction activity.

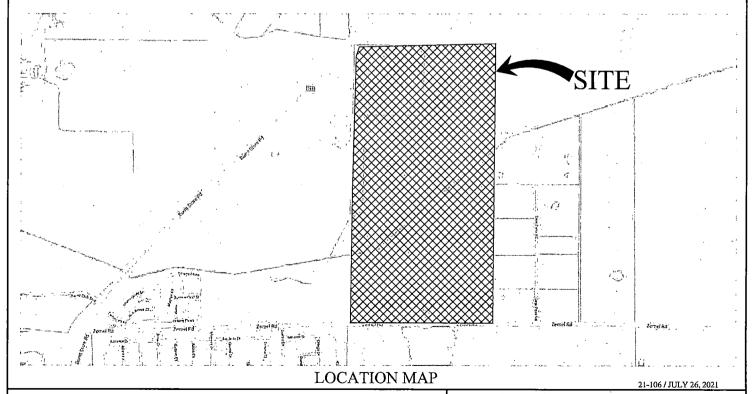


# SECTIONS 21; TOWNSHIP 42S; RANGE 23E

NOT TO SCALE



CHARLOTTE COUNTY, FLORIDA



# EAGLE CREEK

LOCATION MAP



# SECTION 21; TOWNSHIP 42S; RANGE 23E



# **LEGEND**

EAGLE NEST



PRIMARY PROTECTION ZONE (330')



SECONDARY PROTECTION ZONE (660')



NOTES:

1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.

2. PROJECT BOUNDARY IS APPROXIMATE AND WAS OBTAINED FROM CHARLOTTE COUNTY GIS.

3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2017

AERIAL PHOTOGRAPHY AT 1"=850 SCALE.

4. THE DELINEATION OF ANY ON-SITE WEILANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

EAGLE CREEK BALD EAGLE MANAGEMENT PLAN MAP





# FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE Secretary of State

February 24, 2022

Mr. Roger D. Eaton Clerk of the Circuit Court County Comptroller Charlotte County 18500 Murdock Circle, Room 416 Port Charlotte, Florida 33948

Attention: Ms. Dawn Smoleski

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2022-013, which was filed in this office on February 24, 2022.

Sincerely,

Anya Owens Program Administrator

AO/lb



# PUBLISHER'S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Prescott, who on oath says that she is the Legal Advertising Representative of the Sun Newspapers, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal—Notice—that—was—published—in—said newspaper in the issue(s)

# 02/07/2022

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Mulinda Prescott
(Signature of Affiant)

Sworn and subscribed before me this 7th day of February, 2022

Zullami

(Signature of Notary Public)

Personally known X OR Produced Identification



NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE L'AND USE MAP AND COMPREHENSIVE PLAN ELEMENTS. DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO. REZONINGS, TRANSFER OF DENSITY UNITS (TDU), PRELIMINARY AND FINAL PLATS, DEVELOPER AGREEMENTS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, FEBRUARY 22, 2022, at 2:00 RM. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, FORT CHARLOTTE, FLORIDA, THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: http://www.charlottecountyfl.gov/boards-comm

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK; TIME LIMITS ARE SET BY BOARD RULES. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

# PETITIONS

LAND USE CONSENT AGENDA CSZ-21-03

Quasi-Judicial Commission District III

À Resolution of the Board of County Commissioners of Charlotte County, Florida, approving a petition for certification of a Sending Zone, located at 16176 Cape Horn Boulevard, 16312 Sunset Palms Boulevard, and 16349 Sunset Palms Boulevard, in the Punta Gorda area; containing 15.01± acres; for calculation and severance of 94 density units, in accordance ADJI 2 sumset Patins Boulevard, and 10-49 Sunset Patins Boulevard, in the Punta Gorda area; constanting 13-01/4 acres; of carcination and severance of 94 density must, in accordance with Part III Land Development and Growth Management, Chapter 3-9 Zoning, Article V Environmental Requirements and Other Requirements, Section 3-9-150 Transfer of Density Units (TDU), of the Code of Laws and Ordinances of Charlotte County, Florida; Petition No. CSZ-21-03; Applicants: DH Punta Gorda LLC; providing an effective date.

## LAND USE REGULAR AGENDA

Quasi-judicial

Commission District I

Babcock Property Holdings, L.L.C. requests Preliminary Plat and Final Plat approval for a Subdivision to be named, Babcock Ranch Community, Spine Roads DD, II, YY. The subdivision consists of 17 masts for roadway, drainage and future development, and contains 371.864 acres. It is located South of Bermont Road, North of the county line with Lee County, West of the county Line with Glades County and East of State Road 31, within the Babcock Ranch Community Master Development of Regional Impact, and in Commission

SV-21-09-04

Legislative

Commission District III

Legislaure

Louis Wasylik Trustee is requesting to vacate the unnamed street as shown on the Replact of Englewood Shores plat book 2, page 100 of the Public Record of Charlotte County, Florida, in order to continue to use the driveway and yard as part of his property. The total area to be vacated is 300± square feet, and is located East of the Gulf of Mexico, West of Gulf Boulevard, South of Beach Comber Lane and North of South View Drive, in the Englewood area, and in Commission District III.

Quasi-indicial

Commission District I

2F-21-10-19

Quasi-jourcia
Iim Hepler with Toll Brothers, Inc is requesting Preliminary Plat (Replat) approval for a subdivision to be named, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village III Southeast, it is a replat of tract 1-51, Babcock Ranch Community, Village

Commission District II

An Ordinance pursuant to Section 125,66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD; this is a major modification to amend he PD conditions establish in Ordinance Number 2021-006, in order to allow for site built homes up to 230 units, for property located at 12150 Burnt Store Road, in the Burnt Store Area, Plan area and in the Punta Gorda area, containing 68.43± acres; Commission District II; Petition No. PD-21-00016; Applicant: Simple Life Ventures, LLC; providing an effective date.

Commission District II CDD-21-03
Quast-Judicial Commission District 1
An ordinance of the Board of County Commissioners of Charlotte County, Florida, pursuants to Chapter 190, Florida Statutes, amending Part IV, Municipal Service Benefit and Taxing (Units, Chapter 4-3.5 Municipal Service Districts, by creating new Article XIV: Coral Creek Community Development District (CDD); providing for new Section 4-3.5-191, Authority, providing for new Section 4-3.5-192, District Name; providing for new Section 4-3.5-193, District External Boundaries; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Functions; providing for new Section 4-3.5-194, District Powers and Powers and Functions and Powers and west of Green Gulf Boulevard, in the Punta Gorda area, Commission District II, and within the boundary of the Burnt Store Area Plan, and it contains 425.82± acres.

Legislative

Commission District I

PLAY-21-U0004 Legislative Commission ISSITE(1)
Fursuant to Section 163.3184(3), Florida Stututes, adopt a Large Scale Plan Amendment frequest is to 1) change Charlotte County FLUM Series Map #3: 2030 2030
Service Area Delineation, to extend the Urban Service Area boundary to include the subject property; and 2) amend Charlotte County FLUM Series Map #2: 2050 Framework, from Agricultural/Runal to CRA; for property located at 22801 Bayshore Road, in the Charlotte Harbor Commission District I; Petition No. PAL-21-00004; Applicant: SEI Bayshore, LLC; providing an effective date.

Commission District I

Presument to Section 163, 3187. Florida Statutes, adopt a Small Scale Plan Amendment; the amendment request is to change 1) Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Preservation (PR) to Charlotte Harbor Commercial (CHC) for 14.24 acres, and 2) Charlotte County FLUM Series Map #1.A: Charlotte Harbor 2030 FLU - Detail Map from Preservation to Charlotte Harbor Commercial (CHC) for 14.24 acres, for a portion of the property located at 22801 Bayshore Road, in the Charlotte Harbor Community Redevelopment Area (CRA) and in the Port Charlotte area, containing 16.37± acres; Commission District I; Petition No. PAS-21-00008; Applicant: SEI Bayshore, LLC; providing an effective date.

Quasi-Judicial

Commission District I

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Environmentally Sensitive (ES) to Planned Development (PD), and Also doop the associated General PD Concept Plan, in order to allow for development of a restaurant and retail complex, for property located at 22801 Baysbore Road, in the Charlotte Harbor Community Redevelopment Area (CRA) and in the Port Charlotte area, containing 16.37± acres; Commission District I; Petition No. PD-21-00014; Applicant: SEI Bayshore, LLC; providing an effective date.

Legislative

Commission District II

PAL-21-00003 Legislative Commission District II
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future
Land Use, from Burnt Store Village Residential (BSVR) with
'an annotation to the 2030 Future Land Use Map limiting the overall maximum density up to 1,000 units; increasing density from 31 units to 1,000 units; for property located at 26000
'Zenel Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 315± acres; Commission District II; Petition No. PAL-21-00003; Applicant: Marchad Homes, LLC of Florida; providing an effective date.

Commission District II

An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Allas from Residential Estate 1 (RE-1) to Planned Development (PD in order to allow for residential development, increasing density from 3 units to 1,000 units, and also adopt the associated General PD Concept Plan; for property located at 26000 Zene Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 315± acres; Commission District II; Petition No. PD-21-00012; Applicant: Maronda Homes, LLC of Florida;

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ard of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the Chariotic County Board of County Commissioners are an extension and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex, Anyone needing other reasonable accommodation or auxiliary aids and lease contact our office at 941.764.4191, TDD/TTY 941.743.1234, or by email to David Lyles@CharlotteCountyFL.gov.

