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RESOLUTION
NUMBER 2023 - 187

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 380.06(7), FLORIDA STATUTES (F.S.) AND SECTION 3-9-10.1, DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) AMENDMENT PROCESS AND PROCEDURE UNDER CHAPTER 3-9, ZONING, CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA, AMENDING DEVELOPMENT ORDERS (DOS), RESOLUTION NUMBER 2009-166 AND RESOLUTION NUMBER 2020-175, FOR INCREMENT II OF THE MURDOCK CENTER DRI TO 1) ADD "LAND USE EQUIVALENCY MATRIX" AS EXHIBIT 6; 2) USE THE NEW LAND USE EQUIVALENCY MATRIX TO EXCHANGE APPROVED 82,894.69 SQUARE FEET OF COMMERCIAL/SHOPPING CENTER FOR PROPERTY LOCATED WITHIN THE "REGIONAL MALL" FOR 722 MULTI-FAMILY DWELLING UNITS (MID-RISE); 3) AMEND EXHIBIT 2 "PROJECT SUMMARY" TO REFLECT CHANGES OF DEVELOPMENT RIGHTS; AND 4) REFLECT THE EXTENSION OF THE BUILDOUT DATE AND EXPIRATION DATE OF THIS DRI PER THE GOVERNOR'S EXECUTIVE ORDERS, FOR PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF TAMIAMI TRAIL (U.S. 41) AND EL JOBEAN ROAD (S.R. 776), IN THE PORT CHARLOTTE AREA, CONTAINING 132.4± ACRES; COMMISSION DISTRICT IV, PETITION NO. 23LAD-00000-00003; APPLICANT: AVERY PORT CHARLOTTE, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on March 3, 1987, the Murdock Center Master Development Order (MDO) was originally approved by the Board of County Commissioners ("Board"); and

WHEREAS, the MDO, located in the center of the greater Port Charlotte area, provides the framework for the overall development, which is a mixture of retail, office,

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and residential development. Using that framework, the area was sectioned out into four increments; and

WHEREAS, on November 10, 1987, Increment II Development Order (DO) for the Murdock Center DRI was originally approved by the Board via Resolution Number 87-274; and

WHEREAS, Increment II encompasses approximately 132 acres, and is generally located at the intersection of US 41 and SR 776, in the Port Charlotte area, further described in Exhibit A; and

WHEREAS, Increment II includes the Port Charlotte Town Center and its peripheral development area as well as a water management area; and

WHEREAS, on December 13, 1988, the Board approved Resolution Number 88-281 amending Resolution Number 87-274 based on an approved agreement which was formulated with General Development Corporation concerning the construction of the El Jobean Road extension; and

WHEREAS, on October 29, 1991, the Board approved Resolution Number 91-274 setting the cost of construction for improvements, the applicant's, Edward J. DeBartolo Corporation and Palm Beach Mall, Inc., proportional share, and the applicant's entitlement to credit/reimbursement under Resolution Number 87-274; and

WHEREAS, on November 3, 1992, the Board approved Resolution Number 92-255 approving the record keeping procedure by which road impact fee credits may be assigned to any tract, lot or parcel or to any developer, purchaser or lessee within the

area located north of the Peace River and east of the Myakka River in Charlotte County pursuant to Resolution No. 91-274; and

WHEREAS, on May 11, 1993, the Board approved Resolution Number 93-67 to provide an extension of the project's buildout date; and

WHEREAS, on December 17, 1996, the Board approved Resolution Number 96-1234AO to allow a multi-screen theater with 3,132 seats as an approved use in the development as an alternate to the 6th anchor store; and

WHEREAS, on February 13, 2001, the Board approved Resolution Number 2001-027 to extend the buildout date for this Increment to December 30, 2002; and

WHEREAS, on March 11, 2003, the Board approved Resolution Number 2003-049 to extend the buildout date for Increment II to December 30, 2005; and

WHEREAS, on April 18, 2006, the Board approved Resolution Number 2006-055 to extend the buildout date of Increment II to March 1, 2012, to provide biennial monitoring reports, and to incorporate the deletion of 7 acres deleted from the Increment I DO through Resolution Number 2004-049; and

WHEREAS, on March 17, 2009, the Board approved Resolution Number 2009-166 to transfer 140,000 square feet of commercial from Increment II to Parcel 2 of Increment IV and to modify language requirements to defer to current County landscaping requirements; and

WHEREAS, on March 22, 2011, the Board approved Resolution Number 2011-023 to extend the buildout date of Increment II to March 1, 2015; and

WHEREAS, on October 27, 2020, the Board approved Resolution Number 2020-175 to extend the buildout date of Increment II to March 15, 2025 and the expiration date of this DO to March 15, 2027; and

WHEREAS, Avery Port Charlotte, LLC ("Applicant") has submitted application number 23LAD-00000-00003 to amend Development Orders (DOs), Resolution Number 2009-166 and Resolution Number 2020-175, for Increment II of the Murdock Center DRI, to 1) add "Land Use Equivalency Matrix" as Exhibit 6; 2) use the new Land Use Equivalency Matrix to exchange approved 82,894.69 square feet of commercial/shopping center for property located within the "Regional Mall" for 722 multi-family dwelling units (Mid-Rise); 3) amend Exhibit 2 "Project Summary" to reflect changes of development rights; and 4) reflect the extension of the expiration date and buildout date of Increment II per Governor's Executive Orders.

WHEREAS, on September 12, 2023, the Board, at a public hearing in accordance with Section 380.06(7), Florida Statutes (F.S.) and Section 3-9-10.1, DRI DO Amendment Process and Procedure under Chapter 3-9, Zoning, Code of Laws and Ordinances, Charlotte County, Florida, considered the application for an amendment to the DOs for the Murdock Center Increment II submitted by Applicant, and the evidence presented at the hearing before the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida ("Board"):

1. "Land Use Equivalency Matrix" as Exhibit 6 is as follows:

Land Use Equivalency Matrix

Trip Generated By		ITE Code	PM Peak Hour Trip Rate	High-Turnover (Sit-Down) Restaurant (KSF)	Fast-Food Restaurant with Drive-Through (KSF)	Mini-Warehouse (KSF)	Single-Family Detached Housing (DU)	Single-Family Attached Housing (DU)	Multifamily Housing (Low Rise) (DU)	Multifamily Housing (Mid-Rise) (DU)	Hotel (ROOM)	Shopping Center (KSF)	Hospital (BED)	Free-Standing Emergency Room (KSF)	Office (KSF)	Medical-Dental Office (KSF)
1 KSF High-Turnover (Sit-Down) Restaurant		932	9.05	1.00	0.27	60.33	9.63	15.88	17.75	23.21	15.34	2.66	5.36	5.95	6.28	2.30
1 KSF Fast-Food Restaurant with Drive-Through		934	33.03	1.00	1.00	220.20	35.14	57.95	64.76	84.89	55.88	9.71	19.54	21.73	22.94	8.40
1 KSF Self-Storage (Mini-Warehouse)		151	0.15	0.02	0.005	1.00	0.16	0.26	0.29	0.38	0.25	0.04	0.09	0.10	0.10	0.04
1 DU Single-Family Detached		210	0.94	0.10	0.03	6.27	1.00	1.65	1.84	2.41	1.59	0.28	0.56	0.62	0.65	0.24
1 DU Single-Family Attached Housing		215	0.57	0.05	0.02	3.80	0.61	1.00	1.12	1.46	0.97	0.17	0.34	0.38	0.40	0.15
1 DU Multifamily Housing (Low-Rise)		220	0.51	0.06	0.02	3.40	0.54	0.89	1.00	1.31	0.95	0.15	0.30	0.34	0.35	0.13
1 DU Multifamily Housing (Mid-Rise)		221	0.39	0.04	0.01	2.60	0.41	0.68	0.76	1.00	0.66	0.11	0.23	0.26	0.27	0.10
1 ROOM Hotel		310	0.59	0.07	0.02	3.93	0.63	1.04	1.16	1.51	1.00	0.17	0.35	0.39	0.41	0.15
1 KSF Shopping Center		820	3.40	0.38	0.10	22.67	3.62	5.95	6.67	8.72	5.76	1.00	2.01	2.24	2.36	0.87
1 BED Hospital		610	1.69	0.19	0.05	11.27	1.80	2.96	3.31	4.33	2.86	0.50	1.00	1.11	1.17	0.43
1 KSF Free-Standing Emergency Room		630	1.52	0.17	0.05	10.13	1.62	2.67	2.96	3.90	2.58	0.45	0.90	1.00	1.06	0.39
1 KSF Office		710	1.44	0.16	0.04	9.60	1.53	2.53	2.82	3.69	2.44	0.42	0.85	0.95	1.00	0.37
1 KSF Medical-Dental Office		720	3.93	0.43	0.12	26.20	4.18	6.89	7.71	10.08	6.66	1.16	2.33	2.59	2.73	1.00

Equivalency Matrix is based on trip rates published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition.

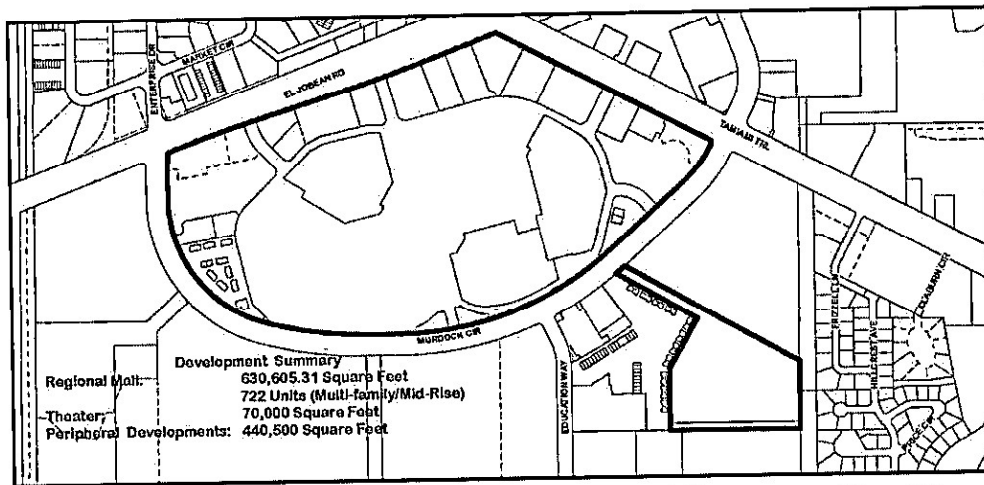
DU = dwelling unit; KSF = 1,000 square feet

Example (Convent Low Rise Apartment to Office): 100 DU Low Rise Apartment = 100 x 0.35 = 35 KSF Office

Note: Land uses allowed per PD zoning district include but are not limited to the land uses provided in the Equivalency Matrix.

2. Exhibit 2: Project Summary within the Murdock Center Increment II DO is hereby amended as follows:

Regional Mall within Murdock Center Increment II	713,500 <u>630,605.31</u> Square Feet
	<u>722Units (Multi-family/Mid-Rise)</u>
Theater within Murdock Center Increment II	70,000 Square Feet
Peripheral Development within Murdock Center Increment II	440,500 Square feet



Murdock Center Increment II Development Summary (Map H)

3. The Increment II DO for the Murdock Center DRI is hereby amended to extend the buildout date to March 15, 2030 and the expiration date to March 15, 2032.

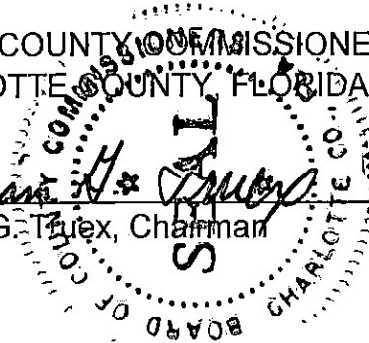
4. All other terms and conditions of the DOs for the Increment II for the Murdock Center DRI not affected by this resolution shall remain unchanged and in full force and effect.

5. Effective Date. These revisions to the Increment II DOs for the Murdock Center DRI, Petition Number 23LAD-00000-00003 shall become effective as provided by law.

PASSED AND DULY ADOPTED this 26th day of September, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Turex
William G. Turex, Chairman



ATTEST:

Roger D. Eaton, Clerk of
Circuit Court and Ex-Officio Clerk
of the Board of County Commissioners

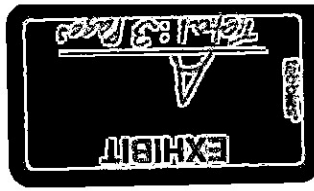
By: Laura Johnston
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
R2023-0302

OR 947 PG 1415

LEGAL DESCRIPTION



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LEGAL DESCRIPTION - MALL PARCEL

A parcel of land lying in Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, described as follows:

Commencing at the Southwest corner of said Section 7, run thence N. 0°05'44" E. along the West line of said Section 7, a distance of 40.00 feet to a point on the Northerly Right-of-Way line of TOLEDO BLADE BOULEVARD, the same as shown and described in Official Records Book 251, Pages 106 through 109, and on the Plat of "PORT CHARLOTTE SUBDIVISION SECTION NINETY", recorded in Plat Book 7, Pages 594 and 598 of the Public Records of Charlotte County, Florida; thence S. 89°58'20" E. along said Right-of-Way line a distance of 1559.93 feet to the Point of Curvature of a circular curve, concave Northerly, having a radius of 1602.15 feet and a central angle of 13°44'34"; thence Easterly along the arc of said curve a distance of 384.29 feet to the Point of Reverse Curvature of a circular curve, concave Southerly, having a radius of 1681.38 feet and a central angle of 13°44'34"; thence Easterly along the arc of said curve a distance of 403.29 feet to the Point of Tangency of said curve; thence S. 89°58'20" E. along said Northerly Right-of-Way line, a distance of 49.73 feet to a point lying on the Northerly extension of the centerline of COURTLAND WATERWAY, as shown on said Plat of "PORT CHARLOTTE SUBDIVISION SECTION NINETY"; thence N. 0°09'16" W. along the centerline of said COURTLAND WATERWAY extended Northerly a distance of 1120.00 feet to the Point of Beginning of the lands herein described, said point being Point "A"; thence S. 89°50'44" W. 50.00 feet to the Point of Curvature of a circular curve, concave Northeasterly and having a radius of 2600.00 feet; thence Westerly and Northwesterly along the arc of said curve, through a central angle of 15°31'56" a distance of 704.83 feet to the Point of Compound Curvature with a circular curve, concave Northeasterly and having a radius of 900.00 feet; thence Northwesterly and Northerly along the arc of said curve, through a central angle of 74°43'25" a distance of 1173.76 feet to the Point of Tangency; thence N. 00°06'05" E. 288.89 feet to the Point of Curvature of a circular curve, concave Southeasterly and having a radius of 25.00 feet; thence Northeasterly along the arc of said curve through a central angle of 68°59'47" a distance of 30.105 feet to a Point of Compound Curvature with a circular curve, concave Southeasterly and having a radius of 11409.16 feet, said point being a point on the Southeasterly Right-of-Way line of State Road No. 776, formerly State Road No. 771 as described in Official Records Book 82, Page 527 of the Public Records of Dade County, Florida; thence Northeasterly along the arc of said curve, through a central angle of 3°31'11" a distance of 700.87 feet to the Point of Tangency; thence N. 72°37'03" E. 479.49 feet to the Point of Curvature of a circular curve, concave Northwesterly and having a radius of 11509.16 feet; thence Northeasterly along the arc of said curve through a central angle of 1°29'16" a distance of 298.85 feet to Point "B" being a point of intersection with the centerline of a 140 foot canal and maintenance easement; thence continue along the arc of said curve, and along said Right-of-Way line, through a central angle of 2°06'43" a distance of 424.23 feet to the Point of Tangency of said curve; thence N. 69°01'04" E. along said Right-of-Way line 491.05 feet to the point of intersection with the Southwesterly Right-of-Way line of U.S. Highway No. 41; thence S. 62°52'14" E. along said Southwesterly Right-of-Way line a distance of 1648.60 feet to the Point of Curvature of a circular curve, concave Westerly having a radius of 25.00 feet and a central angle of 90°00'00"; thence Southerly along the arc of said curve a distance of 39.27 feet to the Point of Compound Curvature of a circular curve, concave Northwesterly, having a radius of 900.00 feet and a central angle of 21°00'00"; thence Southwesterly along the arc of said curve a distance of 329.87 feet to the Point of Tangency of said curve; thence S. 48°07'46" W. a distance of 679.46 feet to the Point of Curvature of a circular curve, concave Northwesterly, having a radius of 2200.00 feet and a central angle of 41°42'58"; thence Southwesterly along the arc of said curve a distance of 1601.78 feet to the Point of Tangency; thence S. 89°50'44" W. a distance of 179.06 feet to the Point of Beginning.

Containing 5,141,101 square feet or 118.02 Acres, more or less.

Reserving to General Development Corporation, its successors and assigns, an easement for construction and maintenance of a canal and drainage facilities, 140.00 feet in width, the centerline of which is described as follows: beginning at Point "A", described above, run thence N. 0°09'16" W. along the Northerly extension of the aforementioned COURTLAND WATERWAY a distance of 1492.56 feet; thence N. 3°47'09" E. a distance of 240.51 feet to Point "B", described above, and the end of the centerline of said easement.

Containing 243,756 square feet or 5.60 Acres, more or less.

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REPRODUCED FROM
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UNSATISFACTORY FOR REPRODUCTION AT
THE TIME OF MICROFILMING

PORT CHARLOTTE SQUARE

STORMWATER MANAGEMENT PARCEL
14.40 ACRES

A parcel of land lying in Section 7, Township 40 South, Range 22 East, Charlotte County, Florida, further described as follows:

Commencing at the point of intersection of the east line of said Section 7 and the north right-of-way line of Toledo Blade Boulevard, according to the Plat of Port Charlotte Subdivision Section Ninety, recorded in Plat Book 7, Pages 59A and 59B of the Public Records of Charlotte County, Florida; thence N 89° 58' 20" W along said right-of-way line, a distance of 279.00 feet to a point; thence N 00° 04' 48" W, a distance of 209.00 feet to a point; thence S 89° 58' 20" E, a distance of 209.00 feet to a point on the west right-of-way line of Pellam Waterway; thence N 00° 04' 48" W, along said west right-of-way line, a distance of 225.76 feet to the principal point and place of beginning of the following description:

Thence S 89° 55' 12" W, a distance of 897.69 feet to a point; thence N 00° 04' 48" W, a distance of 420.00 feet to a point; thence N 29° 14' 01" E, a distance of 405.00 feet to a point; thence N 60° 45' 59" W, a distance of 640.53 feet to a point on the easterly right-of-way line of Murdock Circle; thence along said easterly right-of-way line, 79.75 feet along a curve to the left, having a radius of 2350.00 feet and a central angle of 1° 56' 40" to a point; thence S 60° 45' 59" E, a distance of 1373.43 feet to a point on the west right-of-way line of Pellam Waterway; thence S 0° 04' 48" E, along said west right-of-way line, a distance of 466.45 feet to the principal point and place of beginning and containing 14.40 acres of land, more or less.

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