

CHG  
BCC

FILED WITH THE DEPARTMENT OF STATE October 27, 2021

ORDINANCE  
NUMBER 2021 - 0316

1 AN ORDINANCE OF THE BOARD OF COUNTY  
2 COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA,  
3 AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM  
4 PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT  
5 (PD); A MAJOR MODIFICATION TO THE EXISTING PLANNED  
6 DEVELOPMENT (PD), ORDINANCE NUMBER 2006-082, TO  
7 ALLOW FOR DEVELOPMENT OF SINGLE-FAMILY HOMES,  
8 TWIN VILLAS, TOWNHOMES, AND MULTI-FAMILY HOUSING  
9 UNITS, INCREASING DENSITY FROM 29 UNITS TO 1,440  
10 UNITS, FOR A PARCEL (150.48± ACRES) LOCATED AT 14100  
11 BURNT STORE ROAD AND TWO PARCELS (146.68± ACRES)  
12 LOCATED SOUTH OF NOTRE DAME BOULEVARD, EAST OF  
13 BURNT STORE ROAD AND WEST OF GREEN GULF  
14 BOULEVARD, IN THE BURNT STORE AREA PLAN AREA AND  
15 IN THE PUNTA GORDA AREA; CONTAINING 297.16 ACRES  
16 MORE OR LESS; COMMISSION DISTRICT II, CHARLOTTE  
17 COUNTY, FLORIDA; PETITION PD-21-00010; APPLICANT,  
18 BURNT STORE 2007 LLC; PROVIDING AN EFFECTIVE DATE.  
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23 RECITALS

24 WHEREAS, in a public hearing held on Tuesday, October 26, 2021,  
25 the Board of County Commissioners of Charlotte County, Florida ("Board")  
26 reviewed Petition PD-21-00010, submitted by applicant, Burnt Store 2007 LLC  
27 ("Applicant"), which requested a rezoning from Planned Development (PD) to  
28 Planned Development (PD) on 297.16 acres more or less of property owned by  
29 Applicant, and described as property located at 14100 Burnt Store Road  
30 (150.48± acres) and two parcels (146.68± acres) located south of Notre Dame  
31 Boulevard, east of Burnt Store Road and west of Green Gulf Boulevard, in the  
32 Burnt Store Area Plan area and in the Punta Gorda area, in Commission District  
33 II, Charlotte County, Florida, and more particularly described in Exhibit "A" which  
34 is attached hereto and provided herein ("Property"); and

min

35           WHEREAS, the Property was originally rezoned from Agriculture  
36 Estate (AE) to Planned Development (PD) on September 19, 2006, pursuant to  
37 Ordinance Number 2006-082, along with a PD Concept Plan and its associated  
38 PD conditions, in order to allow for a mixed residential development up to 810  
39 units; and

40           WHEREAS, subsequent to the adoption of Ordinance Number  
41 2006-082 and the associated PD Concept Plan, the subject property was  
42 reduced in size from approximately 300 acres to 297.16 acres more or less as a  
43 result of takings associated with the Burnt Store Road Widening project; and

44           WHEREAS, at this time, the Applicant seeks a rezoning from  
45 Planned Development (PD) to Planned Development (PD), which is a major  
46 modification to the existing Planned Development (PD) and its associated  
47 Planned Development (PD) conditions, in order to allow for development of  
48 single-family homes, twin villas, townhomes, and multi-family units, increasing  
49 density from 29 units to 1,440 units, for a parcel (150.48± acres) located at  
50 14100 Burnt Store Road and two parcels (146.68± acres) located south of Notre  
51 Dame Boulevard, east of Burnt Store Road and west of Green Gulf Boulevard, in  
52 the Burnt Store Area Plan area and in the Punta Gorda area; and

53           WHEREAS, Petition PD-21-00010 has previously been heard by  
54 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on  
55 the findings and analysis provided by County Staff and the evidence presented to  
56 the P&Z Board, has been recommended for approval on September 13, 2021;  
57 and

58           WHEREAS, after due consideration, based on the findings and  
59 analysis provided by County Staff and the evidence presented to it, the Board  
60 has found that approval of Petition PD-21-00010 is consistent with the County's  
61 Comprehensive Plan, and that it meets the requirements for the granting of a  
62 rezone; and

63           WHEREAS, based on the above findings, the Board has  
64 determined it to be in the best interests of the County to rezone the subject  
65 property from Planned Development (PD) to Planned Development (PD).

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

68           SECTION 1. The following petition, made by applicant,  
69 Burnt Store 2007 LLC, for an amendment to the Charlotte County Zoning Atlas is  
70 hereby approved subject to the conditions contained in the attached Exhibit "B":

71           Petition PD-21-00010 requesting rezoning from  
72 Planned Development (PD) to Planned Development  
73 (PD) for property located at 14100 Burnt Store Road  
74 (150.48± acres) and two parcels (146.68± acres)  
75 located south of Notre Dame Boulevard, east of Burnt  
76 Store Road and west of Green Gulf Boulevard, in the  
77 Burnt Store Area Plan area and in the Punta Gorda  
78 area, containing 297.16 acres more or less;  
79 Commission District II, Charlotte County, Florida, and  
80 more particularly described in Exhibit "A".

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

83           SECTION 3. This Ordinance shall take effect upon filing in the  
84 Office of the Secretary of State, State of Florida  
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PASSED AND DULY ADOPTED this 26th day of October, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Truex  
William G. Truex, Chairman



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

By: David Pavalb  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
 LR2021-0511

**DESCRIPTION**

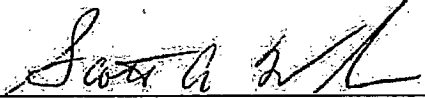
Parcel in  
Sections 9 and 16, Township 42 South, Range 23 East  
Charlotte County, Florida

A tract or parcel of land lying in Sections 9 and 16, Township 42 South, Range 23 East, Charlotte County, Florida, said tract or parcel of land being more particularly described as follows:

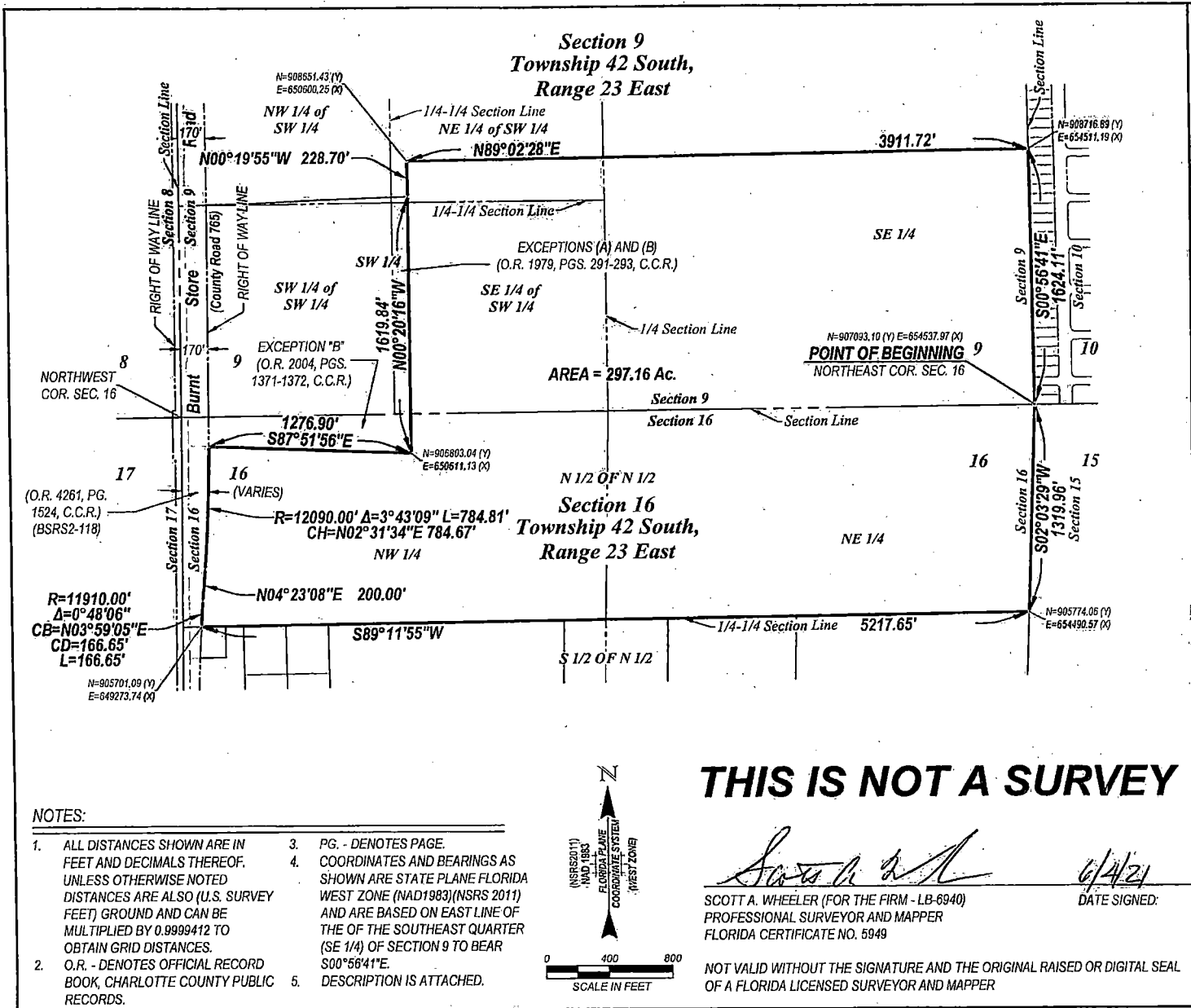
BEGINNING at the Northeast corner of said Section 16 run  $S02^{\circ}03'29''W$  along the East line of the Northeast Quarter (NE 1/4) of said Section 16 for 1,319.96 feet to the Southeast corner of the North Half (N 1/2) of the North Half (N 1/2) of said Section 16; thence run  $S89^{\circ}11'55''W$  along the South line of said Fraction for 5,217.65 feet to a point on a non-tangent curve and an intersection with the Easterly right of way line of Burnt Store Road, as described in a deed recorded in Official Records Book 4261, at Page 1524, Charlotte County Records; thence run along said Easterly line the following three (3) courses: Northerly along an arc of a curve to the right of radius 11,910.00 feet (delta  $00^{\circ}48'06''$ ) (chord bearing  $N03^{\circ}59'05''E$ ) (chord 166.65 feet) for 166.65 feet to a point of tangency;  $N04^{\circ}23'08''E$  for 200.00 feet to a point of curvature and Northerly along an arc of a curve to the left of radius 12,090.00 feet (delta  $03^{\circ}43'09''$ ) (chord bearing  $N02^{\circ}31'34''E$ ) (chord 784.67 feet) for 784.81 feet an intersection with the Southerly line of Parcel Exception "B", as described in a deed recorded in Official Records Book 2004, at Pages 1371 through 1372, Charlotte County Records; thence run  $S87^{\circ}51'56''E$  along said Southerly line for 1,276.90 feet to the Southeast corner of said Parcel Exception "B"; thence run  $N00^{\circ}20'16''W$  along the Easterly line of said Parcel Exception "B" and continuing along the Easterly line of Parcels Exception (A) and Exception (B), as described in a deed recorded in Official Records Book 1979, at Pages 291 through 293, Charlotte County Records, for 1,619.84 feet; thence run  $N00^{\circ}19'55''W$  for 228.70 feet; thence run  $N89^{\circ}02'28''E$  for 3,911.72 feet to an intersection with the East line of the of the Southeast Quarter (SE 1/4) of said Section 9; thence run  $S00^{\circ}56'41''E$  along said East line for 1,624.11 feet to the POINT OF BEGINNING.

Containing 297.16 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2011) and are based on East line of the of the Southeast Quarter (SE 1/4) of Section 9 to bear  $S00^{\circ}56'41''E$ .

 6/14/21  
Scott A. Wheeler (For The Firm)  
Professional Surveyor and Mapper  
Florida Certificate No. 5949





**NOTES:**

- ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF. UNLESS OTHERWISE NOTED DISTANCES ARE ALSO (U.S. SURVEY FEET) GROUND AND CAN BE MULTIPLIED BY 0.99999412 TO OBTAIN GRID DISTANCES.
- O.R. - DENOTES OFFICIAL RECORD BOOK, CHARLOTTE COUNTY PUBLIC RECORDS.
- PG. - DENOTES PAGE.
- COORDINATES AND BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983)(NSRS 2011) AND ARE BASED ON EAST LINE OF THE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 9 TO BEAR S00°56'41"E.
- DESCRIPTION IS ATTACHED.



**THIS IS NOT A SURVEY**

*Scott A. Wheeler*  
 SCOTT A. WHEELER (FOR THE FIRM - LB-6940)  
 PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 5949

6/4/21  
 DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**Barraco**  
 and Associates, Inc.  
 CIVIL ENGINEERING - LAND SURVEYING  
 LAND PLANNING  
 www.barraco.net  
 2271 MAGREGOR BLVD, SUITE 100  
 POST OFFICE BOX 898 200  
 FORT MYERS, FLORIDA 33902-2800  
 PHONE (888) 461-3170  
 FAX (888) 461-3169  
 FLORIDA CERTIFICATES OF AUTHORIZATION  
 ENGINEERING 7999 - SURVEYING LD 6040

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PHOENIX BAY  
 VENTURES, INC.  
 8900 COCONUT ROAD  
 SUITE 200  
 BONITA SPRINGS, FL 34135  
 PHONE (352) 386-1172  
 FAX (352) 372-9872  
 WWW.PHOENIXBAYVENTURES.COM

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A PARCEL OF LAND  
 IN  
 SECTIONS 9 AND 16,  
 TOWNSHIP 42 SOUTH,  
 RANGE 23 EAST,  
 CHARLOTTE COUNTY,  
 FLORIDA

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PROJECT SURVEYOR  
  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED OR DIGITAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	22812001.DWG
LAYOUT	3
LOCATION	AUTOMATIC SURVEY/SECTION 1
PLOT DATE	10/2/2011 10:58 AM
PLOT BY	RETIRED
DRAWING DATA	
SURVEY DATE	06-23-2011
CREATED BY	P. CLINE
CHECKED BY	SAW
SCALE	1"=800'
FIELD BOOK	
PLAN REVISIONS	
STRAP NUMBERS	
SKETCH TO ACCOMPANY DESCRIPTION	
PROJECT #/REV	SHEET NUMBER
239-0	2 OF 2
0-42-23	

# PD Conditions for Application PD-21-00010

## Revisions to Ordinance Number 2006-082

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan (Attachment 1: PD Concept Plan - Burnt Store 2007) submitted by applicant, prepared by Barraco and Associates, Inc. dated ~~June 15, 2006~~ August 27, 2021, and ~~revised on July 30, 2006~~, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the DRG Site Plan Review conditions and comments of approval per letter dated ~~June 19, 2006~~ August 13, 2021, and signed by Shaun Cullinan, Charlotte County Planning and Zoning Official, are required to be met. The open space area shall be at least ~~64.54~~59.5± acres (The PD Concept Plan includes 12.2± acres of wetlands and associated uplands, 44± acres of lake area, 4.4± acres of which may be counted toward open space) and the residential area shall be ~~120.11±~~ acres. ~~Areas indicated for single family development and multi family development will be developed as such. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed to increase lot sizes. Such PD Concept Plan shall be valid for one year from the date of this Ordinance and may be extended per Section 3-9-45, Planned Development (PD).~~
- b. The subject property currently retains ~~thirty (30)~~ 29 units of density. The applicant is proposing to develop a total of 1,440 ~~eight hundred and ten (810)~~ units including ~~one hundred and fifty-six (156)~~ multi-family units and ~~six hundred and fifty four (654)~~ single-family units. The subject property shall require ~~seven hundred and eighty (780)~~ 1,411 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 DRG Detail Site Plan application, whichever shall occur first.
- c. Permitted uses and accessory uses.
- i. Single-family homes attached or detached.
  - ii. Townhomes.
  - iii. Multi-family.
  - iv. Amenities such as clubhouse, community pool, tennis court or other similar non-commercial 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 in this district, including, but not limited to:
    - 1) Accessory structures, including, but not limited to, garages, carports and sheds.
    - 2) Detached accessory structures greater than 250 square feet but no greater than 400 square feet in area, must be DBPR approved or otherwise meet the Florida Building Code. All roofs must be pitched and include overhangs and eaves which meet current building codes. Rounded corners are prohibited. These structures are allowed with metal siding in the same color as the primary structure.
    - 3) Fences or walls.
    - 4) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
- d. No development shall occur prior to Final DRG-Detail Site Plan approval.



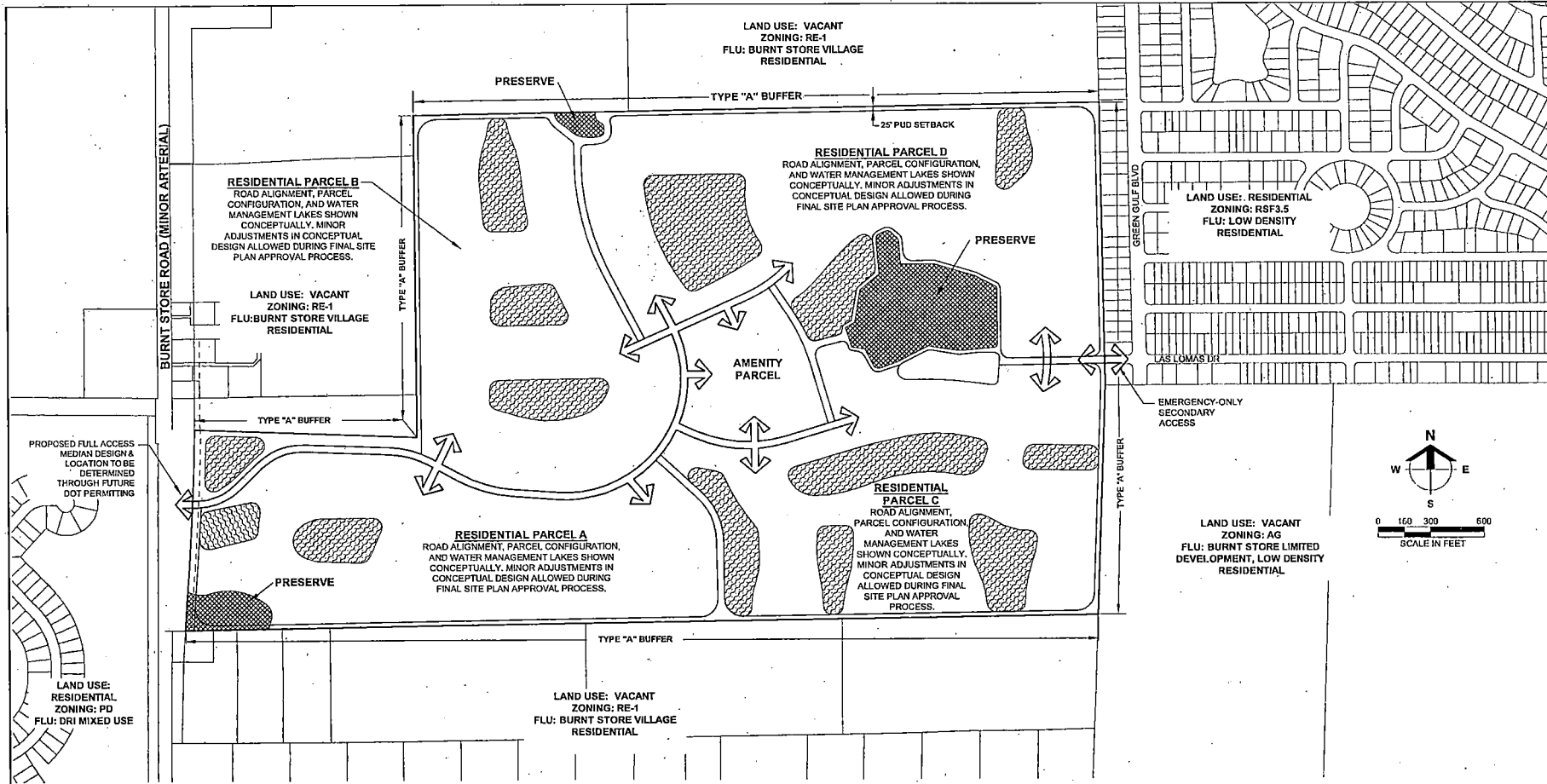
- e. The developer shall minimize impervious surfaces within the development wherever practicable.
- f. A development timeline and phasing plan for the entire PD shall be submitted prior to Final DRG Detail Site Plan approval. A monitoring report shall be submitted annually from the day of Final DRG Detail Site Plan approval till buildout, identifying the development activities which occurred during the past year and summarizing current and previous year statistics (as applicable).
- g. The maximum building height for single-family and townhomes is 35 feet from the base flood elevation. The maximum building height for multi-family structures and amenities is 45 feet from the base flood elevation. Other development standards are listed on the PD Concept Plan on the PD Concept Plan.
- h. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final DRG Detail Site Plan approval, the developer, and subsequently, the homeowner's association, is required to maintain all private roads within the development area.
- i. The site shall be developed with a unified landscaping theme. ~~Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within common areas. The developer shall also make every effort to ensure that residential property owners within the development also utilize Florida Friendly plantings and xeriscape landscaping.~~ The applicant shall institute an education program for all homeowners on the correct use of pesticides, herbicides, and fertilizers. A partnership with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only natural organic or other slow release forms of fertilizers shall be utilized throughout the development.
- j. ~~All landscaping must be irrigated as necessary to ensure survival.~~ When made available by the Utility, non-potable water shall be utilized for common area and private irrigation throughout the development. If applicable, a A developer's agreement to extend grey reclaimed water utility lines shall be finalized and approved by Charlotte County Utilities prior to the final DRG Detail Site Plan application for any phase of development.
- ~~j. 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 any heritage tree be removed, the applicant will plant a sufficient number of trees of the same species to equal the girth 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.~~
- k. ~~The developer shall maintain hydrogeology to all of the 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 a minimum of twenty-five (25) feet in width as measured from the landward limit of the wetland or surface water. Habitat management plan (Attachment 2: Native Habitat Management Plan) shall be implemented to make sure that the onsite wetland identified as "Preserve" on the PD Concept Plan shall be restored and preserved in perpetuity. At a minimum, a 25-foot buffer is required along all wetlands.~~
- ~~l. A Conservation Easement preserving in perpetuity all wetlands and associated buffer uplands in the area shall be granted to the County. A copy of the easement shall be sent to the County Attorney's Office and Comprehensive Planning Section of the Community Development Department for review and approval prior to being filed with the Clerk of the Circuit Court. The filing shall be completed prior to Preliminary Plat application or Final DRG application, whichever shall occur first.~~



- ~~m. The developer shall obtain an incidental take permit for gopher tortoises, but all gopher tortoises shall be relocated to areas of suitable habitat on the subject property, and these areas shall be managed in perpetuity and no development shall be allowed.~~
- ~~n. The developer is required to remove exotic/nuisance species from the subject property.~~
- ~~o. A developer's agreement to fund the widening the Burnt Store Road shall be finalized and approved prior to the final DRC application for any phase of development.~~
- l. At a minimum, the 25-foot PD setback for the property boundary adjacent to Burnt Store Road and along the eastern property boundary shall be landscaped. The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code the County's Land Development Regulations, Section 3-9-100, Buffers, Landscaping, and Tree Requirements, as may be amended, by providing an eight foot (8) perimeter landscaping strip a Type "A" Buffer along Burnt Store Road and a Type "B" Buffer along the eastern property boundary.
- m. At a minimum, the 25-foot PD setback along the northern and southern portion of the property which contains a multi-family development shall contain a Type "B" Buffer, a Type "B" Buffer is required for the subject property boundary abutting properties for single-family homes and single-family development, and at a minimum, a type "A" Buffer is required along the remaining property boundary.
- ~~r. The developer shall obtain stormwater approval prior to final DRC approval. Applicable SWFWMD and Army Corp. permits must be obtained prior to the commencement of development. All stormwater facilities must be designed to protect groundwater and surface water resources.~~
- n. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. The developer ~~must also~~ may extend reclaimed water utility lines along with the potable water and sanitary sewer lines throughout the development.
- ~~o. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways. An eight (8) foot wide bicycle/pedestrian trail in the 60-foot right of way is required along the east property line on Burnt Store Road. The developer shall coordinate with the Department of Public Works. The sidewalk must be completed at the time of the Burnt Store Road widening. A pedestrian/sidewalk system with a minimum width of eight feet shall be placed along one side of the main road shown on the proposed PD Concept Plan and such sidewalk system shall connect to the existing sidewalk system on Burnt Store Road.~~
- p. There shall be one main entrance located on Burnt Store Road and an emergency access point only to the east, 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.
- q. 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 may be required to satisfy concurrency.
- r. The proposed amenity ~~5.92±~~ acre recreation area will contain a clubhouse with a swimming pool, a tennis court, or similar uses, and a parking area. ~~If a~~ The 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.

- v. ~~The applicant shall work with the School Board to provide a bus stop for the community. Should the pick up and drop off point be located at the entrance of the development, the developer shall allow for sufficient room for a parent drop off and bus pick up along with an adequate means for traffic circulation at the entrance. A shelter for the children is required at the pick up area(s). This addition must be shown on the Final DRC plan for approval.~~
- w. ~~Any changes in the Concept Plan must receive a recommendation from the Natural Resources Planning Section and the Comprehensive Planning Section.~~
- s. 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**  
**PD Concept Plan - Burnt Store 2007**



**Barraco**  
Band Associates, Inc.  
CIVIL ENGINEERING - LAND SURVEYING  
LAND PLANNING  
[www.barraco.net](http://www.barraco.net)  
2271 MCGREGOR BLVD, SUITE 100  
FORT MYERS, FLORIDA 33902-2800  
PHONE (239) 451-3170  
FAX (239) 451-3159  
FLORIDA CERTIFICATES OF AUTHORIZATION  
ENGINEERING 7595 - SURVEYING LB6292

PREPARED FOR  
**BURNT STORE  
2007, LLC**

PROJECT DESCRIPTION  
**BURNT STORE  
2007**

ENGINEER OF RECORD  
CARLA BARRACO, P.E. REGISTERED FROM  
FLORIDA P.E. NO. 18228 - CARLA.BARRACO@BARRACO.NET

This plan has been digitally signed and sealed by  
Carla Barraco, P.E. and the data signed by the seal.  
Printed copies of this document are not considered signed  
and sealed and signatures must be verified on any electronic  
medium.  
DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE  
© COPYRIGHT 2011 BARRACO AND ASSOCIATES, INC.  
REPRODUCTION, CHANGES OR ADAPTATIONS ARE PROHIBITED

FILE NAME: 23940-200.DWG  
LOCATION: J:\23940\200\DWG\23940.DWG  
PLOT DATE: FRI, 8-27-2011 - 10:29 AM  
PLOT BY: ALYSIA FONTANE  
CROSS REFERENCED DRAWINGS  
BASE PLAN = 23940-200.DWG

PLAN REVISIONS

8-28-11	ADD EASTERN SECONDARY ACCESS
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PLAN STATUS  
**PD  
CONCEPT  
PLAN**

PROJECT FILE NO. **23940** SHEET NUMBER **2**

**PROPERTY DEVELOPMENT REGULATIONS**

	MIN LOT AREA (SF)	MIN LOT WIDTH	MIN LOT DEPTH	MIN ROAD SETBACK	MIN SIDE SETBACK	MIN REAR SETBACK	MIN WATER SETBACK	MIN PRESERVE SETBACK	MIN ACCESSORY SETBACK	MAX HEIGHT	MAX LOT COVERAGE
SINGLE FAMILY DETACHED	4,000	40'	100'	1'20" / 15'	4'	5'10"	20'	20'	5'	35'	70%
SINGLE FAMILY ATTACHED	3,300	33'	100'	20'	7.5' / 10'	5'10"	20'	20'	5'	35'	70%
TOWNHOUSE <sup>1</sup>	1,600	16'	100'	20'	7.5' / 10'	10'	20'	20'	5'	35'	75%
MULTIFAMILY	10,000	100'	100'	20'	7.5' (15' BUILDING SEPARATION)	15'	20'	20'	5'	45' / 13 STORIES	60%
AMENITY STRUCTURES	10,000	100'	100'	15'	5'	5'	20'	20'	5'	45' / 13 STORIES	65%

- 1) LESSER SETBACK FOR UNITS WITH SIDE ENTRY GARAGES
- 2) LESSER SETBACK FOR INTERIOR UNITS
- 3) THREE MINIMUM TOWNHOUSE UNITS PER BUILDING
- 4) IF SIDEWALK, AIR CONDITIONERS, MECHANICAL EQUIPMENT, DOOR STOPS, WALLS, OR SIMILAR ITEMS TO BE PLACED WITHIN THE REQUIRED 5' SETBACK PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY ON EACH LOT, THE ENGINEER OF RECORDS MUST CERTIFY THAT THE DRAINAGE FOR EACH LOT IS BUILT IN COMPLIANCE WITH THE TYPICAL LOT GRADING DETAIL PROVIDED AND APPROVED AT TIME OF DEVELOPMENT ORDER.
- 5) REAR SETBACK MAY BE REDUCED TO 0' FROM PRINCIPAL AND ACCESSORY STRUCTURES TO LAKE MAINTENANCE EASEMENTS (LME) AND LANDSCAPE BUFFER EASEMENT (LBE), WHICH SHALL BE SEPARATE PLATTED TRACTS OR TRACTS ON THE CONSTRUCTION DRAWINGS/PERMITS.

**DENSITY**  
PROPOSED ZONING: PD 1440 DWELLING UNITS  
DENSITY = NUMBER OF DWELLING UNITS / PROPERTY AREA  
= 1440 UNITS / 297 AC  
= 4.85 DU / AC

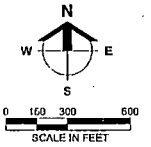
**LAND USE**

RESIDENTIAL	157.3 AC	53%
ROADWAY	30.9 AC	10%
100% OF LAKE AREA	40 AC	14%
AMENITY	9.5 AC	3%
OPEN SPACE (SEE BELOW)	59.5 AC	20%
<b>TOTAL:</b>	<b>297.2 AC</b>	

**OPEN SPACE**

10% OF LAKE AREA	4.4 AC
COMMON OPEN SPACE	42.9 AC
PRESERVE	12.2 AC
<b>TOTAL:</b>	<b>60.5 AC</b>

(20% OF 311E)



**Attachment 2**  
**Native Habitat Management Plan**

**BURNT STORE 2007**  
**CHARLOTTE COUNTY APPLICATION NO. PD-21-00010**  
**NATIVE HABITAT MANAGEMENT PLAN**

**August 2021**

**INTRODUCTION**

The following Native Habitat Management Plan has been prepared to address the long-term management of the proposed on-site wetlands and their upland preservation areas for the proposed development known as Burnt Store 2007 (Project). Preservation areas are identified on the adopted PD Concept Plan, prepared by Barraco and Associates, Inc., as approved by Charlotte County Board of County Commissioners.

The Project is located in Sections 9 and 16, Township 42 South, Range 23 East, Charlotte County. The Project area is 297± acres and is comprised primarily of undeveloped pasture and forested land.

**NATIVE HABITAT PRESERVATION AREA MANAGEMENT PLAN**

An aggressive maintenance plan shall be implemented to ensure that the preserve areas remain relatively free (i.e., less than 5 percent aerial coverage) of exotic and nuisance vegetative species, and maintain a minimum 80 percent aerial coverage of desirable native vegetative species (“Success Criteria”). 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 shall be conducted via a combination of hand removal and in-place treatment in conjunction with spray application of approved herbicides which can be used to selectively treat undesirable vegetation. No herbicide treatment of desirable native species is permitted. Additionally, native vegetation may have to be planted in order to meet the desired aerial coverage criteria of at least 80 percent.

Exotic plant species will include all Category I invasive exotics as listed by the Florida Exotic Pest Plant Council (EPPC). Hand removal will include the felling of exotics trees, hand removal, and herbicide treatment of the stumps; or hand pulling. Herbicide treatment will be with a U.S. Environmental Protection Agency approved herbicide that includes a visual trace dye. If physical removal will cause more damage to the native vegetation within the preserve, exotic vegetation within the interior of the preserve will be treated in place.

**Prohibited Activities**

Filling, dumping, construction of buildings, roads, billboards or other advertising, excavating, alteration, trimming, or removal of native vegetation within the preservation area will be prohibited except for restoration activities consistent with natural areas conservation management, the removal of dead trees and shrubs or leaning trees that could cause property damage, and activities conducted in accordance with a prescribed burn plan developed with the Florida Forest Service.

## **Measures to Protect Wildlife and Integrity of the Native Habitat**

Entrance to the preservation area will be limited to the property owner(s), developer(s), and their guests for purposes of maintenance activities or passive recreational uses not inconsistent with retention of land or water areas in their existing, natural vegetative, hydrologic, scenic, open or wooded condition. Contractors hired to perform maintenance activities must have all required licensing, per Florida Pesticide Law (Florida Statutes (F.S.), 487). 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 in accordance with local, state, and federal guidelines. 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, the initial exotic removal/restoration event shall occur within 45 days of issuance of a building permit for the subject property, and the first monitoring event shall be conducted within 45 days following the initial exotic removal/restoration event. The County may grant extensions of no more than 90 days to accommodate unforeseen circumstances, such as drought, frost, or freeze. Subsequent monitoring events will be conducted annually for a period of no less than three 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 plant 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, 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, including native species percent coverage
- Percent coverage by exotic/nuisance vegetation
- Wildlife observations
- Permanent fixed-point photograph stations
- Discussion of ongoing maintenance activities
- Identification of insufficiencies and recommendations for future remediation

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



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

October 28, 2021

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. 2021-036, which was filed in this office on October 27, 2021.

Sincerely,

Anya Owens  
Program Administrator

AO/lb



**NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND 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, OCTOBER 26, 2021, at 2:00 P.M. 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, PORT 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-committees/planning-zoning-board/agenda.html>.

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**

**FP-18-03-03** Quasi-Judicial Commission District I  
DR Horton, Inc. is requesting a Bond release of the approved surety Bond # SU1156132 in the amount of \$27,596.80 for Calusa Creek Section B Subdivision, which was granted Final Plat approval by the Board of County Commissioners on July 24, 2018. The development consists of 66 single-family lots on 14.54± acres, and is located south and east of Duncan Road, north of Bermont Road, and west of Quail Drive, in the Punta Gorda area.

**FP-20-05-12** Quasi-Judicial Commission District I  
Neal Communities of Southwest Florida, Inc. is requesting release of their Bond # CS3249831 in the amount of \$217,580.00 for the Final Plat of the 188-lot subdivision named, Kingsgate Phase 8, which was approved by the Board of County Commissioners on November 24, 2020. The site is 18.65± acres and located one mile west of I-75, north of Rampart Boulevard, and east of Kings Highway within the Victoria Estate DRJ and in the Port Charlotte area.

**PP-07-05-09** Quasi-Judicial Commission District IV  
SRQ 999 Partners, LLC is requesting a two-year extension to the Preliminary Plat approval for Gramerey Street Development, which was originally approved by the Board of County Commissioners on August 21, 2007. The subdivision, consisting of 14 cluster housing lots on 4.66± acres, is located on the east side of Gramerey Street, west of Crestwood Waterway, and north of El Jobean Road, in the Port Charlotte area.

**FP-21-03-10** Quasi-Judicial Commission District I  
Babcock Property Holdings LLC, has requested Final Plat approval for a subdivision to be named, Babcock Ranch Community, Phase 2D, consisting of 172 Single-family lots, 21 villas lots and 8 tracts. The site is 62.48± acres, and is located south of Bermont Road, north of the border with Lee County, east of Babcock Ranch Road, and west of the border with Glades County, within the Babcock Ranch Community DRI and in the East County area.

**FP-20-12-19** Quasi-Judicial Commission District IV  
Forestar (USA) Real Estate Group, Inc has requested Final Plat approval for The Cove at West Port Phase 1A-1, consisting of 42 residential lots. This Final Plat application is a replat of FP-19-11-15 which was approved on November 20, 2020. The site contains 117.15± acres and is being constructed in four phases. It is located north of El Jobean Road, south of Turnami Trail, east of the Cornelius Boulevard and west of Toledo Blade Boulevard, within the Murdock Village CRA and in the Port Charlotte area.

**LAND USE REGULAR AGENDA**

**PPP-21-05-03** Quasi-Judicial Commission District I  
Babcock Property Holdings, L.L.C. requests Preliminary and Final Plat approval for a subdivision to be named Babcock Ranch Community, Town Center Southeast. The Subdivision consists of 103 single-family lots and 42 tracts. The site is 91.06± acres, and is located south of Bermont Road, north of the Lee county, west of the Glades county line and east of State Road 31, within the Babcock Ranch Community DRI, and in the East County area.

**PD-21-00009** Quasi-Judicial Commission District II  
An Ordinance, pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Estate I (RE-1) to Planned Development (PD) in order to allow for development of single-family homes, twin villas, townhomes, multi-family and associated development standards, increasing density from 29 units to 1,440 units, for property located at 13250 and 13280 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 295.13± acres; Commission District II; Petition No. PD-21-00009; Applicant: Coral Creek Burnt Store LLC, providing an effective date.

**PD-21-00010** Quasi-Judicial 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 an existing PD, Ordinance Number 2006-082, to allow for development of single-family homes, twin villas, townhomes, multi-family and associated development standards, increasing density from 29 units to 1,440 units, for a parcel (150.48± acres) located at 14100 Burnt Store Road and two parcels (146.68 acres) located south of Notre Dame Boulevard, east of Burnt Store Road and west of Green Gulf Boulevard, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 297.16± acres; the subject property is part of the property for a PD rezoning, Ordinance Number 2006-082, which contains 300± acres; Commission District II; Petition No. PD-21-00010; Applicant: Burnt Store 2007 LLC; providing an effective date.

**PAL-21-00002** Legislative Commission District III  
Pursuant to Section 163.3187, Florida Statutes, adopt a Small-scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) (16.51± acres) and Commercial (COM) (8.16± acres) to Medium Density Residential (MDR), increasing density from 82 units to 188 units; for property located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area, containing 24.67± acres; Commission District III; Petition No. PAL-21-00002; Applicant: Pastore Doyle Developers, LLC; providing an effective date.

**PD-21-00006** Quasi-Judicial Commission District III  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manufactured Home Conventional (MHC) (16.51± acres) and Commercial General (CG) (8.16± acres) to Planned Development (PD) to allow for development of a multi-family residential community, increasing density from 82 units to 188 units, for property located at 6105 Winchester Boulevard and 6120 Ivory Bill Drive, in the Englewood area, containing 24.67± acres; Commission District III; Petition No. PD-21-00006; Applicant: Pastore Doyle Developers, LLC; providing an effective date.

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.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs 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 services please contact our office at 941.764.4191, TDD/TTY 941.743.1234, or by email to [David.Lyles@CharlotteCountyFL.gov](mailto:David.Lyles@CharlotteCountyFL.gov).

