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RESOLUTION
NUMBER 2022 - 145

A RESOLUTION 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, THE COUNTY'S LAND DEVELOPMENT REGULATION, AMENDING DEVELOPMENT ORDER (DO), RESOLUTION NUMBER 2020-089, FOR INCREMENT IV OF THE MURDOCK CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI) TO A) REVISE EXHIBIT C: MURDOCK CENTER INCREMENT IV LAND USES TABLE 10-1A-1 PROJECT DESCRIPTION BY AMENDING THE ADOPTED LAND USE EQUIVALENCY MATRIX TO ADD MINI-WAREHOUSE TO THIS MATRIX; AND USING THE REVISED LAND USE EQUIVALENCY MATRIX 1) TO EXCHANGE APPROVED 32 HOTEL ROOMS FOR 155,730 SQUARE FEET OF MINI-WAREHOUSE; 2) TO EXCHANGE APPROVED 118 HOTEL ROOMS FOR 25,334 SQUARE FEET OF RETAIL USES; 3) TO EXCHANGE APPROVED 125 BEDS OF ASSISTED LIVING FOR 8,825 SQUARE FEET OF RETAIL USES; AND 4) TO EXCHANGE APPROVED 150 DWELLING UNITS OF SENIOR ADULT HOUSING FOR 11,025 SQUARE FEET OF RETAIL USES, ON PARCEL 2 OF INCREMENT IV OF THE MURDOCK CENTER DRI; B) AMEND LAND USES TABLE 10-1A-1 PROJECT DESCRIPTION TO REFLECT CHANGES OF DEVELOPMENT RIGHTS; AND C) REVISE THE BUILDOUT DATE AND THE EXPIRATION DATE TO REFLECT THE EXTENSION OF THE BUILDOUT DATE AND THE EXPIRATION DATE OF THIS DO PER THE GOVERNOR'S EXECUTIVE ORDERS; FOR PROPERTY GENERALLY LOCATED NORTHEAST OF TAMIAMI TRAIL (U.S.41), SOUTHEAST OF VETERANS BOULEVARD, AND WEST OF COCHRAN BOULEVARD, CONTAINING 98.36± ACRES, IN THE PORT CHARLOTTE AREA; COMMISSION DISTRICT IV, PETITION NO. 22LAD-00000-00002; APPLICANT: LAND AMERICA, LLC; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 5062 PAGE 675 PAGE: 1 OF 11
INSTR # 3163512 Doc Type: GOV
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Rec. Fee: RECORDING \$95.00
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RECITALS

WHEREAS, on March 3, 1987, the Murdock Center Master Development Order (MDO) was originally approved; and

WHEREAS, the MDO the framework for the overall development, which is a mixture of retail, office, and residential development. Using that framework, the area was sectioned out into four increments; and

WHEREAS, on May 4, 1995, Atlantic Gulf Communities Corporation ("AGC" or the "Applicant"), f/k/a General Development Corporation, submitted an Application for Incremental Development Approval ("AIDA") for Increment IV of Murdock Center to the Board of County Commissioners (Board), Southwest Florida Regional Planning Council ("SWFRPC") and Florida Department of Community Affairs ("DCA"), as well as two supplemental sufficiency responses dated August 22, 1995, and November 17, 1995 in accordance with Section 380.06(6) and (10) F.S.. Increment IV is a mixed-use project consisting of two contiguous parcels containing approximately 98 acres more or less (Exhibit A); and

WHEREAS, Increment IV is a mixed-use project consisting of two contiguous parcels containing approximately 98 acres more or less of property located northeast of Tamiami Trail (U.S. 41), southeast of Veterans Boulevard, and west of Cochran Boulevard, in the Port Charlotte area, Commission Districts IV and V, Charlotte County, Florida ("Property"), and more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

WHEREAS, on July 22, 1996, Increment IV Development Order (DO) for the Murdock Center DRI was originally approved by Resolution No. 96-1231A0.; and

WHEREAS, on March 16, 1999, an application was approved by the Board via Resolution No. 961231AA to amend Resolution No. 96-1231A0; and

WHEREAS, on March 17, 2009, an application was approved by the Board via Resolution No. 2009-167 to adopt a DO for Increment IV of the Murdock Center DRI; and

WHEREAS, on April 24, 2012, the Board approved Resolution 2012-024 to extend the buildout date of Murdock Center Increment IV DRI DO to March 1, 2019.

WHEREAS, on March 22, 2016, the Board approved Resolution 2016-034 to extend the buildout date of Murdock Center Increment IV DRI DO to October 30, 2019; and

WHEREAS, the applicant, Land America, LLC, is requesting an amendment to Development Order (DO), Resolution Number 2020-089, for Increment IV of the Murdock Center Development of Regional Impact (DRI) to a) revise Exhibit C: Murdock Center Increment IV Land Uses Table 10-1A-1 Project Description by amending the adopted Land Use Equivalency Matrix to add Mini-warehouse to this matrix; and using the revised Land Use Equivalency Matrix 1) to exchange approved 32 hotel rooms for 155,730 square feet of mini-warehouse; 2) to exchange approved 118 hotel rooms for 25,334 square feet of retail uses; 3) to exchange approved 125 beds of assisted living for 8,825 square feet of retail uses; and 4) to exchange approved 150 dwelling units of senior adult housing for 11,025 square feet of retail uses, on Parcel 2 of Increment IV of the Murdock Center DRI; b) amend Land Uses Table 10-1A-1 Project Description to reflect changes

of development rights; and c) revise the buildout date and the expiration date to reflect the extension of the buildout date and the expiration date of this DO per the Governor's Executive Orders; and

WHEREAS, the development rights within this increment are permitted under the approved Master DRI DO for the Murdock Center; and

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the report and held a public hearing to consider the amendments to the DO on September 12, 2022 and made a recommendation of approval; and

WHEREAS, on October 25, 2022, the Board, at a public hearing in accordance with 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, the County's Land Development Regulation, considered the application for amendment to the DO for the Murdock Center Increment IV submitted by Land America, LLC, the documentary and oral evidence presented at the hearing before the Board, the report and recommendations of the Charlotte County Planning and Zoning Board, and the recommendations of County staff.

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

1. Amendments to "Exhibit C: Murdock Center Increment IV Land Uses Table 10-1A-1 Project Description" described in Exhibit "B" attached hereto and incorporated herein by reference, is hereby approved.

2. The Increment IV Development Order (MDO) for the Murdock Center DRI is hereby amended to reflect the buildout date of March 1, 2030 and the expiration date of March 1, 2032.

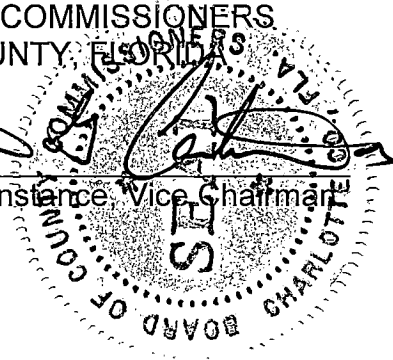
3. All other terms and conditions of the DO, Resolution Number 2009-167, not affected by this resolution shall remain unchanged and in full force and effect.

[SIGNATURE PAGE FOLLOWS]

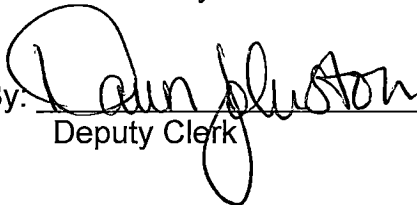
PASSED AND DULY ADOPTED this 25th day of October, 2022.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Christopher G. Constance, Vice Chairman



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

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR2022-0399 

Exhibit A

INCREMENT IV DRI

LEGAL DESCRIPTION

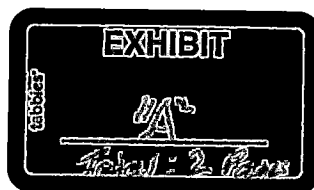
A portion of the Sections 7 and 8, Township 40 South, Range 22 East, Charlotte County, Florida and being described as follows:

BEGINNING at the intersection of the Easterly Right-of-Way of MURDOCK CIRCLE as described in Official Records Book 1028 at Page 968 of the Public Records of Charlotte County, Florida with the Southerly Right-of-Way line of EL JOBEAN ROAD as described in Official Records Book 995 at Page 644 of the of the Public Records of Charlotte County, Florida; thence N69°01'46"E, along the Southerly Right-of-Way line of said EL JOBEAN ROAD, for a distance of 693.23 feet to a point on the East line of said Section 7; thence continue N69°01'46"E, parallel with and 100.00 feet Southerly of, as measured at right angles to, the Southerly Right-of-Way line of the abandoned RAILROAD RIGHT-OF-WAY as described in Official Records Book 814 at Page 1983 of the Public Records of Charlotte County, Florida; thence for a distance of 371.43 feet; thence S20°58'14"E for a distance of 776.83 feet; thence S00°04'54"E for a distance of 965.78 feet to the South line of the Northwest 1/4 of said Section 8; thence N89°56'35"W, along the South line of the Northwest 1/4 of said Section 8, for a distance of 624.00 feet to Southwest corner of the Northwest 1/4 of said Section 8; thence continue N89°56'35"W for a distance of 50.00 to a point 50.00 feet West of, the East line of said Section 7; thence S00°04'54"E, parallel with and 50.00 feet West of, as measured at right angles to, the East line of said Section 7, for a distance of 186.47 feet; to a point on the Northerly Right-of-Way line of U.S. HIGHWAY No. 41 (TAMIAMI TRAIL); thence N62°52'14"W, along the Northerly Right-of-Way line of said U.S. HIGHWAY No. 41, for a distance of 420.55 feet to a point on the Easterly Right-of-Way line of said MURDOCK CIRCLE; thence N27°07'46"E for a distance of 106.36 feet to a point of curvature of a circular curve to the left having a radius 533.00 feet; thence Northeasterly, Northerly and Northwesterly along the arc of said curve having a central angle of 48°06'13" for a distance of 447.49 feet to a point of tangency; thence N20°58'27"W for a distance of 830.70 feet to the Point of Beginning (the last described three courses also being coincident with the Easterly Right-of-Way line of said MURDOCK CIRCLE).

TOGETHER WITH

A portion of the Sections 8, Township 40 South, Range 22 East, Charlotte County, Florida and being bounded as follows:

On the North by the Southerly Right-of-Way line of the abandoned RAILROAD RIGHT-OF-WAY as described in Official Records Book 814 at Page 1983 of the Public Records of Charlotte County, Florida;



On the East by the Westerly Right-of-Way line of TOLEDO BLADES BOULEVARD as described in Official Records Book 1028 at Pages 2031 through 2034 of the Public Records of Charlotte County, Florida;

On the West by the East line of the PROPOSED PELLAM WATERWAY as described in Official Records Book 1342 at Pages 2065 through 2085 of the of the Public Records of Charlotte County, Florida;

And on the South by the South line of the Northwest 1/4 of said Section 8.

SUBJECT to a Florida Power and Light Company EASEMENT, recorded in Official Records Book 1414, at Pages 1698 through 1704, of the Public Records of Charlotte County, Florida.

LESS AND EXCEPT

The lands described in Official Records Book 1189 at Page 2009 of the Public Records of Charlotte County, Florida, (QUESADA AVENUE).

Said lands situate, lying and being in Charlotte County, Florida.

All of the above subject to any easements and/or Rights-of-Way of record.

DRI Acreage = 98.36

EXHIBIT C
MURDOCK CENTER
INCREMENT IV
LAND USES
TABLE 10-1A-1
PROJECT DESCRIPTION

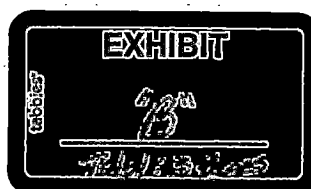
(Subject to change per use of Land Use Equivalency Matrix attached)

PARCEL	LAND USE	DENSITY	ACRES
PARCEL 1	CZ-3 RETAIL	219,026 S.F.	25.66*
	WATERWAYS/O PEN SPACE	N/A N/A	11.47**
SUB-TOTAL		219,026 S.F.	28.13
PARCEL 2	CZ-4 RETAIL OFFICE HOTEL	470,565 <u>515,749</u> S.F. 44,076 S.F. 150 ROOMS	61.23***
	SENIOR ADULT HOUSING – ATTACHED (DU)	150	
	ASSISTED LIVING (OCCUPIED BEDS)	125	
	MINI-WAREHOUSE	155,730	
SUB-TOTAL		514,641 <u>715,555</u> S.F.	61.23
TOTAL		733,667 <u>934,581</u> S.F.	89.36

*WITH UP TO 1,500 PARKING SPACES

**1.85 OF TOTAL WATERWAY IS FOR STORMWATER MANAGEMENT
RELATED TO PARCEL 1 RETAIL USE

***WITH UP TO 4,000 PARKING SPACES



**UPDATED LAND USE
EQUIVALENCY MATRIX
(ITE TRIP GENERATION MANUAL, 11TH
EDITION)**

Land Use Equivalency Matrix

Increment IV

Land Use Trade-Offs

A. LAND USE TRADE-OFF RATES

CHANGE FROM → CHANGE TO	Senior Adult Housing - Attached (DU)	Multi-Family (DU)	Office (1,000 SF)	Hotel (Room)	Retail (1,000 SF)	Assisted Living (beds)	Mini-Warehouse (1,000 SF)
Senior Adult Housing - Attached (ITE 252)	1.0000	0.4902	0.1736	0.3425	0.0735	1.0417	1.6667
Multi-Family (ITE 220)	2.0400	1.0000	0.3542	0.6986	0.1500	2.1250	3.4000
Office (ITE 710)	5.7600	2.8235	1.0000	1.9726	0.4235	6.0000	9.6000
Hotel (ITE 310)	2.9200	1.4314	0.5069	1.0000	0.2147	3.0417	4.8667
Retail (ITE 820)	13.6000	6.6667	2.3611	4.6575	1.0000	14.1667	22.6667
Assisted Living (ITE 254)	0.9600	0.4706	0.1667	0.3288	0.0706	1.0000	1.6000
Mini-Warehouse (ITE 151)	0.6000	0.2941	0.1042	0.2055	0.0441	0.6250	1.0000

B. TRADE-OFF EXAMPLE

EXAMPLE 1: TRADE FROM Y TO X

	FROM Y	TO X
Trade 50,000 SF of Retail for ? (X) DU of Multi-Family	Retail	Hotel
= (50,000 SF / 1,000) Retail x 6.6667	10.74	50
= 333.34		
= 333 DU		

C. SOURCE INFORMATION AND DOCUMENTATION FOR TRADE-OFF RATES

Land Use	DRI Total	Gross P.M. Peak Hour Trips	Gross P.M. Peak Hour Trips / Measure*		
	1,000 SF, DU, Rooms, Beds		TRIPS		
Senior Adult Housing (ITE 252)	150 (DU)	38	TRIPS	0.25	DU
Multi-Family (ITE 220)	0 (DU)	0	TRIPS	0.51	DU
Office (ITE 710)	29.451 (1,000 SF)	42	TRIPS	1.44	1,000 SF
Hotel (ITE 310)	150.000 (Occupied Room)	110	TRIPS	0.73	Room
Retail (ITE 820)	186.323 (1,000 SF)	633	TRIPS	3.40	1,000 SF
Assisted Living (ITE 254)	125.000 (Beds)	30	TRIPS	0.24	Bed
Mini-Warehouse (ITE 151)	0.000 (1,000 SF)	0	TRIPS	0.15	1,000 SF
		853			

D. NOTES

A detailed trip generation calculation should be performed if a mix of land uses is proposed.

*Trip Generation calculated using the P.M. peak hour of adjacent street traffic rate published in the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 11th Edition