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FILED WITH THE DEPARTMENT OF STATE

December 4, 2006



CLERK'S OFFICE  
COMMISSION MINUTES  
MURDOCK ANNEX

ORDINANCE  
NUMBER 2006 - 096.

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AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL SINGLE-FAMILY-2 (RSF-2), RESIDENTIAL MULTI-FAMILY-10 (RMF-10), AGRICULTURE ESTATES (AE) AND RESIDENTIAL SINGLE-FAMILY-3.5 (RSF-3.5) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED SOUTH OF HARBORSIDE BOULEVARD, NORTH OF THE LEE COUNTY LINE, AND EAST OF BURNT STORE ROAD, IN THE PUNTA GORDA AREA, CONTAINING 80 ACRES MORE OR LESS; PETITION Z-06-08-54; APPLICANT, HOME DYNAMICS CORPORATION; PROVIDING AN EFFECTIVE DATE.

RECITALS

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WHEREAS, in a public hearing held on Tuesday, November 21, 2006, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-06-08-54 which requested a rezoning from Residential Single-family-2 (RSF-2), Residential Multi-family-10 (RMF-10), Agriculture Estates (AE) and Residential Single-family-3.5 (RSF-3.5) to Planned Development (PD) on 80 acres more or less of property owned by PG Holdings, LLC, 1920 East Hallendale Boulevard, Hallendale Beach, Florida 33009, and described as located in Commission District II, South of Harborside Boulevard, North of the Lee County Line, and East of Burnt Store Road, in the Punta Gorda area, Charlotte County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Home Dynamics Corporation, as the applicant, seeks a rezoning to Planned Development to allow for a townhouse style of residential development; and

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
OR BOOK 3082, PGS 2014-2020 7 pg(s)  
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1           WHEREAS, Petition Z-06-08-54 has previously been heard by the  
2 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the  
3 findings and analysis presented in the Planning and Zoning Division staff report  
4 dated September 15, 2006, and the evidence presented to the P&Z Board, has  
5 been recommended for approval with conditions; and

6           WHEREAS, after due consideration, based on the Planning and  
7 Zoning Division staff report dated September 15, 2006, and the evidence  
8 presented to it, the Board has found that approval of Petition Z-06-08-54 is  
9 consistent with the 1997-2010 Charlotte County Comprehensive Plan, and that it  
10 meets the requirements for the granting of a rezoning, and;

11           WHEREAS, based on the above findings, the Board has  
12 determined it to be in the best interests of the County to rezone the subject  
13 property from Residential Single-family-2 (RSF-2), Residential Multi-family-10  
14 (RMF-10), Agriculture Estates (AE) and Residential Single-family-3.5 (RSF-3.5)  
15 to Planned Development (PD).

16           NOW, THEREFORE, BE IT ORDAINED by the Board of County  
17 Commissioners of Charlotte County, Florida:

18           SECTION 1. The following petition for an amendment to the  
19 Charlotte County Zoning Atlas is hereby approved subject to the conditions  
20 contained in the attached Exhibit "B":

21           Petition Z-06-08-54 requesting rezoning from  
22 Residential Single-family-2 (RSF-2), Residential Multi-  
23 famiy-10 (RMF-10), Agriculture Estates (AE) and  
24 Residential Single-family-3.5 (RSF-3.5) to Planned  
25 Development (PD) for 80 acres more or less of  
26 property owned by PG Holdings, LLC, and described


1 as located South of Harborside Boulevard, North of  
2 the Lee County Line, and East of Burnt Store Road, in  
3 the Punta Gorda area, Charlotte County, Florida, and  
4 more particularly described in Exhibit "A" attached  
5 hereto and incorporated herein by this reference.  
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7 SECTION 2. That the zoning for this property shall run with the  
8 property and shall apply to any subsequent owners, heirs and assigns.

9 SECTION 3. This ordinance shall take effect upon filing in the  
10 Office of the Secretary of State, State of Florida.  
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12 PASSED AND DULY ADOPTED this 21 day of NOVEMBER, 2006.  
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14 BOARD OF COUNTY COMMISSIONERS  
15 OF CHARLOTTE COUNTY

16  
17  
18 By:   
19 Thomas G. Moore, Chairman  
20

21 ATTEST:  
22 Barbara T. Scott, Clerk of  
23 Circuit Court and Ex-Officio  
24 Clerk to the Board of County  
25 Commissioners  
26

27 By:   
28 Deputy Clerk 11/3/06  
29

30 APPROVED AS TO FORM  
31 AND LEGAL SUFFICIENCY  
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33  
34 By:   
35 Janette S. Knowlton, County Attorney  
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37 RB  
38 LR 2006-597  
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**LEGAL DESCRIPTION:**  
(PROVIDED BY THE CLIENT)

PARCEL 1:

THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 23 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 32, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 00°D45'40" EAST ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 1,334.48 FEET TO THE SOUTHEAST CORNER OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 32, THENCE RUN NORTH 89°28'11" WEST ALONG THE SOUTH LINE OF SAID NORTH 1/2 OF THE NORTHEAST 1/4, 2,610.07 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE RUN NORTH 00°05'30" EAST, ALONG THE WEST LINE OF SAID NORTH 1/2 OF THE NORTHEAST 1/4, 1,336.26 FEET TO THE NORTH LINE OF SECTION 32; THENCE RUN SOUTH 89°25'26" EAST ALONG SAID NORTH LINE OF SECTION 32, A DISTANCE OF 2,590.22 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER RUN WEST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 141.42 FEET; THENCE IN A SOUTHEASTERLY DIRECTION RUN 200 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER, SAID POINT BEING 141.42 FEET SOUTHERLY OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 141.42 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

TRACT D OF HARBORSIDE WOODS, AS RECORDED IN PLAT BOOK 16 AT PAGES 7A THROUGH 7C OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

**EXHIBIT A**

**CONDITIONS:**

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Banks Engineering, dated July 12, 2006, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Development Review Committee (DRC) conditions of approval per letter dated August 11, 2006 are required to be met. The open space area shall be no less than 52.07± (which includes 44.47± acres of open habitat space). Areas indicated for townhouse style single-family development will be developed as such. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed only to increase lot sizes.
- b. The applicant must remove at least two of the four buildings comprising eight units generally located at the northwest corner of the subject site as shown on the PCD Concept Plans submitted by the applicant, prepared by Banks Engineering, dated July 12, 2006. The applicant may either move the two-four unit buildings to another location on the site or may expand existing depicted buildings to accommodate the relocated units.
- c. When the construction begins at each lot, the property would then be included into the MSBU Burnt Store Village Street and Drainage.
- d. The applicant is proposing to develop a total of two hundred seventy (270) units. No transferred density is required for this development.
- e. No development shall occur prior to Final DRC approval.
- f. The developer shall minimize impervious surfaces within the development wherever practicable.
- g. A development time line and phasing plan for the entire PD shall be submitted prior to Final DRC approval. A monitoring report shall be submitted annually from the day of Final DRC approval until buildout, identifying the development activities which occurred during the past year and summarizing current and previous year statistics (as applicable).
- h. The maximum building height for this development is 38 feet from the base flood elevation.
- i. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final DRC approval, the developer, and subsequently, the homeowner's association, is required to maintain all private roads within the development area.
- j. 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. A developer's agreement with Charlotte County Utilities for the extension of potable water and sanitary sewer, lines must be approved by the Board of County Commissioners prior to the final DRC application for any phase of development.
- k. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the 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.

- l. 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.
- m. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. All heritage trees shall be preserved unless the applicant can provide substantial evidence that such preservation will cause the development of the site to be severely hindered. Should 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.
- n. 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 fifteen (15) feet and average twenty-five (25) feet in width as measured from the landward limit of the wetland or surface water.
- o. 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 DRC application, whichever shall occur first.
- p. 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.
- q. 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.
- r. Landscaping and Buffer requirements:
  - a. At a minimum, the 25-foot PD setback shall be required for the property boundary.
  - b. At a minimum, a type A buffer must be placed within the 25-foot PD setback along the southern portion of the property which contains a townhouse type single-family development.
  - c. A type B or greater buffer shall be established within the 25-foot PD setback along the northern property line, from the western property line to a point north of the cul-de-sac that lies east of the Doredo Drive access point.
  - d. At a minimum, a type C buffer must be provided around the recreation area as it considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code.

- e. The developer is required to remove exotic/nuisance species from the subject property.
- s. 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.
- t. 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.
- u. A detailed plan for the recreation areas shall be submitted for approval prior to Final DRC approval. The 0.63± acre recreation area may contain a clubhouse with a swimming pool, and a parking area. If a clubhouse will be 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. The 0.36± acre recreation area will contain a playground, and the majority of the area is intended to be left open (green) in order to provide a location for free play such as ballgames, tag, catch, etc.
- v. The applicant shall work with the Charlotte County Public Schools Transportation Department and Department of Public Works to provide a bus stop(s) and shelter(s) on Harborside Boulevard for the community. Should the pick-up and drop-off point be located at the entrance of the development, a shelter for the children is required at the pick-up area(s) along Harborside Boulevard. 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.