

CHG
BCC

FILED WITH THE DEPARTMENT OF STATE April 28, 2021

ORDINANCE
NUMBER 2021 - 013

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD); A MAJOR MODIFICATION TO THE EXISTING PLANNED DEVELOPMENT (PD), ORDINANCE NUMBER 2006-012, CONTAINING 94.72 ACRES MORE OR LESS; TO ALLOW FOR DEVELOPMENT OF SINGLE-FAMILY DETACHED AND ATTACHED HOMES, AND INCREASING DENSITY FROM 51 UNITS TO 190 UNITS, FOR PROPERTY LOCATED AT 15351 BURNT STORE ROAD, IN THE PUNTA GORDA AREA, AND WITHIN THE BOUNDARY OF THE BURNT STORE AREA PLAN, CONTAINING 85.49 ACRES MORE OR LESS; COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION PD-20-00009; APPLICANT, WILMINGTON LAND COMPANY; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4756 PAGE 1343 PAGE: 1 OF 24
INSTR # 2937890 Doc Type: GOV
Recorded: 4/29/2021 at 9:29 AM
Rec. Fee: RECORDING \$205.50
Cashier By: JOANC

21
22
23
24
25
26
27
28
29
30
31
32

RECITALS

WHEREAS, in a public hearing held on Tuesday, April 27, 2021, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PD-20-00009, submitted by applicant, Wilmington Land Company ("Applicant"), which requested a rezoning from Planned Development (PD) to Planned Development (PD) on 85.49 acres more or less of property owned by Gregory W. Eagle, Individually and as Trustee, whose address is 3818 Del Prado Boulevard South, Cape Coral, Florida 33904, and described as property located at 15351 Burnt Store Road, in the Punta Gorda area, and within the boundary of the Burnt Store Area Plan, in Commission District II, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein ("Property"); and

min

33 WHEREAS, the Property was originally rezoned from Agriculture
34 Estates (AE) to Planned Development (PD) on February 21, 2006, pursuant to
35 Ordinance Number 2006-012, along with a PD Concept Plan, for 94.72 acres
36 more or less, to allow for a mixed residential development of up to 296 dwelling
37 units; and

38 WHEREAS, subsequent to the adoption of Ordinance Number
39 2006-012 and the associated PD Concept Plan, the Property was reduced in size
40 from approximately 94.72 acres to 85.49 acres more or less, as a result of
41 transactions associated with the Burnt Store Road Widening project; and

42 WHEREAS, at this time, the Applicant seeks a rezoning from
43 Planned Development (PD) to Planned Development (PD), which is a major
44 modification to the existing Planned Development (PD) Concept Plan and its
45 associated Planned Development (PD) conditions, in order to allow for
46 development of single-family detached and attached homes, and increasing
47 density from 51 units to 190 units; and

48 WHEREAS, Petition PD-20-00009 has previously been heard by
49 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on
50 the findings and analysis provided by County Staff and the evidence presented to
51 the P&Z Board, has been recommended for approval on April 12, 2021; and

52 WHEREAS, after due consideration, based on the findings and
53 analysis provided by County Staff and the evidence presented to it, the Board
54 has found that approval of Petition PD-20-00009 is consistent with the County's

55 Comprehensive Plan, and that it meets the requirements for the granting of a
56 rezone; and

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

60 NOW, THEREFORE, BE IT ORDAINED by the Board of County
61 Commissioners of Charlotte County, Florida:

62 SECTION 1. The following petition, made by applicant, Wilmington
63 Land Company, for an amendment to the Charlotte County Zoning Atlas is
64 hereby approved subject to the conditions contained in the attached Exhibit "B":

65 Petition PD-20-00009 requesting rezoning from
66 Planned Development (PD) to Planned Development
67 (PD) for property located at 15351 Burnt Store Road,
68 in the Punta Gorda area, and within the boundary of
69 the Burnt Store Area Plan, containing 85.49 acres
70 more or less; Commission District II, Charlotte
71 County, Florida, and more particularly described in
72 Exhibit "A".

73
74 SECTION 2. That the zoning for this property shall run with the
75 property and shall apply to any subsequent owners, heirs and assigns.

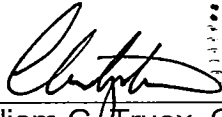
76 SECTION 3. This Ordinance shall take effect upon filing in the Office
77 of the Secretary of State, State of Florida.

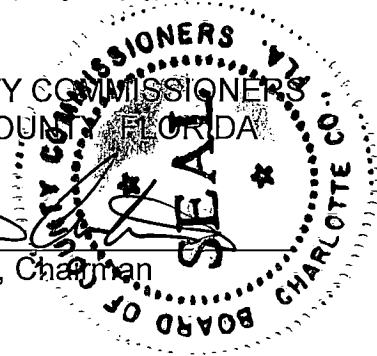
78
79
80
81
82

83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132

PASSED AND DULY ADOPTED this 27th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
for: William G. Truex, Chairman



ATTEST:

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

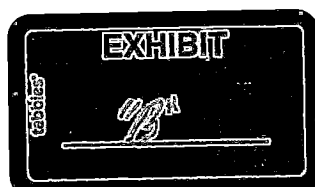
By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
 LR2020-0823

PD Conditions for Application PD-20-00009
Revisions to PD Conditions Established in Ordinance Number 2006-012

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan (Attachment 1: Conceptual Site Plan for Heritage Station) submitted by applicant, prepared by Banks Engineering, Inc, dated ~~October 20, 2005~~ November 23, 2020, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the ~~DRG Site Plan Review~~ conditions of approval per letter dated ~~November 18, 2005~~ December 30, 2020, are required to be met. The preservation area shall be ~~35.4339.32±~~ acres and the residential area shall be ~~59.2946.14±~~ acres. ~~Areas indicated for single family development and multi family development will be developed as such. Residential development standards are listed within 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 applicant needs to change to the Concept Plan to relocate the stormwater and green space next to the 150 foot wide Conservation Easement.
- b. Permitted Uses:
- I. Single-family, detached and attached, which may have a guest suite that is structurally attached, with or without cooking facilities.
 - II. Boardwalks, pathways and passive recreational uses within the portion of the property designated with Preservation land use.
 - III. Clubhouse, community pool, tennis court or other similar non-commercial recreational uses and structures.
 - IV. Community garden.
 - V. Minor home occupation. (See section 3-9-75, home occupations.)
 - VI. Model home. (See section 3-9-79, model homes.)
 - VII. Park, public or not-for-profit.
 - VIII. 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. If an exact color match is not possible a complimentary and not contrasting color may be allowed.
 - 3) Fences or walls
 - 4) Keeping of pets, excluding animal breeding, boarding, and training.
 - 5) Swimming pools, tennis court or other similar non-commercial recreational uses and structures.
 - 6) 4H, FFA and similar uses and activities.
 - i. Official documentation showing proof of participation in 4H, FFA or similar programs must be submitted to the county.
 - ii. The uses and activities must cease at the completion of the 4H, FFA or similar programs.
 - iii. Three (3) chickens (no roosters) shall be allowed. The pen shall not be located within ten (10) feet from the side and rear property lines and behind the leading edge of the living area of the residential structure.
- c. The subject property currently retains ~~60~~ 51 units of density. The applicant is proposing to develop a total of ~~296~~ 190 units. The subject property will require ~~236~~ 139 units of transferred density. The

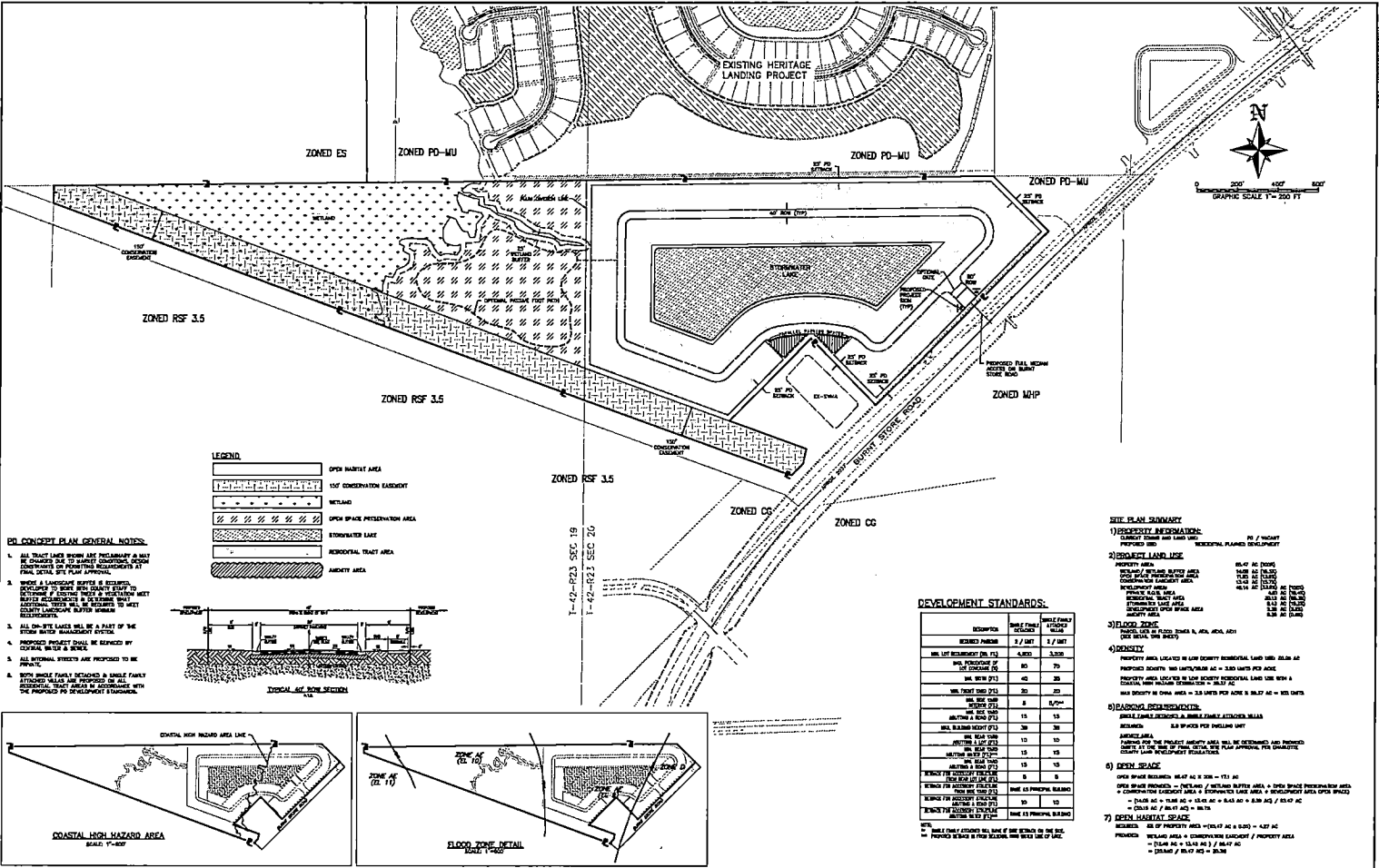


transfer of density units must be approved by the Board of County Commissioners subject to the County's Land Development Regulations, Section 3-9-150: Transfer of Density Units, as may be amended, prior to Preliminary Plat application or Final Detail Site Plan Review DRC application, whichever shall occur first.

- d. No development shall occur prior to Final ~~DRC~~ Detail Site Plan approval. The developer shall minimize impervious surfaces within the development wherever practicable.
- e. A development time line and phasing plan for the entire PD shall be submitted prior to Final Detail Site Plan DRC approval.
- f. The maximum building height is ~~60~~ 38 feet from the base flood elevation. Other development standards are listed on the PD Concept Plan (Attachment 1: Conceptual Site Plan for Heritage Station).
- g. Although the roadways for this development are to be private, they shall be constructed to Charlotte County Standards. Following Final Detail Site Plan DRC approval, the developer, and subsequently, the homeowner's association, of the PD is required to maintain all private roads within the development area.
- h. The portion of the site within the Urban Service Area shall be developed with a unified landscaping theme.
- i. The development must comply with the County's Land Development Regulations, Section 3-9-100, Buffers, Landscaping, and Tree Requirements, as may be amended. 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.~~
- j. Habitat management plan (Attachment 2: Native Habitat Management Plan) shall be implemented to make sure that the onsite wetland identified on the PD Concept Plan shall be restored and preserved in perpetuity. At a minimum, a 15-foot buffer is required along all wetlands. A Conservation Easement preserving in perpetuity all wetlands and associated 15-foot buffer uplands in the area Outside the Urban Service 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. In this preservation area, boardwalk and foot paths are the only allowable uses, which are subject to all required local, state and federal permits. No other development activities will be permitted within the preservation area.
- k. ~~The site plan must be revised to clearly show the location of site 8CH640 within the preserve area. A separate Conservation Easement must be placed over this archeological site; this would address the recommendation from the Historical Advisory Committee.~~
- l. ~~The developer shall obtain an incidental take permit for gopher tortoise, 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.~~
- m. ~~Only Florida Friendly plantings and/or xeriscaping shall be allowed for landscape plantings within the residential 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.~~
- n. ~~All landscaping must be irrigated as necessary to ensure survival. If available, non-potable water shall be utilized for common area and private irrigation throughout the subject property.~~
- o. ~~The developer is required to remove exotic/nuisance species from the subject property.~~
- k. p. At a minimum, the 25-foot PD setback for the property boundary adjacent to Burnt Store Road shall be landscaped. The applicant must comply with the County's Land Development Regulations, Section 3-9-100, Buffers, Landscaping, and Tree Requirements, as may be amended. Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code, by providing an eight-foot (8) perimeter landscaping strip along Burnt Store Road.

- l. ~~q.~~ At a minimum, the ~~30~~ 25-foot PD setback along the northern portion of the property from Burnt Store Road to the 19/20 section line and adjacent to the ~~Fern Bay~~ Heritage Landing DRI shall contain a Type "A" Buffer.
- ~~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.~~
- m. ~~s.~~ The development must utilize potable water and sanitary sewer utilities. The water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued.
- n. ~~t.~~ The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along one side of all internal roadways. ~~An eight (8) foot wide bicycle/pedestrian trail in 60 foot right of way is required along the east property line on Burnt Store Road. This condition is consistent with the Burnt Store Area Plan. The developer shall coordinate with Public Works. The sidewalk must be completed at the time of the Burnt Store Road widening.~~
- ~~u.~~ ~~The developer shall be in compliance with Southwest Florida Water Management District (SWFWMD) requirements.~~
- ~~v.~~ ~~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 in width as measured from the landward limit of the wetland or surface water.~~
- o. ~~w.~~ The ~~2.20.39±~~ acre recreation amenity area may contain a clubhouse, ~~with a swimming pool, a tennis court or other similar non-commercial recreational uses and structures, and a parking area. The clubhouse shall be built to the highest wind bearing loads required by Charlotte County and will be made available for use as a hurricane shelter to the proposed neighborhood in the case of imminent natural disaster. 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.~~
- p. ~~x.~~ 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. 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.
- ~~y.~~ ~~Any changes in the Concept Plan must receive a recommendation from the Natural Resources Planning Section and the Comprehensive Planning Section.~~
- q. The applicant/developer, at its sole cost and expense, shall plan, design, permit and construct the following improvements at the project entrance:
 - I. A full median cut on Burnt Store Road as shown on the PD Concept Plan; and
 - II. A northbound left turn lane which shall be shown on the Final Detail Site Plan.Such improvements shall be constructed prior to the issuance of the 1st Certificate of Occupancy.

Attachment 1
Conceptual Site Plan
for Heritage Station

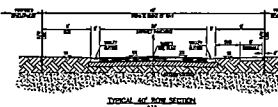


CONCEPT PLAN GENERAL NOTES:

- ALL SUBJECT LOTS SHALL BE DEVELOPED AS ONE DEVELOPMENT OR AS SEVERAL DEVELOPMENTS UP TO THE FINAL DETAIL SITE PLAN APPROVAL.
- WHERE A DEVELOPMENT PERMIT IS REQUIRED, APPLICANTS TO OBTAIN FROM COUNTY SHALL TO DETERMINE IF ANY OTHER AGENCIES MUST REVIEW THE PROJECT. APPLICANTS SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL AFFECTING AGENCIES BEFORE COMMENCING DEVELOPMENT.
- ALL 10% CONSERVATION EASEMENTS WILL BE PART OF THE FINAL SITE MANAGEMENT SYSTEM.
- PROPOSED PROJECT SHALL BE EXEMPTED BY COUNTY, WHERE APPLICABLE.
- ALL INTERNAL STREETS ARE PROPOSED TO BE OPEN.
- NON-SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTIFAMILY AND OTHER DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE PROPOSED DEVELOPMENT STANDARDS.

LEGEND

[Symbol]	OPEN MARKET AREA
[Symbol]	10% CONSERVATION EASEMENT
[Symbol]	WETLAND
[Symbol]	OPEN SPACE PRESERVATION AREA
[Symbol]	STORMWATER LAKE
[Symbol]	RESIDENTIAL TRACT AREA
[Symbol]	AMENITY AREA

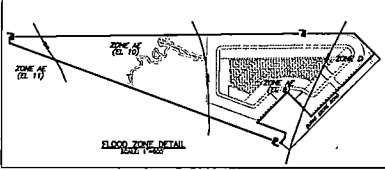
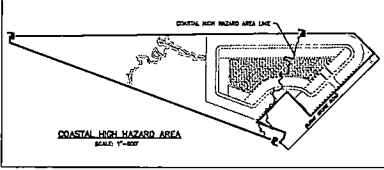


DEVELOPMENT STANDARDS:

DESCRIPTION	MIN. FRONT YIELD	MIN. REAR YIELD
RESIDENTIAL SINGLE-FAMILY	2 / 100'	1 / 100'
MIN. LOT AREA (SQ. FT.)	4,000	3,000
MIN. FRONT YIELD (SQ. FT.)	80	70
MIN. REAR YIELD (SQ. FT.)	40	35
MIN. FRONT SETBACK (FT.)	20	20
MIN. REAR SETBACK (FT.)	8	5/0'
MIN. SIDE SETBACK (FT.)	15	15
MIN. FRONT YIELD (SQ. FT.)	30	30
MIN. REAR YIELD (SQ. FT.)	15	15
MIN. SIDE SETBACK (FT.)	15	15
MIN. FRONT YIELD (SQ. FT.)	0	0
MIN. REAR YIELD (SQ. FT.)	0	0
MIN. SIDE SETBACK (FT.)	0	0
MIN. FRONT YIELD (SQ. FT.)	0	0
MIN. REAR YIELD (SQ. FT.)	0	0
MIN. SIDE SETBACK (FT.)	0	0

CONCEPT SITE PLAN HERITAGE STATION CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWN	CHECKED	SCALE	SHEET
11-23-20	31276	JM-23	TR	1" = 200'	3



PROVIDED FOR WILMINGTON LAND COMPANY 8800 LAKEWOOD BLVD. SAFFOLD, FL 32840 PHONE: 811-328-1143	ALL ELEMENTS OF CIVIL ENGINEERING PLANS NOTED OTHERWISE PREPARED BY: [Signature] CHECKED BY: [Signature] DATE: [Date]	BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving the State Of Florida 800 S. BIRCH AVE. FLORIDA EDITION 2 0800	40% SURVEY SHALL BE 1:250 & 1:500 FOR FINAL DEVELOPMENT PLANS. LOTS TO BE PREPARED SHALL BE 1:500 FOR FINAL DEVELOPMENT DEVELOPMENT LEGEND & 1:500 FOR SURVEY PLANS & 1:500	CONCEPT SITE PLAN HERITAGE STATION CHARLOTTE COUNTY, FLORIDA
---	--	---	---	---

Attachment 2
Native Habitat Management Plan

**NATIVE HABITAT MANAGEMENT PLAN
AND
WETLAND CLASSIFICATION**

**HERITAGE STATION
Charlotte County, Florida**

January 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 and upland preservation areas for the proposed development. In addition, the on-site wetlands have been classified in accordance with Charlotte County Comprehensive Plan Natural Resources Element Policy ENV 3.1.1 – Identification and Categorization of Wetlands.

The subject property (Charlotte County Parcel ID# 422319426001) is located in Sections 19 and 20, Township 42S, Range 23E. More specifically, the project is located at 15351 Burnt Store Road.

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 of 80% aerial coverage by 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 in-place 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 area.

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 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
- 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.

WETLAND CLASSIFICATION

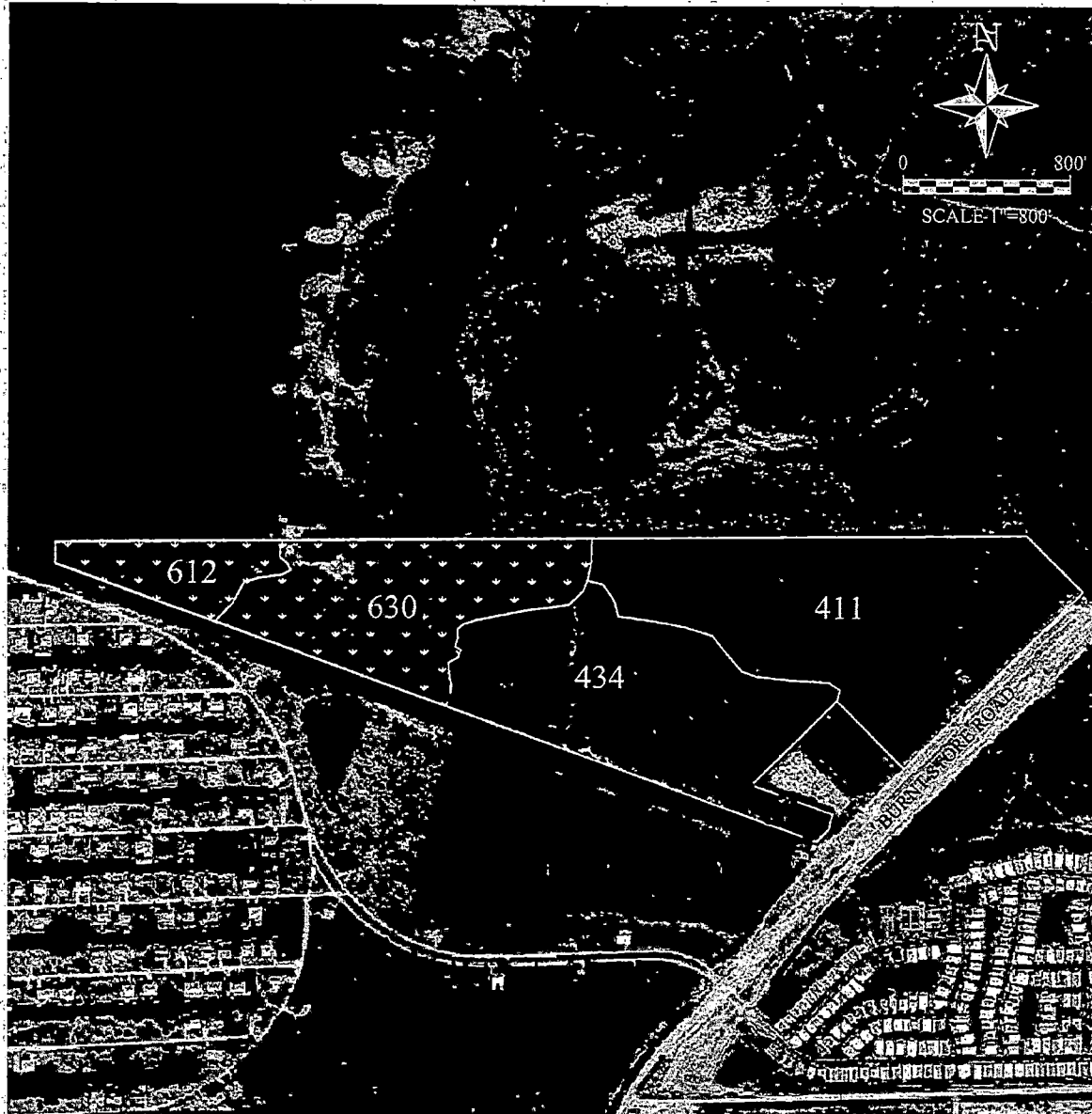
The Charlotte County Comprehensive Plan requires that all wetlands within a parcel under development review be categorized as either Category I or Category II wetlands. Additional scrutiny is afforded to impacts proposed within wetlands which qualify as Category I. In order to qualify as a Category I wetland, a wetland must have no more than 30% undesirable vegetation and meet at least two of the following criteria:

1. Any wetland of any size that has a permanent surface water connection to natural surface waterbodies with special water classifications, such as an Outstanding Florida Water, an Aquatic Preserve, or Class I or II waters. A natural hydrological connection that has been enhanced by human technology will be considered a connection under this category.
The subject wetland meets this criterion due to apparent surface water connection to Charlotte Harbor.
2. Any wetland of any size that has a direct connection to the Floridan aquifer by way of an open sinkhole or spring.
The subject wetland does not meet this criterion.
3. Any wetland of any size that has functioning hydroperiods with minimal human disturbance and provides critical habitat for listed species.
The wetland exhibits hydrology consistent with a natural hydrologic regime. However, no critical habitat for listed species is present.
4. Any wetland of any size whose functioning hydroperiods are connected via a direct natural surface water connection to parks or conservation lands.
The subject wetland meets this criterion due to the direct connection to state owned lands adjacent to Charlotte Harbor.
5. Any wetland of any size where downstream or other hydrologically connected habitats are significantly dependent on discharges from the wetland.
The subject wetland does not meet this criterion.

During a site inspection conducted in September 2020, exotic species, primarily Brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*) comprised approximately 20% coverage within the Wetland Forested, Mixed (FLUCCS 630) habitat with minimal coverage by Brazilian pepper also observed within the Mangrove Swamp (FLUCCS 614) habitat. As such, the overall coverage by exotic and nuisance species is below the 30% threshold. As the subject wetland meets two of the criteria above and does not contain at least 30% coverage by exotic and nuisance species, the wetland appears to qualify to be categorized as a Category I wetland.

SECTIONS 19 & 20; TOWNSHIP 42S; RANGE 23E

LEGEND



PLUCC	DESCRIPTIONS	ACREAGE
411	PINE FLATWOODS	33.88±
434	HARDWOOD/CONIFER, MIXED	26.75±
612	MANGROVE SWAMP	5.94±
630	WETLAND FORESTED, MIXED	18.98±
TOTAL:		85.55±

- POTENTIALLY OCCUPIED GOPHER TORTOISE BURROW (16)
- POTENTIAL HERITAGE TREE (9)

NOTES:

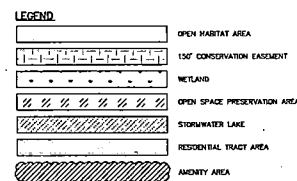
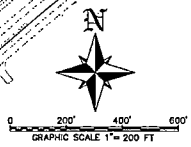
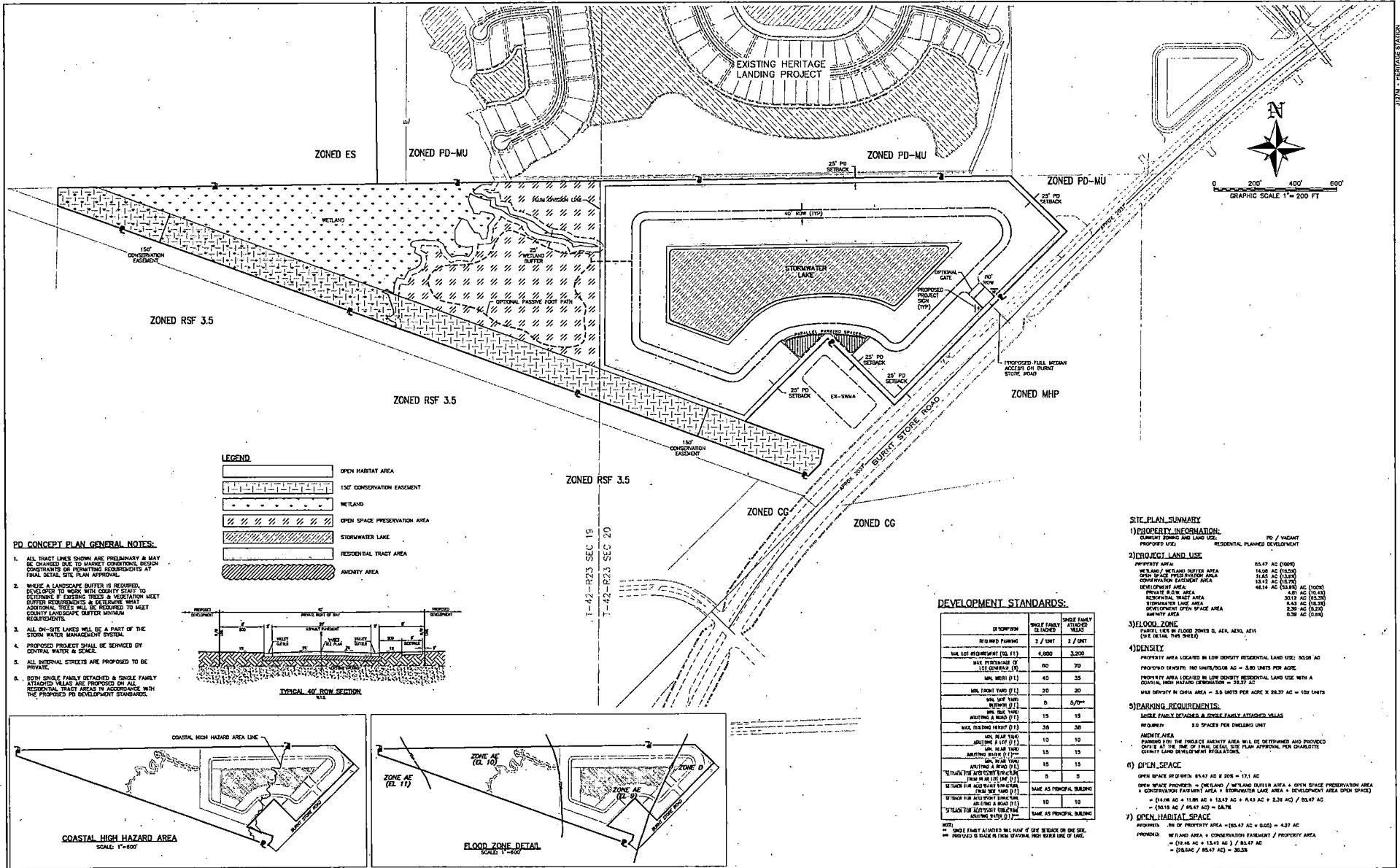
1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
2. PROJECT BOUNDARY IS APPROXIMATE AND WAS OBTAINED FROM CHARLOTTE COUNTY GIS.
3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2017 AERIAL PHOTOGRAPHY AT 1"=800' SCALE.
4. THE DELINEATION OF ANY ON-SITE WETLANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

20-199 / SEPTEMBER 23, 2020

HERITAGE STATION
PROTECTED SPECIES ASSESSMENT MAP

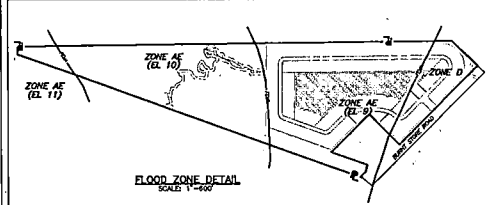
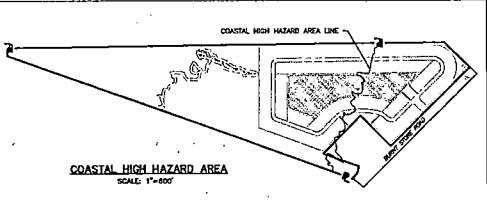
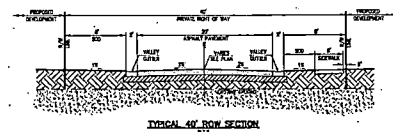
I V A
Ian Vincent & Associates
Environmental Consulting Services

Attachment 1
Conceptual Site Plan
for Heritage Station



PD CONCEPT PLAN GENERAL NOTES:

1. ALL TRACT LINES SHOWN ARE PRELIMINARY & MAY BE CHANGED DUE TO VARIETY CONDITIONAL DESIGN CONDITIONS OR PERMITTING REQUIREMENTS AT FINAL DETAIL SITE PLAN APPROVAL.
2. WHERE A LANDSCAPE BUFFER IS REQUIRED, DEVELOPER TO WORK WITH COUNTY DEPT TO DETERMINE IF EXISTING TREES & VEGETATION MEET BUFFER REQUIREMENTS & DETERMINE WHAT ADDITIONAL TREES WILL BE REQUIRED TO MEET COUNTY LANDSCAPE BUFFER MINIMUM REQUIREMENTS.
3. ALL ON-SITE LAKES WILL BE A PART OF THE STORM WATER MANAGEMENT SYSTEM.
4. PROPOSED PROJECT SHALL BE SERVED BY CENTRAL WATER & SEWER.
5. ALL INTERNAL STREETS ARE PROPOSED TO BE PRIVATE.
6. BOTH SINGLE FAMILY DETACHED & SINGLE FAMILY ATTACHED VILAS ARE PROPOSED ON ALL RESIDENTIAL TRACT AREAS IN ACCORDANCE WITH THE PROPOSED PD DEVELOPMENT STANDARDS.



SITE PLAN SUMMARY

- 1) **PROPERTY INFORMATION:**
CURRENT ZONING AND LAND USE: PD / VACANT
PROPOSED USE: RESIDENTIAL PLANNED DEVELOPMENT
- 2) **PROJECT LAND USE:**

PROPERTY AREA	65.47 AC (100%)
WETLAND / WETLAND BUFFER AREA	14.08 AC (18.2%)
OPEN SPACE PRESERVATION AREA	18.65 AC (23.4%)
DEVELOPMENT AREA	32.74 AC (50.3%)
PROPOSED RESIDENTIAL AREA	30.13 AC (38.3%)
DEVELOPMENT OPEN SPACE AREA	2.61 AC (3.3%)
AMENITY AREA	0.00 AC (0.0%)

DEVELOPMENT STANDARDS:

DESCRIPTION	SINGLE FAMILY DETACHED	SINGLE FAMILY ATTACHED VILAS
MAX LOT REQUIREMENT (SQ FT)	4,800	3,000
MIN WETLAND BUFFER (FT)	60	70
MIN FRONT YARD (FT)	40	35
MIN REAR YARD (FT)	20	20
MIN SIDE YARD (FT)	5	5/20*
MIN SETBACK (FT)	15	15
MIN. BUILDING HEIGHT (FT)	35	30
MIN. CLEARANCE (FT)	10	10
MIN. CLEARANCE (FT)	15	15
MIN. CLEARANCE (FT)	15	15
MIN. CLEARANCE (FT)	5	2
MIN. CLEARANCE (FT)	5	2
MIN. CLEARANCE (FT)	10	10
MIN. CLEARANCE (FT)	10	10
MIN. CLEARANCE (FT)	10	10
MIN. CLEARANCE (FT)	10	10

3) FLOOD ZONE:

PARCELS LIE IN FLOOD ZONES D, AE, AEA, AEA1, AEA2 (SEE DETAIL SHEET THREE)

4) DENSITY:

PROPERTY AREA LOCATED IN LOW DENSITY RESIDENTIAL LAND USE: 30.08 AC
 PROPOSED DENSITY: 70 UNITS/30.08 AC = 2.33 UNITS PER ACRE
 PROPERTY AREA LOCATED IN LOW DENSITY RESIDENTIAL LAND USE WITH A COASTAL HIGH HAZARD DESIGNATION = 28.37 AC
 MAX DENSITY IN COHA AREA = 33 UNITS PER ACRE X 28.37 AC = 102 UNITS

5) PARKING REQUIREMENTS:

MINIMUM: 2.0 SPACES PER DWELLING UNIT
 AMENITY AREA: PARKING FOR THE AMENITY AREA WILL BE DETERMINED AND PROVIDED DEPENDING ON THE FINAL DETAIL SITE PLAN APPROVAL FOR CHARLOTTE COUNTY LAND DEVELOPMENT REGULATIONS.

6) OPEN SPACE:

OPEN SPACE PROVIDED: 65.47 AC X 20% = 13.1 AC
 OPEN SPACE PROVIDED - ONE LAND / WETLAND BUFFER AREA + OPEN SPACE PRESERVATION AREA + CONSERVATION PRESERVATION AREA + STORMWATER LAKE AREA + DEVELOPMENT AREA OPEN SPACE
 = (14.08 AC + 18.65 AC + 18.65 AC + 2.61 AC) / 65.47 AC
 = 58.99 AC / 65.47 AC = 90.1%

7) OPEN HABITAT SPACE:

MINIMUM: 3% OF PROPERTY AREA = 1.96 AC X 20% = 0.39 AC
 PROVIDED: WETLAND AREA + CONSERVATION EASMENT / PROPERTY AREA
 = (14.08 AC + 18.65 AC) / 65.47 AC
 = 32.73 AC / 65.47 AC = 50.0%

PREPARED FOR:
WILMINGTON LAND COMPANY
 5610 LANTWOOD MANOR BLVD.
 SARASOTA, FL 34240
 PHONE: 941-328-1142

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCED NAVD83	
NO.	REVISION DESCRIPTION
1	3-10-2021 REVERSED WETLAND LINE
2	
3	
4	
5	
6	
7	
8	
9	
10	

BANKS ENGINEERING
 Professional Engineers, Planners, & Land Surveyors
 Saving The Best Of Florida

4183 TARRANT TRAIL - P.O. BOX 8187
 PORT CHARLOTTE, FLORIDA 33687
 PHONE: (813) 935-1145 FAX: (813) 935-1146
 EMAIL: INFO@BANKSENG.COM
 SURVEY LICENSE # 118 8486
 www.bankseng.com

TERRY R. BRYER, P.E.
 FLORIDA LICENSE # 84640

CONCEPTUAL SITE PLAN									
HERITAGE STATION									
CHARLOTTE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
11-23-20	B127M	SP-03	TRR	DCT	TRR	1" = 200'	3		

Attachment 2
Native Habitat Management Plan

**NATIVE HABITAT MANAGEMENT PLAN
AND
WETLAND CLASSIFICATION**

**HERITAGE STATION
Charlotte County, Florida**

January 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 and upland preservation areas for the proposed development. In addition, the on-site wetlands have been classified in accordance with Charlotte County Comprehensive Plan Natural Resources Element Policy ENV 3.1.1 – Identification and Categorization of Wetlands.

The subject property (Charlotte County Parcel ID# 422319426001) is located in Sections 19 and 20, Township 42S, Range 23E. More specifically, the project is located at 15351 Burnt Store Road.

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 of 80% aerial coverage by 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 in-place 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 area.

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 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
- 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.

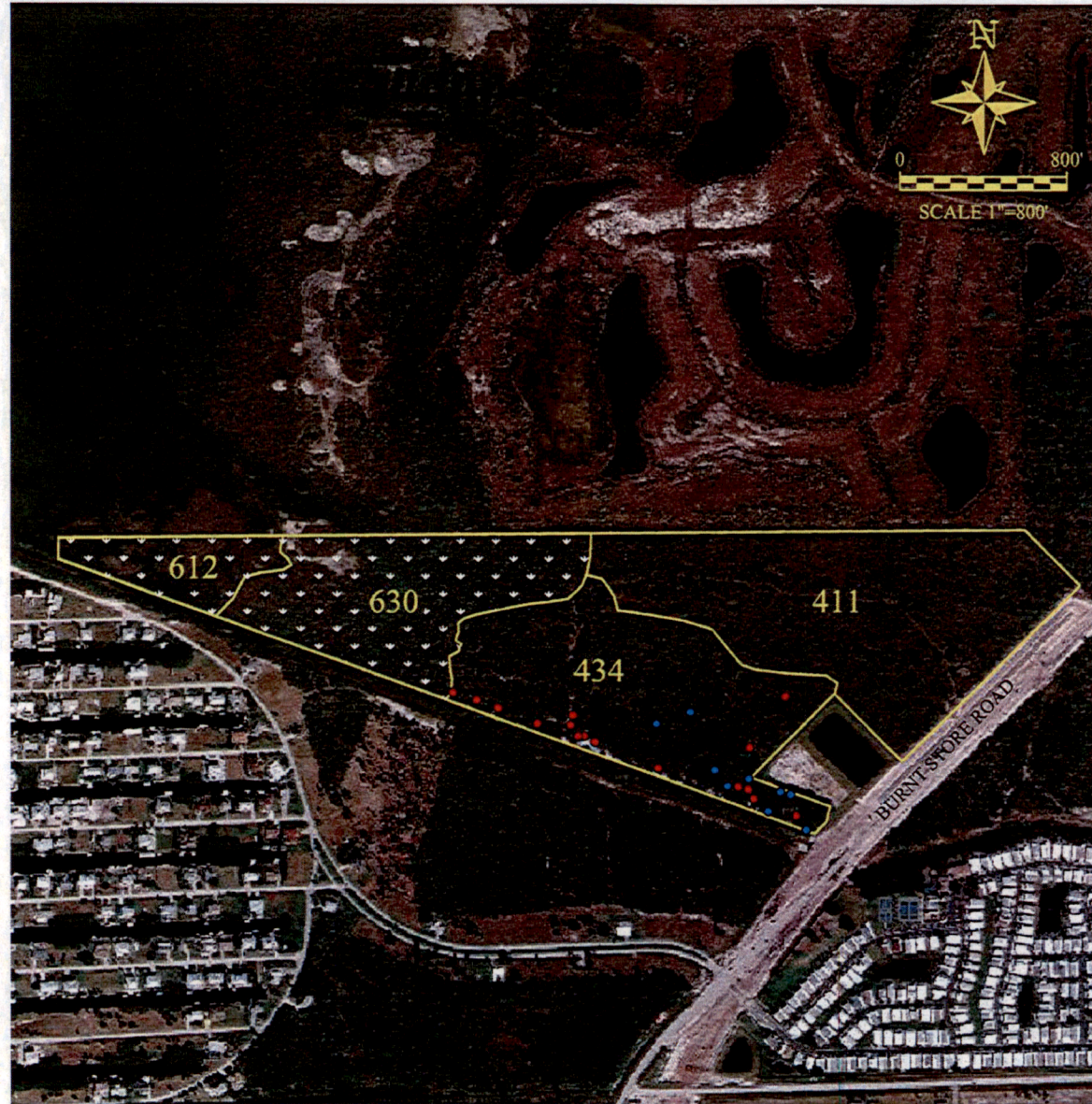
WETLAND CLASSIFICATION

The Charlotte County Comprehensive Plan requires that all wetlands within a parcel under development review be categorized as either Category I or Category II wetlands. Additional scrutiny is afforded to impacts proposed within wetlands which qualify as Category I. In order to qualify as a Category I wetland, a wetland must have no more than 30% undesirable vegetation and meet at least two of the following criteria:

1. Any wetland of any size that has a permanent surface water connection to natural surface waterbodies with special water classifications, such as an Outstanding Florida Water, an Aquatic Preserve, or Class I or II waters. A natural hydrological connection that has been enhanced by human technology will be considered a connection under this category.
The subject wetland meets this criterion due to apparent surface water connection to Charlotte Harbor.
2. Any wetland of any size that has a direct connection to the Floridan aquifer by way of an open sinkhole or spring.
The subject wetland does not meet this criterion.
3. Any wetland of any size that has functioning hydroperiods with minimal human disturbance and provides critical habitat for listed species.
The wetland exhibits hydrology consistent with a natural hydrologic regime. However, no critical habitat for listed species is present.
4. Any wetland of any size whose functioning hydroperiods are connected via a direct natural surface water connection to parks or conservation lands.
The subject wetland meets this criterion due to the direct connection to state owned lands adjacent to Charlotte Harbor.
5. Any wetland of any size where downstream or other hydrologically connected habitats are significantly dependent on discharges from the wetland.
The subject wetland does not meet this criterion.

During a site inspection conducted in September 2020, exotic species, primarily Brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*) comprised approximately 20% coverage within the Wetland Forested, Mixed (FLUCCS 630) habitat with minimal coverage by Brazilian pepper also observed within the Mangrove Swamp (FLUCCS 614) habitat. As such, the overall coverage by exotic and nuisance species is below the 30% threshold. As the subject wetland meets two of the criteria above and does not contain at least 30% coverage by exotic and nuisance species, the wetland appears to qualify to be categorized as a Category I wetland.

SECTIONS 19 & 20; TOWNSHIP 42S; RANGE 23E



LEGEND

FLUCCS	DESCRIPTIONS	ACREAGE
411	PINE FLATWOODS	33.88±
434	HARDWOOD/CONIFER, MIXED	26.75±
612	MANGROVE SWAMP	5.94±
630	WETLAND FORESTED, MIXED	18.98±
TOTAL		85.55±

- POTENTIALLY OCCUPIED Gopher TORTOISE BURROW (16)
- POTENTIAL HERITAGE TREE (9)

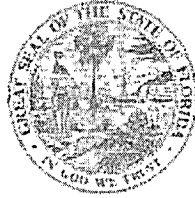
NOTES:

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"=800' SCALE.
4. THE DELINEATION OF ANY ON-SITE WETLANDS, SURFACE WATERS, AND/OR OTHER SURFACE WATERS IS PRELIMINARY AND SUBJECT TO REVIEW/APPROVAL BY APPLICABLE REGULATORY AGENCIES.

20-199 / SEPTEMBER 23, 2020

HERITAGE STATION
PROTECTED SPECIES ASSESSMENT MAP

IWA
Ian Vincent & Associates
Environmental Consulting Services



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 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. 2021-013, which was filed in this office on April 28, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/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 THERE TO, 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, APRIL 27, 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.shtml>

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 REGULAR AGENDA

PP-20-12-19 Quasi-judicial Commission District IV
The Final Plat for The Cove at West Port Phase 1A, consisting of forty-eight (48) residential lots was approved on November 24, 2020 (FP-19-11-15). Forestar (USA) Real Estate Group, Inc is requesting Preliminary Plat approval to replat the subdivision to be named, The Cove at West Port Phase 1A-1, consisting of forty-two (42) residential lots rather than the previously approved 48 residential lots. The site is 115.34± acres, and is located north of El Jobean Rd., south of Tamiami Trail, east of the Cornelius Blvd. and west of Toledo Blade Blvd., in the Port Charlotte area.

PP-21-01-01 Quasi-judicial Commission District IV
James Harvey of KL JAK WP LLC has requested Preliminary Plat approval for a subdivision to be named, East Landings at West Port, consisting of 82 single-family lots and 4 tracts. The site is 18.89± acres, and is located North of El Jobean Rd., South of South Port Harbour Blvd., East of Centennial Blvd. and West of the Flamingo Waterway, in the Port Charlotte area.

PP-21-01-02 Quasi-judicial Commission District IV
James Harvey of KL West Port LLC has requested Preliminary Plat approval for a subdivision to be named, Palms at West Port, consisting of 262 residential lots. The site is 65.6± acres, and is located North of El Jobean Rd., South of Tamiami Tri., East of the Crestview Waterway, and West of the Centennial Blvd, in the Port Charlotte area.

SV-20-12-06 Legislative Commission District I
Bruce and Denise Eshak are requesting to vacate a portion of the undeveloped Hibiscus canal behind their property. The total area to be vacated is 0.08± acres as recorded in Plat Book 4, Page 49, of the Public Records of Charlotte County, Florida, and located North of Neap tide Dr., East of Marine Ct. and West of Hibiscus Ct., in the Port Charlotte area.

PD-20-00009 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 2006-012, to allow for development of single-family detached and attached homes, increasing density from 51 units to 190 units, for property located at 15351 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 85.49± acres; the subject property is part of the property for a PD rezoning, Ordinance Number 2006-012, which contains 94.72± acres; Commission District II; Petition No. PD-20-00009; Applicant: Wilmington Land Company; providing an effective date.

Z-21-21-16 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 Residential Estate 1 (RE-1), for property located at 15401 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 9.24± acres; Commission District II; Petition No. Z-21-21-16; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

TCP-20-06 FY 2020-2021 Capital Improvements Plan Update Legislative Countywide
An Ordinance to amend the Capital Improvements Element (CIE) of the County's Comprehensive Plan by updating 1) the Capital Improvements Plan (CIP), set forth in CIE Appendix II: Concurrency Related Capital Improvements Schedule; 2) the Charlotte County School District 5-Year Work Program, set forth in CIE Appendix III: Charlotte County School District 5-Year District Facilities Work Program; and 3) the Charlotte County-Punta Gorda MPO's Transportation Improvement Plan, set forth in CIE Appendix IV: Charlotte County-Punta Gorda MPO Transportation Improvement Program. The updates are required on an annual basis as stated in the County's Comprehensive Plan and Section 163.3177 (3)(b), Florida Statutes. Such updates may not be deemed to be amendments to the County's Comprehensive Plan.

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.

