



PLANNING COMMISSION AGENDA

**CITY OF PUNTA GORDA, FLORIDA
326 WEST MARION AVENUE, PUNTA GORDA, FLORIDA 33950
**** AMENDED AGENDA ****
NOVEMBER 22, 2021, 2:00 PM**

Harvey Goldberg, Chair
Donna Peterman, Vice Chair
Joseph Comeaux, Commissioner
Keith Frohlich, Alternate
Bradford Gamblin, Commissioner
Susan Hill, Alternate
Sherman Johnson, Commissioner
Lisa Kellythorne, Commissioner
Paul Sacilotto, Commissioner

CALL TO ORDER

Roll Call
Pledge of Allegiance
Announcements
Next Meeting - December 27, 2021

PUBLIC COMMENTS

Anyone wishing to address the Planning Commission on any subject may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak up to a maximum of three minutes.

1. APPROVAL OF MINUTES

1.a *October 25, 2021, Minutes

2. LEGISLATIVE PUBLIC HEARINGS

2.a SV-01-2021 - A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine

Road; and providing an effective date.

- 2.b SV-02-2021 - A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

3. **QUASI-JUDICIAL PUBLIC HEARINGS**

- 3.a CP-04-2021 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, ADOPTING AN AMENDMENT TO THE "CITY OF PUNTA GORDA COMPREHENSIVE PLAN 2040" FOR THE PURPOSE OF CREATING THE "PROPERTY RIGHTS ELEMENT" INCLUDING THE GOAL, OBJECTIVES, AND POLICIES AS REQUIRED BY STATE STATUTE; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 3.b AX-03-2021 - An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres; identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provision of Section 171.044. Florida Statutes; Redefining the boundary lines of said City of Punta Gorda, Florida, Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.
- 3.c CP-03-2021 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.
- 3.d PD 03-2021 An Ordinance of the City of Punta Gorda, Florida, rezoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of

Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 6, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.

4. GENERAL BUSINESS

STAFF COMMENTS

2022 Meeting Dates

MEMBER COMMENTS

ADJOURNMENT

If any person decides to appeal any matter considered at this meeting, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens, and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 W. Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@cityofpuntagordafl.cpm, at least two (2) calendars days prior to the meeting.

The following motion format is recommended for use by an advisory board/committee in a quasi-judicial proceeding: Based on the evidence and testimony presented at this Public Hearing for Item # _____, I find that this request (is/is not) consistent with the City of Punta Gorda Comprehensive Plan and move that we recommend to the City Council (approval/approval with conditions/denial) of this request. If any person decides to appeal any decision made by this Advisory Board/Committee with respect to any matter considered at the meeting or hearing, he or she may need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

APPROVAL OF MINUTES

Title: *October 25, 2021, Minutes

Funds: Not applicable.

Recommended Action: For approval.

Summary: October 25, 2021, Meeting Minutes will be distributed at the meeting.

Department/Division: Urban Design

EXHIBITS:

1. [10-25-2021 Minutes](#)

**PLANNING COMMISSION
MEETING
OCTOBER 25, 2021**

MEMBERS PRESENT: Harvey Goldberg, Chairman
Keith Frohlich, Bradford Gamblin,
Sherman Johnson, Lisa Kellythorne,
Donna Peterman, Paul Sacilotto

MEMBERS ABSENT: Joseph Comeaux

OTHERS PRESENT: Joan LeBeau, Urban Design Director
Mitchell Austin, Chief Planner
Lisa Hannon, Zoning Official
Julie Ryan, Senior Project Manager
Bob Fritz

CALL TO ORDER

- Mr. Goldberg called the meeting to order at 2:00 p.m.
- A. Roll Call
- B. Next Scheduled Meeting
- 1. November 22, 2021

PUBLIC COMMENTS

- Mr. Bob Fritz expressed concern regarding height, density, parking and building uses in the Form Based Code (FBC), urging members to carefully consider any recommendations they made regarding same.

APPROVAL OF MINUTES

- A. September 27, 2021
- Ms. Peterman MOVED, Mr. Gamblin SECONDED approval of the September 27, 2021, minutes. MOTION CARRIED UNANIMOUSLY.

LEGISLATIVE PUBLIC HEARINGS

- No items.

QUASI-JUDICIAL PUBLIC HEARINGS

- No items

GENERAL BUSINESS

- A. Land Development Regulation – Form Based Code: Project Update and Discussion
- Ms. Joan LeBeau, Urban Design Director, drew members’ attention to the presentation for the Land Development Regulation (LDR) update for the FBC, denoted in the agenda material, summarizing the actions taken by the project team (slide 2) and the three phases of the project (slides 3-6). She stated the purpose of the meeting was to address

four major community concerns regarding building height, the community benefits program, architecture and implementation of the project.

- Mr. Mitchell Austin, Principal Planner, drew members' attention to the building height portion of the presentation, reviewing how same was measured, current and proposed maximum building heights and examples of the two tallest buildings in the City (slides 2-7).
- Mr. Sacilotto inquired whether the proposed maximum building height of 80 feet for the downtown core would affect the smaller downtown as well.
- Mr. Austin responded the proposed 80-foot height limit was comparable to existing buildings such as SpringHill Suites and Four Points by Sheraton, noting it would be difficult to tell the difference between 65 and 80 feet at ground level.
- Mr. Frohlich questioned if there were exclusion options for the proposed community benefit height to extend beyond the maximum building heights of 80 or 100 feet.
- Mr. Austin replied staff desired feedback regarding acceptable building heights as same had not been established yet, explaining the proposed heights were a starting point and were estimated based on legislative requirements. He indicated the community had expressed a desire to achieve outcomes such as additional public space, boating amenities and infrastructure funding, noting additional height or space was needed as compensation for a developer to provide such accommodations. He verified the proposed community benefit building heights represented habitable space of the building; however, there might be circumstances where architectural elements such as the tower of the Justice Center were desirable, explaining there needed to be a way to permit such elements while not allowing the entire height to be constructed as habitable space.
- Discussion ensued regarding the details and specifications of current and proposed building heights in accordance with lot sizes and locations within the districts.
- Mr. Sacilotto indicated the core concern of the community was to avoid the appearance of a larger city.
- Ms. Peterman stated there was a desire for development at the vacant lot in the City Marketplace rather than only using same for weekend events.
- Mr. Frohlich verified the community benefit height would not be guaranteed for a developer if there was a decision the development did not provide a community benefit.
- Ms. LeBeau then drew members' attention to the community benefits program portion of the presentation, reviewing the purposes and basis of the proposed program along with the current requirements for same (slides 2-7). She summarized the intent of the community benefits program included limitations for and streamlining of the

development process, highlighting the allowances and potential benefit categories for the program (slides 8-10).

- Mr. Sacilotto suggested an economic benefit analysis include any benefit provided should represent a substantial percentage of the total cost of a development, expressing concern the regulations might be circumvented.
- Ms. LeBeau indicated Mr. Austin would provide information on how staff would review the community benefits.
- Ms. Kellythorne questioned whether there was opportunity to replicate other communities' successful community benefits programs.
- Mr. Austin responded the FBC, including the community benefits program, was being calibrated to the desired context of the community.
- Ms. Peterman inquired as to parking, expressing concern regarding locations where parking was not available.
- Mr. Austin replied same was part of the parking provisions in Chapter 26, Article 10, of the LDRs, stating deviations from the current standards were not proposed. He noted the proposed Historic District Parking Program specified parking requirements per residential unit, adding revisions to the Code for same were in progress and had been discussed by the Historic Preservation Advisory Board and City Council. He then continued reviewing operation of the community benefit program according to a points-based system, pointing out an example of same for a public open space (slides 11-12).
- Ms. Kellythorne opined requiring a certain payment for each point would be simpler to manage, noting areas could be created that did not serve general public well.
- Mr. Austin indicated items such as setbacks for pedestrian space would be considered, explaining the design criteria would address concerns pertaining to open space.
- Mr. Goldberg questioned whether a wish list could be created of potential benefit categories.
- Mr. Austin replied affirmatively, adding staff was at a point in the process where firm direction was needed as to what City Council and the community desired.
- Mr. Goldberg noted the value of the contribution from the developer had to equal the benefit to the community.
- Mr. Sacilotto recommended the City incorporate performance of a cost/benefit analysis, adding community support was necessary.
- Ms. Peterman inquired as to why there were no attempts to develop the City Marketplace property.
- Mr. Austin replied two main reasons were the lack of residential density and building height.

- Ms. Peterman suggested focus should be on encouraging development rather than on what benefits a developer could provide for the privilege of building in the City.
- Discussion ensued regarding the circumstances as well as the requirements for potential development of the City Marketplace.
- Mr. Austin drew members' attention to examples of development denoted in the Community Benefits Program presentation, providing a detailed explanation of the points the developer would receive based on the benefits provided to the community.
- Ms. Kellythorne pointed out a 60 foot building would appear 65 foot tall compared to the other buildings due to changes to base flood elevation, noting same had to be considered when looking at the proposed elevations.
- Mr. Austin agreed, adding there were dry flood proof options which could be used as well. He then drew attention to the architecture element (slide 1), recalling councilmember comments regarding building architecture and concern with how the City could regulate same effectively. He reviewed current architectural expectations and regulations (slide 2-3) by presenting two buildings which met the regulations requirements, but only one better met the community's vision.
- Ms. Peterman inquired as to the Harbor Social.
- Mr. Austin replied same was another example of development which met an architectural style permitted by the Code, adding same met the intent of commercial streets. He indicated if the community desired to prohibit such architecture in the future, regulations would be necessary.
- Mr. Frohlich inquired whether Mr. Austin was aware of what other small towns had done to create a consistent aesthetic appealing to residents and whether same could be adapted to the City.
- Mr. Austin replied most communities that relied on architectural provisions to do so had a theme, noting the City's context was an eclectic set of architectural styles and the intent for the FBC was to prohibit certain architectural styles. He then continued reviewing the current architectural styles according to the regulations (slide 4), explaining the architectural guidelines were written to protect historical structures rather than to provide architectural guidance for new construction. He noted regulation was difficult as the guidelines document was not codified. He presented an example of current and proposed regulations for built form (slides 5-6), noting the proposed regulations included clear illustrations and text, focused solely on architecture and provided standards less open to interpretation.
- Mr. Goldberg suggested providing an example of development at the City Marketplace property or in that particular neighborhood.

- Mr. Austin noted there were standards in the code related to built form, particularly the way the building addressed the street in terms of façade types and treatments.
- Mr. Gamblin inquired as to the requirements for economic viability at the City marketplace property.
- Mr. Austin replied the information provided in terms of the proposed building height and residential densities was based on previous proposals for the site.
- Ms. Kellythorne stated there were recent examples to pull from such as the Wyvern, SpringHill Suites and Sheraton.
- Mr. Austin noted same were commercial examples and not residential examples.
- Mr. Goldberg summarized the goal was to provide flexibility for developers and to benefit the community's vision.
- Ms. Lisa Hannon, Zoning Official, drew members' attention to the implementation portion of the presentation (slide 1). She briefly reviewed the current and proposed regulating districts (slide 3). She stated while the current development standards were in text form, the proposed regulations would include text, tables and graphics to clearly define the intent of each zoning district (slide 4). She indicated there would be changes throughout the Code, noting parking and landscaping were limited to minor administrative revisions at this time (slide 5). She stated the development standards would clarify the architectural standards (slide 6), explaining same would help simplify and clarify development regulations for staff when reviewing any type of proposed development. She then drew members' attention to the current and proposed sample text for general building principals (slide 7).
- Mr. Frohlich inquired if there was oversight of staff and whether it was possible to step outside the guidelines.
- Ms. Hannon responded a developer could appeal staff's administrative decisions to City Council. She then reviewed the current and proposed processes for the community benefits program (slide 8).
- Ms. Peterman inquired whether the Planning Commission would continue to hear public hearings for planned developments.
- Ms. Hannon replied the community benefits program was limited to key areas.

NOTE: Mr. Sacilotto left the meeting at 3:46 p.m.

- Mr. Austin clarified the community benefits program would be essentially a two tier process wherein staff approval would be necessary in some cases and the Planning Commission providing a recommendation to City Council in other cases.
- Ms. Julie Ryan, Senior Project Manager, summarized the LDR update process (slide 2), which included public hearings; however, those would not be held until staff was

comfortable both the Commission and City Council were in a position to finalize and adopt the FBC. She explained revisions would continue to be made until then, anticipating two revisions would be necessary before adoption would occur. She stated major changes were made to the regulating districts and architectural provisions (slide 3), noting minor changes were made to other articles (slide 4). She concluded with the project timeline (slide 5), noting the next step was to hold a public workshop for City Council on November 19, 2021. She stated there were ways for the public to obtain information on the Comprehensive Plan and LDRs, noting the first draft of Article 3 would likely be presented to the Commission at the December 2021 meeting. She explained staff was trying to build a foundation for members to use when considering Article 3.

- Ms. Peterman noted most of the changes only affected District 1.
- Mr. Goldberg opined staff was on the right track and the changes would make a significant difference to the community.
- Ms. Peterman noted individuals had frequently expressed desire for visualizations, opining it was unfair to expect staff to determine what development at the City Marketplace would look like.

STAFF COMMENTS

- None.

MEMBER COMMENTS

- None.

ADJOURNMENT

- Meeting Adjourned: 4:00 p.m.

Harvey Goldberg, Chairman

Leah Pues, Recording Secretary

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

LEGISLATIVE PUBLIC HEARINGS

Title: SV-01-2021 - A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

Funds:

Recommended Action: Staff recommends approval of SV-01-2021 Street Vacation request.

Summary: This is a request to vacate 1.78 +/- acres described as a portion of Orange Road a/k/a Mac Dine Road. The property owner is in control of all abutting properties. This vacation is required in order to facilitate the large multi-use development with associated amenities, single-family homes, a community recreation area and on-site parking.

Department/Division: Urban Design

EXHIBITS:

1. [Proof of Publication](#)
2. [Legal Ad 11-5-21](#)
3. [Vacation Application](#)
4. [Resolution to vacate Street](#)
5. [SV-01-2021 PC Staff Report](#)
6. [SV-01-2021 Presentation](#)

**CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE**

Geri Waksler Agent
Applicant

AX-03-2021, CP-03-2021, PD-03-2021, SV-01-2021 & SV-02-2021 - 9511 Mac George St & 9298 Mac Ever St (Loop Applications)
File # & Title

AFFIDAVIT OF POSTING NOTICE

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

BEFORE ME, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 Mac Ever & 9511 Mac George St, Punta Gorda, Florida;
2. That this property is owned by Punta Gorda Housing Authority, Geri Waksler acting as agent. The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

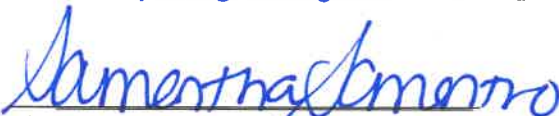
Dated this 5th day of November, 2021.



Code Compliance Officer

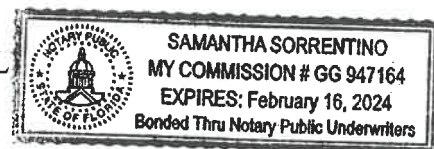
**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 5 day of November, 2021 by Nick Falkner, who is personally known to me and who did not take an oath.



Signature, Notary Public

(SEAL)







NOTICE OF PUBLIC HEARING

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11/05/2021 10:32



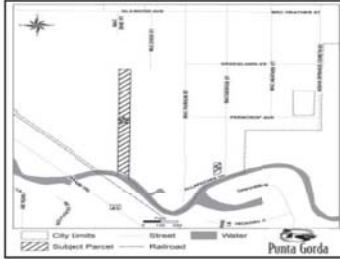
11/05/2021 10:29

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the **Planning Commission** will hold a Public Hearing on **Monday, November 22, 2021, at 2:00 p.m.**, and the **Punta Gorda City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon hereafter as may be heard, to consider the following requests:

AX-03-2021 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres, which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

CP-03-2021 – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDH/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.



PD-03-2021 – An Ordinance of the City of Punta Gorda, Florida, zoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 3, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.



SV-01-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

SV-02-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

CP-04-2021 – An Ordinance of the City of Punta Gorda, Florida, adopting an amendment to the "City of Punta Gorda Comprehensive Plan 2025" for the purpose of creating the "Property Rights Element" including the goals, objectives and policies as required by State Statute; providing for conflict and severability; and providing an effective date.



Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33960. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in these proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33960, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendar days prior to the meeting.

**KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA**

Run 1 time: Friday, November 5, 2021

adno-2819079-1



VACATION APPLICATION

Application Fee: \$750		Date Received:		File #: SV	
Type of Vacation: ☒ Street ☐ Alley ☐ Easement ☐ Plat ☐ Right-of-Way					
NOTE: As of January 1, 2004, Public Works is NOT recommending approval of street/right-of-way vacations, reserving availability for stormwater management.					
Office use only:					
Ad Date		DRC		Planning	City Council
Application and all pertinent required data (listed below) MUST be submitted with this application					
☒ ORIGINAL application with Signed & Notarized Vacation application and/or Affidavit Authorization for Agent (if applicable) ☒ A copy of the deed or other evidence of ownership ☒ Complete legal description of the portion of property to be vacated ☒ Digital Text file of metes and bounds description of Property ☒ Petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated			☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures. ☒ Survey MUST show ALL Easements, Dedications & Improvements ☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations ☒ Date of Survey: June 18, 2021 ☒ Total Acreage of Property 1.78 acres ☒ Square Footage 77,236.8 square feet		
☒ An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable). In addition to the original application a CD/DVD of ALL supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.					
In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record					
IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of \$500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).					
1. Applicant					
Name: Jones Loop Road, LLC					
Address: 999 Vanderbilt Beach Rd., Suite 701		City: Naples	State: FL	Zip: 34108	
Phone:		Email address			

2. Owner(s) of Record					
Name: Jones Loop Road, LLC					
Address: 999 Vanderbilt Beach Rd., Suite 701	City: Naples	State: FL	Zip: 34108		
Phone:	Email address				
3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)					
Name: McCrory Law Firm, PL					
Address: 309 Tamiami Trail	City: Punta Gorda	State: FL	Zip: 33950		
Phone: (941) 205-1122	Email address geri@mccrorylaw.com and jay@mccrorylaw.com				
4. Legal Description of Property (Attach separate sheet if necessary)					
Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD					
See attached sketch and description					
Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
N/A			21	77,536.8	1.78
5. Detail narrative describing reason/purpose of Vacation (use additional sheet as necessary)					
The applicant owns all the lands surrounding the subject street and intends to develop a platted residential community of up to 240 single family homes. The subject street conflicts with the development plan for the residential community, resulting in this Vacation Application.					
I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.					
AFFIDAVIT					
Signature of Owner or Authorized Agent _____		Print Name & Title _____		Date _____	
STATE OF _____) COUNTY OF _____)					
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.					
Notary Public, State of Florida _____		My commission Expires _____		(Seal)	

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)		
I/We _____, property owner(s), hereby authorize _____ to act as Agent on our behalf regarding a <u>VACATION APPLICATION</u> on the property commonly known as _____ in Punta Gorda, Florida.		
_____ Signature of Property Owner	_____ Print Name of Property Owner	_____ Date
STATE OF _____) COUNTY OF _____)		
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.		
_____ Notary Public, State of Florida	_____ My commission Expires	(Seal)

City of Punta Gorda

Resolution No. _____-2021

A RESOLUTION OF THE CITY OF PUNTA GORDA, FLORIDA, VACATING 1.78 +/-ACRES, A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; ALSO DESCRIBED AS A PORTION OF ORANGE ROAD A/K/A MAC DINE ROAD; AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Geri Waksler, authorized agent, on behalf of Jones Loop Road, LLC, property owner, filed a petition to vacate 1.78 +/-acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit “A” attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and

WHEREAS, the City of Punta Gorda Planning Commission considered the request at its regularly scheduled meeting of November 22, 2021, and recommended approval of the vacation request; and

WHEREAS, after a duly noticed public hearing held this date, the City Council finds that no reason or cause has been shown as to why the vacation should not take place.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Punta Gorda, Florida that:

I. The parcel of land, 1.78 +/-acres, situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit “A” attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road, is hereby vacated.

II. A certified copy of this Resolution shall be sent by the City Clerk to the Clerk of the Circuit Court for recording in the Public Records of Charlotte County, Florida.

III. A certified copy of this Resolution shall be mailed by the City Clerk to the Post Office Department of the United States of America, Punta Gorda, Florida, directed to the Postmaster.

IV. This Resolution shall take effect upon being recorded in the Public Records of Charlotte County, Florida.

DONE in regular session of the City Council of the City of Punta Gorda, Florida, this 1st day of December 2021.

, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(ORANGE ROAD a/k/a MAC DINE ROAD)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.88°42'52"E. ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21 (FOR A BASIS OF BEARING) FOR 70.26 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SEABOARD RAILWAY; THENCE CONTINUE ALONG SAID SOUTH LINE AND SAID RIGHT-OF-WAY LINE OF SEABOARD RAILWAY; S.88°42'52"E. FOR 13.48 FEET; THENCE DEPARTING SAID SOUTH LINE AND CONTINUING ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE; N.40°49'49"W. FOR 39.98 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD THE FOLLOWING 3 COURSES: N.22°09'57"E. FOR 197.19 FEET; TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 912.96 FEET, DELTA ANGLE OF 25°31'50", A CHORD BEARING OF N.34°53'34"E., AND A CHORD DISTANCE OF 403.45 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR 406.81 FEET; THENCE N.47°38'42"E. FOR 147.93 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD AND THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHLAND AVENUE (50' WIDE) AS SHOWN ON THE PLAT OF SOUTH-HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA (a/k/a GLASGOW AVENUE); THENCE S.89°28'38"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HIGHLANDS AVENUE FOR 818.38 FEET TO THE POINT OF BEGINNING; THENCE S.89°28'38"E. FOR 40.00 FEET TO THE NORTHWEST CORNER OF LOT 284 OF SAID PLAT; THENCE S.00°31'22"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF ORANGE ROAD AND THE WESTERLY LINE OF LOTS 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, AND 295 AND THE SOUTHERLY EXTENSION THEREOF FOR 1945 FEET, MORE OR LESS TO THE APPROXIMATE MEAN HIGH WATER LINE OF ALLAPATCHEE RIVER; THENCE MEANDERING ALONG SAID APPROXIMATE MEAN HIGH WATER LINE FOR 43 FEET, MORE OR LESS TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID ORANGE ROAD; THENCE N.00°31'22"E. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1929 FEET, MORE OR LESS TO THE POINT OF BEGINNING

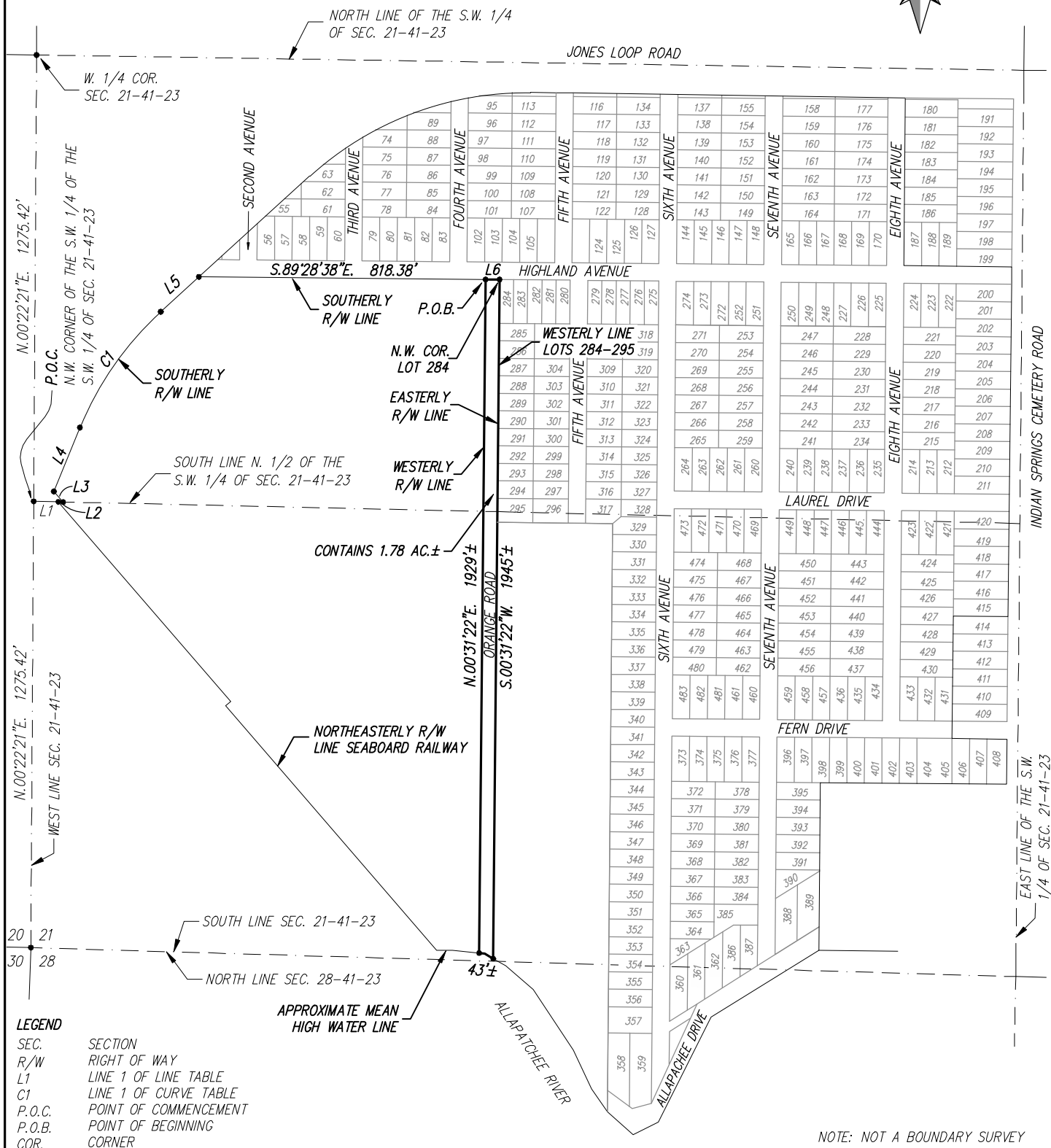
CONTAINS 1.78 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

JUNE 18, 2021

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION No. 5542

SHEET 1 OF 3
SERVING THE STATE OF FLORIDA



BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMPA TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33852
PHONE: (941) 825-1165 FAX: (941) 825-1149
ENGINEERING LICENSE # EB 6489
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
ORANGE ROAD
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
6/18/21	4438	4438-OR	JS	CDB	1"=400'	20F3	21&28-41-23

LINE TABLE

LINE	BEARING	DISTANCE
L1	S.88°42'52"E.	70.26'
L2	S.88°42'52"E.	13.48'
L3	N.40°49'49"W.	39.98'
L4	N.22°09'57"E.	197.19'
L5	N.47°38'42"E.	147.93'
L6	S.89°28'38"E.	40.00'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	912.96'	406.81'	403.45'	N.34°53'34"E.	25°31'50"

LEGEND

SEC. SECTION
R/W RIGHT OF WAY
L1 LINE 1 OF LINE TABLE
C1 LINE 1 OF CURVE TABLE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

NOTE: NOT A BOUNDARY SURVEY

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMAMI TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 825-1185 FAX: (941) 825-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
ORANGE ROAD
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
6/18/21	4438	4438-OR	JS	CDB	1"=400'	30F3	21&28-41-23



STREET VACATION STAFF REPORT

TO: Punta Gorda Planning Commission
FROM: Lisa Hannon, Zoning Official
DATE: November 22, 2021
RE: SV-01-2021 – 9298 Mac Ever Street

Applicant Request:

SV-01-2021 - A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

Summary of Applicant's Request:

Geri Waksler, authorized agent, on behalf of Jones Loop Road, LLC, property owner, to vacate 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road for a large multi-use development with associated amenities.

City Code of Ordinance, Chapter 20, Section 20-9 Vacation of streets and rights-of-way -(a) Authorization. The City Council may consider the vacation of a street or right-of-way or the closing, widening, narrowing, or changing the name of any street pursuant to this section, and it shall consider such a vacation, closing, widening, narrowing, or name change when requested by petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated, closed, widened, narrowed, or to have its name changed.

Findings:

Finding #1: This is a request to vacate 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road.

Finding #2: The property owner is in control of all abutting properties.

Finding #4: This vacation is required in order to facilitate large multi-use development with associated amenities, single-family homes, a community recreation area, and on-site parking.

Staff Recommended Conditions of Approval

- 1.) Staff has no conditions of approval.

Staff Recommendations - based on the aforementioned approval criteria findings & conclusions:

Punta Gorda Development Review Committee recommended approval of SV-01-2021.

Based upon the stated findings, the Punta Gorda Urban Design Division recommends approval of SV-01-2021.

SV-01-2021

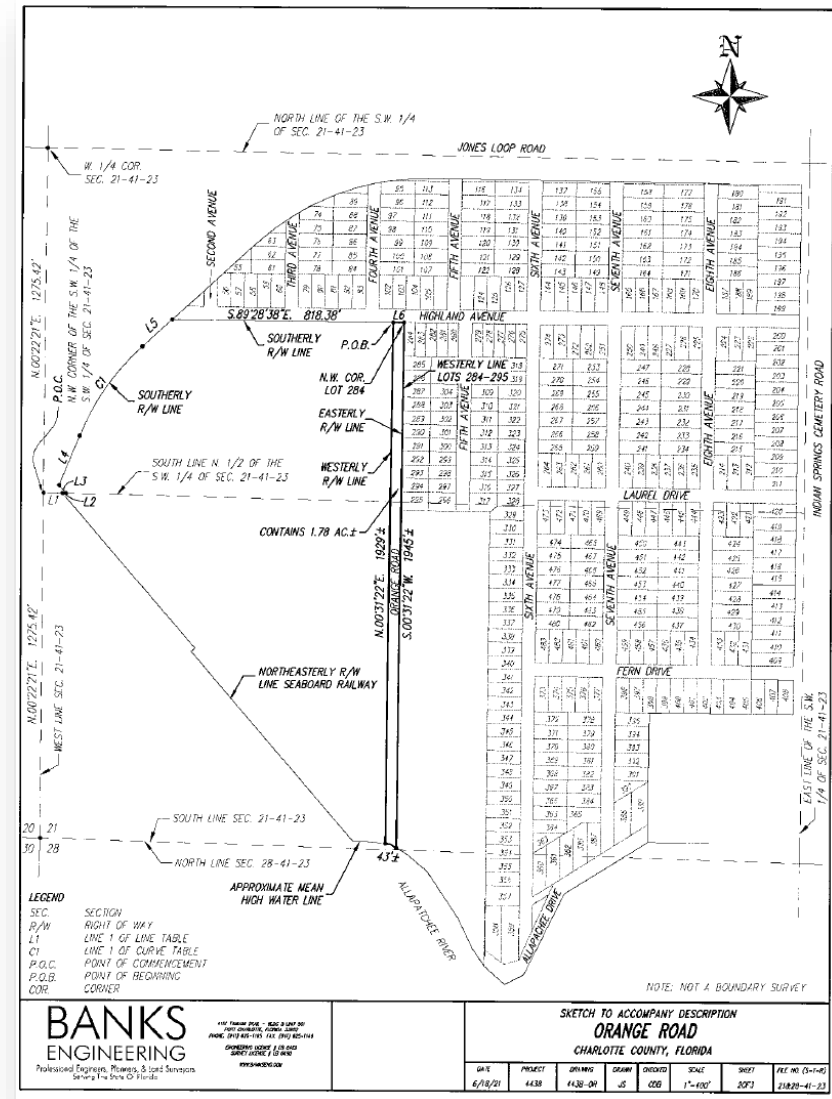
9298 Mac Ever Street – Proposed Street Vacation



SV-01-2021

- Proposed Street Vacation
 - Orange Road (aka Mac Dine Street)
 - +/- 1.78 acres
 - Unimproved platted street
 - No public improvements
- Vacation to facilitate proposed site development

Copy of survey provided by applicant



SV-01-2021

- All appropriate utilities notified
 - Comcast comments
 - CenturyLink
 - No comments received as of the date of the meeting



Recommendations

- Development Review Committee recommended approval
- Urban Design Staff recommends approval



Questions?



Our Mission is “To enhance Punta Gorda’s identity as a vibrant waterfront community, unique in character and history, and one of the most desirable places to live, work and visit.”

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

LEGISLATIVE PUBLIC HEARINGS

Title: SV-02-2021 - A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

Funds:

Recommended Action: Staff recommends approval of SV-02-2021 Plat vacation request.

Summary: This is a request for a plat vacation of approximately 53.91 +/- acres. All streets within the plat are not currently maintained by the City of Punta Gorda and all property within the portion of the plat proposed for vacation is currently vacant. The applicant controls all of the property within the portion of the plat proposed for vacation. This vacation is required in order to facilitate proposed site development with single-family homes, a community recreation area and on-site parking.

Department/Division: Urban Design

EXHIBITS:

1. [Proof of Publication](#)
2. [Legal Ad 11-5-21](#)
3. [Plat Vacation Application](#)
4. [Resolution to vacate Plat](#)
5. [SV-02-2021 PC Staff Report](#)
6. [SV-02-2021 Presentation](#)

**CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE**

Geri Waksler Agent
Applicant

AX-03-2021, CP-03-2021, PD-03-2021, SV-01-2021 & SV-02-2021 - 9511 Mac George St & 9298 Mac Ever St (Loop Applications)
File # & Title

AFFIDAVIT OF POSTING NOTICE

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

BEFORE ME, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 Mac Ever & 9511 Mac George St, Punta Gorda, Florida;
2. That this property is owned by Punta Gorda Housing Authority, Geri Waksler acting as agent. The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

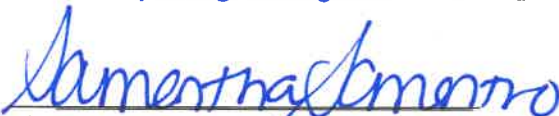
Dated this 5th day of November, 2021.



Code Compliance Officer

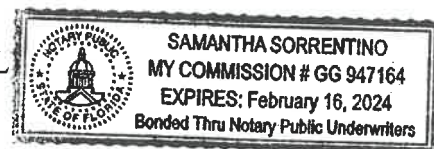
**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 5 day of November, 2021 by Nick Falkner, who is personally known to me and who did not take an oath.



Signature, Notary Public

(SEAL)





11/05/2021 10:38



NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING

11/05/2021 10:32



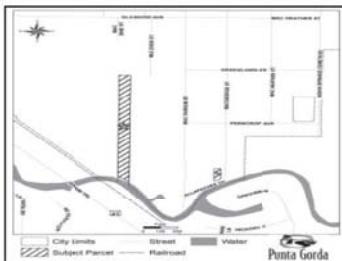
11/05/2021 10:29

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the **Planning Commission** will hold a Public Hearing on **Monday, November 22, 2021, at 2:00 p.m.**, and the **Punta Gorda City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon hereafter as may be heard, to consider the following requests:

AX-03-2021 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres, which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

CP-03-2021 – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDH/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.



PD-03-2021 – An Ordinance of the City of Punta Gorda, Florida, zoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 3, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.



SV-01-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

SV-02-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

CP-04-2021 – An Ordinance of the City of Punta Gorda, Florida, adopting an amendment to the "City of Punta Gorda Comprehensive Plan 2025" for the purpose of creating the "Property Rights Element" including the goals, objectives and policies as required by State Statute; providing for conflict and severability; and providing an effective date.



Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33950. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in these proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33950, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendar days prior to the meeting.

**KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA**

Run 1 time: Friday, November 5, 2021

adno-2819079-1



VACATION APPLICATION

Application Fee: \$750		Date Received:		File #: SV	
Type of Vacation: ☐ Street ☐ Alley ☐ Easement ☒ Plat ☐ Right-of-Way					
NOTE: As of January 1, 2004, Public Works is NOT recommending approval of street/right-of-way vacations, reserving availability for stormwater management.					
Office use only:					
Ad Date		DRC		Planning	City Council
Application and all pertinent required data (listed below) MUST be submitted with this application					
☒ ORIGINAL application with Signed & Notarized Vacation application and/or Affidavit Authorization for Agent (if applicable) ☒ A copy of the deed or other evidence of ownership ☒ Complete legal description of the portion of property to be vacated ☒ Digital Text file of metes and bounds description of Property ☒ Petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated			☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures. ☒ Survey MUST show ALL Easements, Dedications & Improvements ☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations <u>Water, sewer & hydrants not shown</u>		
			☒ Date of Survey: <u>June 18, 2021</u> ☒ Total Acreage of Property <u>53.91</u> ☒ Square Footage <u>2,348,319.6 square feet</u>		
			☒ An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable). In addition to the original application a CD/DVD of ALL supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.		
			In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of \$500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).		
1. Applicant					
Name: Jones Loop Road LLC					
Address: 999 Vanderbilt Beach Rd., Suite 701		City: Naples	State: FL	Zip: 34108	
Phone:		Email address			

2. Owner(s) of Record					
Name: Jones Loop Road LLC					
Address: 999 Vanderbilt Beach Rd., Suite 701		City: Naples	State: FL	Zip: 34108	
Phone:		Email address			
3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)					
Name: McCrory Law Firm, PL					
Address: 309 Tamiami Trail		City: Punta Gorda	State: FL	Zip: 33950	
Phone: (941) 205-1122		Email address geri@mccrorylaw.com and jay@mccrorylaw.com			
4. Legal Description of Property (Attach separate sheet if necessary)					
Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD					
Please refer to attached Legal Description					
Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres
412321151003 and 412321377004			21 and 28		53.91
5. Detail narrative describing reason/purpose of Vacation (use additional sheet as necessary)					
Please refer to attached Explanation of Proposed Project.					

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

AFFIDAVIT		
Signature of Owner or Authorized Agent _____	Print Name & Title _____	Date _____
STATE OF _____) COUNTY OF _____)		
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.		
Notary Public, State of Florida _____	My commission Expires _____	(Seal)

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)		
I/We _____, property owner(s), hereby authorize _____ to act as Agent on our behalf regarding a <u>VACATION APPLICATION</u> on the property commonly known as _____ in Punta Gorda, Florida.		
_____ Signature of Property Owner	_____ Print Name of Property Owner	_____ Date
STATE OF _____) COUNTY OF _____)		
The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification and who did not take an oath.		
_____ Notary Public, State of Florida	_____ My commission Expires	(Seal)

City of Punta Gorda

Resolution No. _____-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA, VACATING 53.91 +/- ACRES, A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING PART OF THE PLAT OF SOUTH-HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Geri Waksler, authorized agent, on behalf Jones Loop Road, LLC, property owner, filed a petition to vacate 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Planning Commission considered the request at its regularly scheduled meeting of November 22, 2021, and recommended approval of the vacation request; and

WHEREAS, after a duly noticed public hearing held this date, City Council finds that no reason or cause has been shown as to why the vacation should not take place.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Punta Gorda, Florida that:

I. A tract or parcel of land, 53.91 +/- acres, situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein, is hereby vacated.

II. A certified copy of this Resolution shall be sent by the City Clerk to the Clerk of the Circuit Court for recording in the Public Records of Charlotte County, Florida.

III. A certified copy of this Resolution shall be mailed by the City Clerk to the Post Office Department of the United States of America, Punta Gorda, Florida, directed to the Postmaster.

IV. This Resolution shall take effect upon being recorded in the Public Records of Charlotte County, Florida.

DONE in regular session of the City Council of the City of Punta Gorda, Florida, this 1st day of December 2021.

, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21 & 28, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING PART OF THE PLAT OF SOUTH-HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.88°42'52"E. ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 21 (FOR A BASIS OF BEARING) FOR 1324.71 FEET TO A POINT ON THE WESTERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS AND THE POINT OF BEGINNING; THENCE N.00°31'22"E. ALONG THE AFOREMENTIONED WESTERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS FOR 663.49 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HIGHLAND AVENUE AND THE NORTHWEST CORNER OF LOT 284 OF SAID PLAT, POINT ALSO BEING POINT "A"; THENCE S.89°28'38"E. ALONG THE SOUTHERLY RIGHT-OF-WAY OF HIGHLAND AVENUE (50' WIDE) AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS FOR 1463.10 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INDIAN SPRINGS CEMETERY ROAD AND THE NORTHEAST CORNER OF LOT 200 OF SAID PLAT; THENCE S.00°36'11"W. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF INDIAN SPRINGS CEMETERY ROAD FOR 950.00 FEET TO THE NORTHEAST CORNER OF LOT 414 AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE N.89°28'38"W. ALONG THE NORTHERLY LINE OF SAID LOT 414, SOUTH HIGHLANDS FOR 156.85 FEET TO THE NORTHWEST CORNER OF SAID LOT 414, SOUTH-HIGHLANDS; THENCE S.00°30'35"W. ALONG THE WESTERLY LINES OF LOTS 409, 410, 411, 412, 413, AND 414 OF SAID PLAT OF SOUTH-HIGHLANDS AND SOUTHERLY EXTENSION THEREOF FOR 350.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF FERN DRIVE (50' WIDE); SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 406 AS SHOWN ON SAID PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FERN DRIVE FOR 156.28 FEET TO THE NORTHEAST CORNER OF LOT 408, AS SHOWN ON THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS, ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF AFOREMENTIONED INDIAN SPRINGS CEMETERY ROAD; THENCE S.00°36'11"W. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID INDIAN SPRINGS CEMETERY ROAD FOR 129.30 FEET TO THE SOUTHERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS AND THE SOUTHEAST CORNER OF LOT 408; THENCE N.89°28'38"W. ALONG SAID SOUTHERLY LINE FOR 531.10 FEET TO THE EASTERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS AND THE NORTHEAST CORNER OF LOT 395; THENCE S.00°31'22"W. ALONG THE EASTERLY LINES OF LOTS 389, 390, 391, 392, 393, 394, 395, AND THE SOUTHERLY EXTENSION THEREOF SAID LINE ALSO BEING THE EASTERLY LINE OF SAID PLAT OF SOUTH-HIGHLANDS FOR 479 FEET, MORE OR LESS TO THE BANK OF ALLAPATCHEE RIVER; THENCE MEANDERING ALONG THE BANK OF SAID ALLAPATCHEE RIVER FOR 877 FEET, MORE OR LESS TO THE WESTERLY LINE OF SAID PLAT; THENCE N.00°31'22"E. ALONG SAID WESTERLY LINE FOR 1681 FEET, MORE OR LESS TO THE NORTHWEST CORNER OF LOT 329, POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 317 OF SAID PLAT; THENCE N.89°28'38"W. ALONG THE SOUTHERLY LINE OF LOTS 295, 296, AND 317 OF SAID PLAT AND THE SOUTHERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE OF SAID PLAT, FOR 330.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 295; THENCE N.00°31'22"E. ALONG THE WESTERLY LINE OF SAID LOT 295 FOR 30.51 FEET TO THE POINT OF BEGINNING.

SHEET 1 OF 4

SERVING THE STATE OF FLORIDA

AND

BEGINNING AT THE AFOREMENTIONED POINT "A"; THENCE S.89°28'38"E. FOR 156.76 FEET TO THE EXTENSION OF THE EASTERLY LINE OF LOT 106 OF SAID PLAT; THENCE N.00°31'22"E. ALONG SAID EXTENSION FOR 50.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 106 AND THE POINT OF BEGINNING; THENCE N.00°31'22"E. ALONG THE EAST LINE OF SAID LOT 106 AND THE WESTERLY RIGHT-OF-WAY LINE OF FIFTH AVENUE (50' WIDE) FOR 125.00 FEET TO THE SOUTHEAST CORNER OF LOT 107; THENCE N.89°28'38"W. ALONG THE SOUTHERLY LINE OF SAID LOT 107 FOR 125.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 107; THENCE N.00°31'22"E. ALONG THE WESTERLY LINE OF LOTS 107, 108, 109, 110, 111, 112, 113, AND 114 OF SAID PLAT FOR 359.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF JONES LOOP ROAD AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 914.94 FEET, A DELTA ANGLE OF 03°15'45", A CHORD BEARING OF N.89°15'18"E., AND A CHORD DISTANCE OF 52.09 FEET; THENCE ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE, FOR 52.10 FEET; THENCE S.89°06'52"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 247.05 FEET TO A POINT ON THE EASTERLY LINE OF LOT 115; THENCE S.00°31'22"W. ALONG THE EASTERLY LINE OF LOTS 115, 116, 117, 118, 119, 120, 121, AND 122 OF SAID PLAT FOR 359.31 FEET TO THE SOUTHEAST CORNER OF SAID LOT 122; THENCE N.89°28'38"W. ALONG THE SOUTHERLY LINE OF SAID LOT 122 FOR 124.12 FEET TO THE SOUTHWEST CORNER OF SAID LOT 122, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 123 AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID FIFTH AVENUE; THENCE S.00°31'22"W. ALONG THE WESTERLY LINE OF LOT 123 AND SAID EASTERLY RIGHT-OF-WAY LINE FOR 125.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 123; THENCE N.89°28'38"W. FOR 50.00 FEET; TO THE POINT BEGINNING.

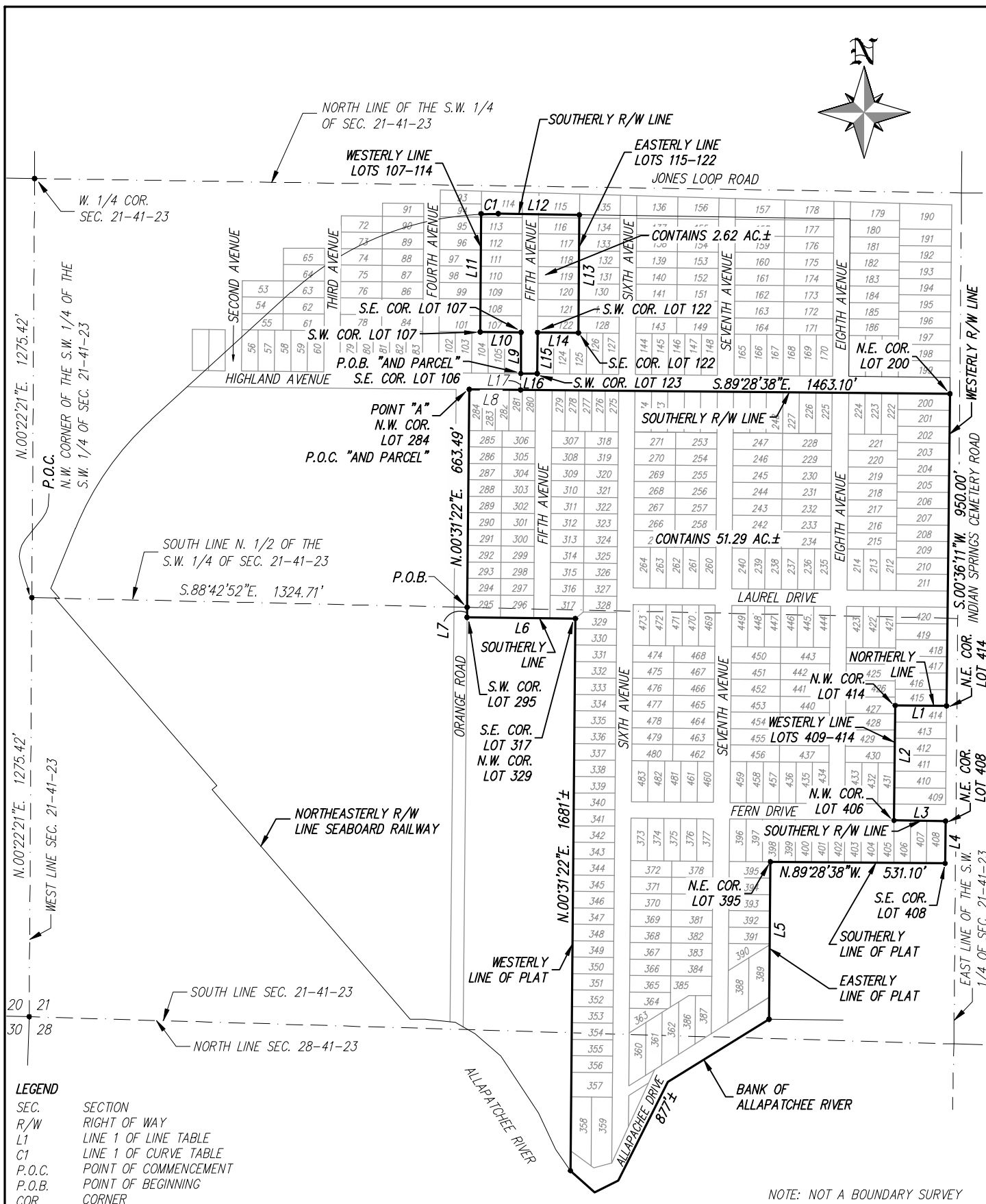
CONTAINS 53.91 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

JUNE 18, 2021

SHEET 2 OF 4

SERVING THE STATE OF FLORIDA



BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMMAM TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165 FAX: (941) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
THE LOOP PROPERTY
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
6/18/21	4438	4438-PV	JS	CDB	1"=400'	30F4	21&28-41-23

LINE TABLE

LINE	BEARING	DISTANCE
L1	N.89°28'38"W.	156.85'
L2	S.00°30'35"W.	350.00'
L3	S.89°28'38"E.	156.28'
L4	S.00°36'11"W.	129.30'
L5	S.00°31'22"W.	479'±
L6	N.89°28'38"W.	330.00'
L7	N.00°31'22"E.	30.51'
L8	S.89°28'38"E.	156.76'
L9	N.00°31'22"E.	125.00'
L10	N.89°28'38"W.	125.00'
L11	N.00°31'22"E.	359.72'
L12	S.89°06'52"E.	247.05'
L13	S.00°31'22"W.	359.31'
L14	N.89°28'38"W.	124.12'
L15	S.00°31'22"W.	125.00'
L16	N.89°28'38"W.	50.00'
L17	N.00°31'22"E.	50.00'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	914.94'	52.10'	52.09'	N.89°15'18"E.	3°15'45"

LEGEND

SEC. SECTION
R/W RIGHT OF WAY
L1 LINE 1 OF LINE TABLE
C1 LINE 1 OF CURVE TABLE
P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

NOTE: NOT A BOUNDARY SURVEY

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4161 TAMiami TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33852
PHONE: (941) 625-1165 FAX: (941) 625-1149
ENGINEERING LICENSE # EB 6489
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
THE LOOP PROPERTY
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
6/18/21	4438	4438-PV	JS	CDB	1"=400'	40F4	21&28-41-23



PLAT VACATION STAFF REPORT

TO: Punta Gorda Planning Commission
FROM: Lisa Hannon, Zoning Official
DATE: November 22, 2021
RE: SV-02-2021 – 9298 Mac Ever Street

Applicant Request:

SV-02-2021 - A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

Summary of Applicant's Request:

Geri Waksler, authorized agent, on behalf Jones Loop Road, LLC, property owner, to vacate 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein for a large multi-use development with associated amenities.

City Code of Ordinance, Chapter 20, Section 20-9 Vacation of streets and rights-of-way -(a) Authorization. The City Council may consider the vacation of a street or right-of-way or the closing, widening, narrowing, or changing the name of any street pursuant to this section, and it shall consider such a vacation, closing, widening, narrowing, or name change when requested by petition signed by the owners of at least sixty percent (60%) of the property abutting the portion of the street or right-of-way proposed to be vacated, closed, widened, narrowed, or to have its name changed.

Findings:

- Finding #1:** This is a request to vacate 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein.
- Finding #2:** All streets within the plat are not currently maintained by the City and all property within the portion of the plat proposed for vacation is currently vacant.
- Finding #3:** The applicant controls of all property within the portion of the plat proposed for vacation.
- Finding #4:** This vacation is required in order to facilitate proposed site development with single-family homes, a community recreation area, and on-site parking.

Staff Recommended Conditions of Approval

- 1.) There are no recommended conditions of approval.

Staff Recommendations - based on the aforementioned approval criteria findings & conclusions:

Punta Gorda Development Review Committee recommended approval of SV-02-2021.

Based upon the stated findings, the Punta Gorda Urban Design Division recommends approval of SV-02-2021.

SV-02-2021

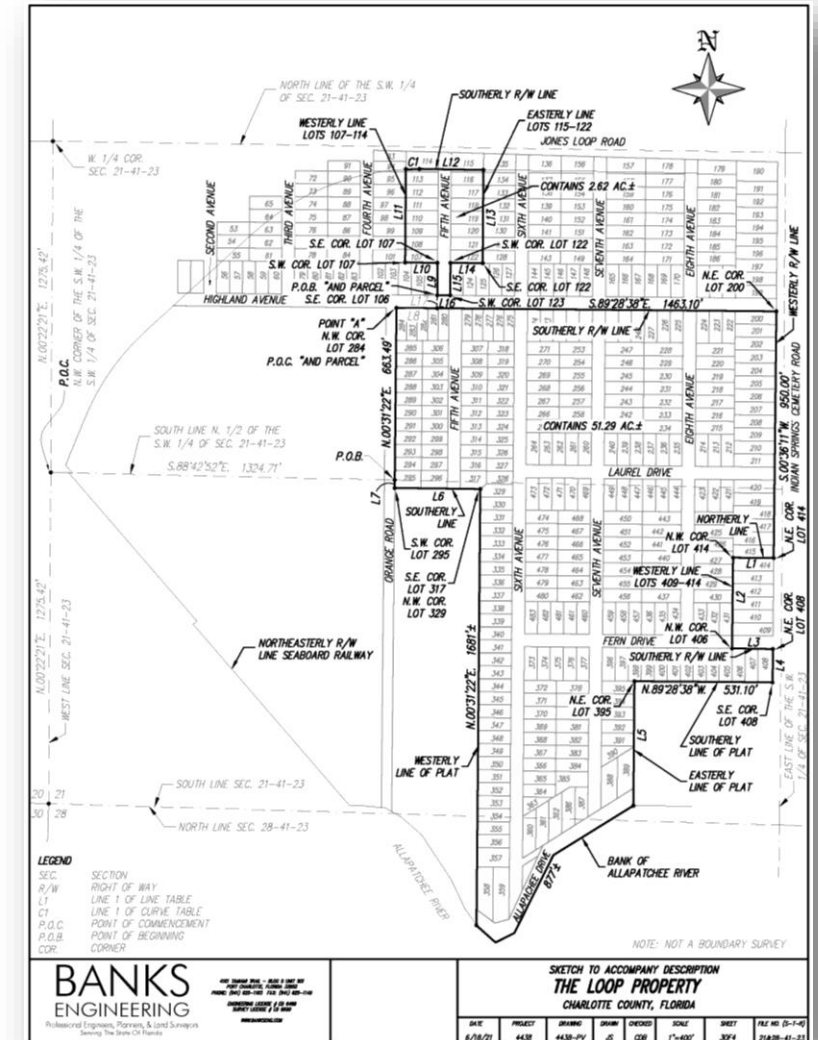
9298 Mac Ever Street – Proposed Plat Vacation



SV-02-2021 – Proposed Plat Vacation

- Approximately 53.91 +/- acres
 - All platted lots vacant
- Platted streets
 - All of:
 - Laurel Drive (aka Greenlawn Avenue)
 - Allapatchee Drive
 - Portions of:
 - Fifth Avenue (aka Mac Ever Street)
 - Sixth Avenue (aka Mac Farnum Street)
 - Seventh Avenue (aka Mac George Street)
 - Eighth Avenues (aka Mac Heather Street)
 - Fern Drive (aka Ferncroft Avenue)
- Vacations required to facilitate proposed development

Copy of sketch provided by applicant



SV-02-2021 – Proposed Plat Vacation

- All appropriate utilities notified
 - Comcast comments
 - CenturyLink
 - No comments received as of the date of the meeting



Recommendations

- Development Review Committee recommended approval
- Urban Design Staff recommends approval



Questions?



Our Mission is “To enhance Punta Gorda’s identity as a vibrant waterfront community, unique in character and history, and one of the most desirable places to live, work and visit.”

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

QUASI-JUDICIAL PUBLIC HEARINGS

Title: CP-04-2021 - AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, ADOPTING AN AMENDMENT TO THE "CITY OF PUNTA GORDA COMPREHENSIVE PLAN 2040" FOR THE PURPOSE OF CREATING THE "PROPERTY RIGHTS ELEMENT" INCLUDING THE GOAL, OBJECTIVES, AND POLICIES AS REQUIRED BY STATE STATUTE; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Funds:

Recommended Action: Urban Design Staff finds that this request is consistent with the City of Punta Gorda Comprehensive Plan, complies with applicable Florida Statutes, and recommends approval of this petition and the transmittal to the Florida Department of Economic Opportunity and the related reviewing agencies.

Summary: House Bill 59 became law on June 29, 2021, and requires each local government to adopt a property rights element into its comprehensive plan. Required under the provisions of Florida Statute Section 163.3177 (6)(i), the new Property Rights Element will:

1. Identify specific property rights and state that local government will respect them
2. Identify the rights of people to participate in decisions that affect their lives and property
3. Provide standards for local government decision-making to be reliable and predictable to promote sound, long-term investments in a community.

Once adopted, the Property Rights element will become part of the City of Punta Gorda Comprehensive Plan 2040.

Department/Division: Urban Design

EXHIBITS:

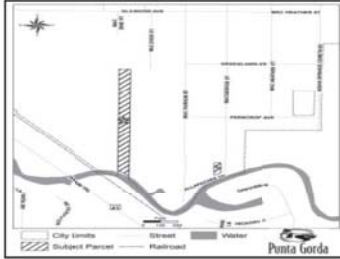
-
1. [Legal Ad 11-5-21](#)
 2. [Ordinance.pdf](#)
 3. [EXHIBIT A.pdf](#)
-

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the **Planning Commission** will hold a Public Hearing on **Monday, November 22, 2021, at 2:00 p.m.**, and the **Punta Gorda City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon hereafter as may be heard, to consider the following requests:

AX-03-2021 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

CP-03-2021 – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDH/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.



PD-03-2021 – An Ordinance of the City of Punta Gorda, Florida, zoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 3, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.



SV-01-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

SV-02-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

CP-04-2021 – An Ordinance of the City of Punta Gorda, Florida, adopting an amendment to the "City of Punta Gorda Comprehensive Plan 2025" for the purpose of creating the "Property Rights Element" including the goals, objectives and policies as required by State Statute; providing for conflict and severability; and providing an effective date.



Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33960. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in these proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33960, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendar days prior to the meeting.

**KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA**

Run 1 time: Friday, November 5, 2021

adno-2819079-1

City of Punta Gorda, Florida

Ordinance No. _____-2021

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, ADOPTING AN AMENDMENT TO THE “CITY OF PUNTA GORDA COMPREHENSIVE PLAN 2040” FOR THE PURPOSE OF CREATING THE “PROPERTY RIGHTS ELEMENT” INCLUDING THE GOAL, OBJECTIVES, AND POLICIES AS REQUIRED BY STATE STATUTE; PROVIDING FOR CONFLICTS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires the City of Punta Gorda to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177 (6)(i)1., Florida Statutes, requires the City of Punta Gorda comprehensive plan to include a property rights element; and

WHEREAS, the City of Punta Gorda respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the City of Punta Gorda respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

SECTION 1. The City of Punta Gorda comprehensive plan is amended by adding the property rights element attached as EXHIBIT A and made a part of this ordinance as if set forth in full.

SECTION 2. It is the declared intent of the City Council that, if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be constructed as to render invalid or unconstitutional the remaining provisions of this ordinance.

SECTION 3. Pursuant to Section 163.3184, Florida Statutes, this Ordinance shall become effective 31 days after the Florida Department of Economic Opportunity notifies the City of Punta Gorda that the plan amendment package is complete. If timely challenged, an amendment does not

become effective until the Florida Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2022.

LYNNE R. MATTHEWS, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney

2040

City of Punta Gorda Comprehensive Plan

#12

Property Rights

Ordinance ***

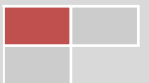


Table of Contents

Table of Contents	2
I. Executive Summary	2
II. Introduction	2
III. Legislation	4
Federal Regulations	4
State Regulations	4
IV. Inventory and Analysis	4
V. Conclusion	4
VI. Goal, Objectives and Policies	6

I. EXECUTIVE SUMMARY

The *Property Rights Element* ensures that private property rights are considered in local decision-making, in accordance with Section 163.3177(6)(i)1, Florida Statutes, which requires that governmental entities respect judicially acknowledged and constitutionally protected private property rights.

II. INTRODUCTION

Purpose

The purpose of the *Property Rights Element* is to:

1. Identify specific property rights and state that local government will respect them.
2. Identify the rights of people to participate in decisions that affect their lives and property.
3. Provide standards for local government decision-making to be reliable and predictable to promote sound, long-term investments in a community.

Relationship to the City's Comprehensive Plan

The *Property Rights Element* ensures compliance with Florida Statute regarding the protection of private property rights through the implementation of the Comprehensive Plan. It relates to the other elements as follows:

- ❖ It is through the *Future Land Use Element* and the Future Land Use Map that the City's growth management strategy is fully implemented. Therefore, it is essential that the uses prescribed by the Future Land Use Map be consistent with sound planning goals and objectives, and the policies of the *Property Rights Element* promote compatibility between development activities and the conservation of natural resources.
- ❖ The *Conservation Element* inventories and describes the City's existing and proposed natural preserves and conservation areas within and adjacent to the City. This element contains key data and goals concerning use and protection of natural resources, including exceptional natural resource areas, wildlife corridors, and other issues having implications for location of development which must be consistent with the protections offered in the *Property Rights Element*.
- ❖ The *Coastal Management Element* contains key data and goals concerning exceptional natural estuary areas, beach, and waterway access and other issues having implications for park and recreation location criteria, and water based recreation activities. The *Property Rights Element* provides policies essential to the protection of natural and coastal

resources on private properties.

- ❖ The *Infrastructure Element* is divided into sections pertaining to Drainage, Solid Waste, and the provision of Sewer and Potable Water services. The *Property Rights Element*, and overall policies regarding the City's infrastructure, must be taken into consideration during the establishment of levels of service for water and sewer facilities if the adopted level of service is to be maintained at the time the development impacts occur.
- ❖ The *Housing Element* acts as the guide to local decision makers in their efforts to enact policy that will affect the housing needs of the residents while still considering the protections offered in the *Property Rights Element*.
- ❖ The *Recreation and Open Space Element* identifies the potential recreational opportunities and open space needs of the City's residents and visitors. The protections of the Property Rights Element must be considered in these decisions particularly as they relate to property acquisitions or adverse impacts from new recreational activities on adjacent private properties.
- ❖ The *Community Facilities and Services Element* identifies the location and arrangements of civic community centers, public schools, hospitals, libraries, police and fire stations, and other public facilities. The Element identifies the City facilities as well as other facilities and services available to the community. The location of these facilities need to be considered in relation to the protections offered under the *Property Rights Element*.
- ❖ The *Transportation Element* deals with the City's street network and addresses bicycle, pedestrian, transit, port and aviation facilities. The policies of the *Transportation Element* ensure that roads are sited in the most appropriate areas possible and that these roads are designed in a manner which minimizes impacts to the surrounding land uses and promote a pedestrian friendly community.
- ❖ The *Public School Facilities Element*, by virtue of the overall growth management strategies, analyzes the direction and intensity of future growth and development identified in the *Future Land Use Element* in siting future public school facilities consistent with the *Future Land Use Map*. The protections of the *Property Rights Element* must be considered in these decisions particularly as they relate to property acquisitions or adverse impacts from new schools on adjacent private properties.
- ❖ The *Intergovernmental Coordination Element* reviews and inventories intergovernmental communication as it relates to other elements of the City's Comprehensive Plan. It identifies and analyzes existing mechanisms of intergovernmental coordination while ensuring that the policies in the *Property Rights Element* are upheld between local and regional agencies.
- ❖ The *Capital Improvements Element* addresses the provision, timing and financing of various Capital Improvements needed to maintain or achieve identified levels of service (LOS) to households for various kinds of public facilities.
- ❖ The *Historical Element* assists the City in meeting its goal to

eliminate sub-standard housing conditions through conservation and rehabilitation of the current housing stock, which may include historic structures. It also enhances the City's strategy to preserve and protect Punta Gorda's locally designated historic districts, while still considering the policies in the *Property Rights Element*.

III. LEGISLATION

The following is an assessment of existing regulations and programs which protect private property rights from governmental action without due process or just compensation.

Federal Regulations

Constitution of the United States

Fifth Amendment

The Fifth Amendment provides the foundation for the protection of private property rights from arbitrary government action. The following excerpt of the text outlines the requirement that the government must provide "due process" under law and "just compensation" for the taking of private property for public use.

State Regulations

Florida Statutes

Section 163.3177(6)(i)1, Florida Statutes

In accordance with the legislative intent expressed in Section 163.3161(10) and 187.101(3), Florida Statutes, governmental

entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a *Property Rights Element* to ensure that private property rights are considered in local decision making.

IV. INVENTORY AND ANALYSIS

A *Property Rights Element* is required under the provisions of Section 163.3177 (6)(i)1, Florida Statutes. The inclusion of this Element and continued adherence to best practices in the provision of public infrastructure and regulation of land development to protect the public health, safety and welfare will ensure implementation of these provisions.

With regards to the requirements for bona fide agricultural operations and farming, there are no lands in the City carrying an agriculture future land use designation. As the City proceeds to annex in portions of land suitable for agriculture this will be addressed.

V. CONCLUSION

The City will continue to ensure that private property rights are clearly defined by the Goal, Objectives, and Policies of the Comprehensive Plan, City Charter, and Code of Ordinances. The goal, objectives, and policies of the *Property Rights Element* will

provide the direction necessary to proactively address potential policy conflicts before private property rights are adversely impacted.

DRAFT

VI.GOAL, POLICY, & OBJECTIVES

Goal 12.1: To ensure the protection of private property rights through the planning horizon, consistent with public infrastructure needs and regulation of development to protect public health, safety and welfare.

Objective 12.1.1: The City of Punta Gorda will consider private property rights in local decision-making.

Policy 12.1.1.1: The City will ensure that private property rights are clearly defined by the Goal, Objectives, and Policies of the Comprehensive Plan, City Charter, and Code of Ordinances.

Measurement: Addition of policies in the Comprehensive Plan, City Charter and the Code of Ordinances.

Policy 12.1.1.2: The City of Punta Gorda recognizes the following rights which shall be considered in local decision-making:

- a) The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other

person, subject to state law and local ordinances.

- c) The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d) The right of a property owner to dispose of his or her property through sale or gift.

Measurement: The inclusion of such considerations in staff reports.

Objective 12.1.2: The City of Punta Gorda will recognize and respect private property rights, and respect such rights and the impact upon them when preparing recommendations for land use decisions.

Policy 12.1.2.1: The City of Punta Gorda recognizes and respects private property rights, and existing entitlements, and shall continue to provide methods for the assertion of vested rights and other administrative remedies through the City of Punta Gorda Code of Ordinances.

Measurement: Insertion of private property rights administrative remedies into the City of Punta Gorda Code of Ordinances.

Policy 12.1.2.2: The City of Punta Gorda shall provide appropriate notice to the property owner(s), the general public and owners of neighboring lands of all applications for

amendments to the Comprehensive Plan, Zoning Map, and Land Development Regulations.

Measurement: The number of notices provided to the property owners, general public and adjacent property owners addressing Comprehensive Plan and Zoning amendments and Land Development changes.

Policy 12.1.2.3: If a property owner chooses to take advantage of the development alternatives within this Plan or the Land Development Regulations, then to the extent that there are master planning, design, infrastructure, open space, or other obligations that are required in order to gain development approval, the City of Punta Gorda shall enforce obligations. Landowners will have the option to participate in these programs if they desire to increase the densities and intensities allowed on their lands.

Measurement: The number of applications submitted that include development alternatives.

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

QUASI-JUDICIAL PUBLIC HEARINGS

Title: AX-03-2021 - An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres; identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provision of Section 171.044, Florida Statutes; Redefining the boundary lines of said City of Punta Gorda, Florida, Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

Funds:

Recommended Action: Staff recommends approval of the annexation request.

Summary: Jones Loop Road, LLC, owner of the real property at 9511 Mac George Street and a portion of 9298 Mac Ever Street is seeking to voluntarily annex into the City of Punta Gorda said property. These parcels will help complete the annexation of the "Loop" properties and will provide the opportunity for economic development within the City limits.

Department/Division: Urban Design

EXHIBITS:

1. [Proof of Publication](#)
2. [Legal Ad 11-5-21](#)
3. [Application](#)
4. [Ordinance](#)
5. [Existing City Limits](#)
6. [Proposed City Limits](#)
7. [AX-03-2021 PC Staff Report 9511 Mac George St](#)
8. [AX-03-2021 9511 Mac George St Presentation](#)

**CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE**

Geri Waksler Agent
Applicant

AX-03-2021, CP-03-2021, PD-03-2021, SV-01-2021 & SV-02-2021 - 9511 Mac George St & 9298 Mac Ever St (Loop Applications)
File # & Title

AFFIDAVIT OF POSTING NOTICE

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

BEFORE ME, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 Mac Ever & 9511 Mac George St, Punta Gorda, Florida;
2. That this property is owned by Punta Gorda Housing Authority, Geri Waksler acting as agent. The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

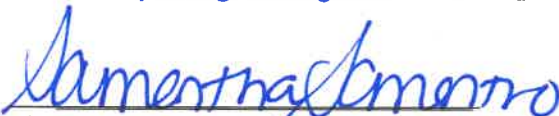
Dated this 5th day of November, 2021.



Code Compliance Officer

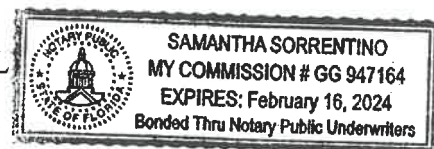
**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 5 day of November, 2021 by Nick Falkner, who is personally known to me and who did not take an oath.



Signature, Notary Public

(SEAL)







11/05/2021 10:32



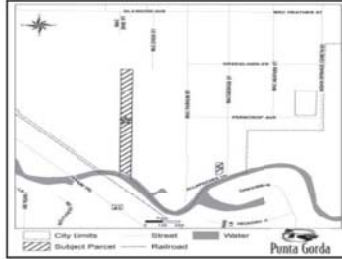
11/05/2021 10:29

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the **Planning Commission** will hold a Public Hearing on **Monday, November 22, 2021, at 2:00 p.m.**, and the **Punta Gorda City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon hereafter as may be heard, to consider the following requests:

AX-03-2021 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

CP-03-2021 – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDH/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.



PD-03-2021 – An Ordinance of the City of Punta Gorda, Florida, zoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 3, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY); and from Highway Commercial/City (HCC/CITY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.



SV-01-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

SV-02-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

CP-04-2021 – An Ordinance of the City of Punta Gorda, Florida, adopting an amendment to the "City of Punta Gorda Comprehensive Plan 2025" for the purpose of creating the "Property Rights Element" including the goals, objectives and policies as required by State Statute; providing for conflict and severability; and providing an effective date.



Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33960. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in these proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33960, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendar days prior to the meeting.

**KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA**

Run 1 time: Friday, November 5, 2021

adno-2819079-1



CITY OF PUNTA GORDA

URBAN DESIGN
326 WEST MARION AVENUE
PUNTA GORDA, FL 33950
(941) 575-3352
Zoning@CityofPuntaGordaFL.com
UrbanDesign@CityofPuntaGordaFL.com

VOLUNTARY ANNEXATION APPLICATION

Application Fee: ☐ Properties 10 Acres or less – Actual cost of Legal Advertising* ☐ Properties over 10 Acres – Actual cost of Legal Advertisement and Review Services* (*NOTE: invoice will be provided to applicant and must be paid prior to final adoption)	
Application and all pertinent required data (listed below) MUST be submitted with this application	
☒ ORIGINAL application with Signed & Notarized Voluntary Annexation Application and/or Affidavit Authorization for Agent (if applicable) ☒ Original Signed & Notarized Voluntary Annexation Petition signed by all property owners ☒ Executed Pre-Annexation Agreement or an Agreement Exemption letter from UD Manager ☒ A copy of the deed or other evidence of ownership ☒ Comprehensive Plan Amendment Application ☒ Rezoning Application (if applicable) ☐ A copy of purchase & sale agreement (if applicable) ☒ Date applicant met with a representative of the Urban Design Staff prior to the submission of application? <u>6/10/21</u> ☒ SCADL (School Concurrence Approval Determination Letter) attain by School Department (if applicable) ☒ An explanation is required for how water and sewer are to be provided in the annexation area	☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures. ☒ Survey MUST show ALL Easements, Dedications & Improvements ☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations <u>Water, sewer & hydrants are not shown</u> ☒ Date of Survey: <u>6/16/21</u> ☒ Total Acreage of Property <u>2.64 acres</u> ☐ Square Footage _____ ☒ Digital Text file of metes and bounds description of Property ☒ Map showing the existing and proposed Zoning and FLU of ALL the property contiguous with the subject property ☐ Maps which show water and sewer lines, as well as surrounding land uses
☒ AutoCAD base files in AutoCAD 2014 Version or newer	
☒ An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable).	
<i>In addition to the original application a CD/DVD of all supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.</i>	
Preface - This request may require a change to the Zoning Atlas (zoning) must be consistent with all elements of the adopted Comprehensive Plan of the City of Punta Gorda. Should there exist a conflict between the proposal contained herein and the Comprehensive Plan, a rezoning application will also be required	
Information to Be Submitted with Application - In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Urban Design Department, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Urban Design Department accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of \$500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).	

VOLUNTARY ANNEXATION APPLICATION

Date Received		File Number	AX-
Application Fee: ☒ Properties 10 Acres or less – Actual cost of advertising* ☐ Properties over 10 Acres – Actual cost of Advertisement & Legal Review Services* (*NOTE: invoice will be provided to applicant and must be paid prior to final adoption)			
1. Applicant			
Name	Jones Loop Road LLC		
Address	999 Vanderbilt Beach Rd., Suite 701	City	Naples
		State	FL
		Zip	34108
Phone		Email address	
2. Owner(s) of Record			
Name	Jones Loop Road LLC		
Address	999 Vanderbilt Beach Rd., Suite 701	City	Naples
		State	FL
		Zip	34108
Phone		Email address	
3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)			
Name	McCrary Law Firm, P.L.		
Address	309 Tamiami Trail	City	Punta Gorda
		State	FL
		Zip	33950
Phone	941-205-1122	Email address	geri@mccrorylaw.com and jay@mccrorylaw.com
4. Total Number of Parcels included in this application:		2	
5. Property Address / Street Name (if applicable)			
9511 Mac George Street, Punta Gorda, Florida 33950; 9298 Mac Ever Street, Punta Gorda, Florida 33950			
6. Legal Description of Property ("Exhibit A")			
Note: A digital TEXT file (Exhibit A) of metes and bounds description of property MUST be submitted on a CD/DVD			
See Exhibit "A" (Parcel 1) and Exhibit "B" (Parcel 2)			
Parcel ID /Account #	Lot #	Block#	Section
			Total Sq. Feet
			Total Acres
(attach additional sheet as necessary)			
412321377004	387		21
			6,597 +/-
			0.15
412321151003			21
			2.49
7. Are there any existing structures on the property?			☒ Yes ☐ No
If "yes" what type of construction are they, and what is the current use of the structures. In addition include a site plan showing location of structures on property. Unoccupied wood-frame single family residence which will be demolished during site work for the proposed Planned Development.			

8. Existing Zoning & Use of the Property (use additional sheet if necessary)		
Parcel ID	Existing Zoning	Existing Use
412321377004 and 41232115003	Highway Commercial	Single Family and Vacant
9. What is the proposed use of the property to be annexed?		
The property to be annexed is part of an 87.10 acre tract proposed for single-family residential development.		
10. Please explain in detail the purpose of this annexation and reasons why the request should be approved?		
The property to be annexed is an enclave within a larger parcel previously annexed into the City. The applicant recently acquired the property. Annexation creates a uniform development tract with all lots located within the City.		

I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.

NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT

Signature of Owner or Authorized Agent

Print Name

Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [X] physical presence or [] online notarization this day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.

(Signature of Notary)

(Seal)

AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)

I/We _____, property owner(s), hereby authorize _____ to act as **Agent** on our behalf regarding an ANNEXATION APPLICATION on the property commonly known as _____ in Punta Gorda, Florida.

Signature of Property Owner

Print Name of Property Owner

Date

State of Florida
County of Charlotte

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.

(Signature of Notary)

(Seal)

APPLICATION FOR VOLUNTARY ANNEXATION

Jones Loop Road, LLC

Narrative

Jones Loop Road, LLC is applying for voluntary annexation into the City of Punta Gorda of the property located at 9511 Mac George Street and 9298 Mac Ever Street (the "Property"). The Property consists of an outlying Charlotte County lot and a sliver of land adjacent to Mac Dine Street in an 87.10 acre parcel owned by Jones Loop Road, LLC. A gap in the legal description utilized for the prior annexation resulted in the sliver adjacent to Mac Dine Street being inadvertently omitted from the prior annexation. All other lots and tracts within the larger parcel were previously annexed into the City of Punta Gorda. Applications for Future Land Use Map amendment to Highway Commercial and a plat vacation and rezoning to Planned Development Village (for land including but not limited to the annexed parcel) have been submitted concurrently with the application for voluntary annexation. The existing home will be demolished during site work for the proposed single-family residential community.

The Property is part of a large multi-use development that lies both north and south of Jones Loop Road. The overall development will contain a variety of housing types – a multi-family apartment complex has previously been approved within the development, north of Jones Loop Road. Commercial development is planned along both sides of Jones Loop Road. A single family residential community is planned for development. The residential community will contain up to 240 platted lots for single family homes, a community recreation area, on-site parking, a stormwater management system and a pedestrian system that will connect the community to the adjacent commercial areas.

The Property and the entire proposed project will receive both water and wastewater service from the City of Punta Gorda. Water and sewer lines currently exist within the Jones Loop Road right-of-way and will be extended throughout the project.

Prepared by and return to:
City Attorney's Office
City of Punta Gorda
326 West Marion Avenue
Punta Gorda, FL 33950
(941)575-3307

PRE-ANNEXATION AGREEMENT
[Voluntary Annexation]

THIS PRE-ANNEXATION AGREEMENT is made and entered into this _____ day of _____, 2021, by and between JONES LOOP ROAD, LLC, a Florida Limited Liability Company, whose address is 999 Vanderbilt Beach Road, Suite 701, Naples, FL 34108, hereinafter referred to as the "Owner," and the CITY OF PUNTA GORDA, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida whose address is 326 West Marion Avenue, Punta Gorda, Florida 33950, hereinafter referred to as the "City."

PREAMBLE

WHEREAS, it is the policy of the City to encourage the annexation of property into the corporate limits of Punta Gorda to ensure sound urban development, accommodate growth, and assure the efficient provision of urban services; and

WHEREAS, the Owner owns certain real properties located at 9511 Mac George Street, Punta Gorda, Florida, Charlotte County and 9298 Mac Ever Street, Punta Gorda, Florida, Charlotte County, Parcel Identification Numbers 412321377004 and 412321151003, as more particularly described and depicted in Exhibits "A" and "B" attached hereto and by this reference made a part hereof (the "Property"); and

WHEREAS, the Property is currently located in unincorporated Charlotte County, Florida; and

WHEREAS, the Owner hereby petitions the City for voluntary annexation of the Property into the City pursuant to Section 171.044, Florida Statutes; and

WHEREAS, the City has determined that the Property is contiguous to a boundary of the City of Punta Gorda, is reasonably compact, and that the annexation of the Property will not result in the creation of enclaves; and

WHEREAS, the Owner and the City believe that it is in the best interest of each party to enable the Property to be developed as further described herein, in accordance with Part II of Chapter 163, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, other applicable Florida Law and the Charter and Code of Ordinances of the City of Punta Gorda, Florida, and, therefore, the Owner and the City agree that this agreement is entered into under the City's municipal home rule powers; and

WHEREAS, the agreement of the Owner to annex the Property into the City and to develop the Property as set forth in this agreement are material inducements for the City to enter into this agreement and the City would not enter into this agreement but for such agreement and assurances by the Owner.

NOW, THEREFORE, in consideration of the premises and the mutual promises and agreements set forth herein and other good and valuable consideration the receipt of which is hereby acknowledged and intending to be legally bound hereby, the parties hereto do hereby agree as follows:

AGREEMENT

SECTION 1. Recitals. The Recitals set forth above are true and correct and by this reference are incorporated herein as part of this Agreement.

SECTION 2. Ownership of Property. Owner hereby covenants and warrants to the City that they are the owner of the Property free and clear from any encumbrances that prohibit this Agreement. Owner further covenants and warrants that the person(s) executing this Agreement below have the right, authority, and capacity to enter into this Agreement. Owner acknowledges that the City has relied on the foregoing representations in connection with its decision to enter into this Agreement.

SECTION 3. Petition for Voluntary Annexation.

A. The Owner and the City acknowledge and agree that this Agreement constitutes a petition for the voluntary annexation of the Property pursuant to Section 171.044, Florida Statutes.

B. The City shall have the right, but not the obligation, to process the petition, provided, however, that the petition shall not be processed by the City unless and until a determination is made by the City, in its sole and absolute discretion, that the Property meets the statutory requirements for voluntary annexation under the provisions of Section 171.044, Florida Statutes, or such other provisions of the Florida Statutes as may then be applicable to voluntary annexations. Following such determination by the City and upon the written request of the City, the Owner shall within thirty (30) days of receipt of such written request from the City: (1) execute all applications and documents required by the City at the time of such request in order to process the Owner's petition for voluntary annexation including, but not limited to, the Application for Annexation, Application for Comprehensive Plan Amendment, and Application for Rezoning consistent with the City of Punta Gorda Comprehensive Plan; (2) pay all applicable fees, costs and expenses associated with the petition for voluntary annexation as required by the City; and (3) provide all documentation required by Florida law for the voluntary annexation of the Property including, but not limited to, a metes and bounds legal description of the Property. Following the Owner's compliance with the foregoing, the City shall have the right, but not the obligation, to process this petition for voluntary annexation without further action and/or request of the Owner.

C. The City acknowledges that its Planned Development zoning district requires a minimum area of five (5) acres. The City further acknowledges that although the Property is less than five (5) acres, this would not prohibit rezoning the Property to Special Purpose because:

(1) The lands adjacent to the Property to the North South, East and West located within the City of Punta Gorda are zoned Highway Commercial and have a pending rezoning application to Planned Development with an underlying zoning classification of Highway Commercial;

(2) The adjacent lands together with the Property create a de facto five (5) acre Special Purpose zoning district.

The Owner acknowledges and agrees that this Agreement does not in any way obligate or require the City to annex the Property or grant to the Owner any particular zoning which may be requested in connection with such annexation.

D. The Owner acknowledges and agrees that upon the effective date of the annexation, the area annexed into the City shall be subject to all laws, ordinances, and regulations in force in the City and shall be entitled to the same privileges and benefits as other parts of the City.

E. The City and Owner acknowledge and agree that any Charlotte County Land Development Regulations applicable to the Property on the effective date of annexation shall remain in full force and effect until the City adopts a comprehensive plan amendment that includes the annexed area. Following the amendment of the City's comprehensive plan, the Property shall be rezoned in a manner consistent with the adopted comprehensive plan amendment. If the Property is fully developed on the effective date of annexation, that fact shall not influence the amendment of the City's comprehensive plan and subsequent rezoning in accordance therewith, but the Property, if necessary, shall thereafter be subject to the City's Land Development Regulations concerning Non-Conformities, Chapter 26, Article 17, Punta Gorda Code, as the same may from time to time be amended.

SECTION 4. Inducements of City Services and Commitments. Based on the Owner's acknowledgement and representation to the City that Owner are the owners of the Property and that the Owner are empowered to enter into this Agreement, the City is willing to provide City services and abide by the commitments hereunder in return for the Owner' agreement to voluntary annexation.

SECTION 5. Agreement Runs with the Land. The Owner and the City acknowledge and agree that this Agreement is irrevocable and, further, this Agreement and all other rights and obligations of the parties hereunder are intended to and shall run with the Property, and shall bind, and inure to the benefit of, the parties hereunder and their respective successors in title. The Agreement shall be recorded and be referred to in all conveyances of the Property or any portion thereof.

SECTION 6. Title Evidence and Survey.

A. As a condition precedent to the execution of this Agreement by the City, the Owner shall provide title evidence, in a form and substance satisfactory to the City, showing the Owner as the owner of fee simple title to the Property. Such title evidence shall also show whether the Property is encumbered by a mortgage or otherwise. In the event the Property is encumbered, the Owner shall provide a Joinder, Consent and Subordination of all mortgagees to this Agreement prior to the execution of this Agreement by the City.

B. As a condition precedent to the execution of this Agreement by the City, the Owner shall provide a survey of the Property in a form suitable to the City. Such survey shall be consistent with the legal description of the Property set forth in Exhibits "A" and "B".

SECTION 7. Notices. Any notice required to be given hereunder shall be in writing and shall be delivered in person or by certified mail, postage paid, return receipt requested as follows: If such notice is to be given to the City, such shall be given at the address set forth above. If such notice is to be given to the Owner, such shall be given at the address shown in the tax collector's records for the Tax Parcel Identification Number set forth above. Any notice, direction or other communication delivered or mailed, as directed above shall be deemed to be delivered as of five (5) days after the date of mailing or, if delivered personally, when received.

SECTION 8. Default and Enforcement. A default by either party under this Agreement shall entitle the other party to all remedies available at law or in equity, which shall include, but not be limited to, the right to damages, injunctive relief and specific performance. In the event either party is required to enforce this Agreement by court proceedings or otherwise, then the prevailing party shall be entitled to recover from the other party all costs incurred, including reasonable attorneys' fees at all pre-trial, trial, appeal and alternative dispute resolution levels.

SECTION 9. Indemnification.

A. The Owner hereby agrees to indemnify and save the City harmless from and against all losses, costs, expenses, claims, damages, judgments, liabilities and causes of action whatsoever (collectively, "Claims") including reasonable attorneys' fees and paralegal fees both at trial and at appellate levels, arising out of or alleged to have arisen out of this Agreement or been occasioned, in whole or in part, by the exercise of the City of its rights granted hereunder. The Owner shall use its best efforts to promptly notify the City in writing of any Claim and shall provide the City with information regarding the Claim as the City may reasonably request, but the failure to give such notice or provide such information shall not diminish the Owner's obligations under this Section.

B. No Claim whatsoever shall be made or asserted against the City by the Owner for or on account of anything done or as a result of anything done or omitted to be done in connection with this

Agreement.

SECTION 10. Third-party Beneficiary. This Agreement is solely for the benefit of the parties signing hereto and their successors and assigns, and no right, nor any cause of action, shall accrue to or for the benefit of any third party.

SECTION 11. Binding Nature of Agreement. This Agreement shall be binding, and shall inure to the benefit of the successors or assigns of the parties, and shall run with the Property and be binding upon and inure to the benefit of any person, firm or corporation that may become the successor in interest, directly or indirectly, to the Property, or any portion thereof. The parties hereby covenant that they will enforce this agreement and that is a legal, valid and binding agreement.

SECTION 12. Controlling Laws.

A. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida, and all duly adopted ordinances, regulations and policies of the City now in effect and those hereinafter adopted.

B. The location for settlement of any and all claims, controversies, or disputes, arising out of or relating to any part of this Agreement, or any breach hereof, shall be Charlotte County, Florida.

SECTION 13. Miscellaneous.

A. ANY FUTURE OWNERS OF THE PROPERTY, OR ANY PORTION THEREOF, SHALL TAKE TITLE TO THE PROPERTY SUBJECT TO THIS AGREEMENT AND BY ACCEPTING A DEED OF CONVEYANCE TO THE PROPERTY, OR ANY PORTION THEREOF, AGREE TO BE BOUND BY THE TERMS AND CONDITIONS OF THIS AGREEMENT.

B. This Agreement may not be modified or amended, or any term or provision hereof waived or discharged except in writing, in recordable form, signed by the parties hereto, or their respective successors and assigns. Any such modification or amendment shall not be effective until recorded in the Public Records of Charlotte County, Florida.

C. This Agreement shall be construed and enforced in accordance with, and governed by the laws of the State of Florida. In any action or proceeding to enforce or interpret the terms of this Agreement, venue will be exclusively in Charlotte County, Florida, and the parties waive venue in any other forum.

D. All of the terms of this Agreement, whether so expressed or not, shall be binding upon the respective successors, assigns and legal representatives of the parties hereto and shall inure to the benefit

of and be enforceable by the parties hereto and their respective successors, assigns and legal representatives.

E. The headings of this Agreement are for reference only and shall not limit or otherwise affect the meaning thereof.

F. In the event the either party institutes a legal proceeding against the other party, to enforce the terms of this Agreement or for breach of any of the terms, conditions or covenants of this Agreement, the prevailing party shall be entitled to recover from the other party its reasonable attorney's fees, paralegal fees and costs, both at the trial and appellate levels.

G. In the event a third party institutes a legal proceeding against the City and/or the Owner, regarding the enforcement of this Agreement or any other matters arising out of or related to this Agreement, the annexation of the Property or the provision of wastewater and water service, then in such event the Owner shall pay all costs, fees, charges, and expenses of the City relative thereto, including but not limited to attorney's fees and paralegal fees at both the trial and appellate levels.

H. In addition to each and every remedy now or hereafter existing at law or in equity, the parties hereto expressly agree that City shall have the right to enforce this Agreement by an action for specific performance.

I. As from time to time requested by the City, the Owner agrees to execute such additional documents as may be necessary in order to effectuate the provisions of this Agreement.

J. This Agreement embodies and constitutes the entire understandings of the parties with respect to the subject matter hereof and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into this Agreement.

K. The attached Exhibits are part of this Agreement as though fully set forth in this Agreement.

L. This Agreement is the result of *bona fide* arms length negotiations between the City and the Owner. Both parties have contributed substantially and materially to the preparation of the Agreement. Accordingly, this Agreement will not be construed or interpreted more strictly against one party than against the other party.

M. If any provisions of this Agreement, the deletion of which would not adversely affect the receipt of any material benefits by either party to the Agreement or substantially increase the burden of either party to the Agreement, is held to be unconstitutional, invalid or unenforceable to any extent by a court of competent jurisdiction, such portion will be deemed a separate, distinct, and independent provision and the same will not affect in any respect whatsoever the validity or enforceability of the

remainder of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals. The effective date of this agreement shall be the day and year first above written.

WITNESSES:

Print Name: _____

Print Name: _____

PETITIONER

Jones Loop Road, LLC, a Florida limited
Liability company

By: Punta Gorda Loop, LLC, Manager

By: _____
Walter S. Hagenbuckle, Manager

Date: _____

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2021 by Walter S. Hagenbuckle as Manager of Punta Gorda Loop, LLC, Manager of Jones Loop Road, LLC, on behalf of the limited liability company who is ☐ personally known to me or ☐ who has produced _____ as identification and who did not take an oath.

Notary Public, State of Florida
My Commission Expires:

DONE in regular session of the City Council of the City of Punta Gorda, Florida this ____ day of _____ 20____.

CITY OF PUNTA GORDA, FLORIDA

Lynne Matthews, Mayor

ATTEST:

Karen Smith, City Clerk

APPROVED AS TO FORM:

David Levin, City Attorney

EXHIBIT “A”
LEGAL DESCRIPTION (PARCEL 1)

Applicant: Jones Loop Road LLC

LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION

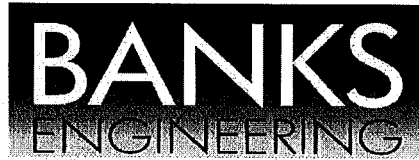
Jones Loop Road, LLC

Exhibit "A" - Legal Description

Lot 387, South-Highlands, as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida lying in Section 21, Township 41 South, Range 23 East

EXHIBIT “B”
SKETCH AND DESCRIPTION (PARCEL 2)

Applicant: Jones Loop Road LLC



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21 & 28, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(GAP PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

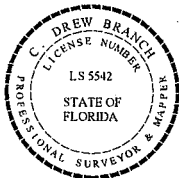
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.89°07'00"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, FOR 1410.33 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.00°26'40"W., ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 FOR 1314.75 FEET TO A POINT ON THE SOUTH LINE OF LOT 295, SOUTH-HIGHLANDS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED EASTERLY LINE, S.00°26'40"W. FOR 1255.93 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.01°35'58"W., ALONG THE EASTERLY LINE OF SAID WEST 1/2, FOR 48.79 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER (AKA ALLIGATOR CREEK); THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 3 COURSES, N.53°33'48"W. FOR 62.83 FEET; THENCE N.62°55'20"W. FOR 30.26 FEET TO THE INTERSECTION OF THE AFOREMENTIONED SOUTH LINE OF SECTION 21; THENCE N.62°55'20"W., CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR 7.83 FEET, TO THE INTERSECTION OF THE EASTERLY LINE OF MAC DINE STREET (AKA ORANGE ROAD); THENCE N.00°31'22"E., ALONG SAID EASTERLY LINE, FOR 1250.82 FEET, TO THE SOUTHWEST CORNER OF LOT 295 OF THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E., ALONG THE SOUTH LINE OF SAID LOT 295, FOR 84.17 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.49 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 19, 2021

DIGITALLY SIGNED BY:
C. DREW BRANCH

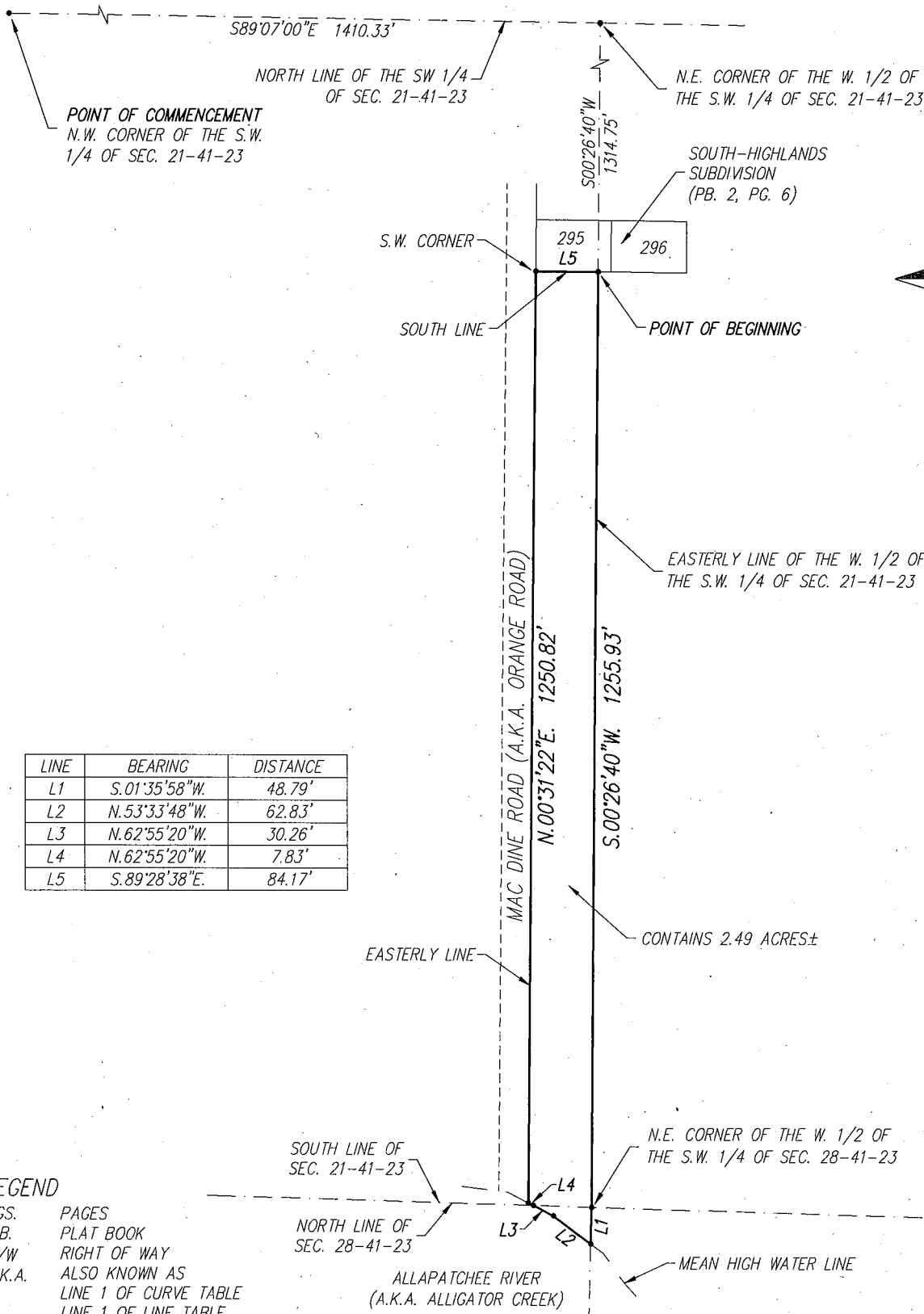


Date:
2021.08.19
11:21:23
-04'00'

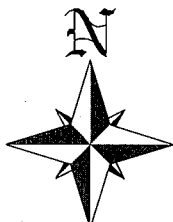
C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



LINE	BEARING	DISTANCE
L1	S.01°35'58"W.	48.79'
L2	N.53°33'48"W.	62.83'
L3	N.62°55'20"W.	30.26'
L4	N.62°55'20"W.	7.83'
L5	S.89°28'38"E.	84.17'



BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4181 TADAWAY TRAIL - BLDG 3 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (813) 625-1165 FAX: (813) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
GAP PARCEL
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/18/21	4438	4438-GAP	JS	CDB	1"=200'	20F2	21&28-41-23

CITY OF PUNTA GORDA

ORDINANCE NO. _____-2021

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, ANNEXING WITHIN THE CORPORATE LIMITS OF THE CITY OF PUNTA GORDA, PROPERTY ADDRESSED AS 9511 MAC GEORGE STREET, PUNTA GORDA, CONTAINING 0.15 +/- ACRES; IDENTIFIED AS LOT 287, SOUTH-HIGHLANDS, AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, DESCRIBED IN EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN; AND A PORTION OF THE PROPERTY GENERALLY DESCRIBED AS 9298 MAC EVER STREET, CONTAINING 2.49 +/- ACRES; WHICH IS A TRACT OR PARCEL OF LAND IN CHARLOTTE COUNTY, FLORIDA, DESCRIBED IN EXHIBIT “B” ATTACHED HERETO AND INCORPORATED HEREIN; IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; REDEFINING THE BOUNDARY LINES OF SAID CITY IN CONFORMANCE THEREWITH; AMENDING THE OFFICIAL BOUNDARY MAP OF THE CITY OF PUNTA GORDA, FLORIDA; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE TO THE CHARLOTTE COUNTY CLERK OF COURT, CHARLOTTE COUNTY ADMINISTRATOR, FLORIDA DEPARTMENT OF STATE AND FLORIDA OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jones Loop Road, LLC, property owner for real property addressed as 9511 Mac George Street and 9298 Mac Ever Street, respectively, being more particularly described in the legal descriptions and boundary surveys attached hereto and incorporated herein as Exhibits “A” and “B”, has filed with the City of Punta Gorda a petition requesting annexation into the corporate limits of the City of Punta Gorda, Florida and to be included therein; and

WHEREAS, it has been determined that the properties described in Exhibits “A” and “B”, are contiguous to the boundaries of the City of Punta Gorda, Florida, and it has further been determined that the annexation of said properties will not result in the creation of an enclave; and

WHEREAS, the properties are located within the Punta Gorda Utility Service Area; and

WHEREAS, the City Council of the City of Punta Gorda, Florida, deems it in the best interest of the City to annex the city-owned property; and

WHEREAS, pursuant to Section 171.044(6), Florida Statutes, a copy of the notice was sent via certified mail to the Charlotte County Board of County Commissioners on _____, 2021.

WHEREAS, pursuant to Section 171.044(2), Florida Statutes, due and proper notice of this voluntary annexation was published on _____, 2021 and _____, 2021; and

WHEREAS, public hearings on this voluntary annexation were held on October 25, 2021 (Planning Commission) and November 17, 2021 (City Council).

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

I. The City of Punta Gorda, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, does hereby annex into the corporate limits of the City of Punta Gorda, Florida, 0.15 +/- acres, addressed as 9511 Mac George Street and further bounded and described in Exhibit "A", attached hereto and incorporated herein, and 2.49 +/- acres, addressed as 9298 Mac Ever Street and further bounded and described in Exhibit "B", attached hereto and incorporated herein. The boundary of the City of Punta Gorda, Florida is hereby redefined to include the area to be annexed in accordance with this ordinance and the official map of the City shall be amended accordingly.

II. The City Clerk of the City of Punta Gorda, Florida is hereby ordered to furnish certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research, within seven (7) days after the adoption.

III. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

IV. Any ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

V. This Ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2021.

, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney

EXHIBIT "A"
TO ANNEXATION ORDINANCE

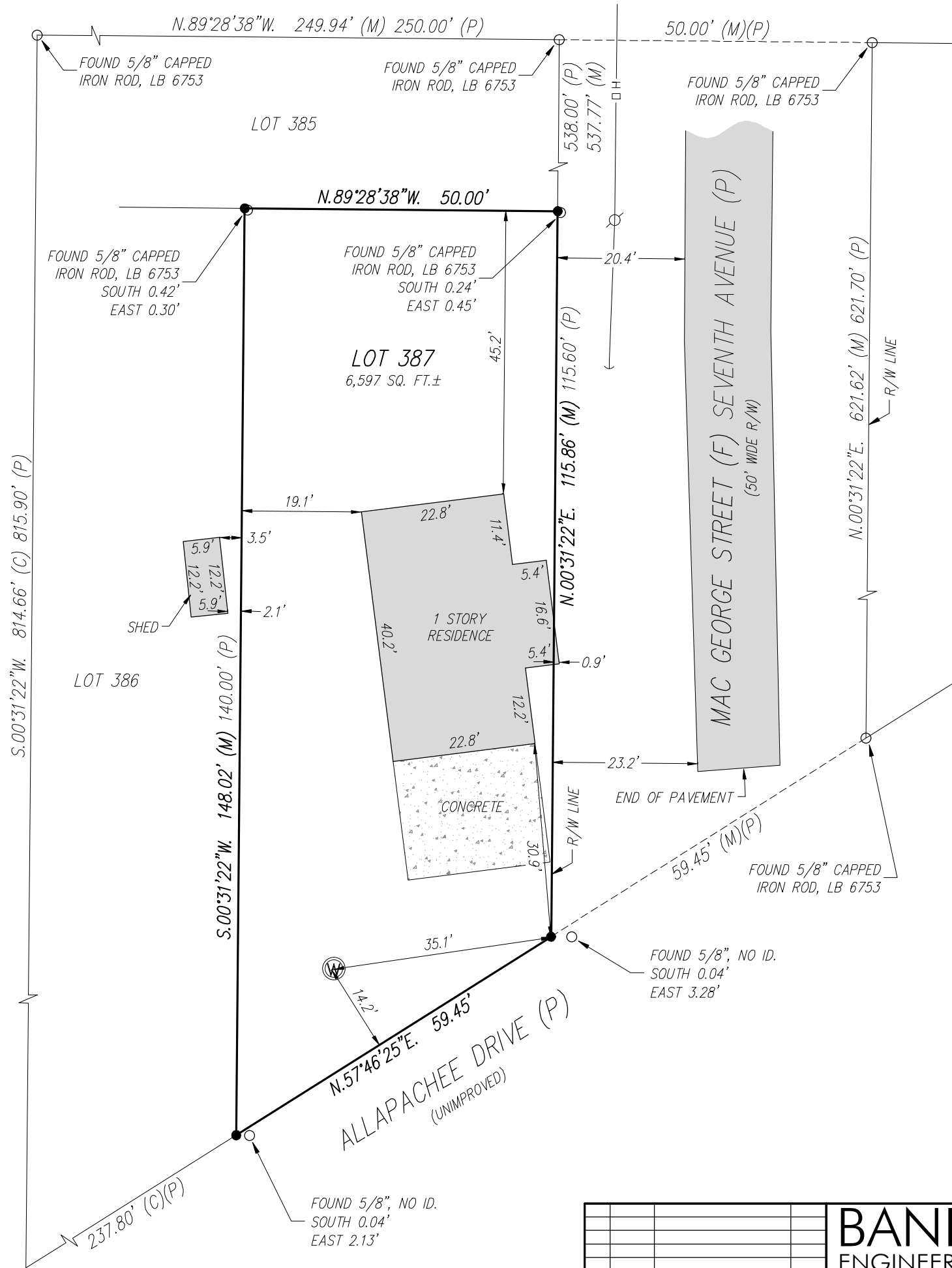
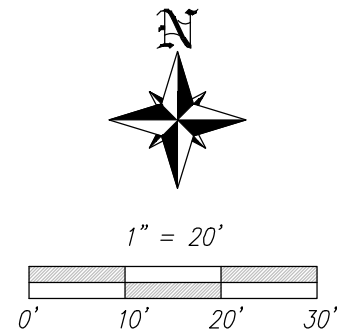
Boundary Survey
Charlotte County Parcel Identification No. 412321377004
9511 Mac George Street

LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION

Jones Loop Road, LLC

Exhibit "A" - Legal Description

Lot 387, South-Highlands, as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida lying in Section 21, Township 41 South, Range 23 East



SURVEYOR'S NOTES:

THIS SURVEY PLAT IS PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THIS SURVEY PLAT IS BASED ON THE RECORD PLAT OF SOUTH-HIGHLANDS AND EXISTING MONUMENTATION.

BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND ARE PER THE RECORD PLAT, UNLESS OTHERWISE SHOWN.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PNTA". WHEREIN THE WEST RIGHT-OF-WAY LINE OF INDIAN SPRINGS CEMETERY ROAD BEARS S.00°33'07"W.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003, THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE "X" (SHADED) (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD),

FLOOD ZONE DETERMINATION AS SHOWN HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. FEMA RELATED INFORMATION SHOULD BE VERIFIED WITH FEMA OR THE APPROPRIATE GOVERNING AUTHORITY BEFORE USE.

ABOVEGROUND AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.

PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.

SUBJECT PARCEL CONTAINS 6,597 SQUARE FEET, MORE OR LESS.

DATE OF LAST FIELD WORK: 6/02/21

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

- LEGEND**
(UNLESS OTHERWISE NOTED)
- SET CAPPED IRON ROD #LB6690
 - SEC. SECTION
 - R/W RIGHT-OF-WAY
 - (C) CALCULATED
 - (F) FIELD DATA
 - (M) MEASURED DATA
 - (P) PLAT DATA
 - PLS PROFESSIONAL LAND SURVEYOR
 - LB LICENSED BUSINESS
 - POL POINT ON LINE
 - PSM PROFESSIONAL SURVEYOR AND MAPPER
 - ⊙ CENTERLINE
 - ID. IDENTIFICATION
 - PB. PLATBOOK
 - PG. PAGE
 - SQ.FT. SQUARE FEET
 - ± PLUS OR MINUS
 - ⊕ WOOD UTILITY POLE
 - OH— OVERHEAD UTILITIES
 - GUY WIRE
 - ⊙ WELL

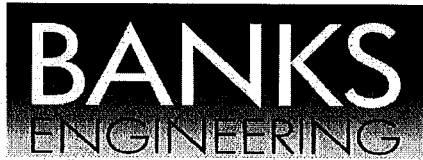
BANKS ENGINEERING				4151 TAMiami TRAIL - BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 33952 PHONE: (941) 625-1165 FAX: (941) 625-1149 ENGINEERING LICENSE # EB 8469 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM	
NO.	DATE	REVISION DESCRIPTION	BY		

BOUNDARY SURVEY LOT 387, SOUTH-HIGHLANDS CHARLOTTE COUNTY, FLORIDA						
DATE	PROJECT NO.	DRAWING	DRAWN	CHECKED	SCALE	SHEET
6/15/21	4438	LOT 387 SR	JS	CDB	1"=20'	SHEET 1 OF 1

S-T-R
21-41-23

EXHIBIT "B"
TO ANNEXATION ORDINANCE

Boundary Survey
Charlotte County Parcel Identification No. 412121151003
9298 Mac Ever Street



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21 & 28, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(GAP PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

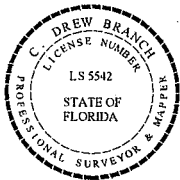
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.89°07'00"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, FOR 1410.33 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.00°26'40"W., ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 FOR 1314.75 FEET TO A POINT ON THE SOUTH LINE OF LOT 295, SOUTH-HIGHLANDS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED EASTERLY LINE, S.00°26'40"W. FOR 1255.93 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.01°35'58"W., ALONG THE EASTERLY LINE OF SAID WEST 1/2, FOR 48.79 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER (AKA ALLIGATOR CREEK); THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 3 COURSES, N.53°33'48"W. FOR 62.83 FEET; THENCE N.62°55'20"W. FOR 30.26 FEET TO THE INTERSECTION OF THE AFOREMENTIONED SOUTH LINE OF SECTION 21; THENCE N.62°55'20"W., CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR 7.83 FEET, TO THE INTERSECTION OF THE EASTERLY LINE OF MAC DINE STREET (AKA ORANGE ROAD); THENCE N.00°31'22"E., ALONG SAID EASTERLY LINE, FOR 1250.82 FEET, TO THE SOUTHWEST CORNER OF LOT 295 OF THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E., ALONG THE SOUTH LINE OF SAID LOT 295, FOR 84.17 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.49 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 19, 2021

DIGITALLY SIGNED BY:
C. DREW BRANCH

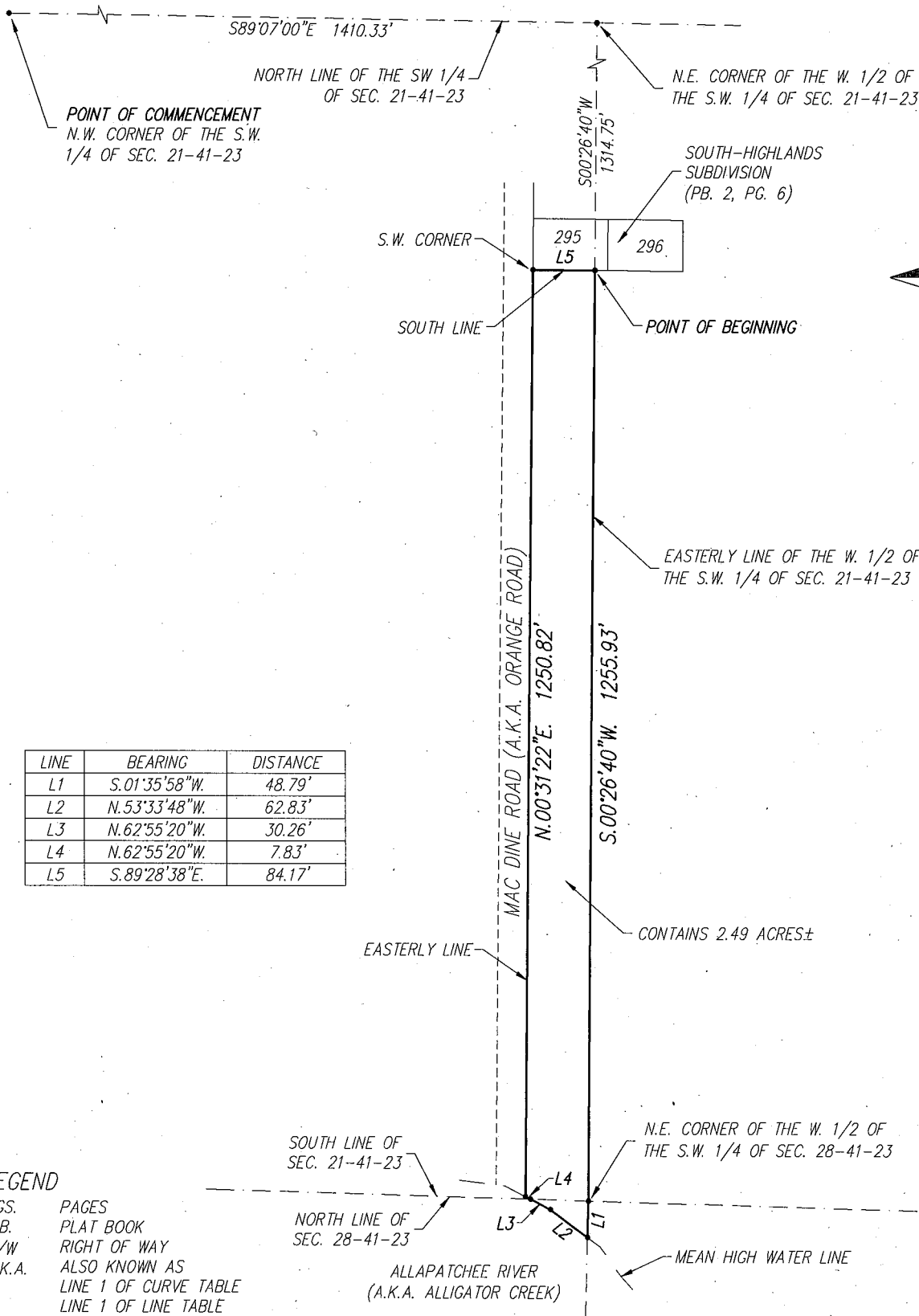


Date:
2021.08.19
11:21:23
-04'00'

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



LINE	BEARING	DISTANCE
L1	S.01°35'58"W.	48.79'
L2	N.53°33'48"W.	62.83'
L3	N.62°55'20"W.	30.26'
L4	N.62°55'20"W.	7.83'
L5	S.89°28'38"E.	84.17'

LEGEND

PGS. PAGES
P.B. PLAT BOOK
R/W RIGHT OF WAY
A.K.A. ALSO KNOWN AS
C1 LINE 1 OF CURVE TABLE
L1 LINE 1 OF LINE TABLE

BANKS
ENGINEERING

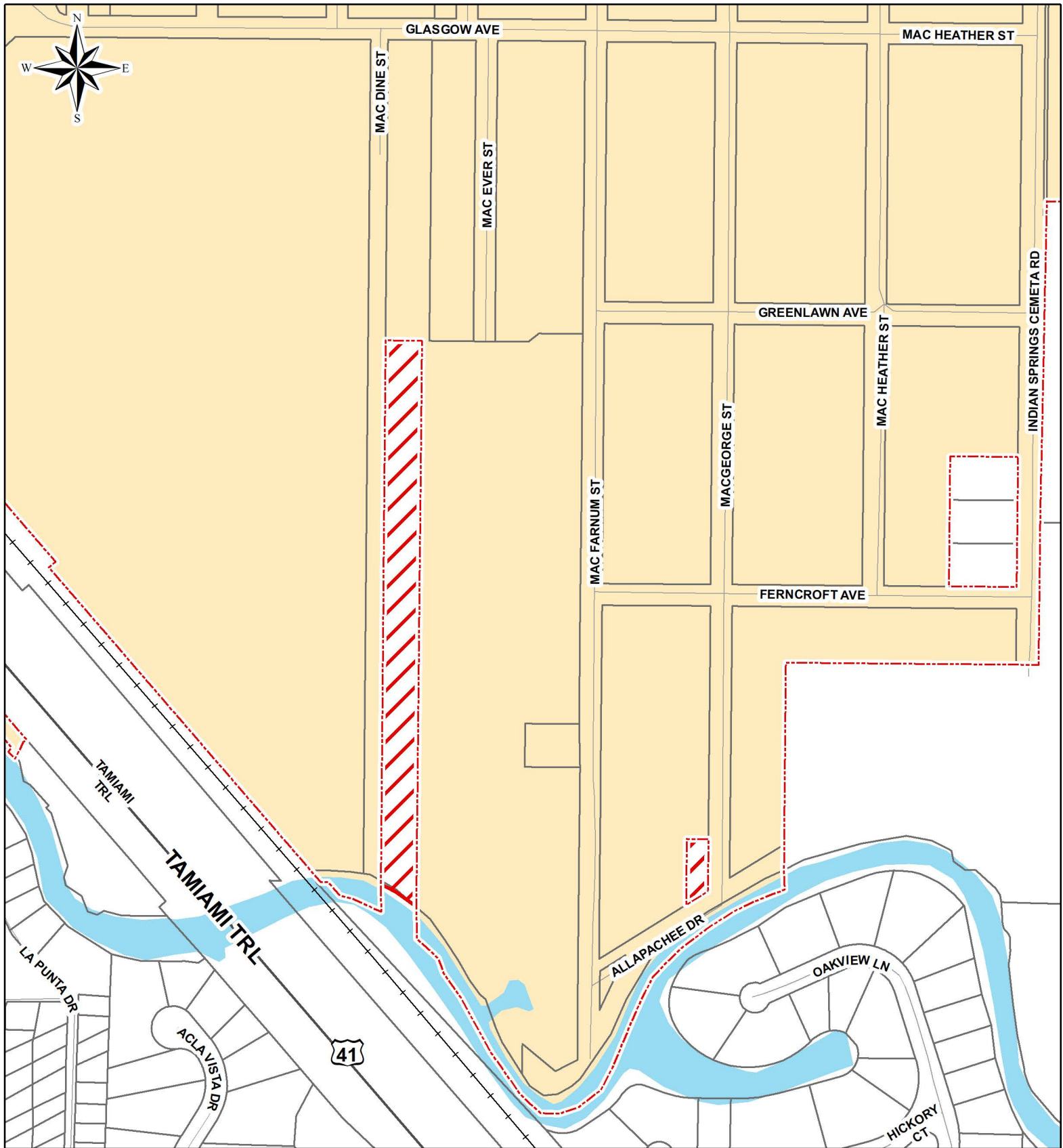
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4181 TADAWAY TRAIL - BLDG 3 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (813) 625-1165 FAX: (813) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
GAP PARCEL
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/18/21	4438	4438-GAP	JS	CDB	1"=200'	20F2	21&28-41-23

AX-03-21 Existing City Limits



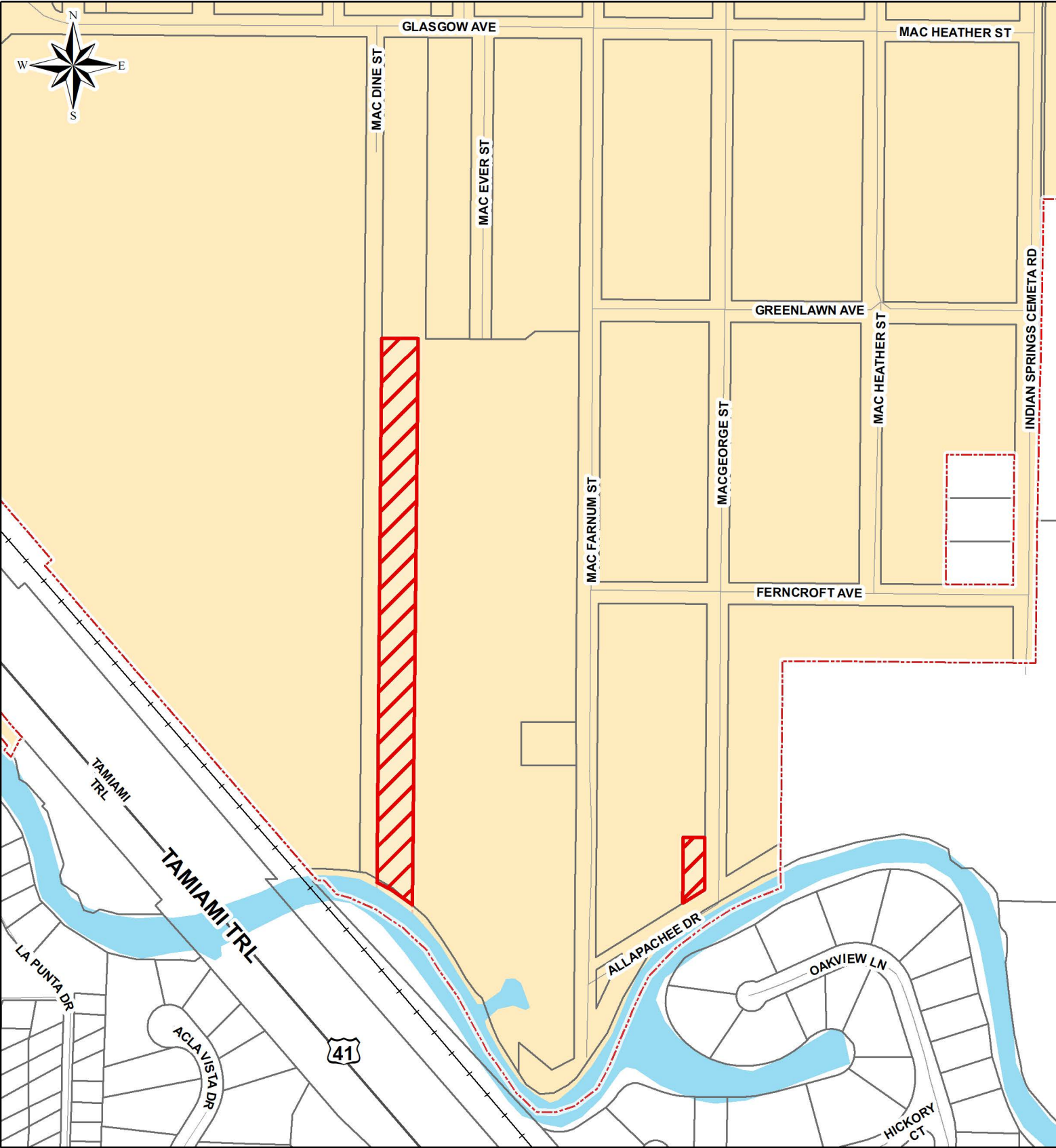
-  Subject Parcels
-  City Limits
-  Major Road
-  Street
-  Railroad
-  Water

Feet
0 500 1,000

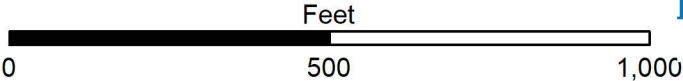


Punta Gorda
FLORIDA 96

AX-03-21 Proposed City Limits



-  Subject Parcels
-  Property Accounts
-  City Limits
-  Major Road
-  Street
-  Railroad
-  Water





ANNEXATION STAFF REPORT

TO: City of Punta Gorda Planning Commission
FROM: Joan F. LeBeau, AICP, Urban Design Director
PUBLIC HEARING DATE: November 22, 2021
RE: AX-03-2021 – 9511 Mac George St and a portion of 9298 Mac Ever St

Applicant Request:

AX-03-2021- An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres; identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

Summary of Applicant's Request:

Jones Loop Road, LLC, property owner for real property addressed as 9511 Mac George Street and 9298 Mac Ever Street, respectively, being more particularly described in the legal descriptions and boundary surveys attached hereto and incorporated herein as Exhibits "A" and "B", has filed with the City of Punta Gorda a petition requesting annexation into the corporate limits of the City of Punta Gorda, Florida and to be included therein.

Findings:

- Finding #1. A pre-annexation agreement was signed and executed by the City of Punta Gorda and the applicant on October 6, 2021, (Resolution 3591-2021).
- Finding #2. The subject property is contiguous to current City boundaries, and will not create an enclave.
- Finding #3. A Comprehensive Plan Amendment and a Planned Development Rezoning application will be required and have been submitted.
- Finding #4. Pursuant to state statute F.S. Chapter 171.044(6), the City has notified Charlotte County of this annexation.
- Finding #5. The property and the entire proposed community will receive both water and wastewater service from the City of Punta Gorda. Water and sewer lines currently exist within the Jones Loop Road right-of-way and will be extended throughout the community at the developer's expense.
- Finding #6. Pursuant to the City of Punta Gorda's 2040 Comprehensive Plan, the following goals, objectives and policies support this annexation:

Future Land Use Element:

Objective 1.1.2: Punta Gorda will coordinate future land uses with the availability of facilities and services.

Policy 1.1.2.1: Punta Gorda will require the availability of water and sewer, and other facilities and services for which there are LOS standards, concurrently with new development in the City. Additionally, development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services to be annexed.

Policy 1.1.9.3: Punta Gorda will continue to serve its customers with adequate potable water and sanitary sewer.

Objective 1.1.10: Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.

Policy 1.1.10.1: To the extent that Gorda proactively pursues annexations, it will do so on the basis of a comprehensive rationale, such as that described in the basic studies supporting the comprehensive plan. Punta Gorda will seek first to annex enclaves, near enclaves, and adjacent urbanized areas. Considerations include, but are not limited to, environmental and health benefits, land needs for various uses, cost and revenue impacts, and benefits of jurisdictional consolidation.

Conservation Element:

Objective 2A.1.1: Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.

Policy 2A.1.1.4: Punta Gorda will continue to evaluate and revise its standards for industrial development affecting air quality through emissions from industrial processes and related activities (e.g., warehousing, transportation). Such standards will seek to mitigate smoke, dust, gases, particulate matter, vapors, fumes, etc.

Infrastructure Element:

Objective 3.1.1: City of Punta Gorda will provide a safe and effective water system to meet the present and projected future potable water needs.

Policy 3.1.1.3: The City of Punta Gorda will comply with the conditions and requirements set forth in the City's existing water use permit.

Objective 3.1.2: The City of Punta Gorda will continue to provide a safe and efficient sanitary sewer system to meet the present and projected future utility needs.

Policy 3.1.2.4: Comply with the conditions and requirements set forth in the City's wastewater permit.

Objective 3.6.1: The City of Punta Gorda will continue to encourage increased participation in hazardous waste collection programs.

Policy 3.6.1.1: The City of Punta Gorda will continue to encourage residents and businesses to participate in the County's hazardous waste programs

Housing Element:

Objective 4.1.8: Throughout the planning period through 2030, Punta Gorda shall protect residential communities from the intrusion of more intensive land uses.

Policy 4.1.8.2: Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential

uses, and will not significantly contribute to the degradation of residential neighborhoods.

Transportation Element:

Objective 7.1.6: Punta Gorda when considering annexations will ensure any such annexations support a safe, convenient, energy efficient multi-modal transportation system.

Policy 7.1.6.1: Punta Gorda will require right of way dedication as part of annexations that will require additional public roadways to facilitate any new development.

Policy 7.1.6.3: Punta Gorda will consider transportation system safety and efficiency when considering any proposed annexation.

Objective 7.2.17: Punta Gorda when considering annexations will integrate and coordinate its transportation plans and activities into the planning processes of the State of Florida, the Southwest Florida Regional Planning Council, the Metropolitan Planning Organization, and Charlotte County in order to ensure that such annexations support a safe, convenient, energy efficient multi-modal transportation system.

Policy 7.1.17.3: Punta Gorda will coordinate with the appropriate agencies in consideration of transportation system safety and efficiency issues included in proposed annexations affecting the regional transportation network.

Intergovernmental Coordination Element:

Policy 9.1.1.1: Punta Gorda will act to establish a formal notification process between the entities and continue to inform the respective Growth Management Departments of Charlotte County and Punta Gorda in the following ways:

b) The City will notify Charlotte County of annexations, plan amendments, subdivision, and zoning actions other than variances and special exceptions.

Policy 9.1.2.12: The City of Punta Gorda will coordinate with Charlotte County on annexations consistent with the provisions of Chapter 171, Florida Statutes in order to create a compact and contiguous development pattern.

Conclusion(s):

- Conclusion #1. The application is in order and statutory requirements have been met.
- Conclusion #2. The annexation request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan.
- Conclusion #3. A Comprehensive Plan amendment and Planned Development rezoning application will be required and are running concurrently with the annexation process.
- Conclusion #4. Pursuant to the strategic plan, the annexation of this property advances one of the key performance indicators proposed for Fiscal Year 2021.

Staff Recommendations - based on the aforementioned findings and conclusions:

The Punta Gorda Development Review Committee recommended approval.
Urban Design Division recommends approval of AX-03-2021.

AX-03-2021

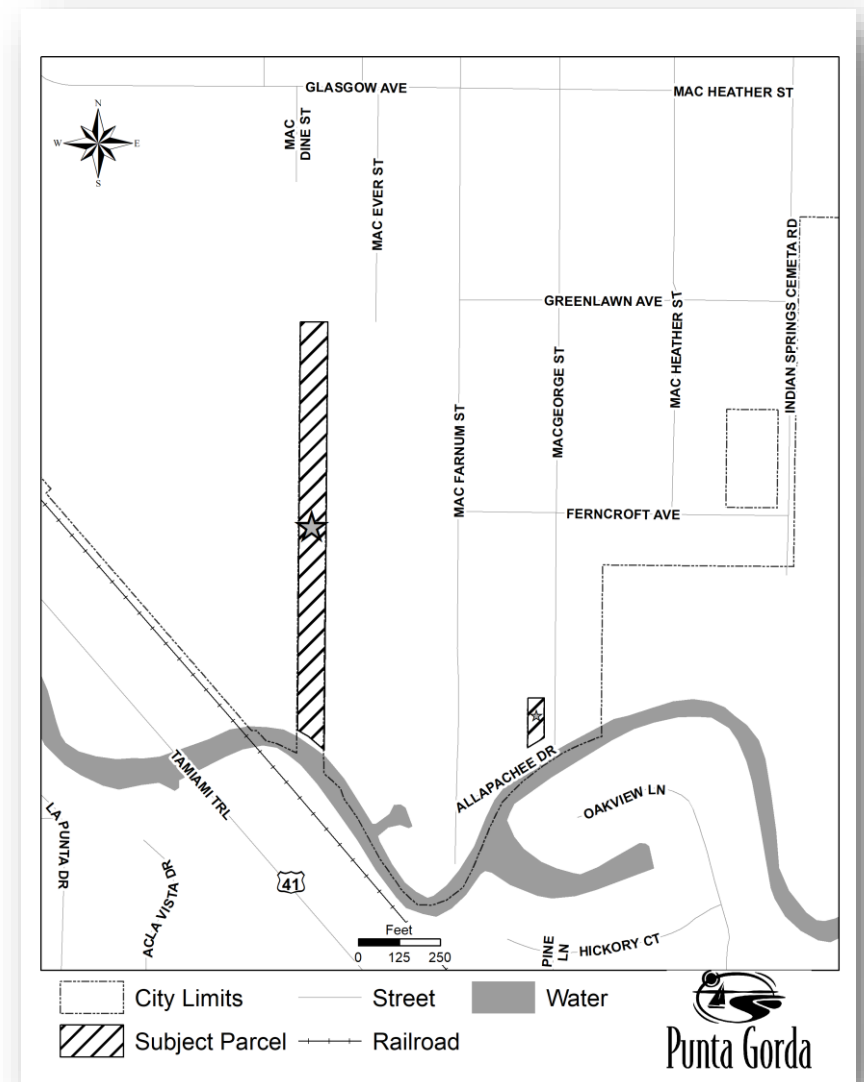
9511 Mac George St and a portion of 9298 Mac Ever St



Applicant Request

- Annex subject property into the City boundary
 - Allows applicant to become part of a municipality
 - Contributes to contiguous growth
 - Strengthens municipalities

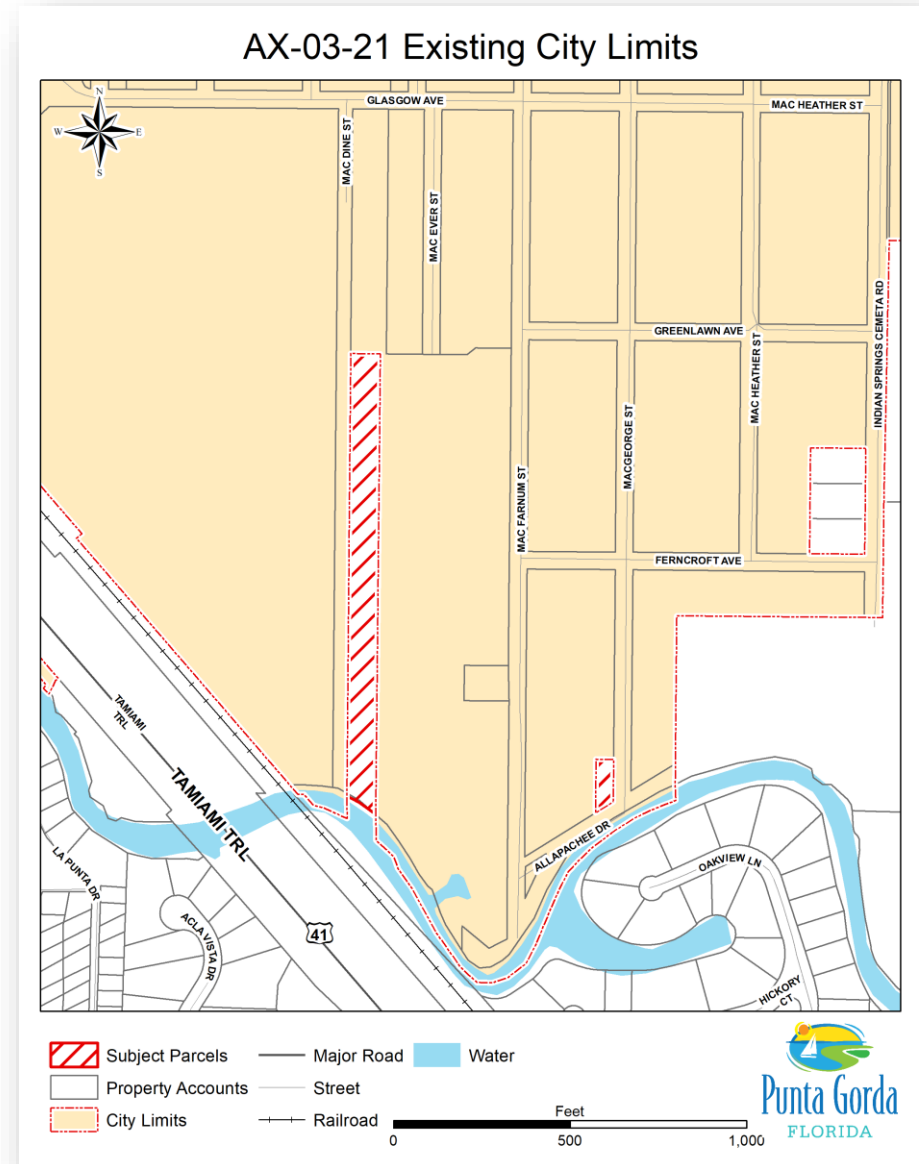
Image: provided by City Staff



Findings

- Property
 - 9511 Mac George Street – 0.15 ± acres
 - A portion of 9298 Mac Ever Street – 2.49 ± acres
 - Contiguous to City boundaries
 - Does not create an enclave

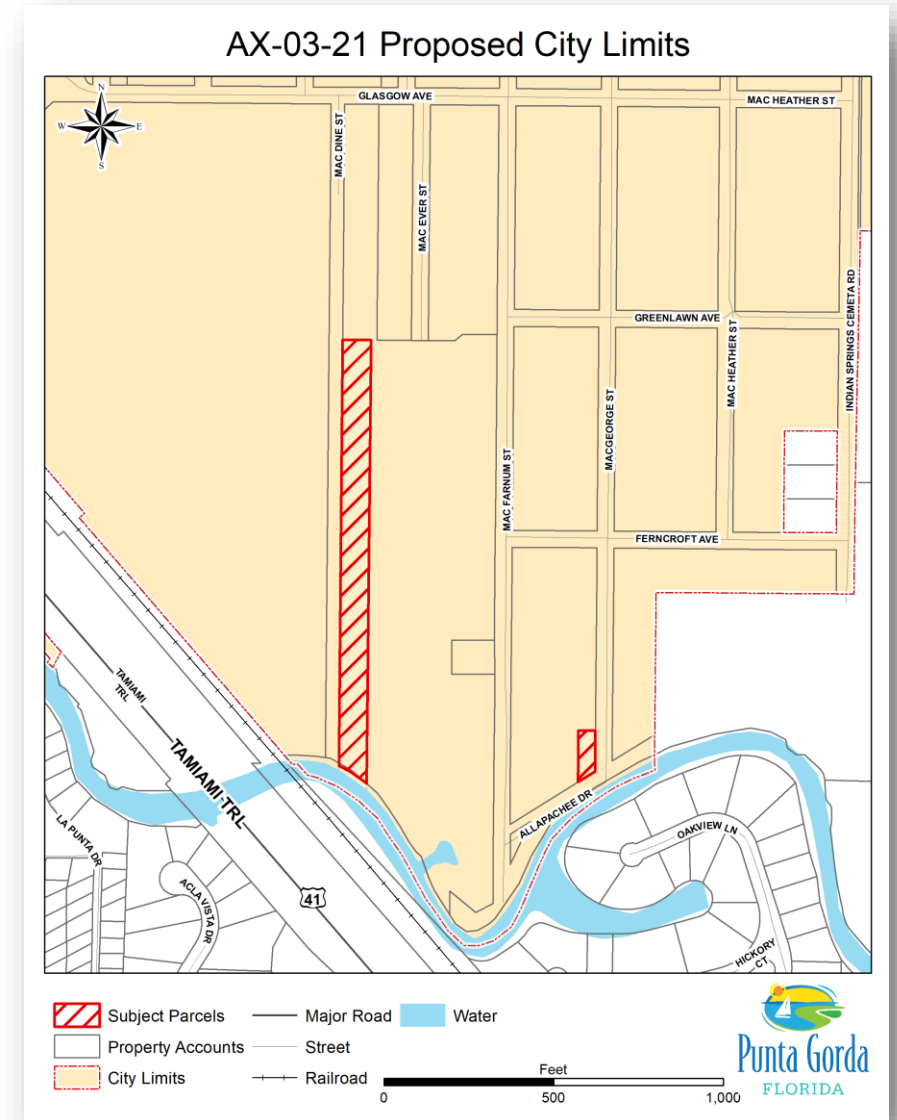
Image: provided by City Staff



Findings

- Consistent with the City of Punta Gorda Comprehensive Plan 2040 Elements
 - Future Land Use
 - Conservation
 - Infrastructure
 - Housing
 - Transportation
 - Intergovernmental Coordination

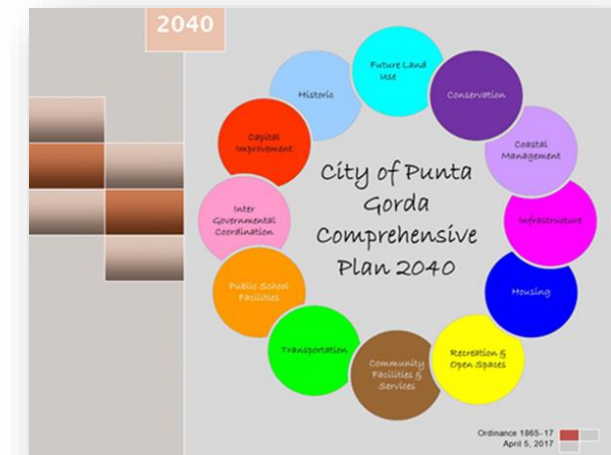
Image: provided by City Staff



Conclusions

Consistent with City's 2040 Comp Plan

- Future Land Use
 - Objectives 1.1.2, 1.1.10
 - Policies 1.1.2.1, 1.1.9.3, 1.1.10.1
- Conservation
 - Objective 2A.1.1
 - Policy 2A.1.1.4
- Infrastructure
 - Objectives 3.1.1, 3.1.2, 3.6.1
 - Policies 3.1.1.3, 3.1.2.4, 3.6.1.1
- Housing
 - Objective 4.1.8
 - Policy 4.1.8.2
- Transportation
 - Objectives 7.1.6, 7.2.17
 - Policies 7.1.6.1, 7.1.6.3, 7.1.17.3
- Intergovernmental Coordination
 - Policies 9.1.1.1, 9.1.2.12



Conclusions

- Application in order and statutory requirements satisfied
- Properties within Utility Service area
- Comprehensive Plan amendment and Planned Development rezoning application
 - Required
 - Running concurrently with the annexation
- Supports City Strategic Plan



Recommendations

- Urban Design Division recommends approval of AX-03-2021
- Punta Gorda Development Review Committee recommended approval



Questions?



Our Mission is “To enhance Punta Gorda’s identity as a vibrant waterfront community, unique in character and history, and one of the most desirable places to live, work and visit.”

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

QUASI-JUDICIAL PUBLIC HEARINGS

Title: CP-03-2021 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.

Funds:

Recommended Action: Staff recommends approval of the Comprehensive Plan Future Land Use amendment request.

Summary: Staff is in receipt of a petition by Jones Loop Road, LLC for an amendment of the Comprehensive Plan Future Land Use Map for newly annexed lands in the "Loop" area. This is the companion application running concurrently with the Annexation and Planned Development rezoning applications.

Department/Division: Urban Design

EXHIBITS:

1. [Proof of Publication](#)
2. [Legal Ad 11-5-21](#)
3. [CP-03-2021 PC Staff Report 9511 Mar George St](#)
4. [Application](#)
5. [Ordinance](#)
6. [Existing FLUM](#)
7. [Proposed FLUM](#)
8. [CP-03-2021 9511 Mar George St Presentation](#)

**CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE**

Geri Waksler Agent
Applicant

AX-03-2021, CP-03-2021, PD-03-2021, SV-01-2021 & SV-02-2021 - 9511 Mac George St & 9298 Mac Ever St (Loop Applications)
File # & Title

AFFIDAVIT OF POSTING NOTICE

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

BEFORE ME, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 Mac Ever & 9511 Mac George St, Punta Gorda, Florida;
2. That this property is owned by Punta Gorda Housing Authority, Geri Waksler acting as agent. The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

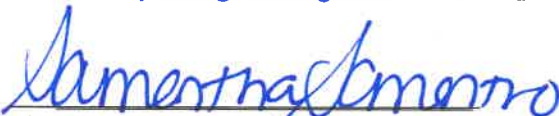
Dated this 5th day of November, 2021.



Code Compliance Officer

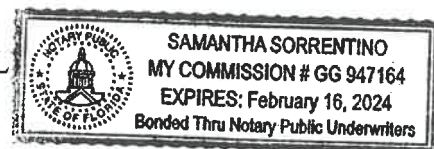
**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 5 day of November, 2021 by Nick Falkner, who is personally known to me and who did not take an oath.



Signature, Notary Public

(SEAL)







NOTICE OF PUBLIC HEARING

Public Hearing Notice for the proposed project is being held on November 5, 2021 at 10:00 AM. The project is located at 10000 S. 100th St., Suite 100, Omaha, NE 68148. The project is a new building for the City of Omaha. The project is a new building for the City of Omaha. The project is a new building for the City of Omaha.

NOTICE OF PUBLIC HEARING

Public Hearing Notice for the proposed project is being held on November 5, 2021 at 10:00 AM. The project is located at 10000 S. 100th St., Suite 100, Omaha, NE 68148. The project is a new building for the City of Omaha. The project is a new building for the City of Omaha. The project is a new building for the City of Omaha.

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11/05/2021 10:32



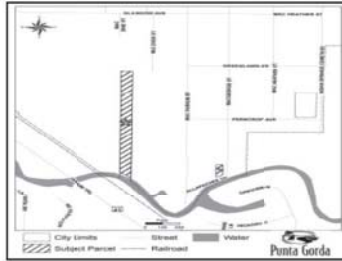
11/05/2021 10:29

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the **Planning Commission** will hold a Public Hearing on **Monday, November 22, 2021, at 2:00 p.m.**, and the **Punta Gorda City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon hereafter as may be heard, to consider the following requests:

AX-03-2021 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

CP-03-2021 – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDH/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.



PD-03-2021 – An Ordinance of the City of Punta Gorda, Florida, zoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 3, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.



SV-01-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

SV-02-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

CP-04-2021 – An Ordinance of the City of Punta Gorda, Florida, adopting an amendment to the "City of Punta Gorda Comprehensive Plan 2025" for the purpose of creating the "Property Rights Element" including the goals, objectives and policies as required by State Statute; providing for conflict and severability; and providing an effective date.



Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33960. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in these proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33960, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendar days prior to the meeting.

**KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA**

Run 1 time: Friday, November 5, 2021

adno-2819079-1



COMPREHENSIVE PLAN STAFF REPORT

TO: City of Punta Gorda Planning Commission
FROM: Joan F. LeBeau, AICP, Urban Design Director
DATE: November 22, 2021
RE: CP-03-2021 – 9511 Mac George Street and a portion of 9298 Mac Ever Street

Applicant Request:

CP-03-2021 - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Providing for conflict and severability; and Providing an effective date.

Summary of Applicant's Request:

An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/COUNTY), to Highway Commercial Corridor/City (HCC/CITY).

The Amendment will:

Amend the City's Future Land Use Map to include and assign the City's Future Land Use designation on the subject property as Highway Commercial Corridor and apply all provisions of the City's Comprehensive Plan to the property described herein.

Analysis of the Plan Amendment of the Comprehensive Plan Goals, Policies, and Objectives

Future Land Use Element

Goal 1.1: The long term end toward which land use programs and activities are ultimately directed is the orderly growth and development of Punta Gorda in a high quality environment. Furthermore, over the next ten year planning period, it is the intent of the City to continue to create a lively, economically viable, pedestrian oriented town with a publicly accessible waterfront, healthy neighborhoods, and a high quality of community character.

Objective 1.1.2: Punta Gorda will coordinate future land uses with the availability of facilities and services.

Policy 1.1.2.1: Punta Gorda will require the availability of water and sewer, and other facilities and services for which there are standards, concurrently with new development in the City. Additionally,

development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services within areas to be annexed.

Policy 1.1.4.3: Punta Gorda will promote infill development and redevelopment consistent with the Future Land Use Map through its land development regulations and other means such as public improvements and economic facilitation.

Policy 1.1.9.5: Punta Gorda will apply appropriate site planning requirements such as environmental surveys, on-site stormwater management, wetlands preservations, etc., according to the needs of the situation in the context of applicable law and sound planning practice.

Objective 1.1.10: Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.

Policy 1.1.10.1: To the extent that Punta Gorda proactively pursues annexations, it will do so on the basis of a comprehensive rationale, such as that described in the basic studies supporting the comprehensive plan. Punta Gorda will seek first to annex enclaves, near enclaves, and adjacent urbanized areas. Considerations include, but are not limited to, environmental and health benefits, land needs for various uses, cost and revenue impacts, and benefits of jurisdictional consolidation.

Policy 1.1.10.2: Punta Gorda will encourage infill development within the City by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.

Policy 1.1.10.3: Punta Gorda will refrain from the extension of water and sewer lines into sparsely developed areas in order to discourage a leap frog development pattern of urban sprawl. Water distribution lines or sewage collection lines may be extended within the areas identified as the Sheriff/ECC/Airport Area and the Jones Loop Area in the 2006 Annexation Study.

Policy 1.1.14.3: Highway Commercial Corridor lands identified on the Future Land Use Map shall be developed:

- a) to accommodate commercial, retail, and office uses that are more auto oriented due to scale and typology while respecting the pedestrian and alternative transportation modes through development design standards
- b) so as the intensity of the development does not exceed a floor area ratio of 1.5
- c) to allow a residential density of 3.5 units per acre in areas where residential uses will promote affordable housing or compact and contiguous development.

Conservation Element

Objective 2A.1.1: Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.

Policy 2A.1.1.4: Punta Gorda will continue to evaluate and revise its standards for industrial development affecting air quality through emissions from industrial processes and related activities (e.g., warehousing, transportation). Such standards will seek to mitigate smoke, dust, gases, particulate matter, vapors, fumes, etc.

Coastal Management Element

Policy 2B.5.1.2: The City will review and update stormwater management regulations to ensure best practices are utilized for all development and redevelopment activities.

Infrastructure Element

Policy 3.2.1.4: Utility extension over the next planning period will involve consideration of proximity to existing urbanized areas for the effect on the efficient use of existing and planned utilities infrastructure, the City's future land use needs, and the desire to encourage compact and contiguous growth.

Policy 3.2.1.7: Water and sewer line extension proposals will be reviewed for compact and contiguous development and provision of services to land uses encouraging or increasing economic development efforts.

Objective 3.2.2: Coordinate with the Future Land Use map to ensure that development and building permits are issued based on adequate potable water availability and an adopted level of service.

Housing Element

Objective 4.1.1: Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.

Policy 4.1.1.2: Consistent with the Comprehensive Plan, Punta Gorda's Land Development Regulations (including zoning regulations) will make possible a variety of lot sizes, densities, and housing types, including single-family, multi-family, mobile home, patio homes, and zero lot line homes.

Objective 4.1.8: Throughout the planning period through 2030, Punta Gorda shall protect residential communities from the intrusion of more intensive land uses.

Policy 4.1.8.2: Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential uses, and will not significantly contribute to the degradation of residential neighborhoods.

Recreation and Open Space Element

Policy 5.1.2.1: Punta Gorda will maintain a recreation and open space plan with standards that integrate public, semi-private, and private recreational facilities into an overall plan.

Policy 5.1.2.2: Punta Gorda will require developers of residential subdivisions or planned unit developments to dedicate or set aside lands for parks, or to develop and maintain a private or semi-private park system as part of their development, or otherwise contribute to the acquisition and/or development of parks.

Transportation Element

Objective 7.3.4: Punta Gorda will provide adequate road capacity levels of service to accommodate present and anticipated future vehicular travel demand, based on adopted Level of Service (LOS) and ensure the impacts of development approvals occur concurrently with adequate roads and that maximum safety, efficiency, and cost effectiveness are achieved.

Policy 7.3.4.1: The minimum acceptable level of service for all City classified roads is LOS "D".

Policy 7.3.4.5: The City will monitor level of service conditions to determine when implementation of alternative street level of service (LOS) strategies needs to be established.

Public School Element

Objective 8.1.2: The City shall require a school concurrency review be performed by the School District to ensure that adequate school facility capacity within the Public School Concurrency Service Area (SCSA) is available to accommodate the projected residential development in accordance with the adopted level of service standard for schools. [9J-5.025(3)(b)(2)]

Policy 8.1.2.1: The City shall not approve any non-exempt residential development application for preliminary plat, site plan or functional equivalent until the School District has verified that available capacity exists to serve the development.

Policy 8.1.2.3: The City, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 8.1.2.2. The minimum process requirements are described below:

- a) A residential development application is submitted to the local government, which includes a School Impact Analysis (SIA). The local government determines application is sufficient for processing and transmits the SIA to the School District for review.
- b) The School District reviews the application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the local government.
- c) If capacity is available within the CSA (or an adjacent CSA), the School District shall issue a SCADL verifying available capacity.
- d) If capacity is not available within in the CSA (or an adjacent CSA), the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and may offer the developer a negotiation period to present mitigation options.
- e) The City shall not issue approval any site plan, subdivision plan, preliminary or final plat approval or functional equivalent for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

Intergovernmental Coordination Element:

Policy 9.1.1.1: Punta Gorda will act to establish a formal notification process between the entities and continue to inform the respective Growth Management Departments of Charlotte County and Punta Gorda in the following ways:

- b) The City will notify Charlotte County of annexations, plan amendments, subdivision, and zoning actions other than variances and special exceptions.

Policy 9.1.2.6: The implementation of stormwater drainage planning in Punta Gorda will be coordinated through the Southwest Florida Water Management District (SWFWMD) permitting process.

Policy 9.1.2.11: Future development in the City and other affected jurisdictions will pay their proportionate fair share cost of infrastructure and services resulting from the development's impact.

Capital Improvements Element:

Objective 10.1.4: Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.

Policy 10.1.4.1: Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:

Element	Level of Service (LOS)
Infrastructure	Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day) Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day) Solid Waste - 7.2 Pounds per person per day Stormwater - C - using a 25 year/24 hour design
Transportation	D - on all major arterials E - on all minor arterials D - on all county collections D - on all City maintained roads
Recreation and Open Space	5 acres per 1,000 population
Public Schools	Elementary – 95% total capacity Middle – 100% total capacity High – 100% total capacity

Historic Element:

This Comprehensive Plan Amendment is precipitated by a voluntary annexation of an existing public facility. The property is not located within the Historic Overlay district, therefore no impacts regarding the Historic Element are anticipated.

Finding based on the City Code of Ordinance Chapter 26, Section 16.4 Application for Concurrency,(c) Concurrency Review Standards. The proposed development shall be designed and constructed to provide adequate area and rights-of-way which may be necessary for the installation and maintenance of the roadway system, which meet all applicable federal, state and local regulations. (if applicable)

- (1) Roadway Facilities – Based on the traffic impact study submitted by the applicant and verified by staff, the existing roadway network will accommodate background traffic and traffic generated by the Project, and the study area roadway segments are projected to operate within adopted levels of service. The Project provides two (2) access points – main access off of Indian Springs Cemetery Road and the secondary access off of Jones Loop Road.
- (2) Potable Water Facilities – A letter has been received by the applicant from the City of Punta Gorda Utilities Department, which indicates the properties are in the Utility service area, however, at this time no distribution lines have been constructed in this community.
- (3) Sanitary Sewer Facilities - A letter has been received by the applicant from the City of Punta Gorda Utilities Department, which indicates the properties are in the Utility service area, however, at this time a wastewater collection system has not been constructed in this community.
- (4) Stormwater and Drainage Facilities Meets Concurrency - The proposed concept plan includes a stormwater lake which is part of the stormwater system. The stormwater and drainage system will be further reviewed for concurrency and compliance during the Development Review (DRC) process.
- (5) Solid Waste Removal Meets Concurrency – The County's Zemel Road landfill facility has capacity through the County's 2030 planning horizon.
- (6) Parks and Recreation – The proposed Project provides 1.49 acres of recreational area and 9.39 acres of open space, which exceed the required Level of Service.
- (7) Public Schools – According to the submitted School Impact Analysis calculation, the proposed Project is expected to generate 16 elementary students, 9 middle school students and 13 high school students. The analysis provided is for planning purposes only. A School Capacity Availability Letter (SCADL) is not issued until prior to development approval.

Findings:

Finding #1: The parcel contains 2.64 ± acres.

Finding #2: The Charlotte County Future Land Use Map (FLUM) designates these parcel(s) as Low Density Residential.

The surrounding Future Land Use designations are as follows:

DIRECTION	FUTURE LAND USE	ZONING	EXISTING LAND USE
North (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial
South (County)	Low Density Residential	Residential Single-Family 5 units per acre	Single-family residential
East (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial
West (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial

Finding #3: The applicant's annexation request has precipitated the need for this comprehensive plan amendment.

Finding #4: The applicant shall be governed by the currently in effect Charlotte County Comprehensive Plan and Land Development Regulations and may not become effective until 31 days after adoption pursuant to Chapter 163.3187(5) (c) F.S.

Finding #5: The property and the entire proposed community will receive both water and wastewater service from the City of Punta Gorda. Water and sewer lines currently exist within the Jones

Loop Road right-of-way and will be extended throughout the community at the expense of the developer.

Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

- Conclusion #1:** The application is in order and statutory requirements have been met.
- Conclusion #2:** The Comprehensive Plan amendment request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as outlined in the staff report above.
- Conclusion #3:** A Planned Development rezoning application is required and is running concurrently with the annexation and Comprehensive Plan amendment process.
- Conclusion #4:** Any proposed development will require Development Review Committee (DRC) approval prior to submitting for building/construction permits.

Staff Recommended Conditions of Approval

Staff has no recommendations for conditions of approval.

Staff Recommendations - based on the aforementioned approval criteria findings and conclusions:

The Punta Gorda Development Review Committee recommended approval.

Urban Design Staff finds that this request is consistent with the City of Punta Gorda Comprehensive Plan and recommend approval of this petition and the transmittal to the Department of Economic Opportunity and the related reviewing agencies.



LAND USE (COMPRHENSIVE PLAN) AMENDMENT APPLICATION

Application Fee: <u> x </u> \$1,000 - Properties 10 Acres or less <u> </u> \$2,000.00 - Properties over 10 Acres Application Fee if done in conjunction with ANNEXATION: <u> </u> Properties 10 Acres or less – Actual cost of Legal Advertising* <u> </u> Properties over 10 Acres – Actual cost of Legal Advertisement and Review Services* (*NOTE: invoice will be provided to applicant and must be paid prior to final adoption)	
Application and all pertinent required data (listed below) MUST be submitted with this application	
☒ ORIGINAL application with Signed & Notarized Land Use (Comprehensive Plan) Amendment Application and/or Affidavit Authorization for Agent (if applicable) ☒ Date applicant met with a representative of the Urban Design Staff prior to the submission of application? <u>6/10/21</u> ☒ Digital Text file of metes and bounds description of Property ☒ Map showing the zoning and FLU of ALL the property contiguous with the subject property ☒ A copy of the deed or other evidence of ownership ☒ Annexation Application ☒ Rezoning Application (if applicable) ☒ SCADL (School Concurrency Approval Determination Letter) attain by School Department (if applicable) ☒ Letter of availability of utility services from utility companies ☐ AutoCAD base files in AutoCAD 2014 Version or newer	☒ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures. ☒ Survey MUST show ALL Easements, Dedications & Improvements ☒ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations ☒ Date of Survey: <u>6/16/21</u> ☒ Total Acreage of Property <u>2.64</u> ☐ Square Footage _____
☒ Narrative with the requested change; An explanation of the proposed project, site plan showing building footprints, parking and traffic circulation areas, water and sewer connection locations, and landscaping (if applicable); referencing all components of the comprehensive plan documents for which a change is being requested, the reason for the proposed change, and why change should be approved	
<i>In addition to the original application a CD/DVD of all supporting documentation MUST to be submitted in a separate PDF, appropriately identified by name.</i>	
Preface - This request may require a change to the Zoning Atlas (zoning) must be consistent with all elements of the adopted Comprehensive Plan of the City of Punta Gorda. Should there exist a conflict between the proposal contained herein and the Comprehensive Plan, a rezoning application will be required.	
Information to Be Submitted with Application - In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record	
IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of \$500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).	

LAND USE (COMPRHENSIVE PLAN) AMENDMENT APPLICATION

Date Received		File Number	CP-
Application Fee: ☒ \$1,000 - Properties 10 Acres or less ☐ \$2,000.00 - Properties over 10 Acres Application Fee if done in conjunction with ANNEXATION: ☐ Properties 10 Acres or less – Actual cost of Legal Advertising* ☐ Properties over 10 Acres – Actual cost of Legal Advertisement and Review Services* (*NOTE: invoice will be provided to applicant and must be paid prior to final adoption)			
1. Applicant			
Name	Jones Loop Road LLC		
Address	999 Vanderbilt Beach Rd., Suite 701	City	Naples
		State	FL
		Zip	34108
Phone		Email address	
2. Owner(s) of Record			
Name	Jones Loop Road LLC		
Address	999 Vanderbilt Rd., Suite 701	City	Naples
		State	FL
		Zip	34108
Phone		Email address	
3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)			
Name	McCrary Law Firm, P.L.		
Address	309 Tamiami Trail	City	Punta Gorda
		State	FL
		Zip	33950
Phone	(941) 205-1122	Email address	geri@mccrarylaw.com and jay@mccrarylaw.com
4. Total Number of Parcels included in this application:		2 lot	
5. Property Address / Street Name (if applicable – attach separate sheet if necessary)			
Address	9511 Mac George St. and 9298 Mac Ever Street	City	Punta Gorda
		State	FL
		Zip	33950
6. Legal Description of Property (Attach separate sheet if necessary)			
Note: A digital TEXT file of metes and bounds description of property MUST be submitted on a CD/DVD*			
Please see Exhibit "A" (Parcel 1) and Exhibit "B" (Parcel 2)			
Parcel ID /Account #	Lot #	Block#	Section
412321377004 and 412321151003	387	000	21
Total Sq. Feet		Total Acres	
		2.64	
7. Precisely describe the requested change; make clear reference to all components of the comprehensive plan documents for which a change is being requested. If the application is for a change to one of the Land Use Plan Maps, include a copy of that map indicating the specific area to be changed. Include reasons why the requested change to the Plan should be approved. Reasons for proposed amendment may include statements relating to any or all of the following:			

D. <u>Conservation Element:</u>	Please see Exhibit "C" attached
E. <u>Costal Management Element:</u>	Please see Exhibit "C" attached
F. <u>Recreation & Open Space Element:</u>	Please see Exhibit "C" attached
G. <u>Intergovernmental Coordination Element:</u>	Please see Exhibit "C" attached
H. <u>Capital Improvement Element:</u>	Please see Exhibit "C" attached
I. <u>Public School Facilities Element:</u>	Please see Exhibit "C" attached
J. <u>Historic Element:</u> (if applicable)	Not applicable

9. Existing & Proposed Map Designations (attach additional sheet if necessary)

Parcel ID	Existing (FLUM) Classification	Proposed (FLUM) Classification	Existing Zoning District	Proposed Zoning District
412321377004 and 412321151003	Low Density Residential & Highway Commercial Corridor	Highway Commercial Corridor	RSF5	Planned Development

10. Neighboring FLUM Designations – Please include Map (use additional sheet if necessary)

Parcel ID	North	South	East	West
412321151003	Highway Commercial Corridor	Highway Commercial Corridor	Highway Commercial Corridor	Highway Commercial Corridor

LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION

Jones Loop Road, LLC

Project Narrative

Jones Loop Road, LLC has submitted this Land Use Amendment Application for the property located at 9511 Mac George Street and 9298 Mac Ever Street (the "Property"). The Property consists of an outlying Charlotte County lot and a sliver of land adjacent to Mac Dine Street in an 87.10 acre parcel owned by Jones Loop Road, LLC. A gap in the legal description utilized for the prior annexation resulted in the sliver adjacent to Mac Dine Street being inadvertently omitted from the prior annexation. An application to annex the Property is being submitted concurrently with the Land Use Amendment Application. The City must amend its Future Land Use Map to incorporate the Property and assign an appropriate Future Land Use designation. The Property is an enclave within City lands. All surrounding lands carry the Highway Commercial Corridor land use designation, therefore it is that designation that is requested for the Property. Approval of the Highway Commercial Corridor future land use will permit the property to be incorporated into the Planned Development that has been submitted concurrently with this FLUM amendment application.

The Planned Development rezoning is proposed on 86.78± acres located along both Jones Loop Road and Tamiami Trail (U.S. 41) (the "PD Property"). The PD Property is part of a large multi-use development that lies both north and south of Jones Loop Road. The overall development will contain a variety of housing types – a multi-family apartment complex has previously been approved within the development, north of Jones Loop Road. Commercial development is planned along both sides of Jones Loop Road. A single family residential community is planned for the Property. The residential community will contain up to 240 platted lots for single family homes, a community recreation area, on-site parking, a stormwater management system and a pedestrian system that will connect the Property to the adjacent commercial areas.

The community will be served by central water and sewer. A master stormwater management system will both treat stormwater runoff and maintain post-development discharge at pre-development levels. The proposed 240 single family homes are at a density of 2.76 units/acre which is consistent with the requested Highway Commercial Corridor land use which permits up to 3.5 units/acre.

EXHIBIT “A”
LEGAL DESCRIPTION (PARCEL 1)

Applicant: Jones Loop Road LLC

LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION

Jones Loop Road, LLC

Exhibit "A" - Legal Description

Lot 387, South-Highlands, as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida lying in Section 21, Township 41 South, Range 23 East

EXHIBIT “B”
SKETCH AND DESCRIPTION (PARCEL 2)

Applicant: Jones Loop Road LLC



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21 & 28, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(GAP PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

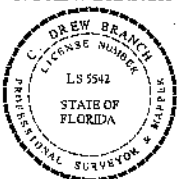
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.89°07'00"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, FOR 1410.33 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.00°26'40"W., ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 FOR 1314.75 FEET TO A POINT ON THE SOUTH LINE OF LOT 295, SOUTH-HIGHLANDS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED EASTERLY LINE, S.00°26'40"W. FOR 1255.93 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.01°35'58"W., ALONG THE EASTERLY LINE OF SAID WEST 1/2, FOR 48.79 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER (AKA ALLIGATOR CREEK); THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 3 COURSES, N.53°33'48"W. FOR 62.83 FEET; THENCE N.62°55'20"W. FOR 30.26 FEET TO THE INTERSECTION OF THE AFOREMENTIONED SOUTH LINE OF SECTION 21; THENCE N.62°55'20"W., CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR 7.83 FEET, TO THE INTERSECTION OF THE EASTERLY LINE OF MAC DINE STREET (AKA ORANGE ROAD); THENCE N.00°31'22"E., ALONG SAID EASTERLY LINE, FOR 1250.82 FEET, TO THE SOUTHWEST CORNER OF LOT 295 OF THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E., ALONG THE SOUTH LINE OF SAID LOT 295, FOR 84.17 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.49 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 19, 2021

DIGITALLY SIGNED BY:
C. DREW BRANCH



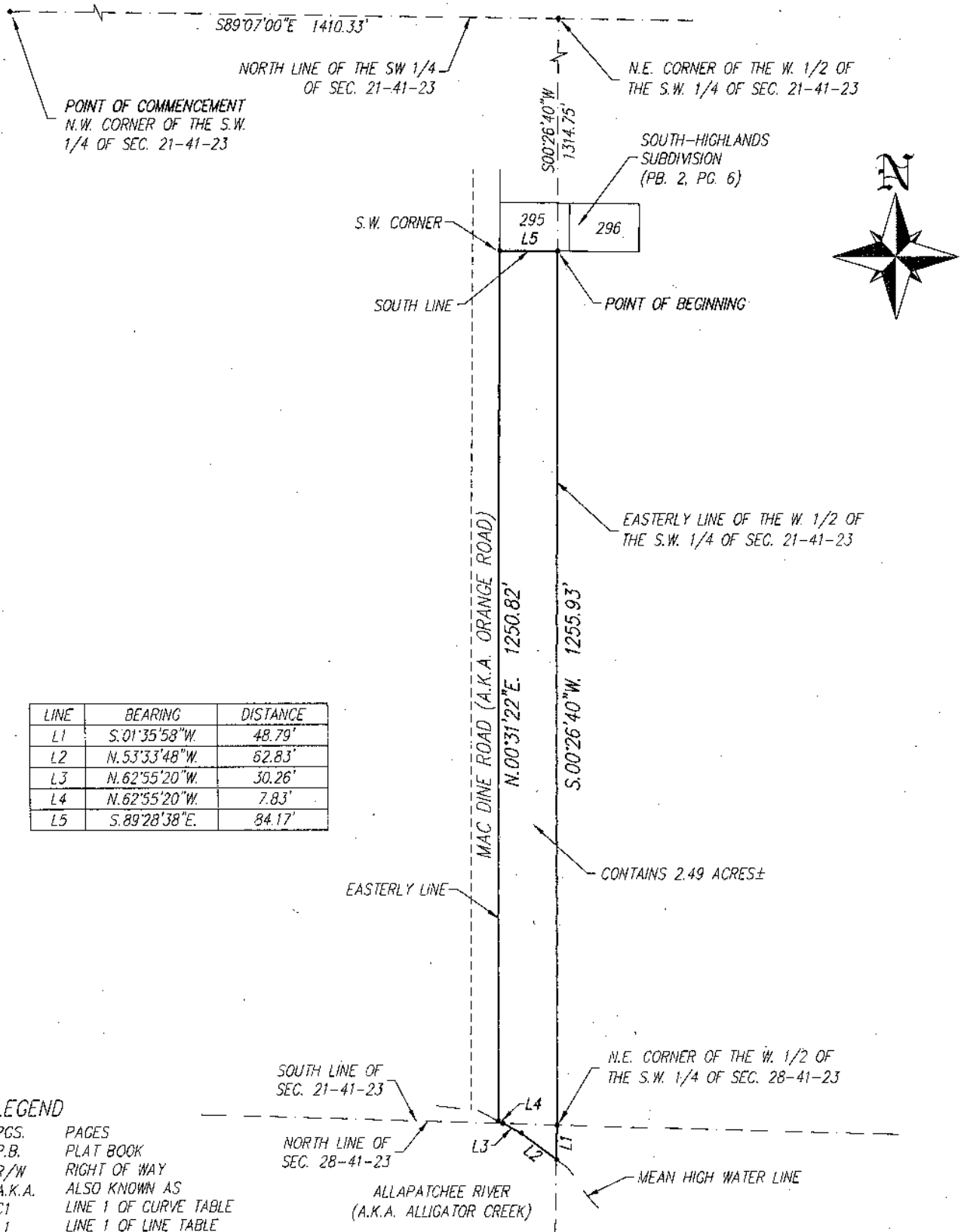
Date:
2021.08.19
11:21:23
-04'00'

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA

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SURVEY LICENSE # 10 8550
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
GAP PARCEL
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-I-R)
8/18/21	4438	4438-GAP	JS	CDB	1"=200'	20F2	21&28-41-23

City of Punta Gorda

Ordinance No. _____-2021

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, AMENDING THE CITY OF PUNTA GORDA COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE NEWLY ANNEXED LANDS; AMENDING THE FUTURE LAND USE MAP TO REFLECT THE CHANGE IN THE CURRENT DESIGNATIONS OF LOW DENSITY RESIDENTIAL/COUNTY (LDR/COUNTY), TO HIGHWAY COMMERCIAL CORRIDOR/CITY (HCC/CITY), FOR 0.15 +/- ACRES, IDENTIFIED AS LOT 387, SOUTH-HIGHLANDS, AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO, AND ADDRESSED AS 9511 MAC GEORGE STREET, AND FOR 2.49 +/- ACRES, A TRACT OR PARCEL OF LAND SITUATED IN CHARLOTTE COUNTY, FLORIDA, WHICH IS A PORTION OF THE PROPERTY GENERALLY DESCRIBED AS 9298 MAC EVER STREET, AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT “B” ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jones Loop Road, LLC, owner of the real property addressed as 9511 Mac George Street and 9298 Mac Ever Street, respectively, being more particularly described in the legal descriptions and boundary surveys attached hereto and incorporated herein as Exhibits “A” and “B”, has filed with the City of Punta Gorda a petition requesting annexation into the corporate limits of the City of Punta Gorda, Florida and to be included therein; and

WHEREAS, this amendment to the City’s Comprehensive Plan is directly related to the voluntary annexation of the property into the City boundaries and the requirements and conditions of Section 163.3184, Florida Statutes, as they relate to the petition have been met; and

WHEREAS, this amendment to the City’s Comprehensive Plan Future Land Use Map is compatible with the character of the surrounding neighborhood; and

WHEREAS, pursuant to the provisions of Section 163.3194(1), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the proposed request and has found it to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA:

I. The City of Punta Gorda Comprehensive Plan Future Land Use Map is hereby changed from Low Density Residential/County (LDR/COUNTY) to Highway Commercial/City (HCC/CITY) for 0.15 +/- acres, addressed as 9511 Mac George Street and further bounded and described in Exhibit “A”, attached hereto and incorporated herein, and 2.49 +/- acres, addressed as 9298 Mac Ever Street and further bounded and described in Exhibit “B”, attached hereto and incorporated herein.

II. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

III. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

IV. Pursuant to Section 163.3184, Florida Statutes, this Ordinance shall become effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this _____ day of _____, 2021.

, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney

EXHIBIT "A"
TO COMPREHENSIVE PLAN AMENDMENT ORDINANCE

Boundary Survey
Charlotte County Parcel Identification No. 412321377004
9511 Mac George Street

EXHIBIT “A”
LEGAL DESCRIPTION (PARCEL 1)

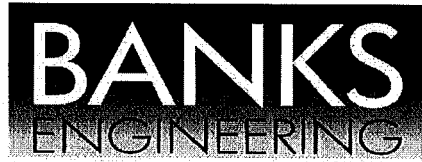
Applicant: Jones Loop Road LLC

EXHIBIT "B"
TO COMPREHENSIVE PLAN AMENDMENT ORDINANCE

Boundary Survey
Charlotte County Parcel Identification No. 412121151003
9298 Mac Ever Street

EXHIBIT “B”
SKETCH AND DESCRIPTION (PARCEL 2)

Applicant: Jones Loop Road LLC



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21 & 28, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(GAP PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

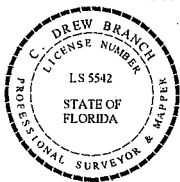
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.89°07'00"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, FOR 1410.33 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.00°26'40"W., ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 FOR 1314.75 FEET TO A POINT ON THE SOUTH LINE OF LOT 295, SOUTH-HIGHLANDS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED EASTERLY LINE, S.00°26'40"W. FOR 1255.93 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.01°35'58"W., ALONG THE EASTERLY LINE OF SAID WEST 1/2, FOR 48.79 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER (AKA ALLIGATOR CREEK); THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 3 COURSES, N.53°33'48"W. FOR 62.83 FEET; THENCE N.62°55'20"W. FOR 30.26 FEET TO THE INTERSECTION OF THE AFOREMENTIONED SOUTH LINE OF SECTION 21; THENCE N.62°55'20"W., CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR 7.83 FEET, TO THE INTERSECTION OF THE EASTERLY LINE OF MAC DINE STREET (AKA ORANGE ROAD); THENCE N.00°31'22"E., ALONG SAID EASTERLY LINE, FOR 1250.82 FEET, TO THE SOUTHWEST CORNER OF LOT 295 OF THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E., ALONG THE SOUTH LINE OF SAID LOT 295, FOR 84.17 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.49 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 19, 2021

DIGITALLY SIGNED BY:
C. DREW BRANCH

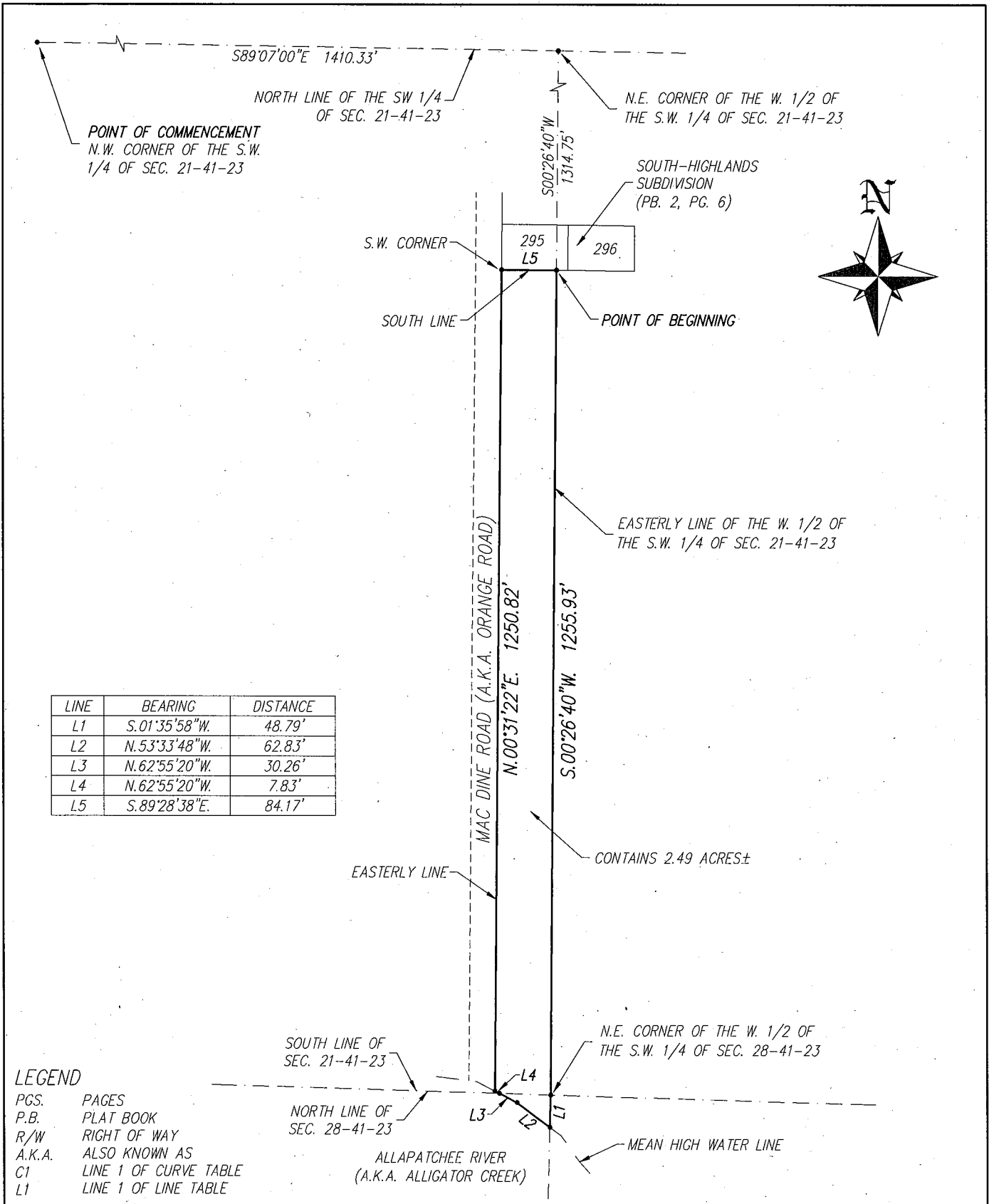


Date:
2021.08.19
11:21:23
-04'00'

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



BANKS
ENGINEERING

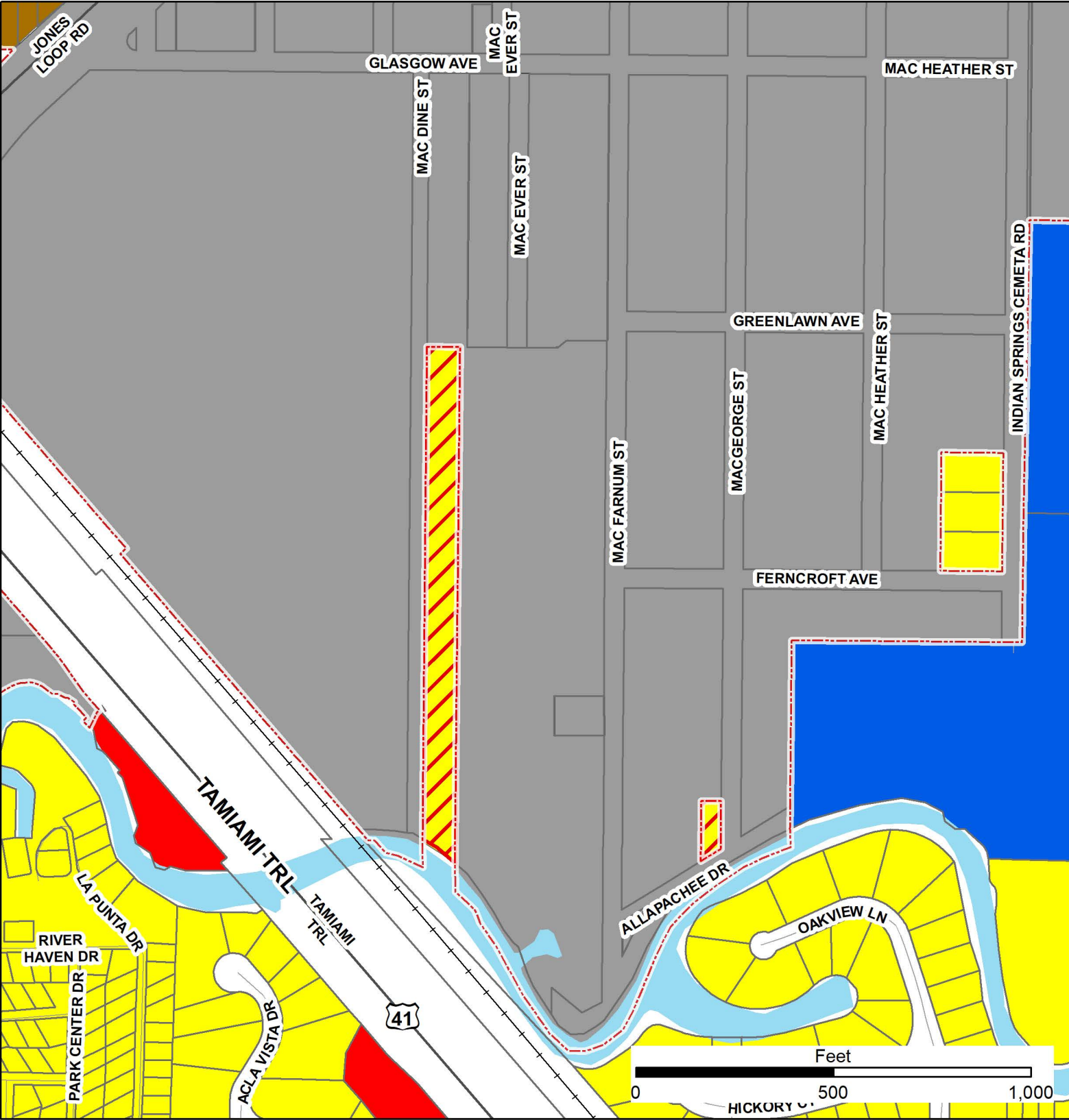
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

4181 TADAWAY TRAIL - BLDG 3 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165 FAX: (941) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

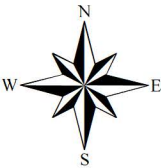
SKETCH TO ACCOMPANY DESCRIPTION
GAP PARCEL
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/18/21	4438	4438-GAP	JS	CDB	1"=200'	20F2	21&28-41-23

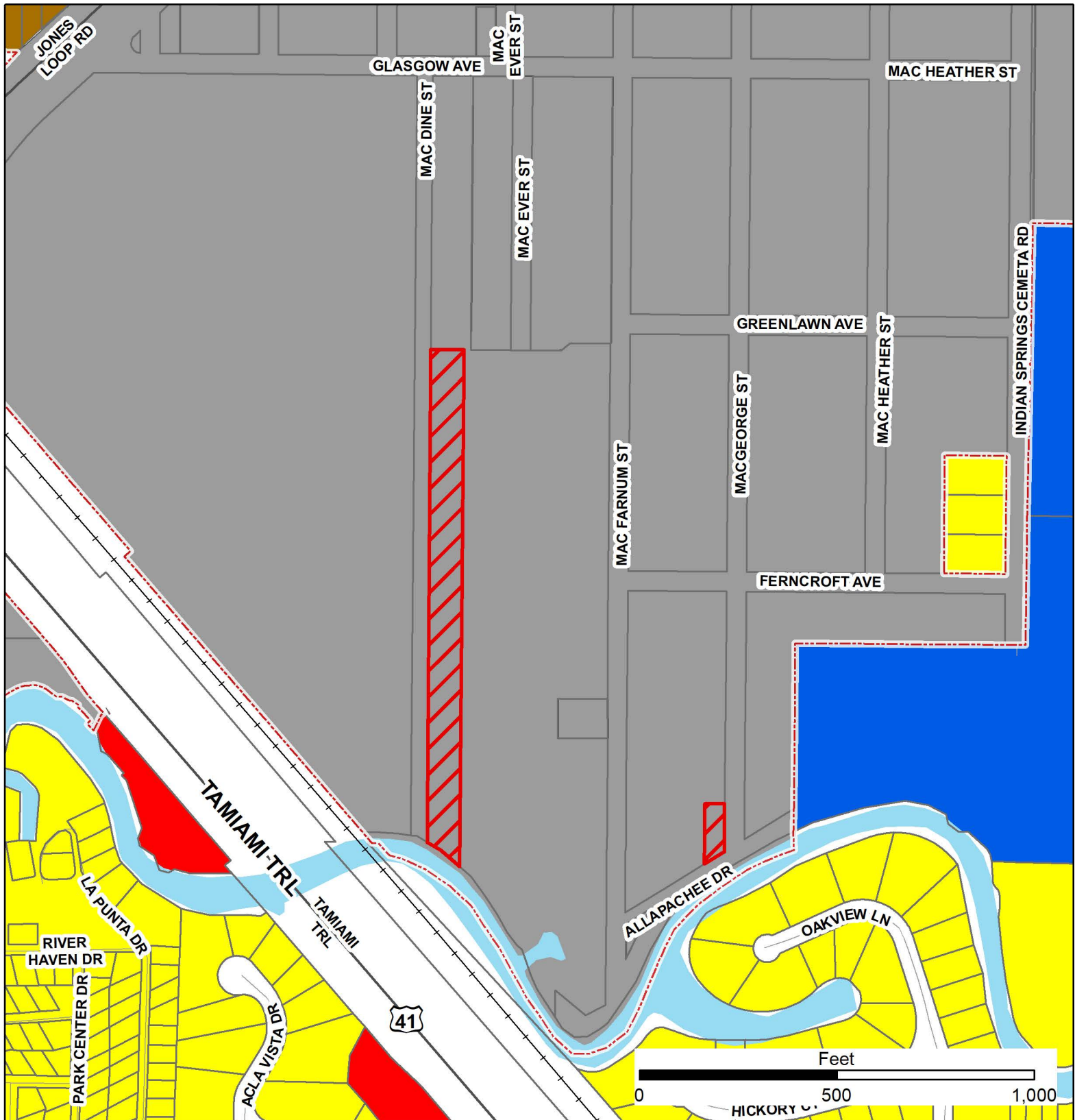
CP-03-21 - Current Future Land Use

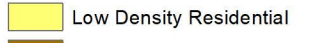
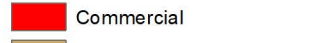
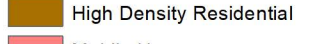
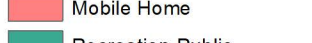
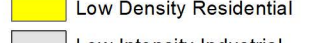
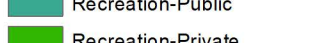
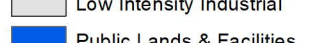
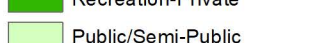
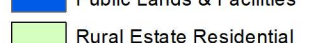
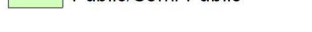
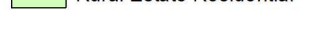


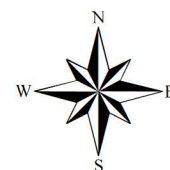
	Subject Parcels	City Future Land Use	County Future Land Use
	City Limits	 Highway Commercial Corridor	 Agriculture
	Property Accounts	 Low Density Residential	 Commercial
	Major Road	 High Density Residential	 High Density Residential
	Street	 Mobile Home	 Low Density Residential
	Railroad	 Recreation-Public	 Low Intensity Industrial
	Water	 Recreation-Private	 Public Lands & Facilities
		 Public/Semi-Public	 Rural Estate Residential



CP-03-21 - Proposed Future Land Use



	Subject Parcels	City Future Land Use	County Future Land Use
	City Limits		
	Property Accounts		
	Major Road		
	Street		
	Railroad		
	Water		
			
			



CP-03-2021

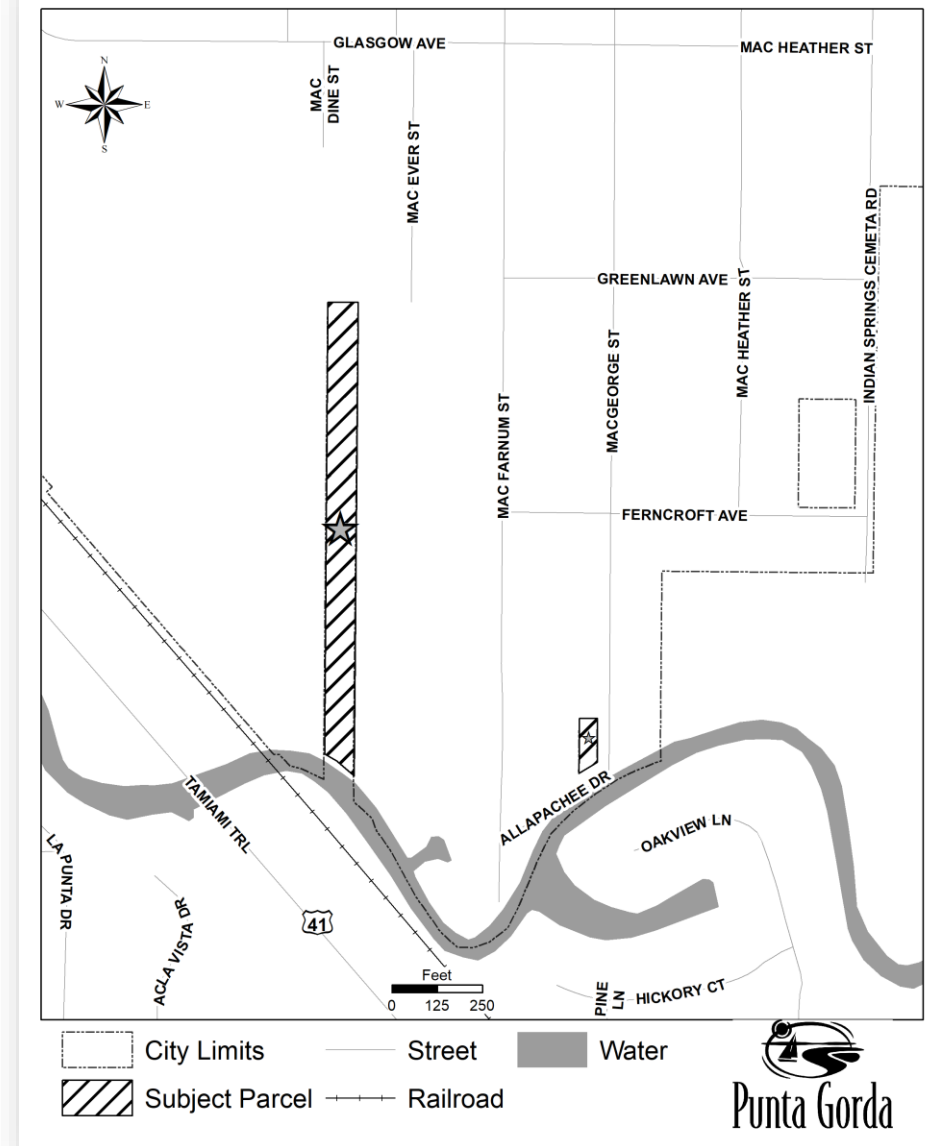
9511 Mac George St and a portion of 9298 Mac Ever St



Amendment Information

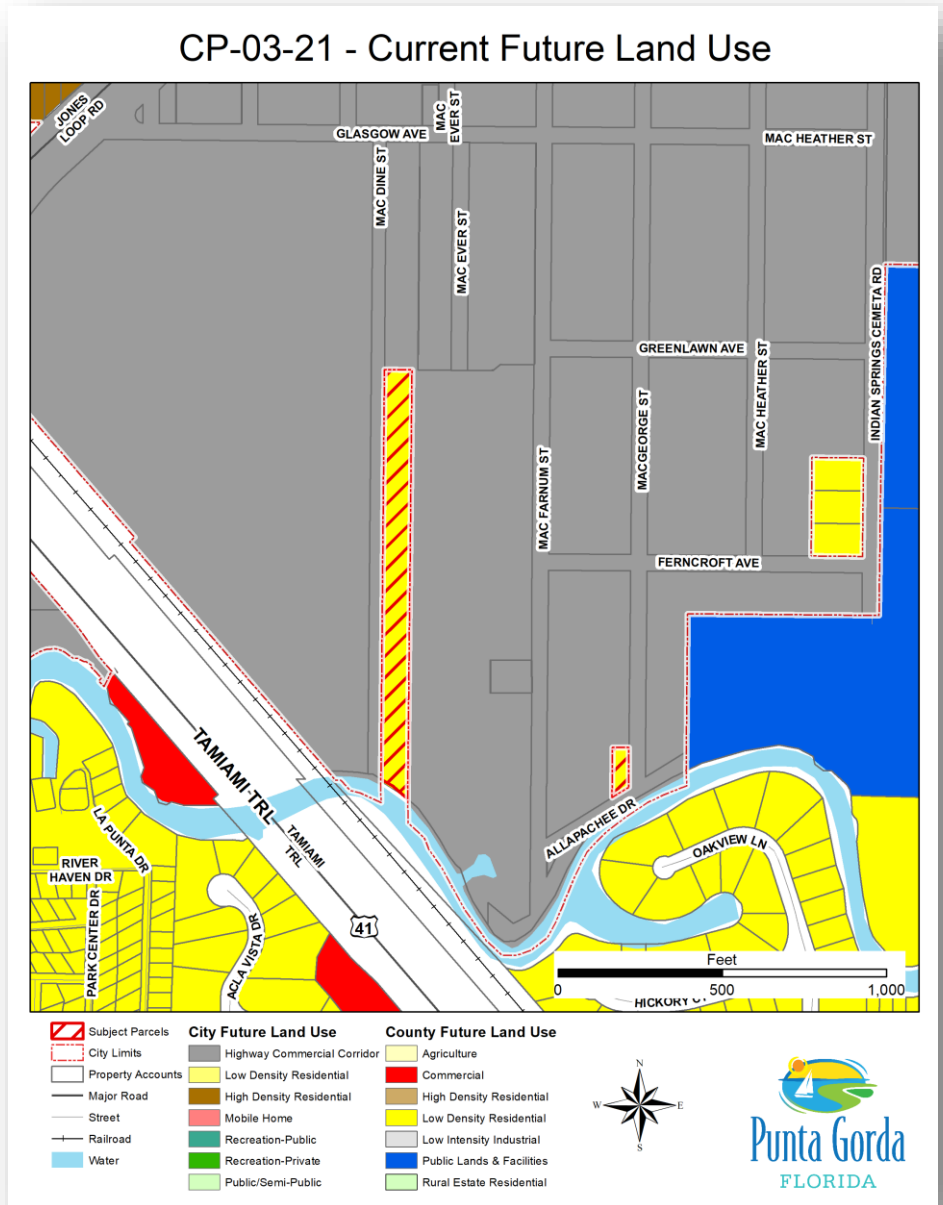
- Amendment will:
 - Change Future Land Use Map
 - From County – Low Density Residential
 - To City – Highway Commercial Corridor
 - Apply all provisions of the City's Comprehensive Plan

Image provided by City Staff



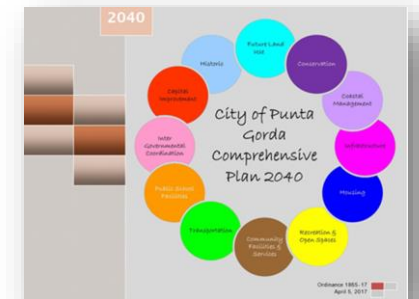
Findings

- Property
 - 9511 Mac George Street – 0.15 ± acres
 - A portion of 9298 Mac Ever Street – 2.49 ± acres
- Companion Amendment
 - AX-03-2021
 - Precipitates need for Comprehensive Plan amendment



2040 Comp Plan Element Consistency

- Future Land Use
 - Goal 1.1
 - Objectives 1.1.2, 1.1.10
 - Policies 1.1.2.1, 1.1.4.3, 1.1.9.5, 1.1.10.1, 1.1.10.2, 1.1.10.3, 1.1.14.3
- Conservation
 - Objective 2A.1.1
 - Policy 2A.1.1.4
- Coastal Management
 - Policy 2B.5.1.2
- Infrastructure
 - Policies 3.2.1.4, 3.2.1.7
 - Objective 3.2.2
- Housing
 - Objectives 4.1.1, 4.1.8
 - Policies 4.1.1.2, 4.1.8.2
- Recreation and Open Space
 - Policies 5.1.2.1, 5.1.2.2
- Transportation
 - Objective 7.3.4
 - Policies 7.3.4.1, 7.3.4.5
- Public School Element
 - Objective 8.1.2
 - Policies 8.1.2.1, 8.1.2.3
- Intergovernmental Coordination
 - Policies 9.1.1.1 (b), 9.1.2.6, 9.1.2.11
- Capital Improvements
 - Objective 10.1.4
 - Policy 10.1.4.1



Concurrency Requirements

- Roadway
 - Existing road network
 - Will accommodate background and project traffic
- Potable Water
 - Within utility service area
 - No distribution lines currently
- Sanitary Sewer
 - Within utility service area
 - Wastewater collection system not constructed
- Stormwater/drainage
 - Project contains stormwater lake
 - Will be further reviewed for concurrency/sufficiency at DRC
- Solid waste
 - County's facility sufficient capacity
- Parks & Recreation
 - Project provides
 - 1.49 +/- acres recreational area
 - 9.39 +/- acres open space
- Public Schools
 - Planning analysis
 - 16 elementary students
 - 9 middle school students
 - 13 high school students
 - SCADL not issued until review

Conclusions

- Application in order and statutory requirements satisfied
- Request consistent with City of Punta Gorda Comprehensive Plan 2040
- Rezoning application
 - Required
 - Running concurrently with Annexation and Comprehensive Plan amendment
- Any additional development will require Development Review Committee (DRC) approval

Recommendations

- Punta Gorda Development Review Committee and Planning Commission recommended approval
- Urban Design Staff finds request consistent with the City of Punta Gorda 2040 Comprehensive Plan
 - Recommends approval and transmittal to the Department of Economic Opportunity and the related reviewing agencies



Questions?



Our Mission is “To enhance Punta Gorda’s identity as a vibrant waterfront community, unique in character and history, and one of the most desirable places to live, work and visit.”

**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

QUASI-JUDICIAL PUBLIC HEARINGS

Title: PD 03-2021 An Ordinance of the City of Punta Gorda, Florida, rezoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 6, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.

Funds:

Recommended Action: Staff recommends approval of the petition to rezone the property to a Planned Development Village with the minor modifications to the Land Development Regulations as outlined in the petition.

Summary: Jones Loop Road LLC, property owner, has submitted a petition to the City of Punta Gorda to rezone this particular section of "The Loop". The rezoning to a Planned Development Village will facilitate a proposed residential development for approximately 240 platted single-family lots with associated recreational areas.

Department/Division: Urban Design

EXHIBITS:

1. [Proof of Publication](#)
2. [Legal Ad 11-5-21](#)
3. [PD Application](#)

4. PD-03-2021 Location Map
5. PD-03-2021 PDV Ordinance Seagrass
6. PD-03-2021 - Planning Commission PD Staff Report
7. PD-03-2021 Seagrass Development presentation

**CITY OF PUNTA GORDA, FLORIDA
PUBLIC HEARING NOTICE**

Geri Waksler Agent
Applicant

AX-03-2021, CP-03-2021, PD-03-2021, SV-01-2021 & SV-02-2021 - 9511 Mac George St & 9298 Mac Ever St (Loop Applications)
File # & Title

AFFIDAVIT OF POSTING NOTICE

**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

BEFORE ME, the undersigned authority, personally appeared Nick Falkner, Code Compliance Officer for the City of Punta Gorda who, after being duly sworn, deposes and says:

1. That on November 5, 2021 the **NOTICE OF PUBLIC HEARING SIGN** was posted at 9298 Mac Ever & 9511 Mac George St, Punta Gorda, Florida;
2. That this property is owned by Punta Gorda Housing Authority, Geri Waksler acting as agent. The ownership was established through the Charlotte County Property Appraiser's records (ownership tax records). This is the normal procedure used to establish ownership of property.

FURTHER AFFIANT SAYETH NOT.

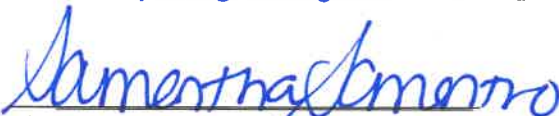
Dated this 5th day of November, 2021.



Code Compliance Officer

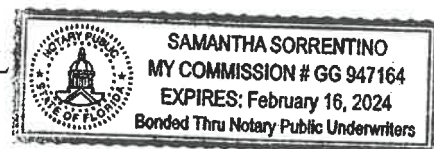
**STATE OF FLORIDA
COUNTY OF CHARLOTTE**

The foregoing instrument was acknowledged before me this 5 day of November, 2021 by Nick Falkner, who is personally known to me and who did not take an oath.



Signature, Notary Public

(SEAL)





11/05/2021 10:38



11/05/2021 10:32



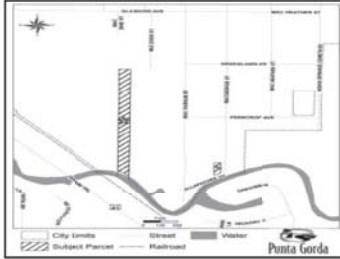
11/05/2021 10:29

NOTICE OF PUBLIC HEARING CITY OF PUNTA GORDA, FLORIDA

YOU ARE HEREBY notified that the **Planning Commission** will hold a Public Hearing on **Monday, November 22, 2021, at 2:00 p.m.**, and the **Punta Gorda City Council** will hold a Public Hearing on **Wednesday, December 1, 2021, at 9:00 a.m.**, or as soon hereafter as may be heard, to consider the following requests:

AX-03-2021 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate limits of the City of Punta Gorda, property addressed as 9511 Mac George Street, Punta Gorda, containing 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, described in Exhibit "A" attached hereto and incorporated herein; and annexing a portion of the property generally described as 9298 Mac Ever Street, containing 2.49 +/- acres; which is a tract or parcel of land in Charlotte County, Florida, described in Exhibit "B" attached hereto and incorporated herein; In accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.

CP-03-2021 – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDH/COUNTY), to Highway Commercial Corridor/City (HCC/CITY), for 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and for 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; Redefining the boundary lines of said City in conformance therewith; Amending the official boundary map of the City of Punta Gorda, Florida; Directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; Providing for conflict and severability; and Providing an effective date.



PD-03-2021 – An Ordinance of the City of Punta Gorda, Florida, zoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 3, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.



SV-01-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 1.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Section 21, Township 41 South, Range 23 East and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; also described as a portion of Orange Road a/k/a Mac Dine Road; and providing an effective date.

SV-02-2021 – A resolution of the City Council of the City of Punta Gorda, Florida, vacating 53.91 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, and being further bounded and described in Exhibit "A" attached hereto and incorporated herein; and providing an effective date.

CP-04-2021 – An Ordinance of the City of Punta Gorda, Florida, adopting an amendment to the "City of Punta Gorda Comprehensive Plan 2025" for the purpose of creating the "Property Rights Element" including the goals, objectives and policies as required by State Statute; providing for conflict and severability; and providing an effective date.



Said hearings will be held in City Council Chambers at 326 West Marion Avenue, Punta Gorda, FL 33960. Any persons desiring to be heard on these matters may appear at the above time and place. If an appeal is to be made of any decision made at this meeting, a verbatim record of the proceeding may be required. A copy of this notice and the associated public hearing documents are available for inspection at the Office of the City Clerk located at the above address.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, the location of this public hearing is accessible to persons with disabilities. If you are a person with disability who needs any accommodation in order to participate in these proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Interpreters for the hearing impaired (TTY 941-575-5013) or non-English speaking citizens and any other special accommodations can be requested by contacting the Human Resources Manager/Non-Discrimination Coordinator whose address is 326 West Marion Avenue, Punta Gorda, FL 33960, whose telephone number is (941) 575-3308, and whose email address is humres@pgorda.us, at least two (2) calendar days prior to the meeting.

**KAREN SMITH, CMC
CITY CLERK
CITY OF PUNTA GORDA**

Run 1 time: Friday, November 5, 2021

adno-2819079-1



PLANNED DEVELOPMENT APPLICATION

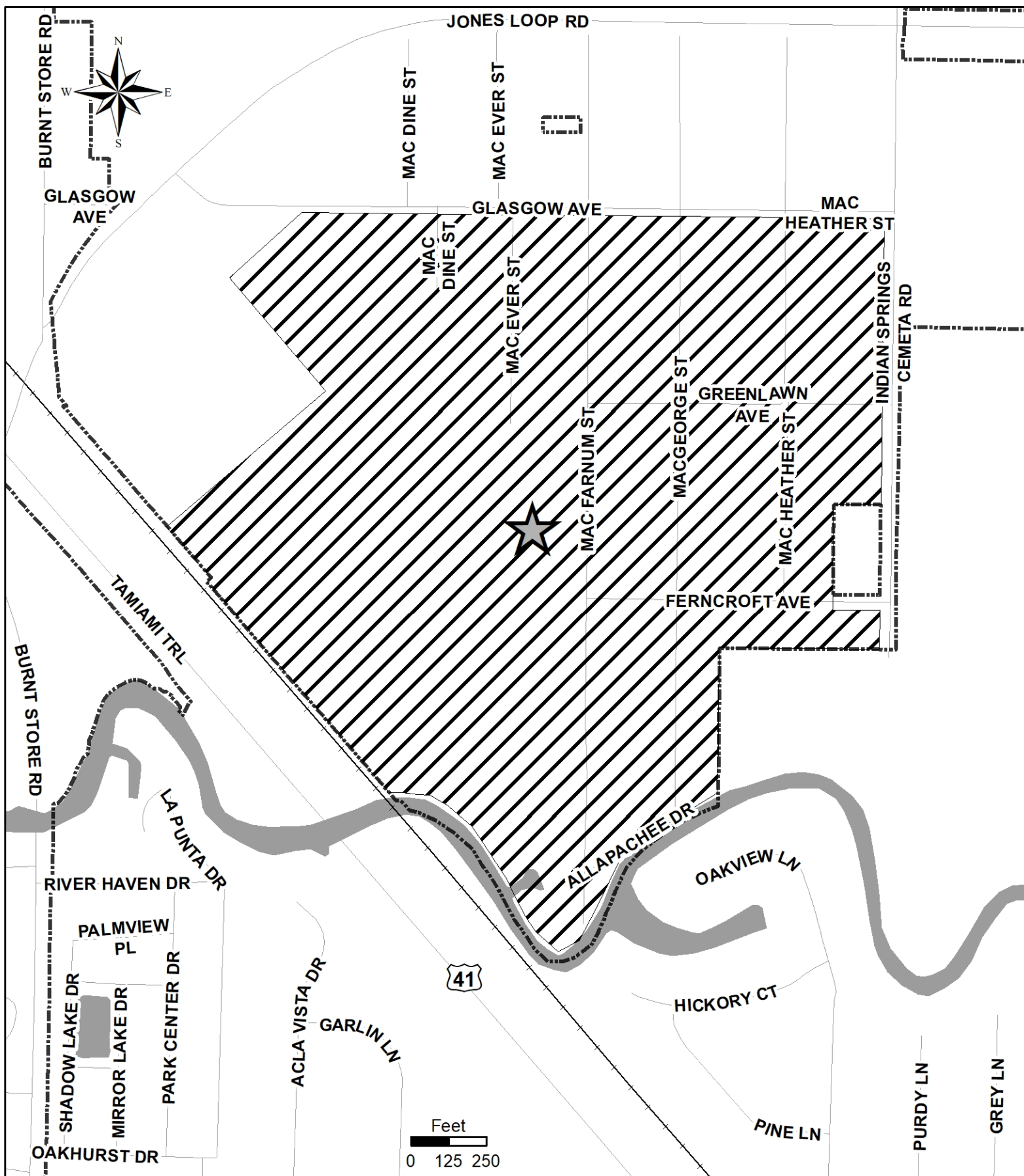
DATE RECEIVED:	FILE # PD-
	Application Fee: \$1,500.00
Application and all pertinent required data (listed below) MUST be submitted with this application	
☐ ORIGINAL application with Signed & Notarized Planned Development Application and/or Affidavit Authorization for Agent (if applicable) ☐ A copy of the deed or other evidence of ownership ☐ Detailed explanation of the purpose of this request ☐ Map showing the zoning of ALL the property contiguous with the subject property ☐ SCADL (School Concurrency Approval Determination Letter) attain by School Department ☐ Digital Text file of metes and bounds description of Property ☐ AutoCAD base files in AutoCAD 2014 Version or newer ☐ Plot Plan: Should show existing buildings, uses of each, dimensions, spacing between and setbacks from property lines; off-street parking showing spaces marked off. (if applicable) All shown on ALTA boundary survey ☐ Signed and sealed boundary survey, completed no more than 12 months prior to the application that accurately shows the current condition of the property to include all existing streets, watercourses, natural feature, vegetation and topography and exact location of all buildings and structures. ☐ Survey MUST show ALL Easements, Dedications & Improvements ☐ Survey must have a metes and bounds description of the property showing water and sewer main locations and fire hydrant locations Water, sewer & hydrants not shown ☐ Date of Survey: 7/14/2021 ☐ Total Acreage of Property 87.10 (including road r-o-w) ☐ Square Footage 3,794,076 square feet	☐ 3 copies, of a concept plan, drawn to a scale of 1 inch = 100 feet, or a scale agreed to by the City, containing the following information: a. Boundaries of the entire property; b. Total area of the property in square feet and acres; c. Location of all existing and proposed structures, including but not limited to lighting, signs and buildings; d. Location and distance of all off-site structures within 50 feet of the property, including but not limited to lighting, signs and buildings; e. All required minimum yards and the distances of all existing and proposed structures to the lot lines; f. Public rights of way, indicating names, route numbers, and width; g. Proposed means of ingress and egress to the property from a public street; h. Parking spaces, existing and/or proposed, indicating minimum distance from the nearest property lines; i. Where applicable, seating capacity; usable outdoor recreation area, emergency access, fencing, limits of clearing, landscaping and screening, outside lighting, loudspeakers and required and/or proposed improvements to public rights-of-way; and j. Existing zoning designation and use of subject and adjacent properties.
<i>In addition to the original application a CD/DVD of all supporting documentation needs to be submitted in a separate PDF, appropriately identified by name.</i>	
Preface - This request for a change to the Zoning Atlas (zoning) must be consistent with all elements of the adopted Comprehensive Plan of the City of Punta Gorda. Should there exist a conflict between the proposal contained herein and the Comprehensive Plan, an amendment to the Comprehensive Plan will have to be made prior to final action on this zoning request.	
Information to Be Submitted with Application - In order that this application be processed in a timely fashion, the correct and complete information is necessary. It is suggested that the applicant bring the application to the Zoning & Code Compliance Division, 126 Harvey St., Punta Gorda, Florida 33950, where it can be reviewed by the staff prior to filing. The Zoning & Code Compliance Division accepts no responsibility for the completeness or accuracy of the	

application. Errors in the filed application may result in delays with respect to required public hearings. All data and exhibits submitted in connection with the filing of this application become a permanent part of the public record. IMPORTANT: The applicant or his representative MUST be present at the hearing. There will be a fee of \$500.00 for a Voluntary Continuance (a request by the applicant to continue a petition before the appropriate board or council, or by the failure of the applicant to attend or be represented at the appropriate meeting).

1. Applicant							
Name	Jones Loop Road LLC						
Address	999 Vanderbilt Beach Rd., Suite 701	City	Naples	State	FL	Zip	34108
Phone			Email address				
2. Owner(s) of Record							
Name	Jones Loop Road LLC						
Address	999 Vanderbilt Beach Rd., Suite 701	City	Naples	State	FL	Zip	34108
Phone			Email address				
3. Authorized Agent – (if applicable – Property Owner must sign AGENT Affidavit below)							
Name	McCrary Law Firm, PL						
Address	309 Tamiami Trail	City	Punta Gorda	State	FL	Zip	33950
Phone	(941) 205-1122		Email address	geri@mccrarylaw.com and jay@mccrarylaw.com			
4. Property Address / Street Name							
Address	9298 Mac Ever St.	City	Punta Gorda	State	FL	Zip	33950
5. Legal Description of Property (Attach separate sheet if necessary)							
Refer to attached Legal Description							
Parcel ID /Account #	Lot #	Block#	Section	Total Sq. Feet	Total Acres		
412321151003 & 412321377004				3,794,076	87.10		
6. Please explain in detail the purpose of this request; the compatibility with the Comprehensive Plan; and reasons why the request should be approved (attach additional sheets if necessary).							
Please see Exhibit "B"							
7. Complete the Analysis of the Plan Amendment on the Elements: (use additional sheets if necessary)							
Transportation: A. Provide a Traffic Impact Study indicating: - the relative intensity of the proposed change - functional classification of adjacent roadways - Routing of non-residential traffic onto residential streets - availability of collector and arterial roads and any other pertinent traffic circulation concerns				See included Traffic Impact Study and Exhibit "C"			
Roads – List all rights-of-way, Developed & Undeveloped:				Indian Springs Cemetery Rd. and Jones Loop Rd.			

B. Lists the number of trips that could be generated by the proposed change in FLUM and/or Zoning and explore the impacts that this would have on the roadway system serving the subject site		See included Traffic Impact Study and Exhibit "C"	
C. <u>Infrastructure</u> ***must also provide letter from utility company stating the availability of Utilities service on this property***			
a. Sanitary Sewer	Please see Exhibit "C"		
b. Solid Waste	Please see Exhibit "C"		
c. Drainage	Please see Exhibit "C"		
d. Portable Water	Please see Exhibit "C"		
D. <u>Housing:</u> Please see Exhibit "C"			
E. <u>Conservation:</u> Please see Exhibit "C"			
F. <u>Costal Management:</u> Please see Exhibit "C"			
G. <u>Recreation & Open Space:</u> Please see Exhibit "C"			
H. <u>Intergovernmental Coordination:</u> Please see Exhibit "C"			
I. <u>Capital Improvement:</u> Please see Exhibit "C"			
J. <u>Public School Facilities Element</u> Please see Exhibit "C"			
K. <u>Historic Element (if applicable)</u> Not applicable			
8. Existing & Proposed Map Designations			
Existing Land Use Map (FLUM) Classification	Proposed Land Use Map (FLUM) Classification	Existing Zoning District	Proposed Zoning District
Highway Commercial Corridor	Highway Commercial Corridor	Highway Commercial	Planned Development Village
9. Neighboring Land Uses			
North	South	East	West
Highway Commercial Corridor	(County) Low Density Residential	(County) Commercial General & Public Lands & Facilities	Highway Commercial Corridor

10. Are there any other local hearings pending or anticipated for this property?						☒ Yes ☐ No	
11. Has a public hearing been held on this property within the last 6 months?						☐ Yes ☒ No	
12. Is this request the result of a Code Enforcement Violation?						☐ Yes ☒ No	
If, "yes" whose name was the violation served?							
Name							
Address		City		State		Zip	
Phone		Email address					
13. Are there any existing structures on the property?						☒ Yes ☐ No	
If "yes" what type of construction are they, and what is the current use of the structures							
Vacant wood-frame single family residence on Lot 387 which will be demolished							
I, the undersigned, being first duly sworn, testify and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of all of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary material attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners.							
NOTARIAL CERTIFICATE - ACKNOWLEDGEMENT							
_____ Signature of Owner or Authorized Agent			_____ Print Name & Title			_____ Date	
STATE OF _____)							
COUNTY OF _____)							
The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.							
_____ Notary Public, State of Florida			_____ My commission Expires			(Seal)	
AGENT AFFIDAVIT (Property Owner to complete ONLY if applicable)							
I/We _____, property owner(s), hereby authorize _____ to act as Agent on our behalf regarding a <u>PLANNED DEVELOPMENT APPLICATION</u> on the property commonly known as _____ in Punta Gorda, Florida.							
_____ Signature of Property Owner			_____ Print Name of Property Owner			_____ Date	
STATE OF _____)							
COUNTY OF _____)							
The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization this day of _____, 20____, by _____, who is personally known to me or who has produced _____ as identification.							
_____ Notary Public, State of Florida			_____ My commission Expires			(Seal)	



City Limits

Street



Water



Subject Parcels

Railroad



Punta Gorda 159

CITY OF PUNTA GORDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PUNTA GORDA, FLORIDA, REZONING, 0.15 +/- ACRES, IDENTIFIED AS LOT 387, SOUTH-HIGHLANDS, AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND ADDRESSED AS 9511 MAC GEORGE STREET, AND 2.49 +/- ACRES, A TRACT OR PARCEL OF LAND SITUATED IN CHARLOTTE COUNTY, FLORIDA, WHICH IS A PORTION OF THE PROPERTY GENERALLY DESCRIBED AS 9298 MAC EVER STREET, AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN; AND 86.78 +/- ACRES, A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, BEING A PART OF THE PLAT OF SOUTH-HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 6, PUBLIC RECORDS OF CHARLOTTE COUNTY; AND BEING FURTHER BOUNDED AND DESCRIBED IN EXHIBIT "C" ATTACHED HERETO AND INCORPORATED HEREIN; FROM RESIDENTIAL SINGLE FAMILY 5 UNITS PER ACRE/COUNTY (RSF5/COUNTY) TO PLANNED DEVELOPMENT VILLAGE/CITY (PDV/CITY) AND FROM HIGHWAY COMMERCIAL/CITY (HC/CITY) TO PLANNED DEVELOPMENT VILLAGE/CITY (PDV/CITY); PROVIDING FOR CERTAIN MODIFICATIONS TO THE REGULATIONS APPLICABLE TO THE DEVELOPMENT; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jones Loop Road, LLC, Property Owner, has filed with the City of Punta Gorda a petition to rezone the parcels of land being bounded and described in Exhibits "A", "B" and "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY); and

WHEREA, the property is a total of approximately 89.42 +/- acres and meets the minimum site area for a Planned Development Village (PDV); and

WHEREAS, the City of Punta Gorda and Charlotte County entered into an Interlocal Service Boundary Agreement and Joint Planning Agreement, as recorded on October 25, 2013 in Official Records Book 3814, Pages 1853-1865, of the Public Records of Charlotte County, Florida, establishing the "Loop Municipal Service Area" and providing for the voluntary annexation, rezoning, and comprehensive plan amendment said lands; and

WHEREAS, the subject property was annexed into the City of Punta Gorda upon the adoption of Ordinance 1786-14 on July 2, 2014; and

WHEREAS, the intent of the Planned Development Village (PDV) zoning classification is to promote the development of self-sufficient communities which are organized around a mixed-use center of commercial, employment, community facility and high density residential uses; and

WHEREAS, the requested Planned Development Village (PDV) does not include a commercial lands component; and

WHEREAS, pursuant to Chapter 16, Article 5, Section 5.7, Punta Gorda Code, the City Council of the City of Punta Gorda may eliminate the requirement for lands used for shopfronts and/or workplaces; and

WHEREAS, the overall development will contain a variety of commercial opportunities along both sides of Jones Loop Road; and

WHEREAS, the proposed uses, development standards and Planned Development Village (PDV) zoning classification are compatible with the surrounding properties and adjoining uses; and

WHEREAS, pursuant to the provisions of Section 163.3194(1), Florida Statutes, the Planning Commission, serving as the Local Planning Agency for the City of Punta Gorda, Florida, has reviewed the amendment proposed herein, and has found said amendment to be consistent with the adopted Comprehensive Plan of the City of Punta Gorda.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PUNTA GORDA, FLORIDA THAT:

- I. The parcels of land being bounded and described in Exhibits “A”, “B” and “C” attached hereto and incorporated herein; are hereby rezoned from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY).
- II. Except as limited by the approved concept site plan, those uses and development standards for the Planned Development Village (PDV) as called out in Chapter 26 Land Development Regulations, Section 5.7 Planned Development Village, Punta Gorda Code, shall be permitted.
- III. The Official Zoning Map of the City of Punta Gorda, Florida shall be revised to reflect the changes approved by this Ordinance.

IV. It is the declared intent of the City Council that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

V. Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

VI. This ordinance shall take effect immediately upon its adoption.

ADOPTED in regular session of the City Council of the City of Punta Gorda, Florida, this
_____ day of _____, 2022.

, Mayor

ATTEST:

KAREN SMITH, City Clerk

APPROVED AS TO FORM:

DAVID M. LEVIN, City Attorney

**Exhibit “A” to Ordinance
Legal Description**

EXHIBIT “A”
LEGAL DESCRIPTION (PARCEL 1)

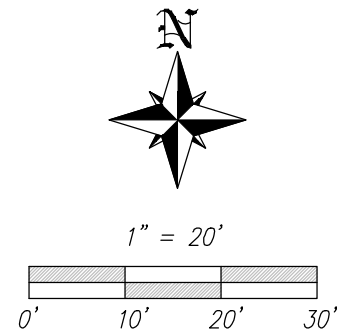
Applicant: Jones Loop Road LLC

LAND USE (COMPREHENSIVE PLAN) AMENDMENT APPLICATION

Jones Loop Road, LLC

Exhibit "A" - Legal Description

Lot 387, South-Highlands, as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida lying in Section 21, Township 41 South, Range 23 East



SURVEY PLAT
OF
LOT 387, SOUTH-HIGHLANDS,
AS RECORDED IN PLAT BOOK 2, PAGE 6,
PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA
LYING IN SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST

SURVEYOR'S NOTES:

THIS SURVEY PLAT IS PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

THIS SURVEY PLAT IS BASED ON THE RECORD PLAT OF SOUTH-HIGHLANDS AND EXISTING MONUMENTATION.

BEARINGS AND DISTANCES SHOWN HEREON ARE MEASURED AND ARE PER THE RECORD PLAT, UNLESS OTHERWISE SHOWN.

BEARINGS ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT - EPOCH 2010) AND WERE DERIVED FROM THE FLORIDA PERMANENT REFERENCE NETWORK, SITE CODE "PNTA". WHEREIN THE WEST RIGHT-OF-WAY LINE OF INDIAN SPRINGS CEMETERY ROAD BEARS S.00°33'07"W.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003, THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE "X" (SHADED) (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD),

FLOOD ZONE DETERMINATION AS SHOWN HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. FEMA RELATED INFORMATION SHOULD BE VERIFIED WITH FEMA OR THE APPROPRIATE GOVERNING AUTHORITY BEFORE USE.

ABOVEGROUND AND UNDERGROUND IMPROVEMENTS WERE NOT LOCATED UNLESS OTHERWISE SHOWN.

PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.

SUBJECT PARCEL CONTAINS 6,597 SQUARE FEET, MORE OR LESS.

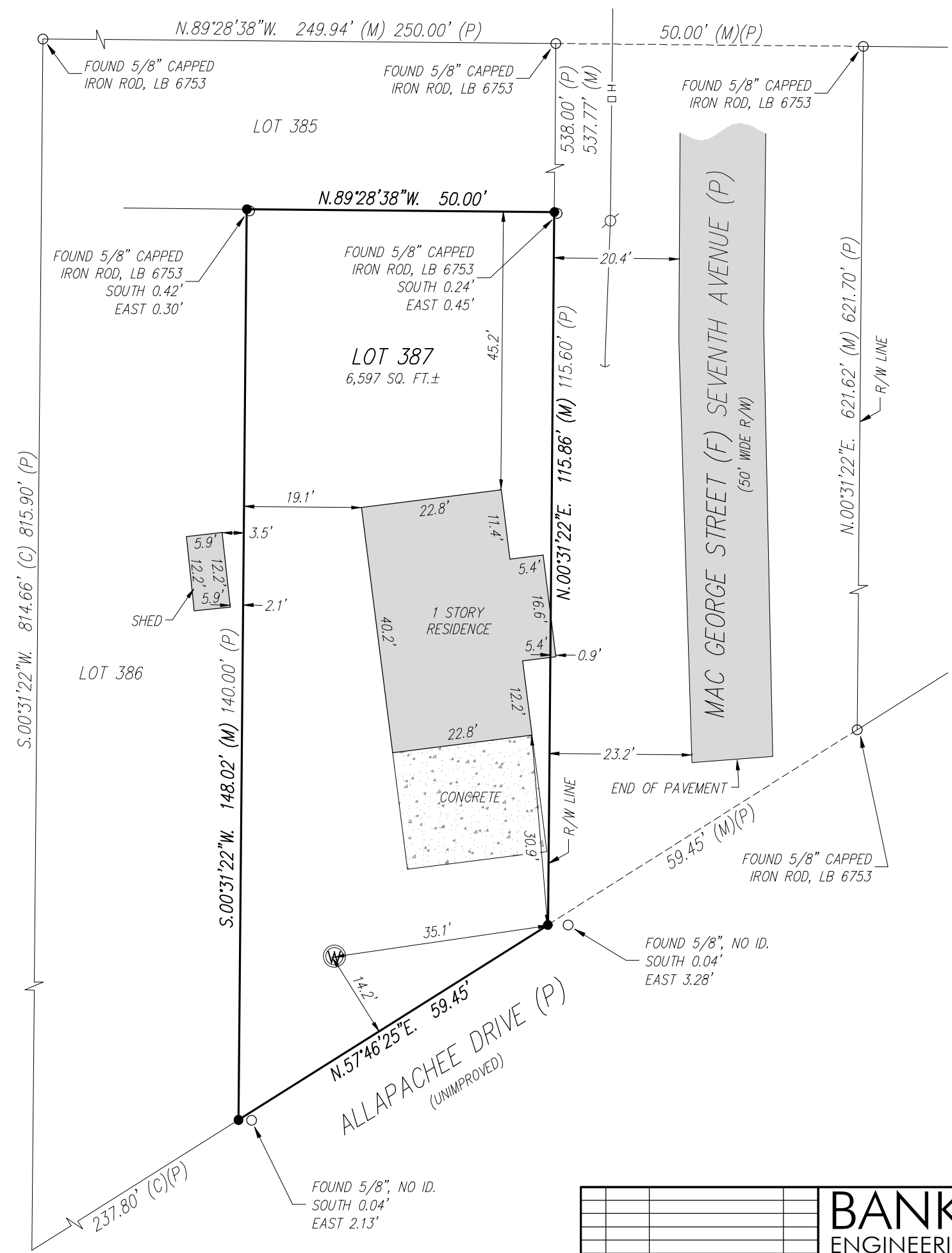
DATE OF LAST FIELD WORK: 6/02/21

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER: 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS, OR FREEDOM OF ENCUMBRANCES.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT OF TITLE AND ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

- LEGEND**
(UNLESS OTHERWISE NOTED)
- SET CAPPED IRON ROD #LB6690
 - SEC. SECTION
 - R/W RIGHT-OF-WAY
 - (C) CALCULATED
 - (F) FIELD DATA
 - (M) MEASURED DATA
 - (P) PLAT DATA
 - PLS PROFESSIONAL LAND SURVEYOR
 - LB LICENSED BUSINESS
 - POL POINT ON LINE
 - PSM PROFESSIONAL SURVEYOR AND MAPPER
 - ⊙ CENTERLINE
 - ID. IDENTIFICATION
 - PB. PLATBOOK
 - PG. PAGE
 - SQ.FT. SQUARE FEET
 - ± PLUS OR MINUS
 - ⊕ WOOD UTILITY POLE
 - OH— OVERHEAD UTILITIES
 - GUY WIRE
 - ⊙ WELL

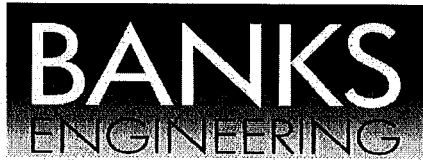


BANKS ENGINEERING Professional Engineers, Planners, & Land Surveyors Serving The State Of Florida				4151 TAMiami TRAIL - BLDG 5 UNIT 501 PORT CHARLOTTE, FLORIDA 33952 PHONE: (941) 625-1165 FAX: (941) 625-1149 ENGINEERING LICENSE # EB 8469 SURVEY LICENSE # LB 6690 WWW.BANKSENG.COM				BOUNDARY SURVEY LOT 387, SOUTH-HIGHLANDS CHARLOTTE COUNTY, FLORIDA			
DATE	PROJECT NO.	DRAWING	DRAWN	CHECKED	SCALE	SHEET	S-T-				
6/15/21	4438	LOT 387 SR	JS	CDB	1"=20'	SHEET 1 OF 1	21-41-	166			

**Exhibit “B” to Ordinance
Legal Description**

EXHIBIT “B”
SKETCH AND DESCRIPTION (PARCEL 2)

Applicant: Jones Loop Road LLC



Professional Engineers, Planners & Land Surveyors

DESCRIPTION OF A PARCEL OF LAND
LYING IN SECTIONS 21 & 28, T-41-S, R-23-E,
CHARLOTTE COUNTY, FLORIDA.

(GAP PARCEL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTIONS 21 & 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST, AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

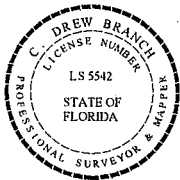
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.89°07'00"E., ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4, FOR 1410.33 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.00°26'40"W., ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 FOR 1314.75 FEET TO A POINT ON THE SOUTH LINE OF LOT 295, SOUTH-HIGHLANDS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 6, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE AFOREMENTIONED EASTERLY LINE, S.00°26'40"W. FOR 1255.93 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF SECTION 21, TOWNSHIP 41 SOUTH, RANGE 23 EAST; SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 41 SOUTH, RANGE 23 EAST; THENCE S.01°35'58"W., ALONG THE EASTERLY LINE OF SAID WEST 1/2, FOR 48.79 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF THE ALLAPATCHEE RIVER (AKA ALLIGATOR CREEK); THENCE ALONG SAID MEAN HIGH WATER LINE THE FOLLOWING 3 COURSES, N.53°33'48"W. FOR 62.83 FEET; THENCE N.62°55'20"W. FOR 30.26 FEET TO THE INTERSECTION OF THE AFOREMENTIONED SOUTH LINE OF SECTION 21; THENCE N.62°55'20"W., CONTINUING ALONG SAID MEAN HIGH WATER LINE FOR 7.83 FEET, TO THE INTERSECTION OF THE EASTERLY LINE OF MAC DINE STREET (AKA ORANGE ROAD); THENCE N.00°31'22"E., ALONG SAID EASTERLY LINE, FOR 1250.82 FEET, TO THE SOUTHWEST CORNER OF LOT 295 OF THE AFOREMENTIONED PLAT OF SOUTH-HIGHLANDS; THENCE S.89°28'38"E., ALONG THE SOUTH LINE OF SAID LOT 295, FOR 84.17 FEET TO THE POINT OF BEGINNING.

CONTAINS 2.49 ACRES, MORE OR LESS.

BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

AUGUST 19, 2021

DIGITALLY SIGNED BY:
C. DREW BRANCH

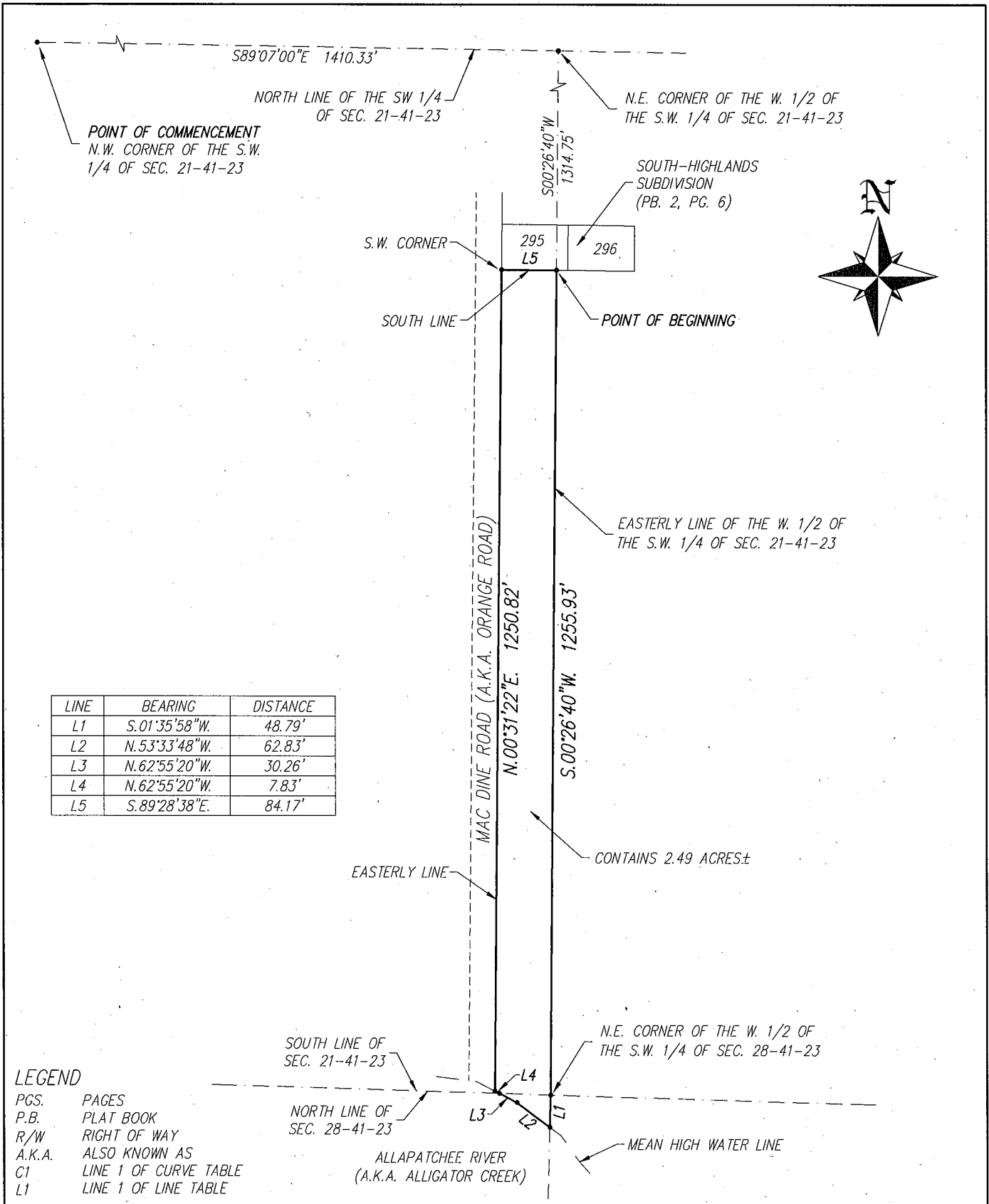


Date:
2021.08.19
11:21:23
-04'00'

C. DREW BRANCH, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5542

SHEET 1 OF 2

SERVING THE STATE OF FLORIDA



BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

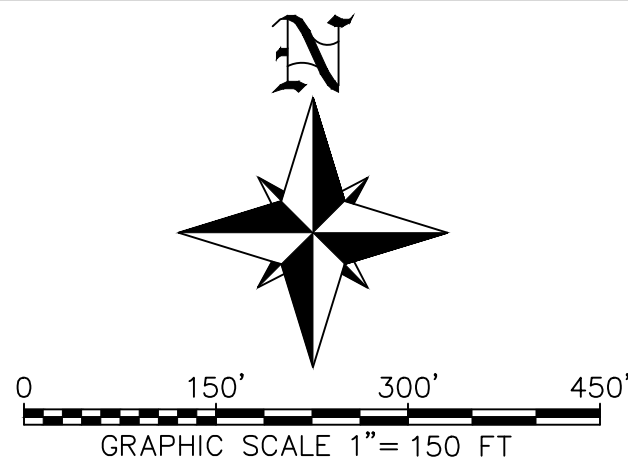
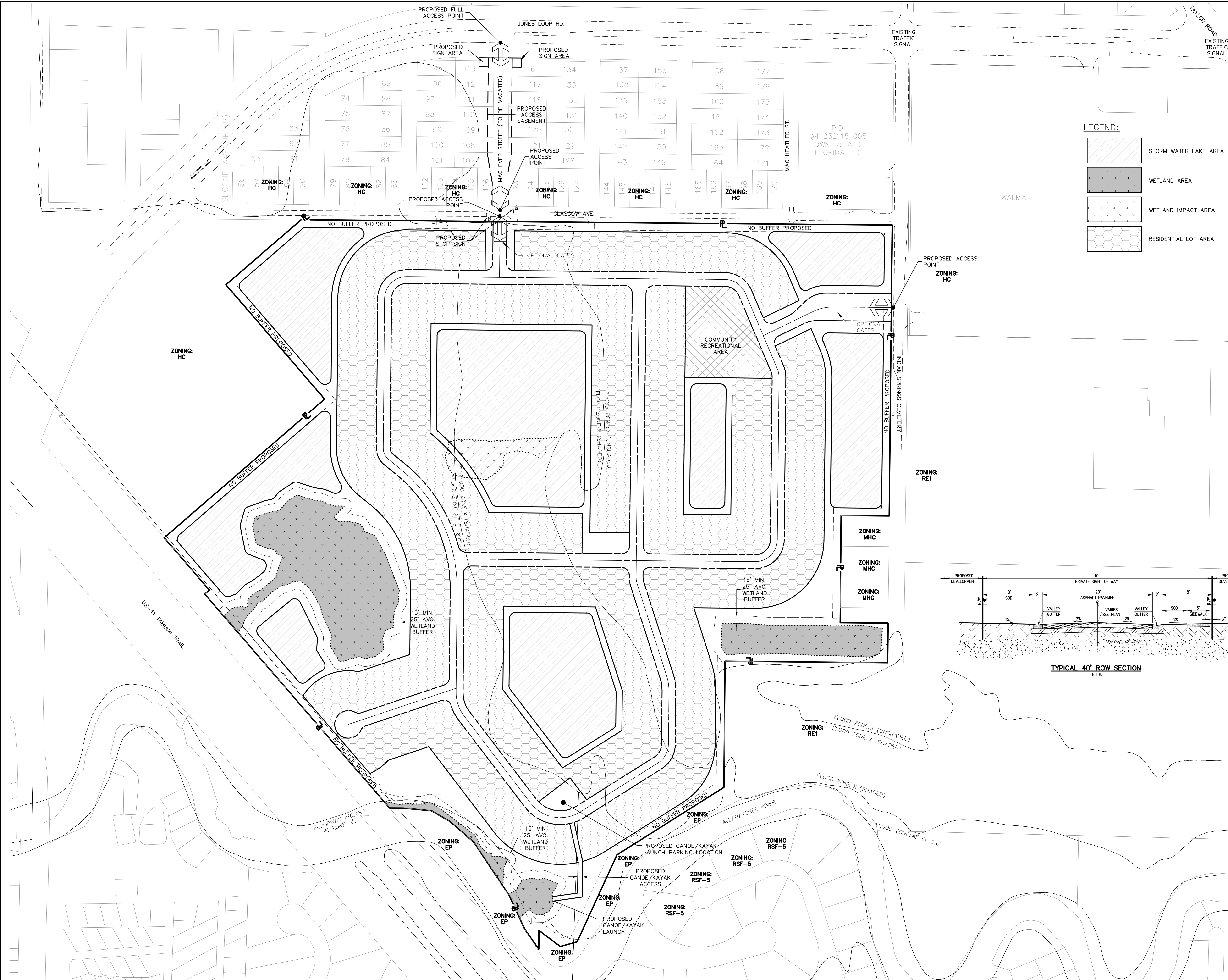
4181 TADAWAY TRAIL - BLDG 3 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (813) 625-1165 FAX: (813) 625-1149
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
GAP PARCEL
CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
8/18/21	4438	4438-GAP	JS	CDB	1"=200'	20F2	21&28-41-23

Exhibit “C” to Ordinance

Conceptual Site Plan for Seagrass Development



SITE DATA TABLE:

PROPERTY AREA: 86.78 ACRES
CURRENT ZONING: (HC) HIGHWAY COMMERCIAL, & (RSF-5) RESIDENTIAL SINGLE FAMILY (PDV) PLANNED DEVELOPMENT VILLAGE
PROPOSED ZONING:

UTILITY PROVIDERS:

POTABLE WATER: CITY OF PUNTA GORDA UTILITIES
SANITARY SEWER: CITY OF PUNTA GORDA UTILITIES
ELECTRIC: FLORIDA POWER & LIGHT
PHONE: CENTURYLINK
CABLE: COMCAST
SOLID WASTE DISPOSAL: CITY OF PUNTA GORDA
DRAINAGE: STORM WATER MANAGEMENT SYSTEM TO MEET CITY & SWFWMD RULES & REQUIREMENTS
FIRE PROTECTION: CITY OF PUNTA GORDA FIRE

CONCEPT PLAN DATA:

TOTAL PROPERTY ACREAGE:	86.78 AC		
PROPOSED PDV AREA:	86.78 AC (100.0%)	(100.0%)	
RESIDENTIAL LOT AREA:	47.31 AC	(54.5%)	
STORM WATER LAKE AREA:	18.63 AC	(21.5%)	
COMMUNITY RECREATIONAL AREA:	1.49 AC	(1.7%)	
RIGHT-OF-WAY AREA:	10.28 AC	(11.8%)	
WETLAND & WETLAND BUFFER AREA:	6.72 AC	(7.7%)	
COMMON OPEN SPACE AREA:	2.35 AC	(2.7%)	

DENSITY CALCULATION:

PROPOSED RESIDENTIAL DENSITY
240 SINGLE FAMILY LOTS
240 UNITS ÷ 86.78 AC = 2.76 UNITS/ACRE

DEVELOPMENT STANDARDS:

DESCRIPTION	SINGLE FAMILY DETACHED	SINGLE FAMILY ATTACHED VILLAS
MIN. LOT REQUIREMENT (SQ. FT.)	5,000	3,000
MAX. PERCENTAGE OF LOT COVERAGE (%)	60	70
MIN. WIDTH (FT.)	50	30
MIN. FRONT YARD (FT.)	20	20
MIN. SIDE YARD INTERIOR (FT.)	5	5/0**
MIN. SIDE YARD ABUTTING A ROAD (FT.)	15	15
MAX. BUILDING HEIGHT (FT.)	38	38
MIN. REAR YARD ABUTTING A LOT (FT.)	10	10
MIN. REAR YARD ABUTTING WATER (FT.)***	15	15
MIN. REAR YARD ABUTTING A ROAD (FT.)	15	15
SETBACK FOR ACCESSORY STRUCTURE FROM REAR LOT LINE (FT.)	5	5
SETBACK FOR ACCESSORY STRUCTURE FROM SIDE YARD (FT.)	SAME AS PRINCIPAL BUILDING	
SETBACK FOR ACCESSORY STRUCTURE ABUTTING A ROAD (FT.)	10	10
SETBACK FOR ACCESSORY STRUCTURE ABUTTING WATER (FT.)***	SAME AS PRINCIPAL BUILDING	

NOTE:
** SINGLE FAMILY ATTACHED WILL HAVE 0' SIDE SETBACK ON ONE SIDE.
*** PROPOSED SETBACK IS FROM SEASONAL HIGH WATER LINE OF LAKE.

PARKING STANDARDS:

PARKING IS PROPOSED TO MEET CITY OF PUNTA GORDA LAND DEVELOPMENT CODE AND WILL BE PROVIDED AT FINAL DRC.

FLOOD ZONE INFO:

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP 12015C0244F, EFFECTIVE MAY 05, 2003. THE SUBJECT PARCEL LIES WITHIN FLOOD ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN), FLOOD ZONE X (SHADED) (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD), AND FLOOD ZONE AE (BASE FLOOD ELEVATIONS = 8.0' & 9.0').

COMMUNITY RECREATIONAL AREA:

REQUIRED COMMUNITY RECREATIONAL AREA
0.25 AC PER 100 UNITS
= 0.25 AC X 2.40 (100 UNITS)
= 0.60 AC
PROVIDED COMMUNITY RECREATIONAL AREA = 1.49 AC

OPEN SPACE AREA:

REQUIRED OPEN SPACE AREA
0.25 AC PER 100 UNITS
= 0.25 AC X 2.40 (100 UNITS)
= 0.60 AC

PROVIDED OPEN SPACE AREA = 9.07 AC
(WETLAND & WETLAND BUFFER AREA; COMMON OPEN SPACE AREA)

NOTES:

1. TOTAL PROPERTY INCLUDES EXISTING RIGHTS-OF-WAYS THAT ARE PROPOSED TO BE VACATED.

PREPARED FOR:

D.R. HORTON

10541 BEN C. PRATT SIX MILE CYPRESS PKWY
FORT MYERS, FL. 33966
PHONE: 239-225-2631

NO.	DATE	REVISION DESCRIPTION	BY

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

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PLANNED DEVELOPMENT VILLAGE CONCEPTUAL SITE PLAN

SEAGRASS

CITY OF PUNTA GORDA, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
6-17-2021	4199	SP-05	TRR	DCT	TRR	1" = 150'	1



PLANNED DEVELOPMENT STAFF REPORT

TO: Punta Gorda Planning Commission
FROM: Lisa Hannon, Zoning Official
HEARING DATE: November 22, 2021
RE: PDV-03-2021 – Planned Development Village – Seagrass

Request:

PD-03-2021 - An Ordinance of the City of Punta Gorda, Florida, rezoning, 0.15 +/- acres, identified as lot 387, South-Highlands, as recorded in Plat Book 2, page 6, Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, and addressed as 9511 Mac George Street, and 2.49 +/- acres, a tract or parcel of land situated in Charlotte County, Florida, which is a portion of the property generally described as 9298 Mac Ever Street, and being further bounded and described in Exhibit "B" attached hereto and incorporated herein; and 86.78 +/- acres, a tract or parcel of land situated in the State of Florida, County of Charlotte, lying in Sections 21 & 28, Township 41 South, Range 23 East, being a part of the Plat of South-Highlands, according to the plat thereof as recorded in Plat Book 2, page 6, Public Records of Charlotte County; and being further bounded and described in Exhibit "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY); Providing for certain modifications to the regulations applicable to the development; Providing for conflict and severability; and Providing an effective date.

Introduction:

Jones Loop Road, LLC, Property Owner, has filed with the City of Punta Gorda a petition to rezone the parcels of land being bounded and described in Exhibits "A", "B" and "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY).

Summary:

Jones Loop Road, LLC has submitted this application for Planned Development rezoning on 86.78± acres located along both Jones Loop Road and Tamiami Trail (U.S. 41) (the "Property"). The Property is part of a large multi-use development that lies both north and south of Jones Loop Road. The overall development will contain a variety of housing types – a multi-family apartment complex has previously been approved within the development, north of Jones Loop Road. Commercial development is planned along both sides of Jones Loop Road. A single family residential community is planned for the Property. The residential community will contain up to 240 platted lots for single family homes, a community recreation area, a potential kayak launch, on-site parking, a stormwater management system and a pedestrian system that will connect the Property to the adjacent commercial areas.

Findings based on the City Code of Ordinance Chapter 26, Section 5.9(b)(1-3):

Jones Loop Road, LLC, Property Owner, has filed with the City of Punta Gorda a petition to rezone the parcels of land being bounded and described in Exhibits "A", "B" and "C" attached hereto and incorporated herein; from Residential Single Family 5 units per acre/County (RSF5/COUNTY) to Planned Development Village/City (PDV/CITY) and from Highway Commercial/City (HC/CITY) to Planned Development Village/City (PDV/CITY). Pursuant to Article 16.1 (g) (1-3), the proposed zoning amendment has been noticed in the newspaper 15 days in advance of the public hearing held today.

Property owners within two hundred feet of the property lines have been noticed 10 days prior to this meeting date.

A notice of public hearing sign was posted on the subject property 15 days prior to this meeting, as required by law.

Findings based on the City Code of Ordinance Chapter 26, Section 5.9(b)(4). Code Modifications. The PD Plan shall include a detailed and complete listing of all proposed modifications of otherwise applicable code requirements. The request for code modifications shall be processed concurrently with the PD Plan and Zoning Amendment:

a. Is in conformity with the Comprehensive Plan.

Planned Development Village [PDV] Districts are intended to promote the development of self-sufficient communities which are organized around a mixed-use center of commercial, employment, community facility and high density residential uses. The intent of the PDV District is to encourage efficient land use patterns which conserve energy and natural resources and provide a variety of living and working environments integrated with adequate open space and recreational facilities.

This request for a Planned Development Village (PDV) is in conformity with the City's adopted Comprehensive Plan 2040 as outlined below.

Future Land Use Element

Policy 1.1.2.1 Punta Gorda will require the availability of water City of Punta Gorda Comprehensive Plan 2025 1-113 and sewer, and other facilities and services for which there are LOS standards, concurrently with new development in the City. Additionally, development orders and permits will be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development; and that facilities that provide utility services to the various land uses are authorized at the same time as the land uses are authorized. Punta Gorda will regulate the time frame for availability of such facilities and services within areas to be annexed.

Utility improvements may be necessary to obtain utility service to the subject property. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

Policy 1.1.4.3: Punta Gorda will promote infill development and redevelopment consistent with the Future Land Use Map through its land development regulations and other means such as public improvements and economic facilitation.

The property is considered an infill property that is within the vicinity of existing commercial development along Jones Loop Road. The development of this property promotes the type of development referenced in Policy 1.1.4.3.

Policy 1.1.9.5: Punta Gorda will apply appropriate site planning requirements such as environmental surveys, on-site stormwater management, wetlands preservation, etc., according to the needs of the situation in the context of applicable law and sound planning practice.

Objective 1.1.10: Punta Gorda will discourage urban sprawl by controlling the extension of urban facilities and services to non-urban areas and by encouraging urban infill development.

Policy 1.1.10.2: Punta Gorda will encourage infill development within the City by maintaining a high level of urban services, by cooperating with the private sector in promoting economic growth, and by maintaining land development regulations that facilitate the sensitive integration of new development in older urban areas.

Objective 1.1.14: Punta Gorda will maintain a Future Land Use Map and land use classification system that provides for the distribution, extent and location of a variety of land uses.

Policy 1.1.14.3: Highway Commercial Corridor lands identified on the Future Land Use Map shall be developed:

- a. to accommodate commercial, retail, and office uses that are more auto oriented due to scale and typology while respecting the pedestrian and alternative transportation modes through development design standards
- b. so as the intensity of the development does not exceed a floor area ratio of 1.5
- c. to allow a residential density of 3.5 units per acre in areas where residential uses will promote affordable housing or compact and contiguous development.

The proposed Planned Development Village proposes a density of 2.76 units per acre, which is below the allowance outlined in the Future Land Use Element, Policy above. The property is adjacent to commercially zoned property and will promote compact and contiguous development.

Conservation Element

Objective 2A.1.1: Punta Gorda will protect the quality of its air by promoting a compact development pattern which limits the need for automobile trips and their related emissions, and by adopting standards for industrial development.

Policy 2A.1.1.1: Punta Gorda will enable the reduction of automobile vehicle miles traveled by controlling the pattern of land uses and maintaining a compact urban form (through the FLUM and utility extension policies) to potentially shorten and consolidate trips, and by construction of sidewalks and bicycle facilities to facilitate non-polluting modes.

Coastal Management Element

Policy 2B.5.1.2: The City will review and update stormwater management regulations to ensure best practices are utilized for all development and redevelopment activities.

Infrastructure Element

Policy 3.2.1.4: Utility extension over the next planning period will involve consideration of proximity to existing urbanized areas for the effect on the efficient use of existing and planned utilities infrastructure, the City's future land use needs, and the desire to encourage compact and contiguous growth.

Policy 3.2.1.7: Water and sewer line extension proposals will be reviewed for compact and contiguous development and provision of services to land uses encouraging or increasing economic development efforts.

Objective 3.2.2: Coordinate with the Future Land Use map to ensure that development and building permits are issued based on adequate potable water availability and an adopted level of service.

Policy 3.2.2.3: Review all land use amendments, zoning changes, or utility service area extensions to determine the availability of utility system capacity.

Policy 3.2.2.4: Deny the issuance of permits for new development that would result in exceeding the adopted water level of service standards.

Objective 3.4.1: The City of Punta Gorda will provide a safe and efficient solid waste collection system to meet the present and projected future sanitation needs.

Policy 3.4.1.1: Continue to utilize the Zemel Road Landfill as a solid waste disposal site to meet the City's 20 year solid waste demand needs.

Policy 3.4.1.3: The City of Punta Gorda will meet either of the following two levels of service standards:

- a. As a condition for building permit or development order issuance, the necessary solid waste facilities and services will be in place and available to serve that new development prior to the issuance of a certificate of occupancy; or
- b. As a condition of building permit or development order issuance, the necessary solid waste facilities and services are guaranteed to be in place and available to serve that new development prior to the issuance of a certificate of occupancy. This guarantee may be in the form of an enforceable Development Agreement, adopted pursuant to Section 163.3220, Florida Statutes, or an Agreement or Development Order issued pursuant to Chapter 380, Florida Statutes.

Policy 3.7.2.3: Punta Gorda will enforce stormwater management regulations for all new development or redevelopment in accordance with methodologies approved by SWFWMD.

Policy 3.7.2.4: Punta Gorda will continue to require developers to:

- a. Provide for soil stabilization and erosion control devices during construction.
- b. Provide stabilization of all stormwater facilities when completed.
- c. Provide stormwater facilities that attenuate a 25-year, 24-hour design storm in accordance with SWFWMD methodologies.
- d. Provide stormwater facilities such that the post development runoff rate does not exceed the pre-development runoff rate for the site. On developments that are less than two acres of impervious area and ten acres in total size, as a minimum water quality volumes shall be provided.
- e. Provide certification by a professional engineer that the stormwater facilities were built according to approved plans and permits.

Housing Element

Objective 4.1.1: Throughout the planning period through 2030, Punta Gorda will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations, as well as meeting the special housing needs of its citizens.

Policy 4.1.1.2: Consistent with the Comprehensive Plan, Punta Gorda's Land Development Regulations (including zoning regulations) will make possible a variety of lot sizes, densities, and housing types, including single-family, multi-family, mobile home, patio homes, and zero lot line homes.

Objective 4.1.8: Throughout the planning period through 2030, Punta Gorda shall protect residential communities from the intrusion of more intensive land uses.

Policy 4.1.8.1: Punta Gorda will prevent intrusion of more intensive land uses upon residential areas by policies in the Comprehensive Plan directing residential growth toward infill areas (e.g., water and sewer policies), reducing incompatible uses (e.g., elimination of non-conforming uses), mitigating related conditions of more intensive development (e.g., standards for industrial development), and separating land uses through the FLUM and FLUM classifications.

Policy 4.1.8.2: Punta Gorda will continue to use the Future Land Use Map #5 amendment process and the rezoning and special exception approval processes to assure that new proposed land uses are compatible with existing residential uses, and will not significantly contribute to the degradation of residential neighborhoods.

Recreation and Open Space Element

Objective 5.1.2: Punta Gorda will promote the use of public and private resources to meet recreation demands.

Policy 5.1.2.1: Punta Gorda will maintain a recreation and open space plan with standards that integrate public, semi-private, and private recreational facilities into an overall plan.

Policy 5.1.2.2: Punta Gorda will require developers of residential subdivisions or planned unit developments to dedicate or set aside lands for parks, or to develop and maintain a private or semi-private park system as part of their development, or otherwise contribute to the acquisition and/or development of parks.

Transportation Element

Objective 7.3.4: Punta Gorda will provide adequate road capacity levels of service to accommodate present and anticipated future vehicular travel demand, based on adopted Level of Service (LOS) and ensure the impacts of development approvals occur concurrently with adequate roads and that maximum safety, efficiency, and cost effectiveness are achieved.

Policy 7.3.4.1: The minimum acceptable level of service for all City classified roads is LOS “D”.

Policy 7.3.4.5: The City will monitor level of service conditions to determine when implementation of alternative street level of service (LOS) strategies needs to be established.

Public School Facilities Element

Objective 8.1.2: The City shall require a school concurrency review be performed by the School District to ensure that adequate school facility capacity within the Public School Concurrency Service Area (SCSA) is available to accommodate the projected residential development in accordance with the adopted level of service standard for schools. [9J-5.025(3)(b)(2)]

Policy 8.1.2.1: The City shall not approve any non-exempt residential development application for preliminary plat, site plan or functional equivalent until the School District has verified that available capacity exists to serve the development.

Policy 8.1.2.3: The City, through its land development regulations, shall establish a school concurrency review process for all residential projects that are not exempt under Policy 8.1.2.2. The minimum process requirements are described below:

- a. A residential development application is submitted to the local government, which includes a School Impact Analysis (SIA). The local government determines application is sufficient for processing and transmits the SIA to the School District for review.
- b. The School District reviews the application for available capacity and issues a School Capacity Availability Determination Letter (SCADL) to the local government.
- c. If capacity is available within the CSA (or an adjacent CSA), the School District shall issue a SCADL verifying available capacity.
- d. If capacity is not available within in the CSA (or an adjacent CSA), the School District shall issue a SCADL indicating the development is not in compliance with the adopted LOS and may offer the developer a negotiation period to present mitigation options.
- e. The City shall not issue approval any site plan, subdivision plan, preliminary or final plat approval or functional equivalent for a residential development until receiving confirmation of available school capacity in the form of a SCADL from the School District.

Intergovernmental Coordination Element

Policy 9.1.1.1: Punta Gorda will act to establish a formal notification process between the entities and continue to inform the respective Growth Management Departments of Charlotte County and Punta Gorda in the following ways:

- b) The City will notify Charlotte County of annexations, plan amendments, subdivision, and zoning actions other than variances and special exceptions.

Policy 9.1.1.5: The City of Punta Gorda will act to coordinate with the School Board of Charlotte County in implementing the Updated Interlocal Agreement for Coordinated Planning and School Concurrency in effect with the County and the School Board to a minimum:

- a. Punta Gorda expects that The School Board of Charlotte County will coordinate with the City in fulfillment of the School Board's responsibilities under the Joint Interlocal Agreement outlined in Chapter 163.31777, and under Chapter 235.19 and 235.193, F.S.
- b. Continue to coordinate changes in land use plans, school facility capacity, population projections, development trends and future student populations. The City, County and Public School District staff (Staff Working Group), will meet as needed, but no less than annually to discuss these issues and formulate recommendations prior to any party making a decision which could impact on the areas of concern of the other parties.

Policy 9.1.2.6: The implementation of stormwater drainage planning in Punta Gorda will be coordinated through the Southwest Florida Water Management District (SWFWMD) permitting process.

Policy 9.1.2.11: Future development in the City and other affected jurisdictions will pay their proportionate fair share cost of infrastructure and services resulting from the development's impact.

Capital Improvement Element

Objective 10.1.4: Punta Gorda will manage growth and development by requiring that adopted level of service standards are maintained by public or private investment.

Policy 10.1.4.1: Punta Gorda, as well as private providers of infrastructure, will meet or exceed the adopted level of service standards identified herein for the seven LOS facilities described in the Infrastructure Element (Sanitary Sewer, Potable Water, Stormwater Drainage, and Solid Waste), Recreation and Open Space Element, Transportation Element (Traffic Circulation) and the Public School Facilities Element. Said LOS standards shall be as follows:

Element	Level of Service (LOS)
Infrastructure	Potable Water - 141Gallons per person per day (or 287 gallons per ERU per day) Sanitary Sewer - 83 Gallons per person per day (or 169 gallons per ERU per day) Solid Waste - 7.2 Pounds per person per day Stormwater - C - using a 25 year/24 hour design
Transportation	D - on all major arterials E - on all minor arterials D - on all county collections D - on all City maintained roads
Recreation and Open Space	5 acres per 1,000 population
Public Schools	Elementary – 95% total capacity Middle – 100% total capacity High – 100% total capacity

Objective 10.1.5: Future development in Punta Gorda will pay the proportionate cost of infrastructure and services resulting from its impact.

Policy 10.1.5.1: Punta Gorda will assess impact fees or accept impact fee credits on new development to cover the fair share costs of capital improvements resulting from new growth and to maintain appropriate levels of service.

Historic Element

The property is not located within any existing historic district, therefore there are no impacts to the Historic Element.

b. Is compatible with the surrounding neighborhood.

Development of this infill parcel is precisely the type that Policy 1.1.4.3 states will be promoted by the City.

DIRECTION	FUTURE LAND USE	ZONING	EXISTING LAND USE
North (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial
South (County)	Low Density Residential	Residential Single-Family 5 units per acre	Single-family residential
East (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial
West (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial

c. Mitigates conflicts of use with adverse impacts on existing and planned development.

The proposed project is a single-family development, which is the lowest intensity of uses. This use will not require buffers to be installed.

d. Provides adequate public facilities and amenities.

A letter has been received by the applicant from the City of Punta Gorda Utilities Department, which indicates the properties are in the Utility service area, however, at this time no distribution or service lines have been constructed in this community. Utility improvements may be necessary to obtain utility service to the subject property. Off-site utility improvements may be required to obtain utility service to the subject parcel. Off-site utility line extensions will be required to meet the future development scenarios consistent with the Utility planning scenarios.

e. Adequately accommodates anticipated motor vehicle traffic volumes, including emergency vehicle access.

Based on the traffic impact study submitted by the applicant and verified by staff, the existing roadway network will accommodate background traffic and traffic generated by the Project, and the study area roadway segments are projected to operate within adopted levels of service. The Project provides two (2) access points – main access off of Indian Springs Cemetery Road and the secondary access off of Jones Loop Road.

f. Preserves ecologically sensitive areas to the extent practical.

The property is currently vacant, an environmental study has been submitted with the Planned Development application package and indicates that there was no evidence or utilization by any species other than the Gopher Tortoise, which may require a mitigation permit by either the FWC or FWS.

g. Mitigates unfavorable topographic and geological conditions.

Any and all site work will be performed in compliance with all Federal, State and City regulations after proper permitting.

h. Includes appropriate noise attenuation measures.

The proposal is for a single-family development with associated on-site parking, community amenities, recreation areas and open space. No commercial component is proposed on the site. Due to the low intensity of the single-family use, no adverse noise impacts are anticipated for the proposed development.

i. Exhibits superior architectural treatment and site planning as measured by the following criteria:

i-1. Architectural treatment should avoid massive, monolithic and repetitive building types and facades.

All Planned Developments are subject to the Architectural requirements of Article 7 and will be further reviewed at time of Development Plans.

i-2. Landscaping should increase the visual quality of building design, open space, vehicular and pedestrian areas and screen areas of low visual interest [such as storage and delivery areas] from public view.

The landscaping will be required to meet the Land Development Regulations at the time of development.

i-3. Street and parking systems should contribute to the aesthetic character of the development.

The proposed conceptual site plans show adequate traffic circulation. Any internal streets and/or parking areas will be designed within required regulations.

i-4. Signs shall be compatible with the design and scale of the development and contribute to the visual character of the development.

All signs are reviewed at time of permitting.

i-5. Neighborhood retail commercial and office uses where provided should blend architecturally with surrounding residential uses or be appropriately separated by distance, screening or topography.

No commercial element is proposed.

i-6. Open space, recreation and other public facilities should be integrated with the organizational scheme of the planned development.

The proposed project provides 9.39 +/- acres of recreation and open space, exceeding the required Level of Service.

i-7. Pedestrian and bicycle circulation systems should be included to assure safe and convenient access between properties and within the neighborhood.

Internal sidewalk connectivity is proposed for the development site. The bicycle and pedestrian circulation system will be further reviewed at time of Development Plans.

i-8. Non-residential uses shall be located on arterial or collector streets without creating through traffic in residential areas.

No commercial element is proposed however, internal connectivity will be provided to the adjacent commercial area.

i-9. Development plan should be arranged to maximize the opportunity for privacy and security by residents.

The proposed single-family development includes the option for gated ingress/egress to provide security for the site.

<i>Additional Findings:</i>

- | | |
|-------------|---|
| Finding #1: | “Loop Municipal Service Area” Interlocal agreement of October 2013, Section 10, provides a base residential density of 328 units (dwellings) for the entirety of the boundary area. Additionally, it states that the City will (has) granted an additional 122 units (dwellings) from the City certified through the County TDU program. In sum the agreement provides a total of 450 units (dwellings) to the total land area identified as the “Loop Municipal Service Area” |
| Finding #2: | PD-1-2020, Ordinance 1958-2020, approved October 21, 2020 allocated 297 units (dwellings) were allocated to this project within the “Loop Municipal Service Area” leaving 153 units (dwellings) of the 450 units (dwellings) allocated, unless or until a Transfer of Density Units is approved and certificated through the Charlotte County TDU program. |
| Finding #3: | By this calculation this proposed project is short 87 units (dwellings). The applicant (property owner) <i>must</i> provide these additional 87 units (dwellings) via the County TDU program. These additional units <i>must</i> be brought to the property prior to issuance of a building permit for any single family structure after 153 such permits are issued (#154 thru |

240) or the sale of any proposed single family lot after 153 proposed lots are sold (#154 thru 240).

Conclusions - Based on the approval criteria presented above, the Punta Gorda Urban Design Division offers the following conclusion(s):

- Conclusion #1: There is no commercial component within the proposed project and the applicant requests that City Council waive the requirement for commercial lands as is permitted by Chapter 26, Article 5, Section 5.7(b)(1) – *City Council may eliminate the requirement for lands used for shopfronts and/or workplaces, subject to a finding that the proposed alternative arrangement more fully integrates the project into an existing community.*
- Conclusion #2: The Planned Development rezoning request is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as outlined in the staff report above.
- Conclusion #3: The subject property is located in the “Loop” area and will provide for a variety of housing types and residential densities to accommodate the needs of current and future populations as stated in Objective 4.1.1.
- Conclusion #4: The properties are located within the Punta Gorda Utility Service area, however, distribution and collection lines have not been constructed at this time. Utility improvements may be necessary to obtain utility service to the subject property.
- Conclusion #5: The property is limited to the density entitlements referenced in the Interlocal Service Boundary Agreement and Joint Planning Agreement, Section 10, unless or until a Transfer of Density Units is approved and certificated through the Charlotte County TDU program.

Staff Recommended Conditions of Approval

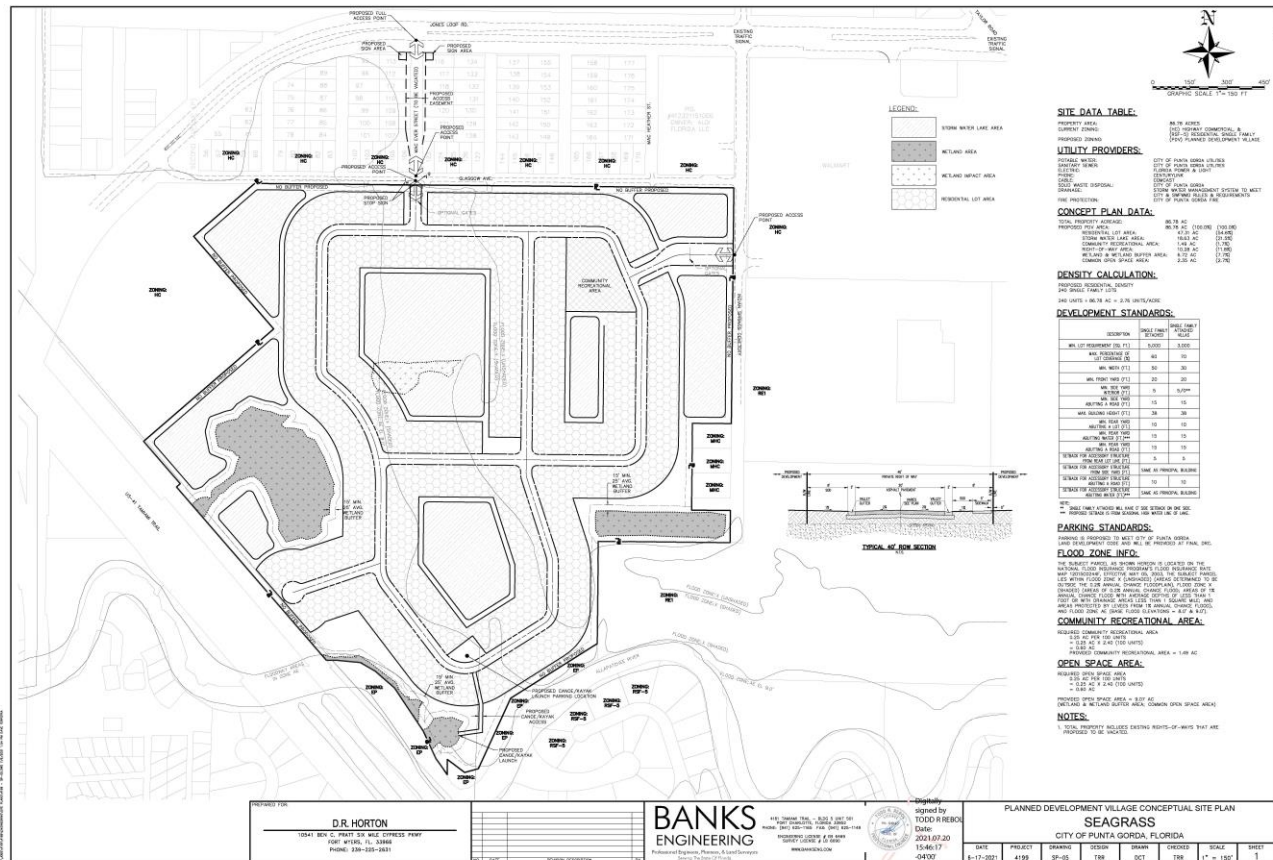
1. Approval of the request to deviate from the Land Development Regulations, Chapter 26, Sec. 5.7(b).
2. Applicant must address all water/wastewater capacity service criteria pursuant to the determination of availability letter provided by the Utilities Department.
3. The requirements 1-9 listed above are requested to be considered as conditions for approval and will be reviewed at time of development plan submittal.
4. The property is bound by the approved Interlocal Agreement, Oct. 13, 2013, which provides a total of **450 units** (dwellings) to the total land area identified as the “Loop Municipal Service Area”. By this calculation this proposed project is short **87 units** (dwellings). The applicant (property owner) must provide these additional **87 units** (dwellings) via the County TDU program. These additional units must be brought to the property prior to issuance of a building permit for any single family structure after 153 such permits are issued (#154 thru 240) or the sale of any proposed single family lot after 153 proposed lots are sold (#154 thru 240).

Staff Recommendations - based on the aforementioned approval criteria findings & conclusions:

The City of Punta Gorda Development Review Committee recommended moving the request forward to Planning Commission and City Council.

Urban Design staff recommends approval of the Planned Development request with the above stated conditions.

PDV-03-2021 – Planned Development Village



Punta Gorda

Conceptual Site Plan provided by
Banks Engineering

Florida's Harborside Hometown

The “Loop” Background

- Site - Mac Ever Street: 86.78 +/- Acres
- Density conditioned by:
 - “Loop” Area Interlocal (City-County) Agreement
 - Area entitled with 450 dwelling units
 - PD-01-2020 (Parkside Punta Gorda) allocated 297 dwelling units
 - Balance left 153 dwelling units
- Additional density requires
 - Transfer thru Charlotte County TDU

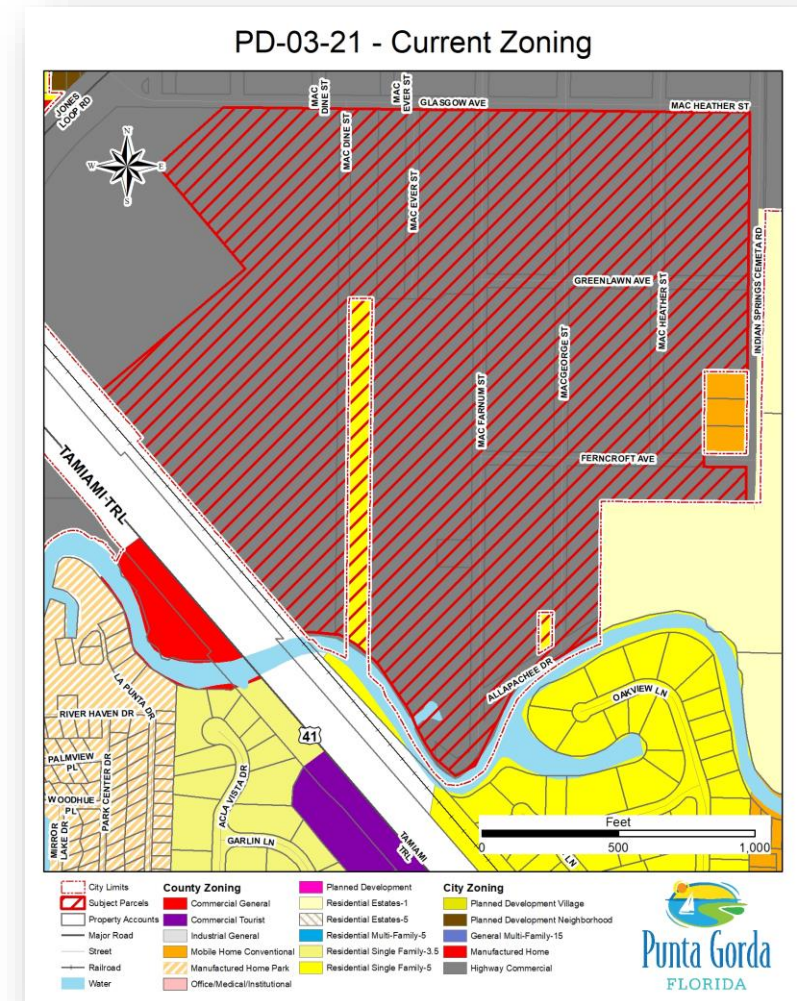


Image provided by City Staff

2040 Comprehensive Plan – Element Consistency

- Future Land Use Element
 - Objectives: 1.1.10, 1.1.14
 - Policies: 1.1.2.1, 1.1.4.3, 1.1.9.5, 1.1.10.2, 1.1.14.3
- Conservation Element
 - Objective: 2A.1.1
 - Policy: 2A.1.1.1
- Coastal Management Element
 - Policy: 2B.5.1.2
- Infrastructure Element
 - Objectives: 3.2.2, 3.4.1
 - Policies: 3.2.1.4, 3.2.1.7, 3.2.2.3, 3.2.2.4, 3.4.1.1, 3.4.1.3, 3.7.2.3, 3.7.2.4

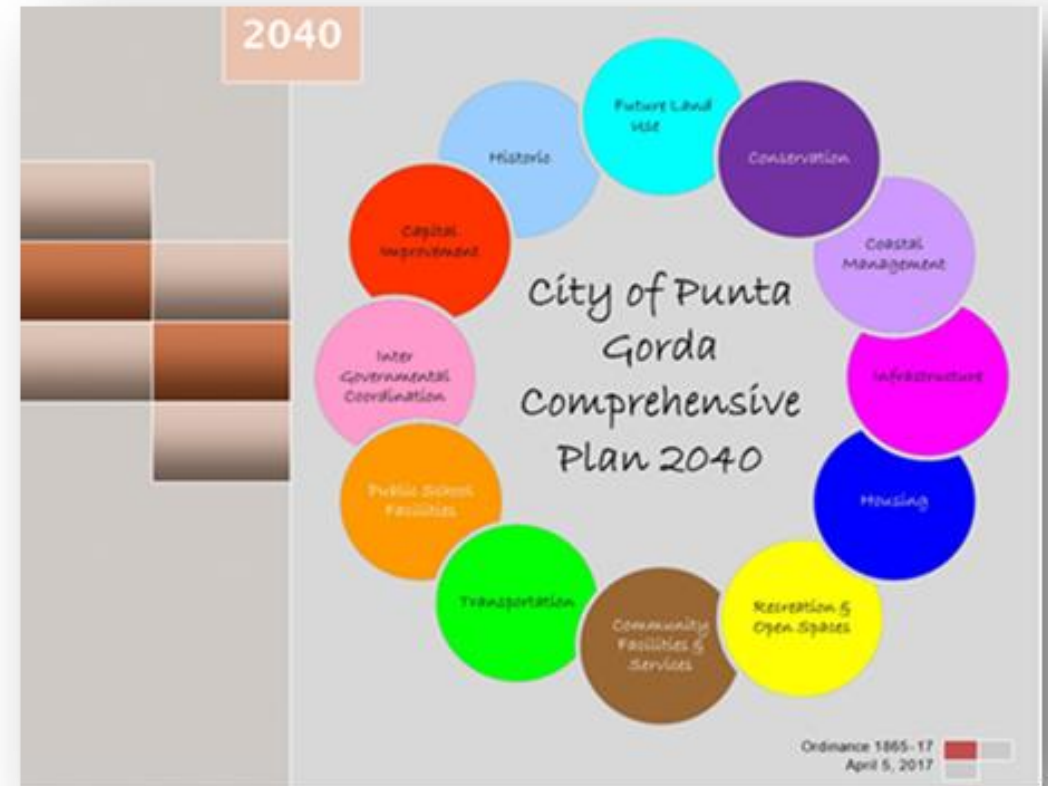


Image provided by City staff

2040 Comprehensive Plan - Element Consistency continued

- Housing Element
 - Objectives: 4.1.1, 4.1.8
 - Policies: 4.1.1.2, 4.1.8.1, 4.1.8.2
- Recreation & Open Space Element
 - Objective: 5.1.2
 - Policies: 5.1.2.1, 5.1.2.1
- Transportation Element
 - Objective: 7.3.4
 - Policies: 7.3.4.1, 7.3.4.5
- Transportation Element
 - Objective: 7.3.4
 - Policies: 7.3.4.1, 7.3.4.5

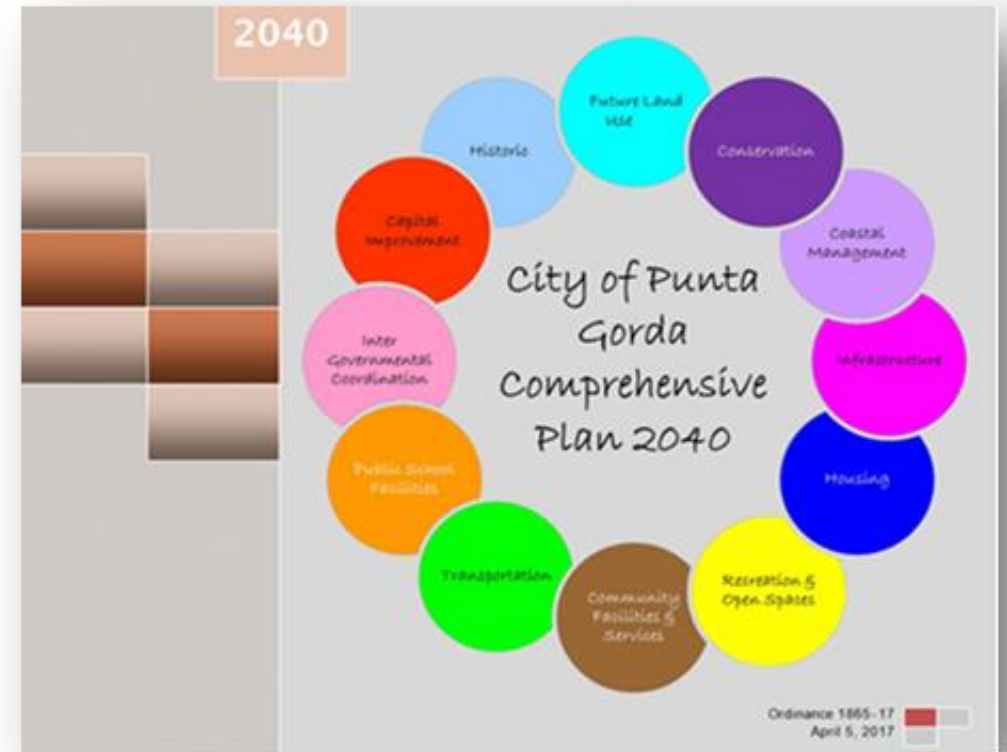


Image provided by City staff

2040 Comprehensive Plan – Element Consistency continued

- Public Schools Facilities Element
 - Objective: 8.1.2
 - Policies: 8.1.2.1, 8.1.2.3
- Intergovernmental Coordination Element
 - Policies: 9.1.1.1(b), 9.1.1.5, 9.1.2.6, 9.1.2.11
- Capital Improvement Element
 - Objectives: 10.1.4, 10.1.5
 - Policies: 10.1.4.1, 10.1.5.1

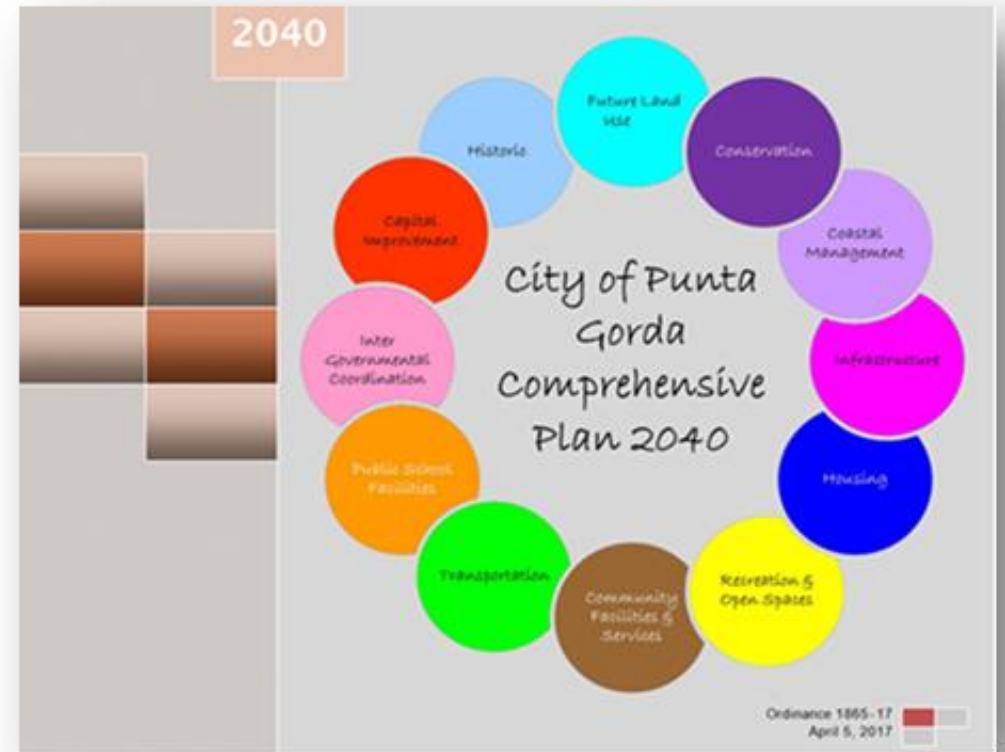


Image provided by City staff

PD Approval Criteria: Compatibility

DIRECTION	FUTURE LAND USE	ZONING	EXISTING LAND USE
North (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial
South (County)	Low Density Residential	Residential Single-Family 5 units per acre	Single-family residential
East (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial
West (City)	Highway Commercial Corridor	Highway Commercial District (HC)	Vacant commercial

Table provided by City staff

PD Approval Criteria Continued

- Mitigate adverse impacts
 - Single-family project
 - Lowest intensity of uses
 - No buffering required
- Adequate public facilities
 - In utility service area
 - Distribution/service lines not constructed
 - Off-site utility improvements required
- Traffic
 - Single-family project
 - Existing network sufficient
 - Provides two access points
 - Primary: Indian Springs Cemetery Rd
 - Secondary: Jones Loop Rd
- Ecological preservation
 - Environmental study provided
 - Gopher Tortoise identified
 - No other species require mitigation thru FWS or FWC

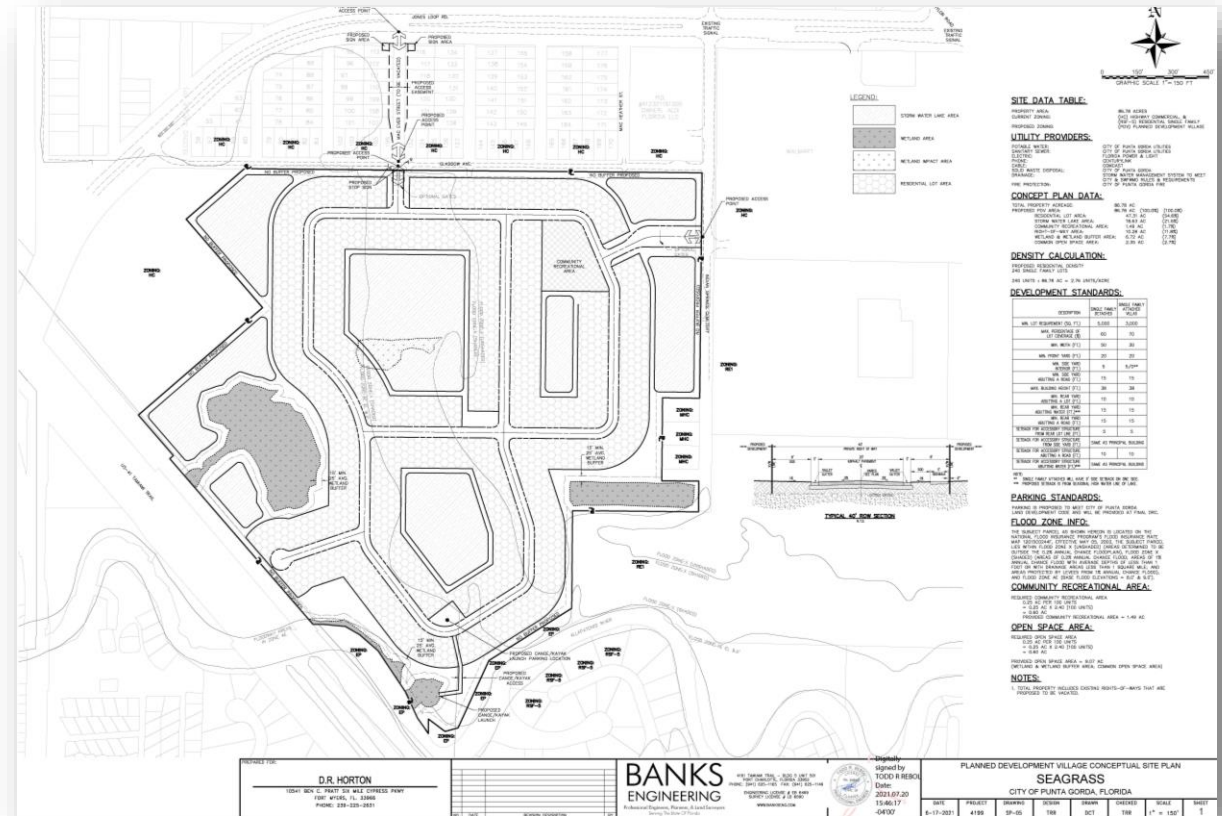
PD Approval Criteria Continued

- Mitigate topographic/geological conditions
 - Site work
 - Performed in compliance with all Federal, State and City regulations
- Noise attenuation measures
 - Single-family project
 - Lowest intensity of uses
 - No noise impacts anticipated



PD Approval Criteria: Architectural Treatment & Site Planning

- Subject to:
 - Architectural Provisions
 - Landscaping Standards
 - Sign Standards
 - Parking & Loading Requirements
 - Pedestrian Bicycle Facility Requirements



Conceptual Site Plan provided by Banks Engineering

- Request:
 - Rezone to Planned Development Village (PDV)
- Minor deviation from LDRs:
 - No commercial component
- Benefits:
 - Provides infill development
 - Up to 240 dwelling units – subject to:
 - Interlocal agreement:
 - 153 dwelling units remain
 - 87 dwelling units needed thru County TDU program
 - Associated amenities
 - Private recreation & open space



Recommendations

- City of Punta Gorda Development Review Committee recommended approval of the request
 - Including referenced deviation of the Land Development Regulations
 - No commercial component



Recommendations

- Urban Design staff recommends approval to City Council with conditions:
 - Approve deviation of the Land Development Regulations
 - No commercial component
 - Applicant address water/wastewater criteria
 - Requirements 1-9 (design/site criteria reviewed at development plan submittal)
 - Density conform to Interlocal agreement
 - Balance of 153 units
 - 87 units required thru Charlotte County's TDU program



Questions?



Our Mission is “To enhance Punta Gorda’s identity as a vibrant waterfront community, unique in character and history, and one of the most desirable places to live, work and visit.”



**PLANNING COMMISSION
CITY OF PUNTA GORDA
11/22/2021**

STAFF COMMENTS

Title: 2022 Meeting Dates

Funds:

Recommended Action: For discussion and approval.

Summary: 2022 Planning Commission Meeting Dates

Department/Division: Urban Design

EXHIBITS:

1. [2022 Meeting Dates](#)



Planning Commission 2022 Dates
Every 4th Monday

January 24, 2022

February 28, 2022

March 28, 2022

April 25, 2022

May 23, 2022

June 27, 2022

July 25, 2022

August 22, 2022

September 26, 2022

October 24, 2022

November 28, 2022

December 20, 2022