



# Community Development Department

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## MEMORANDUM

Date: March 15, 2004

To: Bruce Loucks, County Administrator

From: Thomas A. Cookingham, AICP Manager Planning Services

Subject: Overview - Planning Process for Murdock Village Redevelopment

This memorandum is being prepared to provide an overview of the processes addressing several of the land planning and use considerations to be discussed in the Murdock redevelopment initiative. As more information becomes available and future policy direction evolves this overview can be updated.

### LAND USE/REZONING PROCESS AND ASSUMPTIONS

Some assumptions can be made regarding the types of land use regulation changes that will be required to accommodate the proposed redevelopment of the Murdock Village property, which is the same property that currently comprises the Murdock Village Community Redevelopment Area (“the Murdock Village property”). There are also some preliminary determinations that can be made on the recommended processes and regulation changes. It can be assumed that the proposed redevelopment will require text and Future Land Use Map amendments to the 1997-2010 Charlotte County Comprehensive Plan, an amendment to the Charlotte County Zoning Atlas, the adoption of a CRA Plan, and plat vacations. The proposed processes for each of these amendments and adoptions and the associated time frames for each are outlined as follows:

1) 1997-2010 Charlotte County Comprehensive Plan Amendments. It is anticipated that text and Future Land Use Map (“FLUM”) amendments to the 1997-2010 Charlotte County Comprehensive Plan (“the Comp Plan”) will be required in order to

accommodate the anticipated redevelopment of the Murdock Village property, and in order to create the basis in the Comp Plan for the CRA Plan which will be prepared and adopted by the County for the Murdock Village property. It is envisioned that the proposed text amendment will take the form of the creation of a new categorization for property in the Future Land Use Element (“FLUE”) of the Comp Plan which will create a new FLUM designation that will allow for mixed uses. The text amendment will be drafted to address all the necessary statutory and Florida Administrative Code requirements for a mixed use FLUM designation, including the requirement that densities and intensities of uses be addressed. To this end, the binding letter from DCA regarding the vesting of the property pursuant to Section 380.06, F.S., will be critical in that it will provide necessary data and analysis for those densities and intensities of uses for the FLUM designation. Concurrent with the text amendment creating (or amending) the mixed use FLUM designation there will be the actual FLUM amendment applying the new designation to the Murdock Village property.

Both the text amendment and the FLUM amendment will need to be submitted in one of the two annual windows available for amendments to comprehensive plans, and will require two rounds of hearings, pursuant to the comprehensive plan amendment adoption processes under Part II, Chapter 163, F.S. One round of hearings is conducted for authorizing transmittal of the amendments to the Department of Community Affairs (“DCA”) for an Objections, Recommendations, and Comments Report (“ORC Report”); the other round of hearings is conducted for adoption of the amendments and should be held within sixty (60) days of the county’s receipt of the ORC Report. Each round of hearings entails one hearing before the Charlotte County Planning and Zoning Board (“P&Z”) (acting as the county’s local planning agency as required under Chapter 163, F.S.), and a second hearing before the Board of County Commissioners (“BCC”) the month following the P&Z hearing. Hearings for transmittal and adoption are conducted during the P&Z’s and BCC’s usual monthly land use hearings. A schedule of those regular hearings for 2004 and part of 2005 is attached.

The round of transmittal hearings for 2004/2005 are currently anticipated to be held on July 12, 2004 (P&Z hearing)/August 10, 2004 (BCC hearing), and January 10, 2005 (P&Z hearing)/February 8, 2005 (BCC hearing). Once a Comp Plan amendment is transmitted to DCA, and the county receives and acts upon the applicable ORC Report, the amendment can be set for a round of adoption hearings before the P&Z and BCC. The following December and January are the usual months for adoption hearings for Comp Plan changes transmitted in the July/August hearing window; however, the dates of adoption hearings are not predetermined and are simply set and fit into the usual monthly land use hearing schedules of the P&Z and BCC after the applicable ORC Report has been received and appropriate responses provided. The time frame between the transmittal hearings for a Comp Plan amendment and the adoption hearings can run between 6-8 months.

County staff intends to sponsor any text and FLUM amendments to the Comp Plan designating the Murdock Village property with the new or amended land use category. The next available transmittal hearings for Comp Plan amendments will entail

an application submittal deadline of May 17, 2004, transmittal hearings before the P&Z and the BCC on July 14 and August 10 of 2004, respectively. Given the complication of the Comp Plan amendments proposed for the Murdock Village property, and the possibility of the need for time outside the usual process to address issues arising from the ORC Report and other sources, adoption hearings would be anticipated to occur before the P&Z and BCC in either the January 10 (P&Z)/February 8 (BCC), 2005, or February 14 (P&Z)/March 8 (BCC), 2005 cycle of hearings, rather than the December/January schedule of hearings. The deadline for submittal of the adoption applications for the January 10/February 8, 2005 hearings is November 15, 2004. The deadline for submittal of the adoption applications for the February 14/March 8, 2005 hearings is December 20, 2004.

Please note, with the time frame for transmittal application preparation so short, the timing of the acquisition of the binding letter from DCA and the densities and intensities addressed will be critical. It is anticipated that the letter will need to be acquired no later than early April, 2004, in order to adequately address the information in the letter in the preparation of the Comp Plan amendments.

2) Adoption of the CRA Plan. The County intends to sponsor the coordination and preparation of a community redevelopment plan as described in Sections 163.360, ff., F.S. (“the CRA Plan”) for the Murdock Village property, with the coordination and cooperation of the selected developer, and using information garnished through the RFP selection process. The County will also coordinate the preparation of the CRA Plan with the Charlotte County Housing Finance Authority, as required by Section 163.360, F.S. Preparation of the CRA Plan is anticipated to begin prior to or shortly after selection of the developer and between transmittal and adoption of the related Comp Plan amendments described in paragraph 1). Final adoption of the CRA Plan cannot take place until adoption of those Comp Plan amendments. The CRA Plan adoption also requires hearings before the P&Z, and CRA/BCC. It is anticipated that the CRA Plan adoption schedule will be concurrent with the adoption of the Comp Plan amendments as described in paragraph 1).

3) Amendment of Zoning Atlas. It is also anticipated that the Murdock Village redevelopment will require a rezoning of the Murdock Village property to a Planned Development (“PD”) zoning district, as provided under Section 3-9-49, Code of Laws and Ordinances of Charlotte County, Florida (“County Code”). The PD process in Charlotte County is a two-step process consisting of a concept plan approval, and later, a final detail plan approval. The concept plan approval is ultimately granted by the Board by ordinance which actually rezones the subject property, approves the general uses allowed on the property, approves a general site plan for the property, and imposes any relevant conditions on the development of the property. Prior to the Board hearing on a PD application, the application must be heard before both the Development Review Committee (“DRC”) (a committee consisting of County staff from various departments), and the P&Z. The application deadlines and hearing schedule for the P&Z/BCC review of a PD follows the attached schedule for land use hearings. Note, however, that rezonings of property consisting of 10 acres or more where the BCC acts as applicant

also require an additional BCC hearing held at least 10 days after the first BCC hearing. P&Z and BCC hearing dates and related deadlines for advertising the hearings and submittal of documentation must be coordinated with the DRC hearing dates such that the DRC must review and provide recommendations on the PD application prior to the P&Z hearing. DRC meets weekly on Thursdays, with an application deadline of end of business for the Thursday two weeks prior to the meeting at which the applicant wishes to be heard before the DRC. Also note that, in a complicated PD application, the time frame for review following an application may be as long as 3-4 months, depending on many factors, such as completeness of application, level of detail of plans, and other factors specifically related to the proposed project. After the 3-4 month review process, the P&Z/BCC hearing schedule of two successive months, and the related advertising deadlines for those P&Z and BCC hearings, the entire process for the concept approval of a PD can potentially take 6-8 months.

After the concept approval of a PD, there is a second step to the PD process, which is referred to as the final detail plan approval of the PD. This step is similar to a detailed site plan approval for a project with a non-PD zoning district. The final detail plan application is required to be at the level of a site plan approval; however, unlike approvals for non-PD zoned projects, certain conditions can still be placed for outstanding issues. The final detail plan process goes through the DRC and then the BCC without P&Z participation and without the necessity for a hearing at the BCC level. Therefore, while the time spent on the front end of a final detail plan approval may be unpredictable, the actual approval process is a relatively short time of 1-2 months. In addition, a PD project can be phased so that partial final detail plans for only portions of the property subject to the PD zoning can be submitted and processed as those partial final detail plans are ready.

The County intends to act as applicant on the application for the PD concept plan rezoning for the Murdock Village property, and will coordinate the application with the cooperation and participation of the selected developer. It is anticipated that the RFP submittal and Development Plan prepared by the selected developer and incorporated into the Redevelopment Agreement will provide the site plan and most, if not all, other information and documentation the County will require for the PD concept plan application pursuant to Section 3-9-49, County Code. It is expected that the selected developer will provide any outstanding or additional information or documentation required for adequate review of the PD concept plan application. Again, the time frame for the adoption of the PD concept plan approval for the Murdock Village property would be difficult to predict without knowing the level of detail that may be involved. This front end time frame could be 3-4 months, however, and would occur concurrently with the preparation of the CRA Plan referred to in paragraph 2) between the transmittal and adoption hearings for the Comp Plan amendments referred to in paragraph 1). In addition, for a rezoning of this size with the BCC as applicant, there will be a required DRC hearing, followed by a P&Z hearing, followed by two required BCC hearings, all with advertising requirements. Therefore, the total for the PD concept adoption phase could be 7 months. Please note that, however long or short the PD concept plan review

and approval takes, the PD cannot be approved or adopted prior to the adoption of the related Comp Plan amendments described in paragraph 1).

With the transmittal of the Comp Plan amendments taking place in June or July of 2004, and the development of the CRA Plan and the PD concept plan application ongoing between transmittal and adoption, it is clear that several actions will need to take place at one time. While the Comp Plan amendments are at DCA for review and preparation of ORC Reports, actions on the CRA Plan and the development of the PD concept plan application can continue and, hopefully, be set for adoption at the same time as the adoption of the Comp Plan amendments in February or March of 2005, with the final adoption hearing for the PD concept plan to be held at the BCC meeting following the adoption of the Comp Plan amendments and the CRA Plan.

Once the property has the appropriate FLUM designations with related Comp Plan text, and the proper PD concept plan zoning designation, and the CRA Plan has been adopted, then acquisition of the property by the County can continue with an eye toward plat vacations and PD partial final detail plans for distinct portions of the Murdock Village redevelopment area. Once acquisition of large enough contiguous parcels have been achieved, PD partial final detail plan approvals for each parcel can be processed for review and approval. It is anticipated that the developer would sponsor any PD final detail plan approvals after acquisition of portions of the Murdock Village property from the County. It is also anticipated that the County would have processed and approved plat vacations or partial plat vacations for any portions of the Murdock Village property acquired by the developer, prior to transfer of title. Again, PD partial final detail plan approvals would be akin to detailed site plan approvals; therefore, the approval time frame would be much shorter than the PD concept plan approvals, possibly less than 3 months, depending on completeness of application, complexity of site plan, compliance with PD concept plan conditions and other pertinent factors. At the same time, or prior to, the evaluation and preparation of any partial final detail plan approvals, partial plat vacations for contiguous portions of the Murdock Village redevelopment area will also need to be pursued.

4) Plat Vacations. Subsequent to County acquisition of contiguous acreage within the boundaries of the Murdock Village property, there will need to be plat vacations or, more likely, partial plat vacations, of the properties acquired by the County. In order to vacate all or any portion of a plat, all owners of the affected property must consent to the vacation. Therefore, it is anticipated that the County will sponsor partial plat vacations of portions of the Murdock Village property as it acquires contiguous parcels of sufficient size to warrant the initiation of the plat vacation process for that particular portion of the Murdock Village property. This likely will be a fluid process, driven by the acquisitions actually made by the County and by the final terms of the Redevelopment Agreement regarding what acreage would constitute a sufficient size to begin a partial plat vacation process for that acreage. It is anticipated that a partial plat vacation will take place prior to property transfers to the selected developer and prior to any application for a partial final detail plan approval for the applicable portion of the Murdock Village property; however the sequence of those processes are flexible and plat

vacations could be a condition of approval of a PD partial final detail plan. Any individual partial plat vacation process requires hearings before the P&Z and BCC, and is estimated to be a 4 month process after County acquisition of the particular property to be vacated. The application and hearing schedule for plat vacations follow the P&Z and BCC schedule attached.

5) Other Considerations.

a) It is also anticipated that the creation of a Community Development District (“CDD”) may be involved in the Murdock Village redevelopment project. This process could coincide with the partial plat vacation processes, with the trigger for the properties to be included in the proposed CDD being the acquisition of contiguous parcels by the County.

b) The presence of scrub jays on the Murdock Village property also has been noted. In a separate narrative, County staff has prepared a brief analysis of that issue and how the resolution of it may impact the project. That narrative, and a related map, are under separate cover.

c) The time frames for acquisition of a binding letter from the DCA regarding of vesting of the Murdock Village property from the DRI process, and any amendments thereto, have not been considered in this narrative. At least an initial binding letter should be acquired in order to complete preparation of the Comp Plan amendment applications. The binding letter application has been submitted and the process for DCA review of that letter has begun.