

STAFF REPORT
Community Development Department
Petition Number: SE-12-012

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: September 4, 2012 **BZA meeting date:** September 12, 2012

Requested Action/General Information:

Allen Shrum, agent for Octagon Wildlife Sanctuary, is requesting a special exception to allow an animal sanctuary and a mobile home, to be used as a residence, in the Agriculture General (AG) zoning district. The subject property consists of 10-acres located at 41600 and 41660 Horseshoe Road in East Charlotte County (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture General (AG). This property has an Agriculture Future Land Use Map (FLUM) designation.

Octagon Wildlife Sanctuary, which was established circa 1980, is requesting a special exception to bring the existing animal sanctuary into conformity with the existing Zoning Code and allow a new mobile home, to be used as a residence, on this 10-acre tract of land located on the north side of Horseshoe Road just west of State Route 31. The applicant, Lauri Caron, is the manager of the animal sanctuary and intends to live in this mobile home.

Subsection 3-9-30(e)(23) of the Charlotte County Zoning Code allows; "Such other (special exception) uses as determined by the zoning official, or his/her designee, to be:

- a. Appropriate by reasonable implication and intent of the district.
- b. Similar to another use either explicitly permitted in that district, or allowed by special exception.
- c. Not specifically prohibited in that district."

The Zoning Official has determined that the proposed use is appropriate by reasonable implication and intent of the AG zoning district, and is similar to other permitted uses in **Section 3-9-30 (Exhibit A)** "(b)(11); Parks and other recreational uses such as hunting, fishing and educational tours." and special exception uses in **Section 3-9-30 (Exhibit A)** "(e)(5) Public and private recreation facilities; (e)(21) Veterinarian clinics; and (e)(22) Dog kennels."

The applicant has submitted the attached **Site Plans (Exhibit B)** to generally show the locations for the proposed mobile home and existing uses located on the property. These uses include: an existing access drive, parking area, walkways, animal enclosures, veterinary office, ponds, wetlands and on-site manager's residence.

The applicant has also submitted the attached **Narrative (Exhibit C)** explaining how they believe this request meets the criteria for granting a special exception. The Community Development Department's Environmental Specialist has performed a

cursory review and their comments are in the attached **Memorandum (Exhibit D)** dated August 22, 2012.

Findings: The six standards for approval for a Special Exception according to Section 3-9-7(f) of the Charlotte County Zoning Code are as follows:

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: The Zoning Official has determined that the BZA may grant a special exception to allow an animal sanctuary, as well as a mobile home, in the AG district.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Mobile homes	Mobile Home Conventional (MHC)	Low Density Residential
South	Single-family homes	Agriculture General (AG)	Agriculture
East	Single-family homes	Agriculture General (AG)	Agriculture
West	Single-family homes	Agriculture General (AG)	Agriculture

Finding: The surrounding land uses consist primarily of single-family residences and vacant lots. Staff believes that the existing animal sanctuary and proposed mobile home would be compatible with the surrounding land uses.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: An existing access drive and shell parking lot is located off of Horseshoe Road. Staff does not recommend any improvements to these existing facilities because of their limited use. However, the Board of Zoning Appeals could condition approval of this special exception on improvements to the existing access drive and parking lot.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: Other code requirements, including setbacks and landscaping, appear to be in compliance with the current zoning code. Additional buffers and landscaping are not recommended by staff for the proposed addition of a mobile home to this existing use.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and Land Development Regulations.

Finding: Staff believes that the existing animal sanctuary is in compliance with the **Smart Charlotte 2050 Plan**, which allows rural recreational uses, and the Land Development Regulations, which requires a special exception for these uses.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the existing animal sanctuary and new mobile home would not be detrimental to or endanger the public health, safety or general welfare of the surrounding agricultural properties.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the existing animal sanctuary and proposed mobile home does meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code.

The conditions are as follows:

1. The special exception as approved by the Board of Zoning Appeals is to allow an animal sanctuary and a mobile home, to be used as a residence.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. The site plan submitted by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the erection and operation of the proposed mobile home as well as any future buildings.
4. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

Please be advised that the final decision regarding the application rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Aerial Photographs, Environmental Specialist Memorandum and Narrative (2)



Community Development

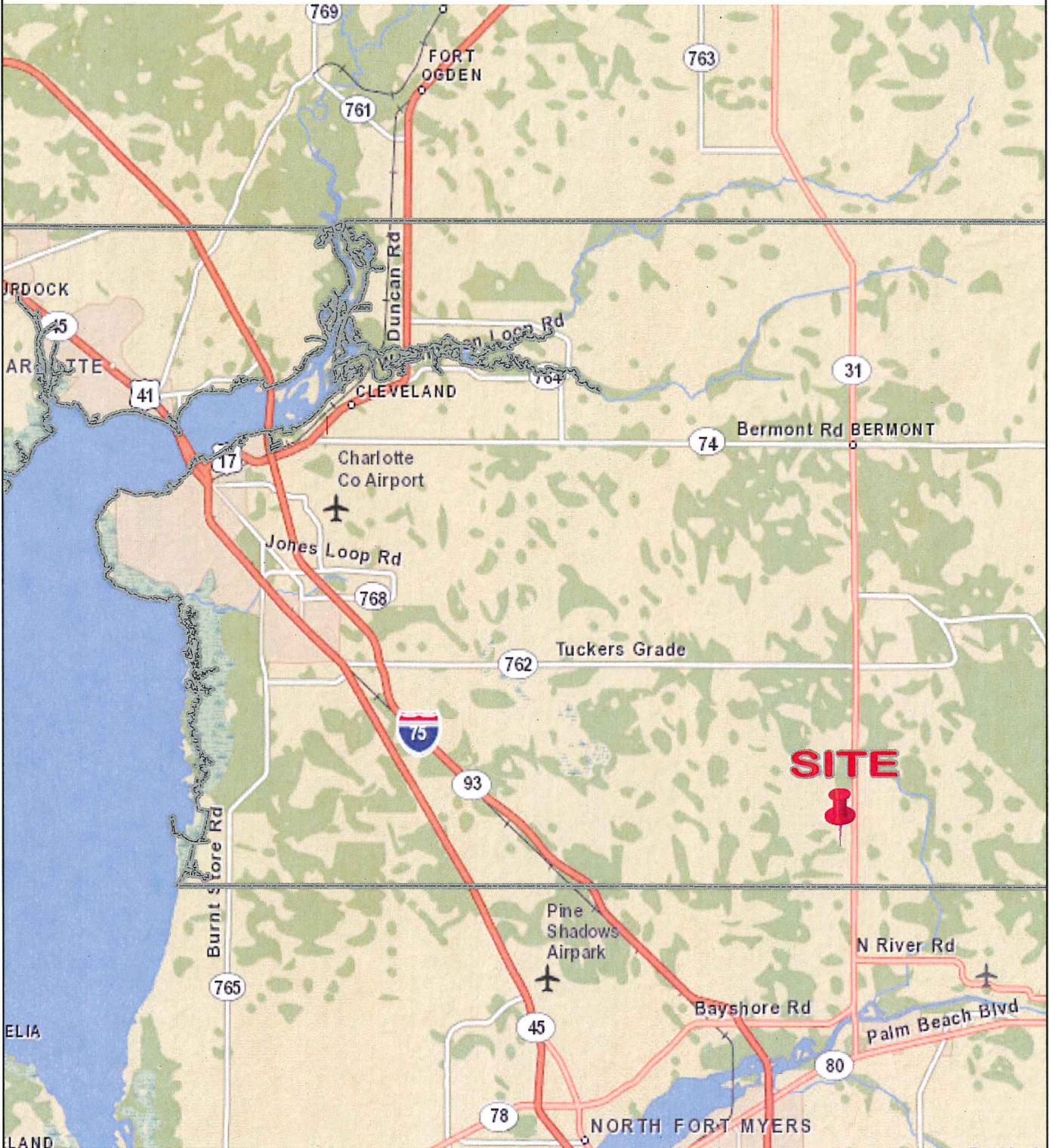
CHARLOTTE COUNTY

Location Map for SE-12-012

Charlotte County Government

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25/42/25 East County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--D. Vance Date Saved: 8/28/2012 11:05:35 AM

Path: M:\Departments\GIS\Projects\Petition_Maps\Current_Planning\2012\SE-12-012\PCCKTLocation Map SE-12-012.mxd



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CHARLOTTE COUNTY

Zoning Map for SE-12-012

Charlotte County Government

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MHC

LITTLE FARM RD

MHC

SITE



AG

HORSESHOE RD

25/42/25 East County

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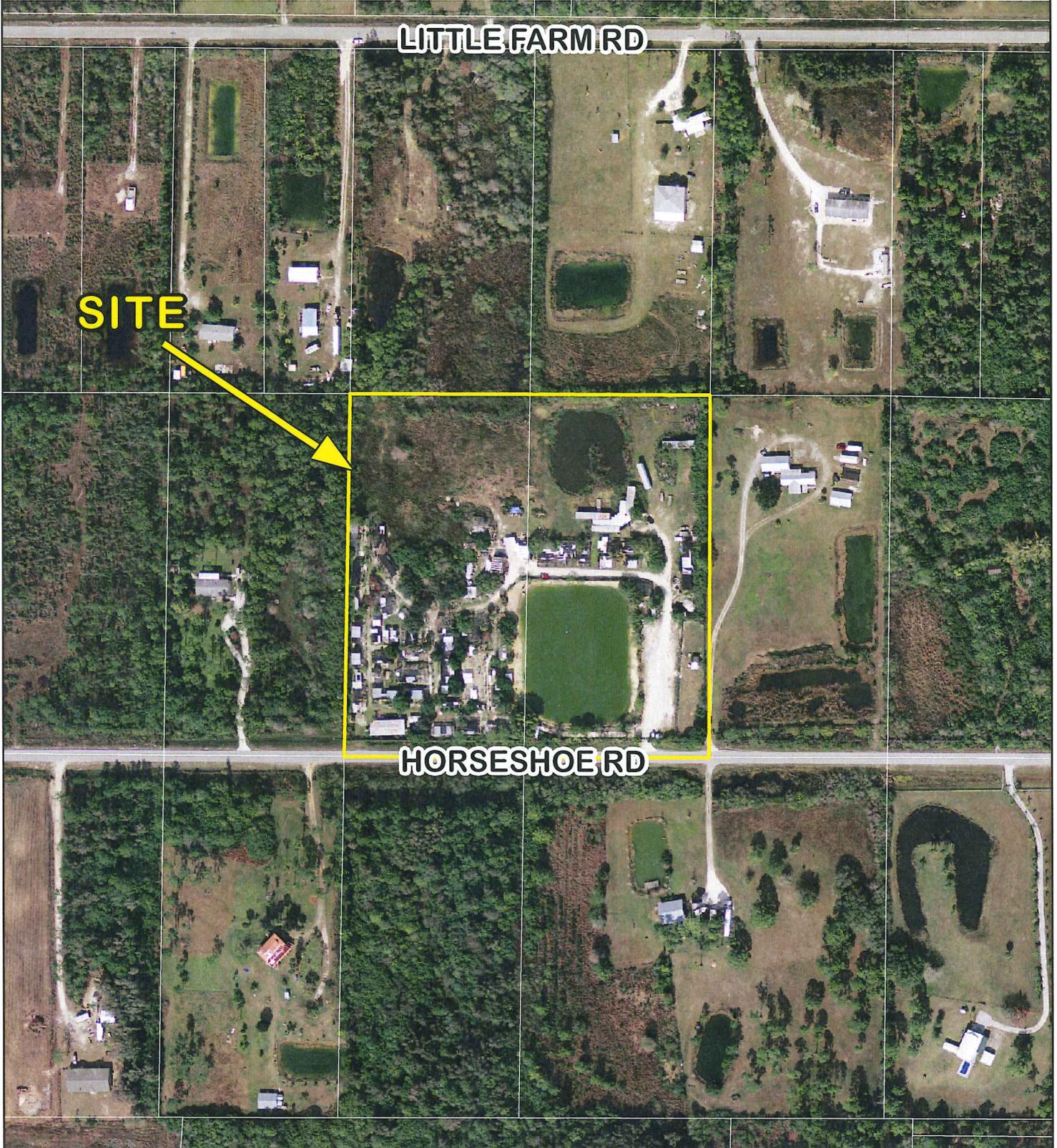
CHARLOTTE COUNTY

Aerial View for SE-12-012

Charlotte County Government

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The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

(f) *Development standards.* The following development standards shall apply in this district:

Minimum lot requirements:

Area, acres.....	40
Width, feet.....	250

Minimum yard requirements:

Front yard, feet	40
Side yard, feet.....	20
Rear yard, feet	20
Abutting water, feet	20

Maximum lot coverage by all buildings, percent 10

Maximum heights of structures, feet..... 38

Maximum density, units per 40 acres 1

Where properties lie anywhere on a barrier island or within twelve hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.

(g) *Signs.* Signs shall be in accordance with section 3-9-95.

(h) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-90. (Ord. No. 91-05, § 1, 2-26-91; Ord. No. 94-55, §§ 5, 6, 11-3-94; Ord. No. 2002-008, § 1, 1-28-02)

Cross reference—Floodplains and wetlands, § 3-5-111 et seq.

Sec. 3-9-30. Agriculture (AG and AE).

(a) *Intent.* Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low-density residential, recreation and other uses consistent therewith.

Agriculture and agricultural activities are frequently associated with noise, odors, dust, aerial chemical spraying, and other activities generally incompatible with urban-style living. However, agriculture forms a vital segment of the economy of the state, and provides diversity of economic opportunity and life styles for the county. Therefore, it is the purpose of the agricultural districts to provide areas for the establishment and/or continuation of agricultural operations with residential uses being permitted only at very low densities and to accommodate those individuals who understand and desire to live in an agricultural environment.

The primary difference between these districts is that agriculture estate (AE) districts are intended to exist only within the urban service area while agriculture general (AG) districts are intended to exist only outside the urban service area.

(b) Permitted principal uses and structures. The following uses and structures are permitted in this district.

- (1) Raising of cattle, sheep, swine or other animals associated with or kept in support of agricultural operations, provided no swine shall be kept within one thousand (1,000) feet of a nonagricultural district.
- (2) Raising of poultry.
- (3) Raising of dairy herds and production and processing of dairy products.
- (4) Breeding, training and boarding of animals associated with or kept in support of agricultural operations.
- (5) Harvesting, cultivation, processing and sale of crops grown on premises, including silviculture, aquaculture and commercial citriculture.
- (6) Single-family dwellings, excluding mobile homes, barns, workshops and other structures incidental to agricultural uses.
- (7) Elementary, middle and high schools.
- (8) Occupied single-family residences used as family day care homes.
- (9) Emergency services.
- (10) One (1) servant's quarters or guest house for each permitted single-family residence, provided that total lot area shall not be less than twice the minimum lot area required for a single-family dwelling.

(11) Parks and other recreational uses such as hunting, fishing and educational tours.

- (12) Commercial radio, television and other transmitting or receiving stations, and line-of-sight relay devices, structures and towers fifty (50) feet or less in height, in accordance with section 3-9-71.1.

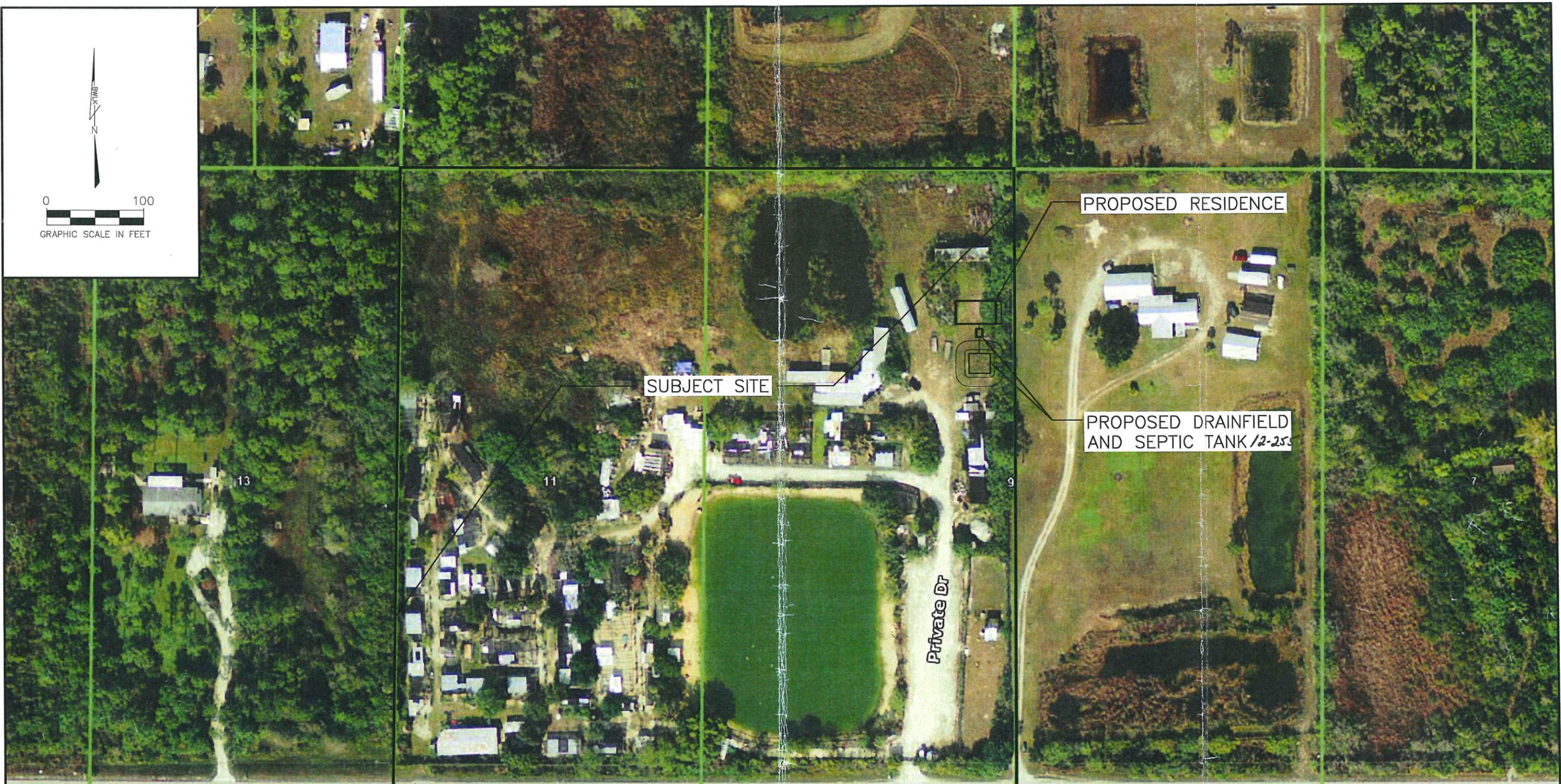
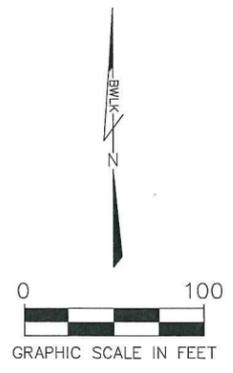
(c) Permitted accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district.

(d) Prohibited uses and structures. Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.

(e) Special exceptions. (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:

- (1) Single-family residences used as foster care facilities.
- (2) Housing for farm labor.

- (3) Livestock auction.
- (4) Industrial activities such as leather tanning, wool processing, slaughterhouses, feed pens, meat curing and similar activities relating to agriculture.
- (5) Public and private recreation facilities, including country clubs; race tracks; pistol, rifle, skeet, trap shooting and archery ranges; and riding stables.
- (6) Sanitary landfills, but not including junkyards, and automobile wrecking yards.
- (7) Plant nurseries with retail sales of garden supplies and equipment.
- (8) Cluster houses and patio houses, provided a site plan is approved.
- (9) Nursing homes.
- (10) Airports, heliports and landing fields.
- (11) Houses of worship, in accordance with section 3-9-80.1.
- (12) Group home facilities, child and adult day care facilities.
- (13) Commercial radio, television and other transmitting or receiving stations, and line-of-sight relay devices, structures, or towers over fifty (50) feet in height, in accordance with section 3-9-71.1.
- (14) Cemeteries, mausoleums, crematoriums, and funeral homes located within a cemetery, provided no grave, monument or structure shall be closer than twenty-five (25) feet to a side property line.
- (15) Yacht clubs, country clubs, golf driving ranges and golf courses, including executive or par-3 golf courses, but not including miniature golf courses not associated with a golf course, provided that any required parking area or building is located at least fifty (50) feet from property zoned for residential use.
- (16) Mobile homes used as residence.
- (17) Adult congregate living facilities in accordance with section 3-9-63.1.
- (19) Private clubs which have a minimum parcel size of either one (1) acre inside the Urban Service Area, or ten (10) acres outside the Urban Service Area.
- (20) Colleges and universities; and
- (21) Veterinarian clinics; and
- (22) Dog kennels in conjunction with an owner-occupied residence on a minimum lot size of five (5) acres.
- (23) Such other uses as determined by the zoning official or his/her designee to be:
 - a. Appropriate by reasonable implication and intent of the district.
 - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
 - c. Not specifically prohibited in that district.



(Exhibit B-1)

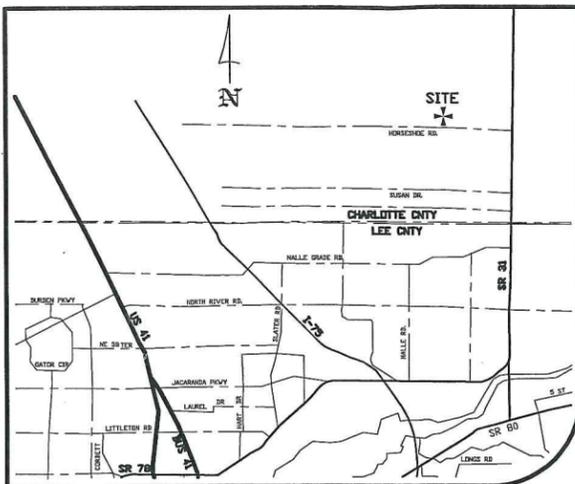
REVISION PER THE HEALTH DEPARTMENT - 06/18/2012
REVISION PER THE HEALTH DEPARTMENT - 05/08/2012
STATUS

MUNIR R. SULEH, P.E.
FLORIDA LICENSE NO. 67396
Munir R. Suleh
DATE: June 26, 2012

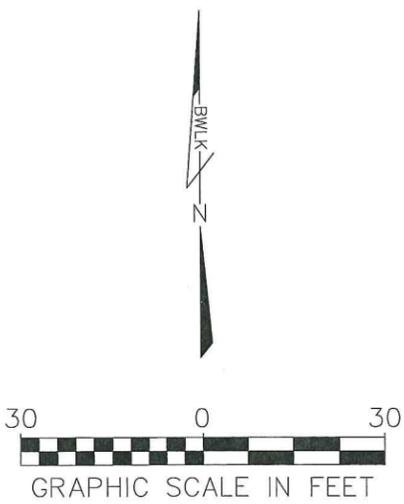
Bean, Whitaker, Lutz & Kareh, Inc.
CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS
13041 MCGREGOR BLVD., SUITE #1, FT. MYERS, FL 33919 (239) 481-1331
AUTHORIZATION NUMBER: EB4919

DRAFTING BY: J.A. HESSLER & S.D. YORR	DESIGNED BY: M.R. SULEH	APPROVED BY: M.R. SULEH
PROJECT NUMBER: 33254	DATE: APRIL 26, 2012	SCALE: 1" = 100'

THE OCTAGON
41660 HORSESHOE ROAD
PUNTA GORDA, FLORIDA 33982
THE OCTAGON WILDLIFE SANCTUARY
WASTEWATER TREATMENT PLAN
CHARLOTTE COUNTY, FLORIDA, SECTION 25 T 42S R 25E



VICINITY SKETCH
NOT TO SCALE



POND
6'±
75'±
5' MIN.
30'
40.00'
23.33'
23.33'
6'
15'175'±
137'±

PROPOSED 3 BEDROOM RESIDENCE
BUILDING "FOOTPRINT" = 1,073 S.F.
AIR CONDITIONED AREA = 933 S.F.
(FLOOR ELEVATION TO BE SET BY CONTRACTOR TO PROVIDE 1% SEWER SLOPE)

MEAN ANNUAL FLOOD LINE
AT EL. = 93.76
(PER CHARLOTTE COUNTY HEALTH DEPARTMENT)

TOP OF POND AT EL. = 95.64

PROPOSED 900 GAL. 2-COMPARTMENT SEPTIC TANK
2,017 SQUARE FEET UNOBSTRUCTED AREA FROM TOE OF SLOPE TO TOE OF SLOPE

EXISTING DRAINFIELD AND SEPTIC TANK (APPROXIMATE LOCATION)

EXISTING WELL (APPROXIMATE LOCATION)

PROPOSED DRAINFIELD
18 ADS MPS-11 BUNDLES (OR APPROVED EQUAL) TO PROVIDE 540 S.F. OF ABSORPTION AREA (REQUIRED ABSORPTION AREA = 500 S.F.)

BENCHMARK
PK NAIL & RIBBON
ELEV. = +100.00'
(ASSUMED)

LIONS, TIGERS, WOLVES, MOUNTAIN LIONS

OSTRICHES, EMUS & BURRDS

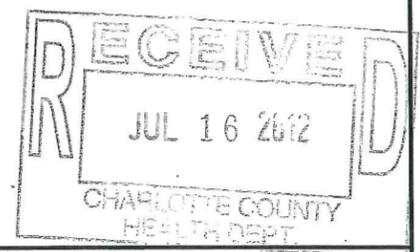
LAKE

MEAN ANNUAL FLOOD LINE
AT EL. = 93.99
(PER CHARLOTTE COUNTY HEALTH DEPARTMENT)

(Exhibit B-2)

- EXIST. GRADE - SPOT
- SOIL PROBE & NUMBER
- ***** INDICATES FENCE
- ⊕ INDICATES FIRE HYDRANT
- ⊕ INDICATES UTILITY SERVICE
- ⊕ INDICATES MANHOLE
- ⊕ INDICATES CATCH BASIN
- ⊕ INDICATES UTILITY POLE
- ⊕ INDICATES LIGHT POLE
- ⊕ INDICATES WATER METER
- ← INDICATES ANCHOR

Septic Plan approved by
Charlotte County Health Department
Inspector *[Signature]*
Date 7/17/12



REVISION PER THE HEALTH DEPARTMENT COMMENTS - 07/12/2012 REVISION PER THE HEALTH DEPARTMENT COMMENTS - 05/18/2012 REVISION PER THE HEALTH DEPARTMENT COMMENTS - 05/08/2012 STATUS	MUNIR R. SULEH, P.E. FLORIDA LICENSE NO. 67396 <i>[Signature]</i> 07/12/2012	Bean, Whitaker, Lutz & Kareh, Inc. CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS 13041 MCGREGOR BLVD., SUITE #1, FT. MYERS, FL 33919 (239) 481-1331 AUTHORIZATION NUMBER: EB4919 DRAFTING BY: J.A. HESSLER & S.D. YORK PROJECT NUMBER: 33254 DESIGNED BY: M.R. SULEH DATE: APRIL 26, 2012 APPROVED BY: M.R. SULEH SCALE: 1" = 30'	THE OCTAGON 41660 HORSESHOE ROAD PUNTA GORDA, FLORIDA 33982 THE OCTAGON WILDLIFE SANCTUARY WASTEWATER TREATMENT PLAN CHARLOTTE COUNTY, FLORIDA, SECTION 25 T 42S R 25E
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HEAD MOBILE HOME SALES, INC.

11311 Tamiami Trail
Punta Gorda, Fl 33955
PHONE: (941) 505-1571
FAX: (941) 505-1573

Attention: Board of Zoning Appeals

Special Exception Standards For Approval

1. The manufactured home and the Wildlife Sanctuary are permitted special exception uses in the zoning ordinance.
2. The manufactured home is compatible with the surrounding residential uses. The Wildlife Sanctuary was established in 1980 in an agricultural zoning district.
3. There is existing access off Horseshoe Road, which provides adequate access for these uses.
4. These two (5) acre parcels include enough land area to provide adequate open space for the existing Wildlife Sanctuary and the proposed manufactured home.
5. The keeping of animals is consistent with the comprehensive plan designation of agricultural land and is permitted by special exception in the zoning code.
6. The proposed manufactured home and existing Wildlife Sanctuary will not and never has been a deterrent or endangered the public health. All animal waste is placed in dumpsters and taken to the land fill.

Sincerely,



Allen Shrum

(Exhibit C)



MEMORANDUM

Date: August 22, 2012
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: **SE-12-012**
Octagon Wildlife Sanctuary
41600 and 41660 Horseshoe Road

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state and/or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes/ordinances and offers the following comments:

- ❖ A GIS aerial and preliminary environmental review was conducted by staff. The property consists of a partially developed wildlife sanctuary on rural acreage.
- ❖ Multiple databases indicate that potentially jurisdictional wetlands are located throughout the site. Staff will review the proposed trailers location/development area to determine if any wetland impacts are proposed. If staff determines that wetland impacts will occur on site, additional state and federal permitting will be required.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.

(Exhibit D-1)

- ❖ If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS**

**All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION**,

Article XV, *SURFACE WATER AND WETLAND PROTECTION**,

Article XVIII, *LANDSCAPING AND BUFFERS**

- ❖ The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit D-2)