

STAFF REPORT
Community Development Department
Petition Number: SE-13-006

To: The Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: August 6, 2013 **BZA meeting date: August 14, 2013**

Requested Action/General Information:

Devswarupdas Devprasad, agent for Florida Land and Properties LLC, is requesting a special exception to allow a mobile home, to be used as a residence, on property located at 16951 Tamiami Trail in South County (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate (AE). This property has a Burnt Store Limited Development Future Land Use Map designation.

Subsection 3-9-30(e) of the Charlotte County Zoning Code does allow a mobile home, to be used as a residence, in the Agriculture Estate (AE) zoning district if a special exception is approved by the Board of Zoning Appeals (BZA). As such, the applicant has submitted this application for a special exception.

The applicant has submitted the attached **Site Plan** (**Exhibit A**) showing the southeast corner of this 111-acre parcel and the proposed location of the mobile home. An existing access drive off of U.S. Highway 41 (Tamiami Trail) is located south of the County line in the City of Cape Coral's jurisdiction. This mobile home is proposed to be located approximately 30' north of the southerly property (County) line and is proposed to be accessed by the unimproved private access drive located in Lee County.

The applicant's property consists of approximately 111-acres of land, which meets the 10-acre minimum lot size requirement for a dwelling unit to be located on an AE zoned property, which is also located in the Rural Service Area. As such, one single-family residence may be located on this property.

The applicant has not yet selected the specific manufactured home, which they intend to place on this property, therefore a copy of the Data Plate, which provides manufacturing information for manufactured homes, cannot be provided at this time. The applicant has submitted the attached **Floor Plan** (**Exhibit B**) showing the layout of the proposed manufactured home.

The applicant has submitted the attached **Narrative** (**Exhibit C**) explaining why the applicant believes this request for a variance should be granted. The County's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (**Exhibit D**) dated May 23, 2013. This preliminary review states that there may be jurisdictional wetlands located on the site, which must be avoided, minimized, or mitigated if impacted.

Findings: The six standards for approval of 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 Code explicitly states that a mobile home, used as a residence, may be allowed by special exception in the Agriculture Estate (AE) zoning 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	Future Land Use Map Designation
North	Agricultural crop lands	AE	Burnt Store Limited Development
South Lee County	Agricultural crop lands	AG-2	Mixed Use Preserve
East	Mobile home park	AE, CI & MHP	Agriculture, commercial and low-density residential
West	Agricultural crop lands	AE	Burnt Store Limited Development

Finding: This proposed mobile home is considered compatible with the agricultural and residential uses of the surrounding area and east of Tamiami Trail.

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 private access drive off of Tamiami Trail, in Lee County, is proposed to be used for access to the proposed mobile home site. The applicant will need to obtain an access easement from his neighbor in order to use this existing access, otherwise a new access drive will have to be provided off of Tamiami Trail (U.S. Highway 41), which requires approval from the Charlotte County Engineer.

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

Finding: All applicable code requirements, including setbacks and landscaping, will be enforced during the permitting process for the proposed manufactured home. Additional buffers are not required for a single-family residence.

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

Finding: This proposed residence would be consistent with the Comprehensive Plan, which plans for agricultural and residential uses at densities of one dwelling unit per 10 acres or less. Also, the Land Development Regulations allow mobile (manufactured) homes by special exception in the AG zoning district.

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 proposed mobile (manufactured) home would not be detrimental to or endanger the public health, safety or general welfare of the surrounding agricultural and residential properties since the proposed mobile home will be constructed to withstand wind loads for the appropriate category.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed Mobile (manufactured) home, to be used as a residence, 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 for a single Mobile (manufactured) 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. Any modification, alteration or revision of this use may require a modification of the special exception.
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 occupation of the proposed manufactured home.
4. An access easement must be obtained from the Lee County property owner if access is to be provided from the existing access drive located in Lee County. If this is not possible then an access permit must be obtained and a new access drive constructed according to all Charlotte County codes for access to subject property from Tamiami Trail (U.S. Highway 41).
5. The manufactured home erected on this property must be rated for the appropriate wind loads by HUD (or DCA) as evidenced by the Data Plate supplied by the manufacturer.

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

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Site Plan, Floor Plan, Narrative, Environmental Specialist Memorandum (2) and Exhibit E (2)



Community Development

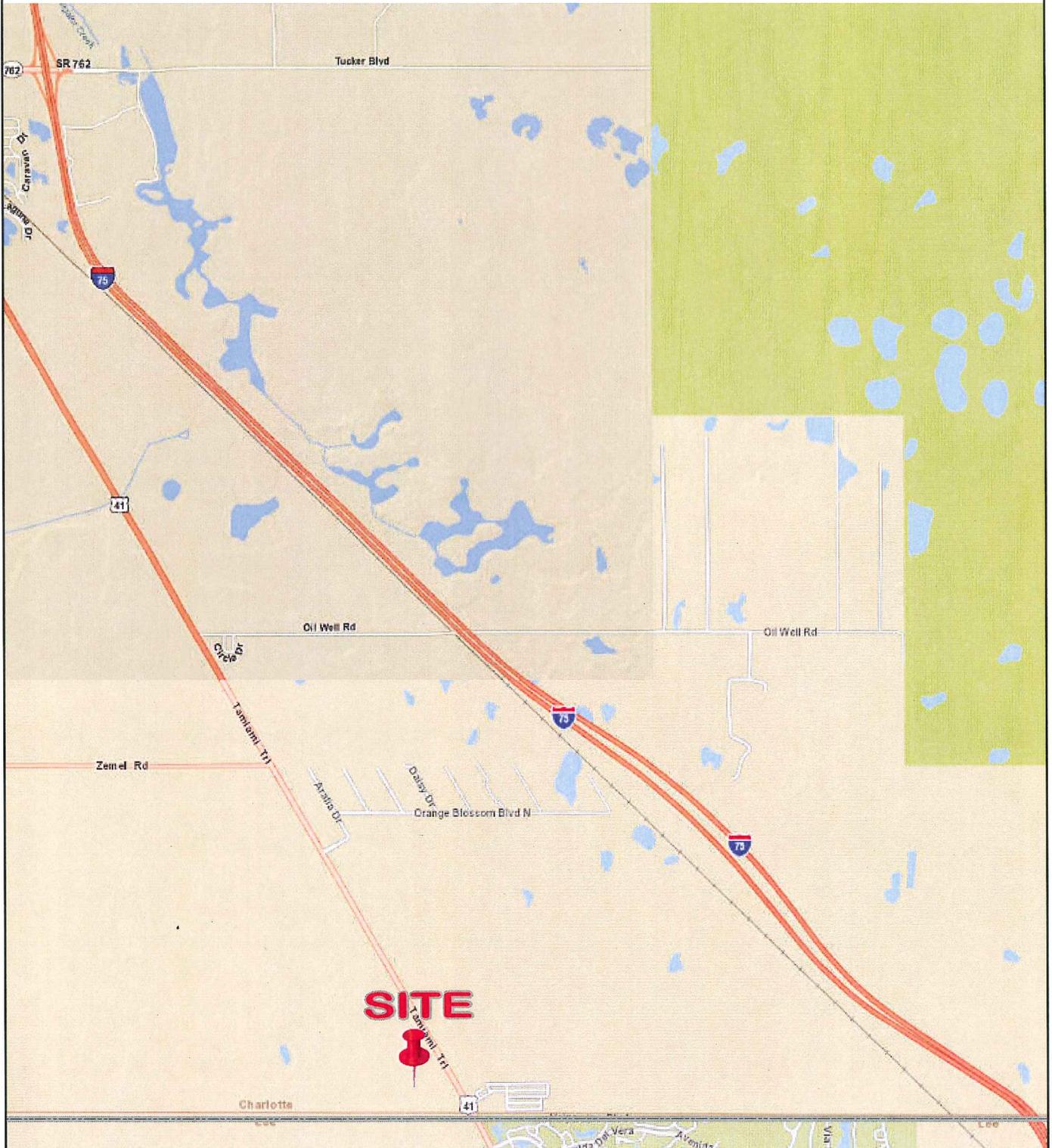
CHARLOTTE COUNTY

Location Map for SE-13-006

Charlotte County Government

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32/42/24 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: 5/14/2013 10:40:25 AM

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Community Development

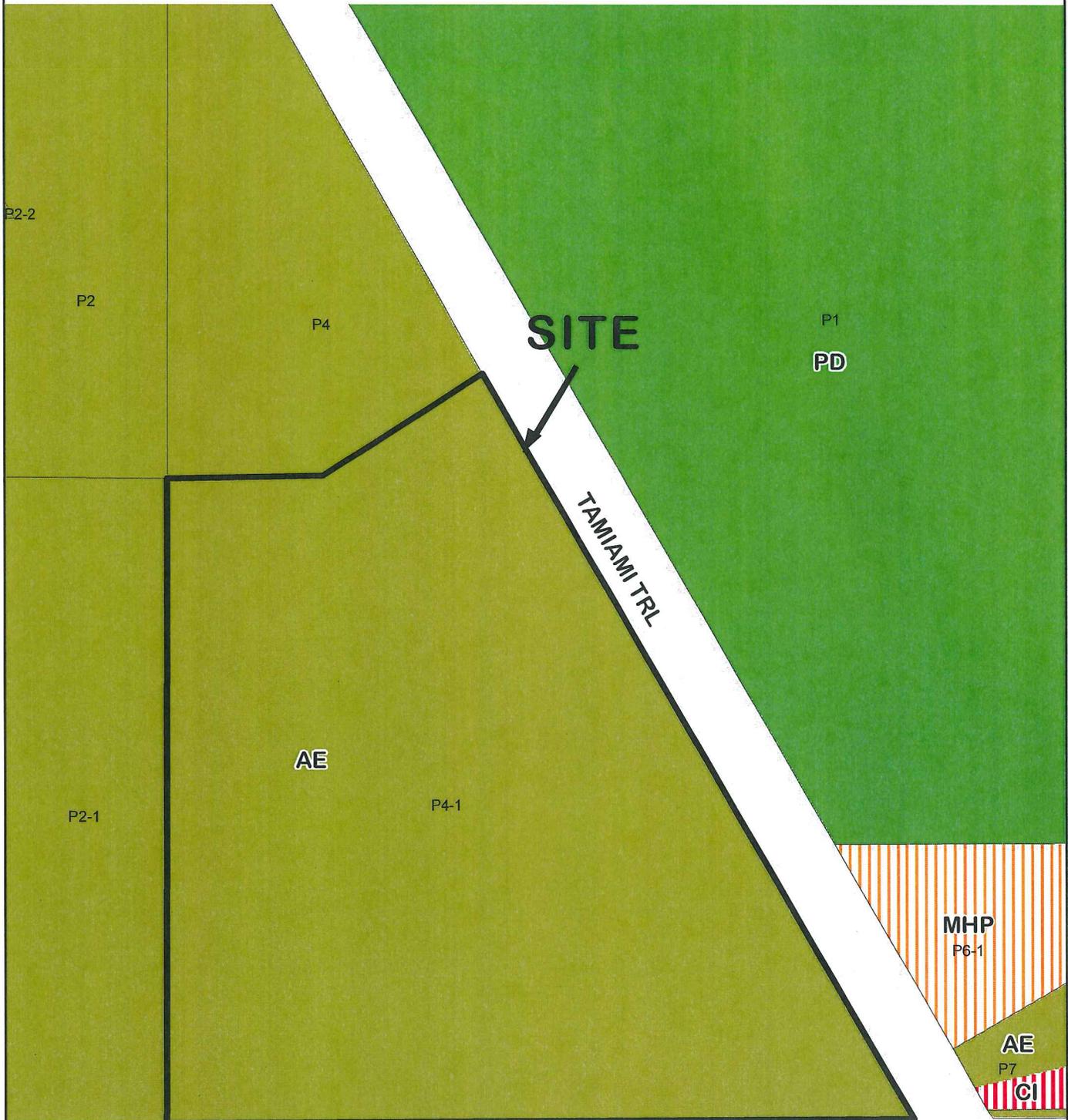
CHARLOTTE COUNTY

Zoning Map for SE-13-006

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LEE COUNTY

AG2

32/42/24 East County

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Community Development

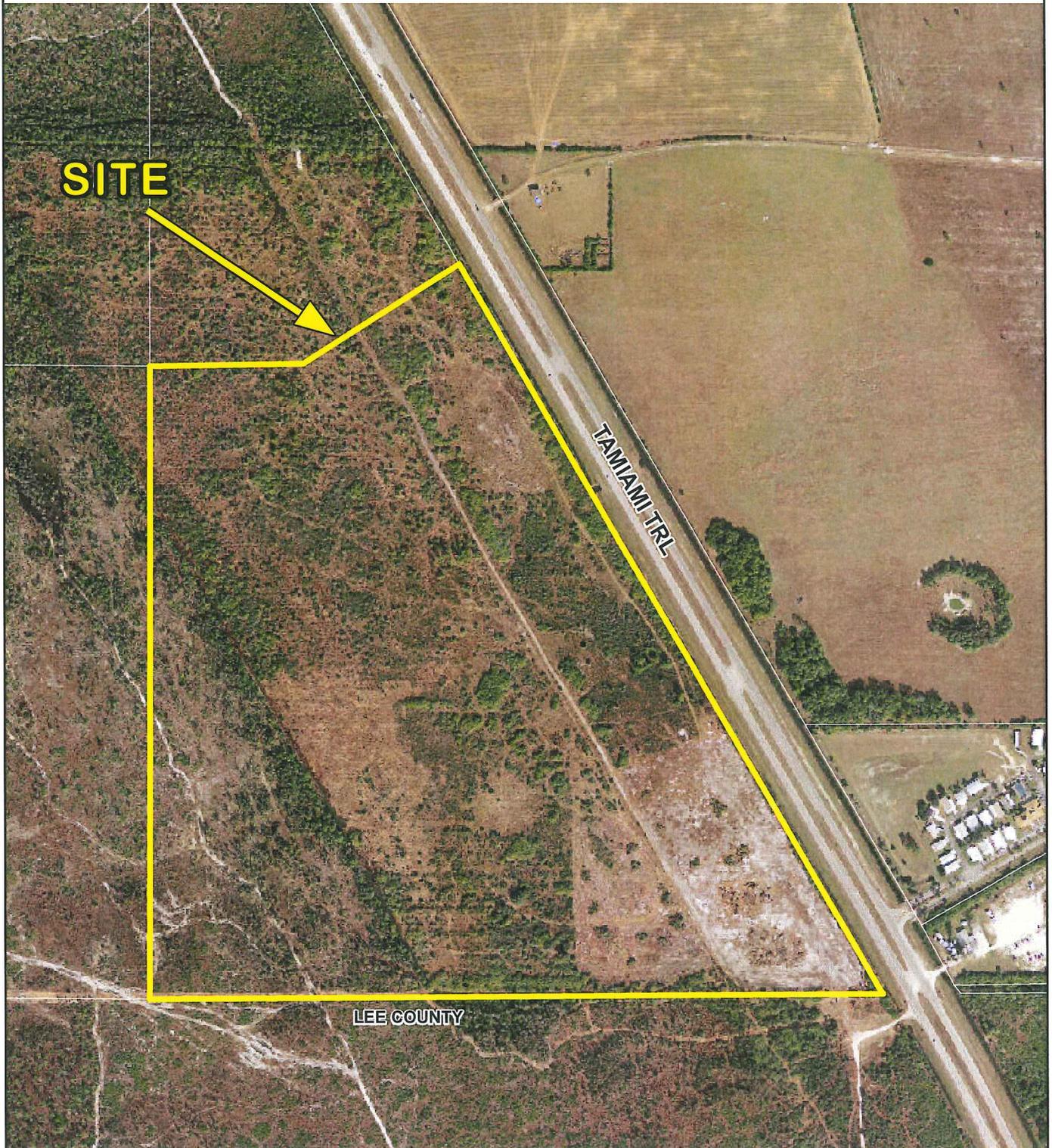
CHARLOTTE COUNTY

Aerial View for SE-13-006

Charlotte County Government

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32/42/24 East County

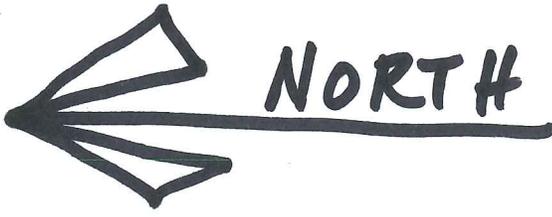
This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as 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: 5/14/2013 1:28:49 PM

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Tamiami Trail

3055.04'

No other Pertinent Features were found within Required Setbacks other than the ones shown

Existing Well

Land Perc BM = 100' (Ass'd) M&D in V. Face of Pole MAFL 96.64'

Excavation Area Must Extend to 1' Around Drainfield

Perc Test Holes #1 #2

4" Shoulder

10"

300' 300' Cat-3 Dosing Tank

900' 900' Cat-3 Tank

3 Bedrooms 924 Sq. Ft.

Unobstructed Area 750 sqft

High Water Line of Swale

2705.08

18 Bundles of MPS-11 540 Ft² Drainfield

Vacant

Dripline on Slope per Frank Ciurca DOH 05/22/2012

Access

SCALE: 1" = 80' > 1/2" Slope

NOTE: THIS DRAWING IS NOT A SURVEY. THIS DRAWING IS TO BE USED FOR SEPTIC SYSTEM PERMITTING AND INSTALLATION ONLY. THE CONTRACTOR SHALL ENSURE THAT ALL STRUCTURES MEET SETBACK REQUIREMENTS AND VERIFY ALL SETBACKS, DIMENSIONS, AND FINISH FLOOR ELEVATION PRIOR TO PERMITTING AND CONSTRUCTION.

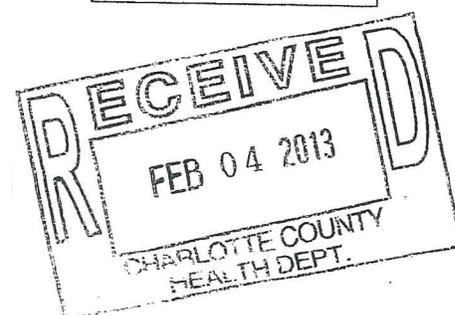
Alternative Products may be used
ANS Products or Infiltrator Systems

Drawn By KEH
12-5955

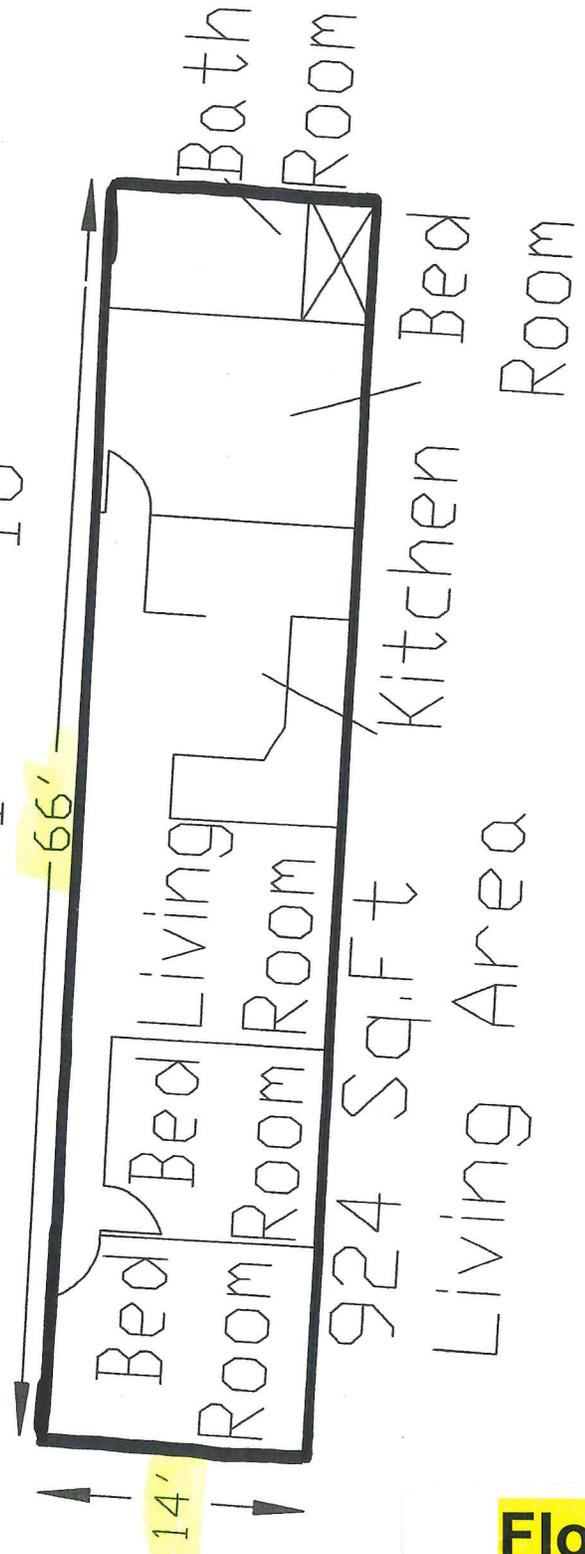
DATE *02-1-13*
Grant Girtman, FLORIDA P.E. NO. 57458
Land Perc, Inc
4470 Caylino Real Way, #103
Fort Myers, FL 33966
16951 Tamiami Trl.
Punta Gorda, FL 33955

Septic Plan approved by
Charlotte County Health Department
Inspector *[Signature]*
Date *2/1/2013*

Site Plan (Exhibit A)



SCALE: 1" = 10'



Septic Tank
Charlotte County Health Department
Inspector *[Signature]*
Date: 2/8/2013

**Floor Plan
(Exhibit B)**

PLANTCITY HOUSING LLC.

5305 JAMES L. REDMAN PARKWAY
PLANTCITY, FLORIDA 33567
City, State Postal Code
Phone (813) 426-6280

5/15/2013

REFERENCE: SPECIAL EXCEPTION SE-13-006
Florida Land Properties LLC
16951 Tamiami Trail
Punta Gorda Florida, 33955

NARRATIVE

To whom it may concern,

We are asking for permission to replace a Mobile Home on the property located at 16951 Tamiami Trail . Parcel # 422432300001 current zoning is AE. This Mobile Home had to be a wide zone III and it took a while to find one. The property is currently used for farming and the home will be used for farm housing.

Sincerely,
Florida Land Properties
Des Devprasad

Narrative
(Exhibit C)



MEMORANDUM

Date: May 23, 2013
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-13-006
Florida Land & Properties Mobile Home
16951 Tamiami Trail

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

- ❖ A GIS aerial review, USGS Soil Survey and NWI Wetland Mapping review was conducted by staff. A site inspection was also conducted several years ago following a complaint of clearing activities. The site consists of vacant agricultural land, some of which has been historically cleared. The National Wetland Inventory website has identified wetlands and the USGS web soil survey also identifies hydric soils occurring throughout the site. Due to the fact that portions of the property are undeveloped, there is a probability of listed species occurrence on site. The area where the mobile home is proposed has already been cleared and graded for agricultural purposes.
- ❖ Please contact Daniel Golus, Professional Engineer with the Southwest Florida Water Management District (SWFWMD), concerning the unauthorized agricultural activities occurring on site.

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:

(Exhibit D-1)

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

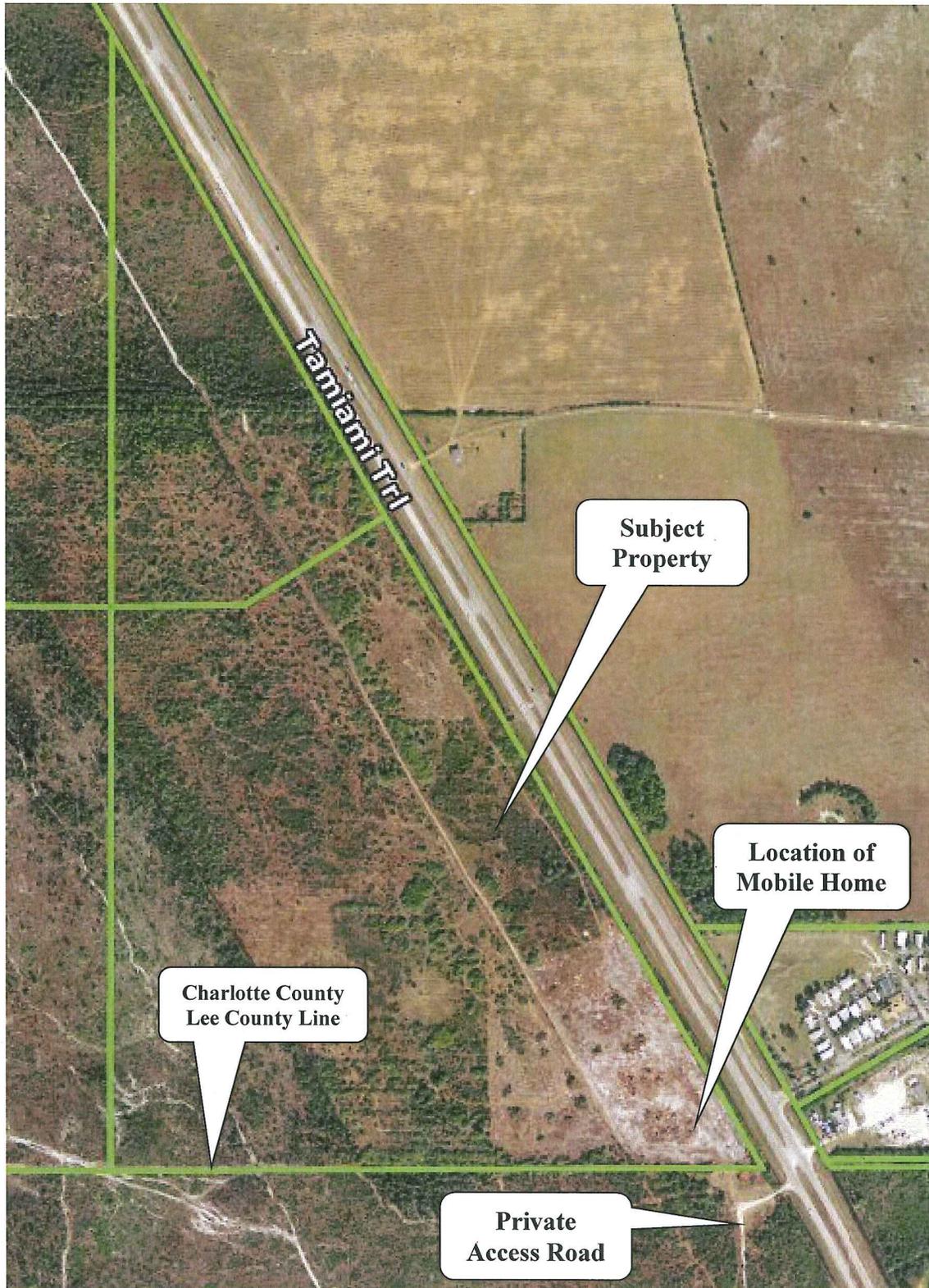
Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,
Article XV, *SURFACE WATER AND WETLAND PROTECTION*,
Article XV, *UPLAND BUFFER ZONE*,
Article XVIII, *LANDSCAPING AND BUFFERS*.

- ❖ The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to:
 - **NATURAL RESOURCES (ENV) GOALS, OBJECTIVES and POLICIES.**

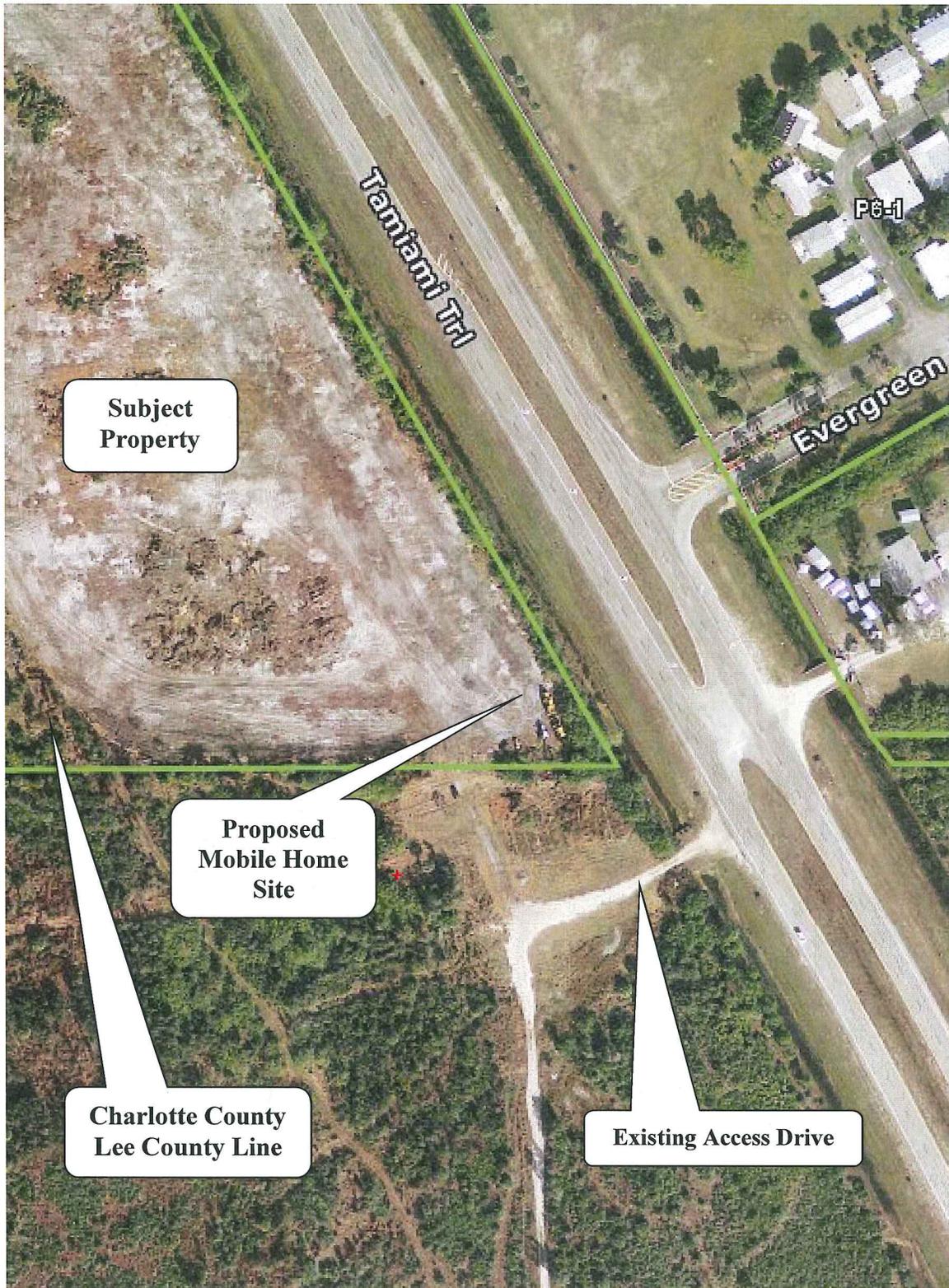
If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

(Exhibit D-2)



Aerial Photograph (Jan. 2011)



Aerial Photograph (Jan. 2011)