STAFF REPORT
Community Development Department
Petition Number: SE-13-013

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: September 3, 2013 **BZA meeting date: September 11, 2013**

Requested Action/General Information:
Leigh Olson, agent for Connor Olson and Deric Flom, is requesting a special exception to allow a golf cart rental, sales and service business in the Bridgeless Barrier Island (BBI) zoning district and Little Gasparilla Island (LGI) zoning district overlay. Subject property consists of an existing single-family residence located at **8658 Grand Avenue** on Little Gasparilla Island (see attached ***Location Map***). The attached ***Zoning Map*** shows the zoning of this property, which is *Bridgeless Barrier Island* (BBI). This property has a *Coastal Residential* Future Land Use Map (FLUM) designation.

The Board of County Commissioners recently amended the Zoning Code by adopting ***Ordinance No. 2013-022*** (Exhibit A), which created Section 3-9-56, the *Bridgeless Barrier Island (BBI)* zoning district. Subsection 3-9-56(e), of this new code, allows golf cart rental, sales and service as a special exception in the *Little Gasparilla Island (LGI) Zoning District Overlay*. The Board of County Commissioners also adopted ***Ordinance No. 2013-025*** (Exhibit B), which created Section 3-9-57, the *Little Gasparilla Island Zoning District Overlay*. Subsections **3-9-57.D** and **3-9-57.E** of this code establishes ten 'Specific' and 'General' development standards for special exceptions on Little Gasparilla Island.

The applicants would like to operate a golf cart rental business out of their existing home on Gasparilla Island and have filed this application for a special exception. The applicants have submitted the attached ***Survey***, labeled Exhibit C, which shows the existing 832 square foot residence, 280 square foot accessory structure, and related improvements on this 7,250 square foot (50' by 145') lot. The applicants have also submitted the attached ***Site Plan*** (Exhibit D), which shows the layout of the proposed golf cart rental, sales and service facility, including a storage area for approximately 22 golf carts, a landscape buffer, a six-foot high opaque fence, three golf cart parking spaces, and a four-foot walking path. It appears to staff that the existing development and proposed improvements comply with all ten of the required development standards for special exceptions located on Little Gasparilla Island.

The applicant has also submitted the attached ***Narrative*** (Exhibit E) 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 F) dated August 26, 2013.

The Little Gasparilla Island Advisory Committee (LGIAC) met on August 16, 2013, and recommended approval of the requested special exception, however, no written report has been provided to staff by the LGIAC.

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: A golf cart rental, sales and service business may be allowed by special exception in the Bridgeless Barrier Island zoning district and the Little Gasparilla Island zoning district overlay, based on Section 3-9-56(e) of the Zoning Code.

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	Single-family homes	Bridgeless Barrier Island (BBI) and Little Gasparilla Island (LGI)	Coastal Residential
South	Single-family homes	Bridgeless Barrier Island (BBI) and Little Gasparilla Island (LGI)	Coastal Residential
East	Single-family homes	Bridgeless Barrier Island (BBI) and Little Gasparilla Island (LGI)	Coastal Residential
West	Single-family homes	Bridgeless Barrier Island (BBI) and Little Gasparilla Island (LGI)	Coastal Residential

Finding: The surrounding land uses consist of single-family residences. Staff believes that the proposed golf cart rental business, operated out of the existing single-family residence, 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: Subject property has existing access off of Marsh Street. The proposed improvements will more clearly identify visitor cart parking and the entrance gate for the golf cart storage area.

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

Finding: The addition of the golf cart rental use at this single-family residence requires fencing and landscaping to screen the cart storage area from adjacent properties. The applicants are proposing to comply with these requirements of code.

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

Finding: The proposed use is in compliance with the ***Smart Charlotte 2050 Plan***, and the Little Gasparilla Island Zoning District Overlay, which allows golf cart rental, sales and service if approved by the Board of Zoning Appeals as a special exception.

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 golf cart rental business would not be detrimental to or endanger the public health, safety or general welfare of the surrounding properties because all activities will take place within the enclosed accessory building or screened golf cart storage area.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed golf cart rental, sales and service business 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 a golf cart rental, sales and service business on subject property.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. This golf cart rental, sales and service business must be operated at all times in compliance with all County Codes and Ordinances.
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.

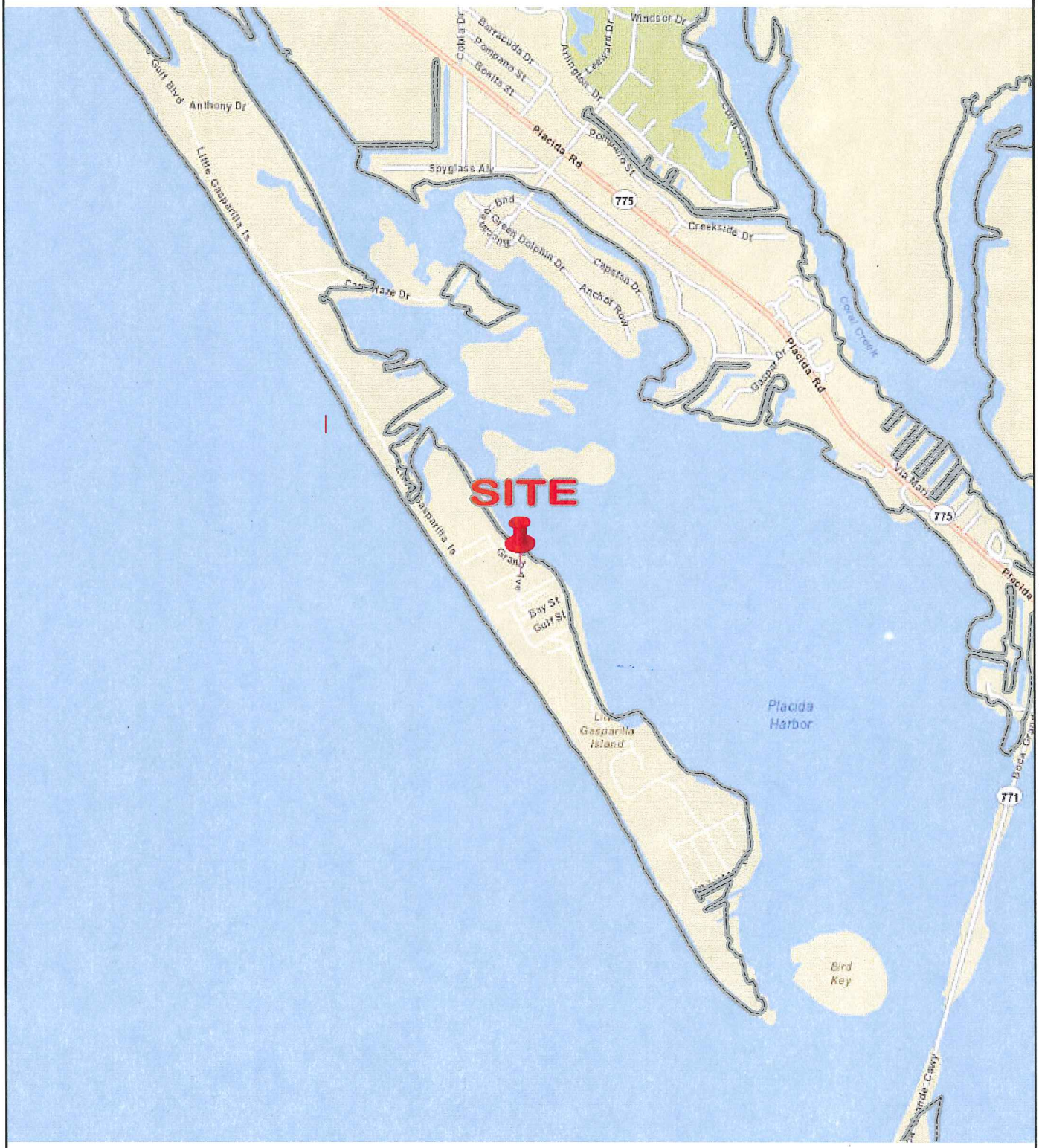
Please be advised that the final decision regarding the application rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Ordinance No. 2013-022, Ordinance No. 2013-025, Survey, Site Plan, Narrative and Environmental Specialist Memorandum

Community Development

CHARLOTTE COUNTY

Location Map for SE-13-013



15/42/20 West County

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Community Development

CHARLOTTE COUNTY

Zoning Map for SE-13-013

15/42/20 West County

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Community Development

CHARLOTTE COUNTY

Aerial View for SE-13-013

15/42/20 West County

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FILED WITH THE DEPARTMENT OF STATE: July 30, 2013

ORDINANCE

NUMBER 2013- 022

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY CREATING A NEW SECTION 3-9-56, ESTABLISHING THE BRIDGELESS BARRIER ISLAND (BBI) ZONING DISTRICT; PROVIDING FOR INTENT; PROVIDING FOR PERMITTED AND PROHIBITED USES AND STRUCTURES; PROVIDING FOR SPECIAL EXCEPTIONS; PROVIDING FOR DEVELOPMENT STANDARDS; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3792, PGS 882-887 6 pg(s)
INSTR # 2201470
Doc Type GOV, Recorded 08/06/2013 at 12:41 PM
Rec. Fee: $52.50
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RECITALS

WHEREAS, in order to implement the intent of the Barrier Island Overlay District of the Smart Charlotte 2050 Comprehensive Plan, Charlotte County's planning staff created the Bridgeless Barrier Island ("BBI") Zoning District, as provided for in a new Section 3-9-56 of the Code of Laws and Ordinances of Charlotte County, Florida ("Code"); and

WHEREAS, the BBI Zoning District shall only be allowed on those bridgeless barrier islands identified in the Smart Charlotte 2050 Barrier Island Overlay District, which are Little Gasparilla Island, Don Pedro Island, Knight Island and Thornton Key; and

WHEREAS, the BBI Zoning District will provide consistency with already existing development limitations on the islands, which is one unit per acre or one unit per platted lot; and

WHEREAS, Charlotte County's Planning and Zoning Board ("P&Z Board") held a hearing on the BBI Zoning District, and based on the findings and analysis presented in the Planning Division staff report dated April 26, 2013, and the evidence presented at the public hearing, the P&Z Board recommended approval of the BBI Zoning District; and

Ordinance No. 2013-022
(Exhibit A-1)

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WHEREAS, the Board of County Commissioners of Charlotte County, Florida ("Board") considered the BBI Zoning District in public hearings held on June 18, 2013 and July 23, 2013; and

WHEREAS, the Board has found that the BBI Zoning District is consistent with the Charlotte County Smart Charlotte 2050 Comprehensive Plan, will preserve and enhance the Bridgeless Barrier Islands, and is in the best interests of Charlotte County and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. The Code of Laws and Ordinances of Charlotte County, Florida ("Code") is hereby amended to create new Section 3-9-56, as follows:

Section 3-9-56. Bridgeless Barrier Island (BBI)

a. *Intent.* The Bridgeless Barrier Island Zoning District is intended to be used for residential dwellings and uses normally associated with residential dwellings. Some small commercial uses in support of the residential uses may also be allowed by special exception. The BBI Zoning District is only allowed on those bridgeless barrier islands identified in the Smart Charlotte 2050 Barrier Island Overlay District, which are Little Gasparilla Island, Don Pedro Island, Knight Island and Thornton Key.

b. *Permitted principal uses and structures.* The following uses and structures are permitted in this district:
(1) Single-family dwellings excluding mobile homes.
(2) Nonprofit parks and playgrounds.
(3) Occupied single-family residences used as family day care homes.

c. *Permitted accessory uses and structures.* Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures are also permitted in this district. All permitted accessory structures are subject to the yard setback requirements of this section. Permitted accessory structures include:

(1) Private garage and storage structures subject to the following standards:
   a. Metal buildings are limited to six hundred (600) square feet.
   b. Accessory buildings over two hundred fifty (250) square feet must be compatible in appearance to the residence.

Ordinance No. 2013-022
(Exhibit A-2)

c. The total maximum coverage area of all accessory structures shall not exceed the greater of one thousand (1,000) square feet or one-half (½) the footprint of the principal structure. Nothing herein shall be construed to permit lot coverage in excess of the twenty (20) percent or thirty-five (35) percent maximum lot coverage established in subsection (f) of this section.

(2) Greenhouses, growing of plants and horticultural specialties, provided no retail sales are made on the premises.

(3) Swimming pools.

(4) Tennis courts.

(5) Noncommercial boat docks.

d. *Prohibited uses and structure.* Any use or structure not expressly or by reasonable implication permitted herein or permitted by special exception, including but not limited to mobile homes, parking lots and private clubs, shall be unlawful in this district.

e. *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.")

(1) The following are special exceptions in this district:

a. Cluster houses and patio houses, provided a site plan is approved.
b. Houses of worship, in accordance with section 3-9-80.1, and community meeting halls.
c. Home occupations in accordance with section 3-9-79.
d. Child and adult day care facilities.
e. Essential services and emergency services.
f. The following special exception uses are permitted only within, and shall follow the development standards of, the LGI Zoning District Overlay:
   1. Golf cart rental, sales, and service.
   2. Barge and ferry landing sites.
   3. Library.
   4. Structures for the enclosed storage of trucks and other equipment used to service the electric, telephone, or water utilities.
   5. Water utility treatment and distribution facilities.
g. Such other uses as determined by the zoning official or his/her designee to be:
   1. Appropriate by reasonable implication and intent of the district.
   2. Similar to another use either explicitly permitted in that district or allowed by special exception.
   3. Not specifically prohibited in that district.

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.

Ordinance No. 2013-022
(Exhibit A-3)

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FILED WITH THE DEPARTMENT OF STATE: July 30, 2013

ORDINANCE
NUMBER 2013 - 025

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 3-9 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, BY CREATING A NEW SECTION 3-9-57, LITTLE GASPARILLA ISLAND (LGI) ZONING DISTRICT OVERLAY; PROVIDING FOR INTENT; PROVIDING FOR DEVELOPMENT STANDARDS FOR COMMERCIAL USES NOT TYPICALLY ALLOWED WITHIN A RESIDENTIAL ZONING DISTRICT; PROVIDING FOR CONFLICT WITH OTHER ORDINANCES, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3792, PGS 925-929 5 pg(s)
INSTR # 2201473
Doc Type GOV, Recorded 08/06/2013 at 12:41 PM
Rec. Fee: $44.00
Cashiered By: PATT Doc. #:7

RECITALS

WHEREAS, Little Gasparilla Island (the "Island") is a bridgeless barrier island on Florida's west coast in Charlotte County (the "County"), and has access to both the Gulf of Mexico and Placida Harbor; and

WHEREAS, the Island is approximately 2.5 miles in length and averages between ¼ and ½ mile in width; and

WHEREAS, the Island is physically connected to Don Pedro Island to the north; however, the Don Pedro State Park serves as a buffer which only allows for pedestrian through-access; and

WHEREAS, in November 2000, the Little Gasparilla Island Steering Committee was established to formulate a vision for the Island and to begin addressing concerns of the residents; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida (the "Board") passed Resolution Number 2004-062 in which the Little Gasparilla Island Advisory Committee (the "Advisory Committee") was formally established; and

WHEREAS, in response to the Advisory Committee's request, the Board provided the Advisory Committee with County planning staff support and retained a team of consultants for the preparation of a Little Gasparilla Island Community Plan (the "Plan") to serve as a guide for the future development of the Island; and

Ordinance No. 2013-025
(Exhibit B-1)

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WHEREAS, the Board voted to accept the Plan on October 16, 2007; and

WHEREAS, the Board directed the County's planning staff to prepare amendments to the County's Zoning Code and Zoning Atlas to provide for the Little Gasparilla Island Zoning District Overlay Code ("LGI Overlay Code") which implements portions of the Plan; and

WHEREAS, the LGI Overlay Code has been prepared by the County's planning staff; and

WHEREAS, the County's Planning and Zoning Board ("P&Z Board") held a hearing on the LGI Overlay Code, and based on the findings and analysis presented in the Planning Division staff report dated April 30, 2013, and the evidence presented at the public hearing, the P&Z Board recommended approval of the LGI Overlay Code; and,

WHEREAS, the Board considered the LGI Overlay Code in public hearings held on June 18, 2013 and July 23, 2013; and

WHEREAS, the Board has found that the LGI Overlay Code is consistent with the Charlotte County Smart Charlotte 2050 Comprehensive Plan, will preserve and enhance Little Gasparilla Island, and is in the best interests of the County and its citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. The Code of Laws and Ordinances of Charlotte County, Florida ("County Code") is hereby amended to create new Section 3-9-57, as follows:

Section 3-9-57. Little Gasparilla Island Zoning District Overlay

A. Intent and Purpose

The intent and purpose of the Little Gasparilla Island Zoning District Overlay (LGI Overlay Code) is to provide development standards for commercial uses not typically allowed within a residential zoning district in order to maintain the unique community on Little Gasparilla Island.

Ordinance No. 2013-025
(Exhibit B-2)

B. Boundary

The LGI Overlay Code shall only apply to Little Gasparilla Island.

C. General Island-wide Development Standards

1. Metal buildings and metal paneling are prohibited. This does not apply to roofing material.
2. Accessory buildings over 125 square feet shall be compatible in appearance with the primary structure.

D. Specific Special Exception Development Standards

1. Home occupations shall be subject to the following condition:
   a. Customers shall only visit between the hours of 9:00 a.m. and 5:00 p.m.
2. Golf cart rental, sales, and service shall be subject to the following conditions:
   a. The total maximum size for a principal structure shall be 1,000 square feet.
   b. The maximum lot coverage for the entire operation, including but not limited to, any structures, paved areas, and outside storage and display areas, shall be 60 percent of the lot.
3. Barge and ferry landing sites shall be subject to the following conditions:
   a. Minimum water frontage shall be at least 50 feet.
   b. Docks and landing ramps shall be set back at least 15 feet from side lot lines.
   c. Hours of operation shall be limited to between 7:00 AM and 7:00 PM.
   d. The parking and the storage of vehicles, equipment, or material on the site for longer than 24 hours is prohibited.

E. General Special Exception Development Standards

1. Principal structures shall imitate residential dwellings. This shall not apply to buildings used for Essential and Emergency Services.
2. Accessory structures shall not exceed 20 feet in height.
3. No less than three off-street golf cart parking spaces shall be provided per use. A golf cart parking space is defined as an area ten (10) feet long by six (6) feet wide. The total number of parking spaces shall be appropriate for the approved use.
4. A walking path at least four feet wide shall be provided from the parking area to the main entrance of the use.
5. A landscaped buffer at least five feet in width or a 100% opaque fence at least six feet high shall be required along rear and side yard property boundaries; chain link fencing with some type of screening material shall not be used to satisfy this requirement. If using landscaping:
   a. A continuous hedge shall be planted within the buffer to provide screening between the use and adjacent properties.
   b. The hedge species shall be a minimum of 24 inches upon planting and be spaced and maintained in order to form a continuous, solid visual screen within one year from planting.

Ordinance No. 2013-025

(Exhibit B-3)

c. The hedge shall be a type that reaches at least 60 inches upon maturity.

6. No outdoor light pole or standard shall be higher than ten feet.
7. All lights shall be shielded to prevent glare onto neighboring properties, and shall be in accordance with Chapter 3-5, Article XII, Sea Turtle Protection.
8. Signs shall conform to the Signs provisions of the County Code except as specified below:
   a. The only Additional Signage allowed is window signs. Window signs shall display only the proprietor's name, business name, and property address. All letters and numbers shall be no more than two inches in height.
   b. Signs shall not be lighted.
   c. No more than one building sign is permitted and they shall be constructed of the same material as the predominant material of the principal building.
   d. Building sign colors shall reflect the predominant colors of the principal structure.
   e. Building signs shall not exceed three square feet in area.
   f. No directional signs are permitted.

F. Development Review Procedure

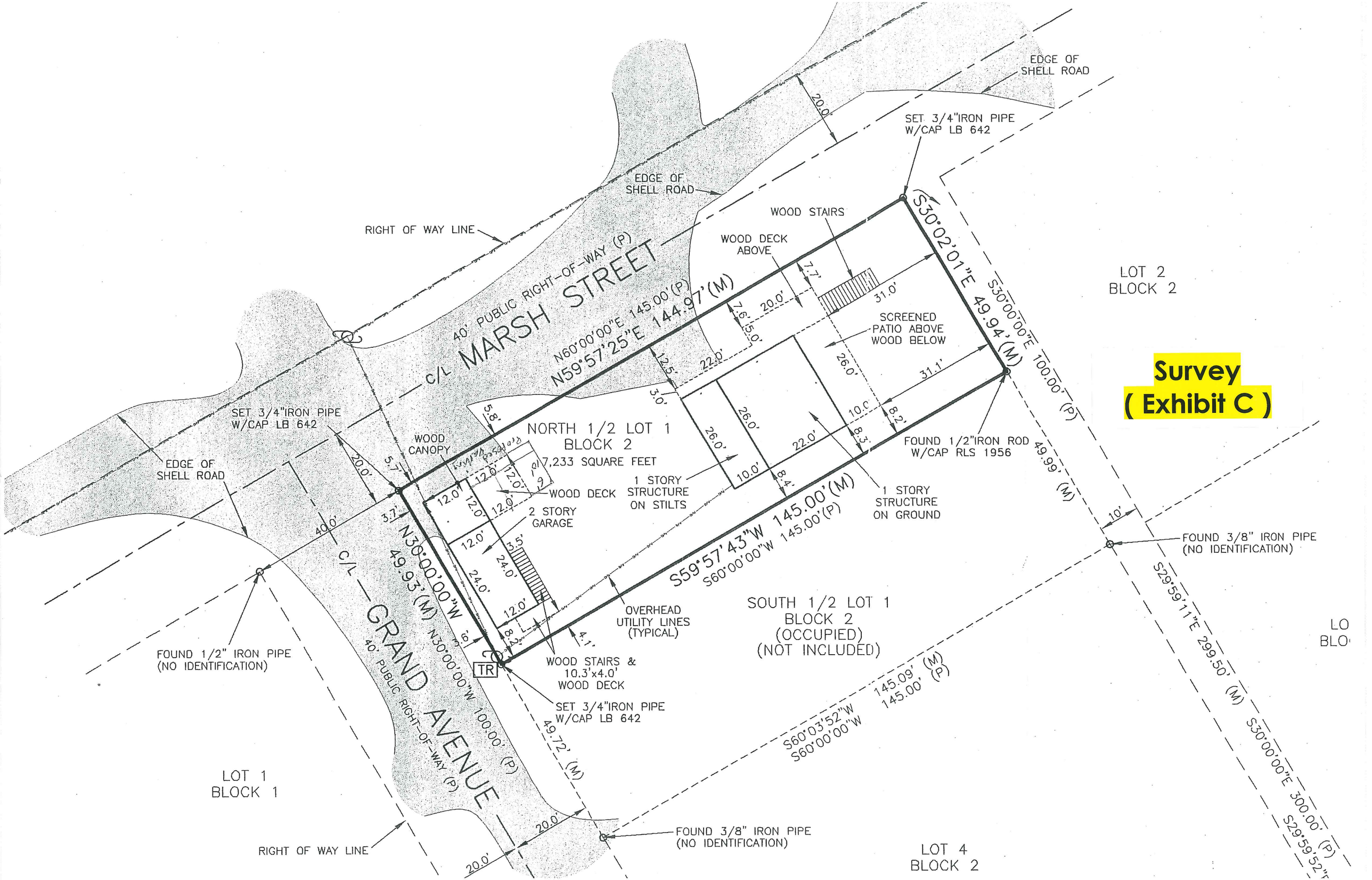
The LGI Advisory Committee, or its designee, shall review all applications for a special exception use for consistency and compliance with the LGI Zoning Overlay Code and the LGI Community Plan. The LGI Advisory Committee, or its designee, shall prepare written comments to the appropriate Charlotte County agencies regarding the proposed development, with recommendations as appropriate. Such comments, however, shall not be dispositive. The LGI Advisory Committee review shall not delay the timeframe for review by the staff and approval/denial by the Board of Zoning Appeal.

Section 2. Conflict with Other Ordinances. The provisions of this article shall supersede any provisions of existing ordinances in conflict herewith to the extent of said conflict.

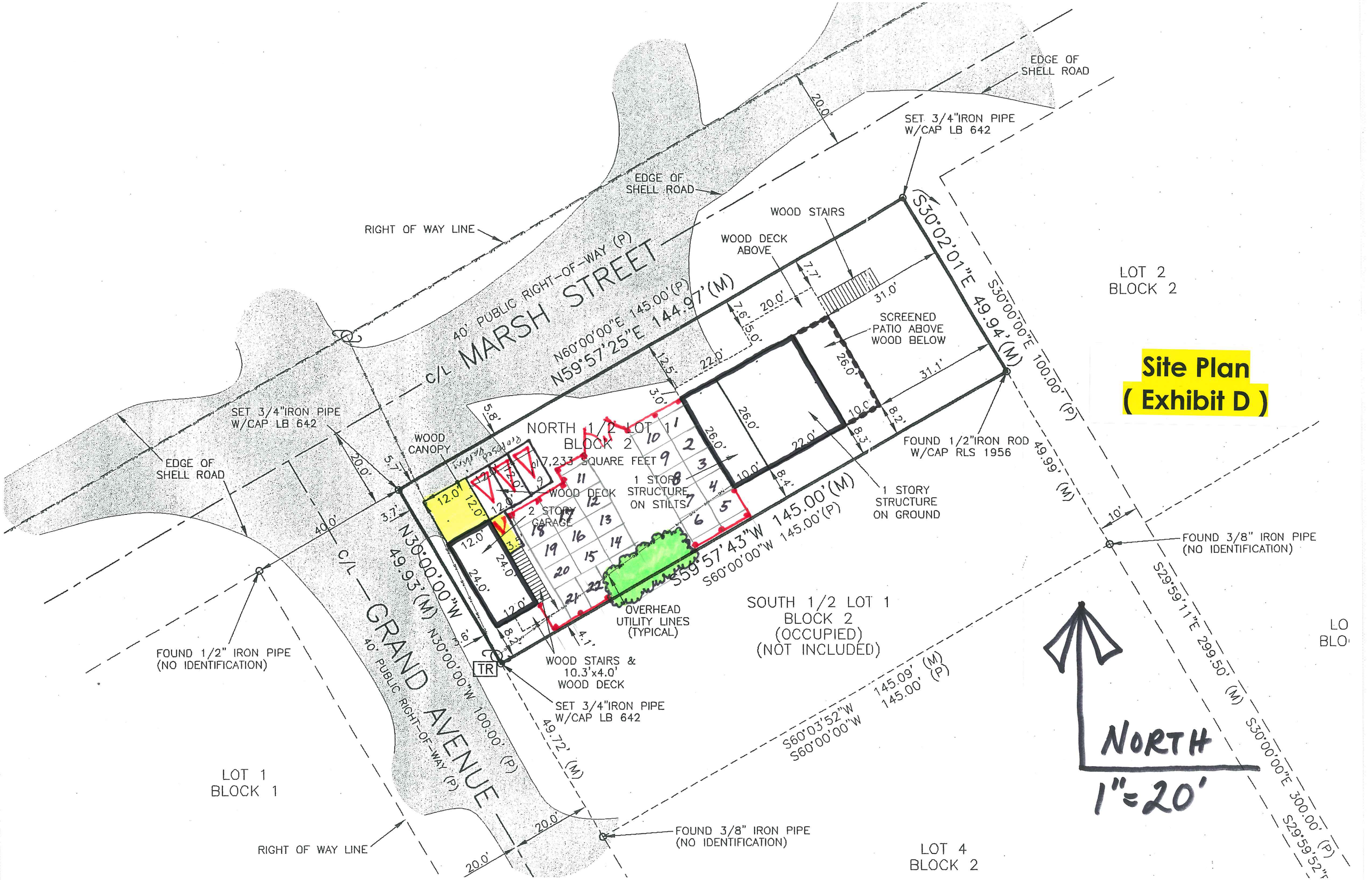
Section 3. Severability. In the event that any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this article.

Section 4. Effective Date. This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

Ordinance No. 2013-025
(Exhibit B-4)



Survey
(Exhibit C)
EDGE OF SHELL ROAD
SET 3/4"IRON PIPE W/CAP LB 642
WOOD STAIRS
WOOD DECK ABOVE
RIGHT OF WAY LINE
40' PUBLIC RIGHT-OF-WAY (P)
C/L MARSH STREET
N60°00'00"E 145.00'(P)
N59°57'25"E 144.97'(M)
S30°02'01"E 49.94'(M)
S30°00'00"E 100.00' (P)
LOT 2
BLOCK 2
SCREENED PATIO ABOVE WOOD BELOW
NORTH 1/2 LOT 1
BLOCK 2
7,233 SQUARE FEET
WOOD CANOPY
WOOD DECK
2 STORY GARAGE
1 STORY STRUCTURE ON STILTS
1 STORY STRUCTURE ON GROUND
FOUND 1/2"IRON ROD W/CAP RLS 1956
49.99' (M)
S59°57'43"W 145.00'(M)
S60°00'00"W 145.00'(P)
FOUND 3/8" IRON PIPE (NO IDENTIFICATION)
S29°59'11"E 299.50' (M)
S30°00'00"E 300.00' (P)
N30°00'00"W 49.93'(M)
C/L GRAND AVENUE
40' PUBLIC RIGHT-OF-WAY (P)
N30°00'00"W 100.00' (P)
OVERHEAD UTILITY LINES (TYPICAL)
SOUTH 1/2 LOT 1
BLOCK 2
(OCCUPIED)
(NOT INCLUDED)
FOUND 1/2" IRON PIPE (NO IDENTIFICATION)
TR
WOOD STAIRS & 10.3'x4.0' WOOD DECK
SET 3/4"IRON PIPE W/CAP LB 642
49.72' (M)
S60°03'52"W 145.09' (M)
S60°00'00"W 145.00' (P)
LOT 1
BLOCK 1
RIGHT OF WAY LINE
FOUND 3/8" IRON PIPE (NO IDENTIFICATION)
LOT 4
BLOCK 2



Site Plan
(Exhibit D)
EDGE OF SHELL ROAD
SET 3/4"IRON PIPE W/CAP LB 642
WOOD STAIRS
WOOD DECK ABOVE
RIGHT OF WAY LINE
40' PUBLIC RIGHT-OF-WAY (P)
C/L MARSH STREET
N60°00'00"E 145.00'(P)
N59°57'25"E 144.97'(M)
S30°02'01"E 49.94'(M)
S30°00'00"E 100.00' (P)
LOT 2
BLOCK 2
SCREENED PATIO ABOVE WOOD BELOW
NORTH 1/2 LOT 1
BLOCK 2
17,233 SQUARE FEET
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WOOD DECK
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C/L GRAND AVENUE
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OVERHEAD UTILITY LINES (TYPICAL)
SOUTH 1/2 LOT 1
BLOCK 2
(OCCUPIED)
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FOUND 1/2" IRON PIPE (NO IDENTIFICATION)
WOOD STAIRS & 10.3'x4.0' WOOD DECK
TR
SET 3/4"IRON PIPE W/CAP LB 642
S60°03'52"W 145.09' (M)
S60°00'00"W 145.00' (P)
49.72' (M)
49.99' (M)
LOT 1
BLOCK 1
RIGHT OF WAY LINE
FOUND 3/8" IRON PIPE (NO IDENTIFICATION)
LOT 4
BLOCK 2
NORTH
1"=20'

To: Charlotte County Planning & Zoning Special Exception Department

Little Gasparilla Advisory Board

Re: Golf Cart Rental, Repair and Sales - Special Exception on Little Gasparilla Island

I'm applying for the exception to obtain a business license to conduct golf cart rental, repair and sales on Little Gasparilla Island. My brother (Deric Flom) and I purchased Lowel McElroy's home, equipment and tools. The proposed hours for the golf cart business are 9am to 4pm, Tuesday–Sunday (closing at Noon on Sunday). Our plan is to start with 12 rental carts and have 1 for sale, with a capability of 25. Of the 12 we start with, we will have 6 carts that have non-tamperable, programmable computers that don't exceed 7.9 mph and work towards more of the same. The other six to start will be older and will be phased out. Deric and I plan to own and operate the business with no employees at this time.

We propose to use 8658 Grand (North half lot 1, block 2 of W.A. McElya's subdivision) for residence, office, rental, repair and sales, allowing three parking spots for customers. All parts and accessories will be stored inside. Access is allowable from Marsh Street.

We have allotted 25 spaces on this lot to accommodate. We also propose a fence to be built to encompass all carts with a lockable gate that will be locked after hours to insure public safety

There has been a business at 8658 Grand for many years, providing a valuable service to our community. However, it was non-conforming. This special exception request is allowed due to the recent approval of the land use overly of Little Gasparilla Island by the County Commissioners on Tuesday, July 23rd, 2013. As mentioned above, my brother and I will be storing all carts on the proposed fenced area. This will allow orderly and efficient integration and operation with the surrounding homeowners, along with privacy to continue the appearance of a private residential area. Accesses and parking on the lot minimizes hazards and congestion on the sand paths of Marsh and Grand. We believe, as shown on the map included, that provision has been made for buffers, landscaping, trees, open space and other improvements associated with the proposed use and these plans are consistent with the Charlotte County Comprehensive Plan and Land Development Regulations, including the Little Gasparilla Overlay. Our operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare of the island. Old batteries will be exchanged at a licensed battery facility (Gulf Carts of Port Charlotte, FL). All remaining waste will be removed and disposed of at an authorized location and never disposed of on the island.

Thank you for your consideration,

Connor Olson

Narrative
(Exhibit E)

MEMORANDUM

Date: August 26, 2013

To: Ken Quillen, Planner III

From: Jamie Scudera, Environmental Specialist

Subject: SE-13-013
Golf Cart Rental, Repair & Sales, 8658 Grand Avenue - LGI

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 review and site inspection was conducted by county environmental staff. The property consists of a developed business located on a highly sensitive coastal island community known as Little Gasparilla Island. The site is located in the Charlotte County Sea Turtle Lighting review area.

- Natural Resources staff conducted a site inspection on August 28, 2013 and documented 2 Gopher Tortoise burrows on site. All Florida Fish and Wildlife Conservation Commission (FWCC) laws, policies and guidelines apply. Staff highly recommends that all tortoise burrows remain avoided/preserved versus an on/off site relocation due to the fact that tortoises would very likely re-enter the site due to the high population of Gopher Tortoise activity on this particular bridgeless barrier island.

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 or permits, and mitigation (if necessary) will be required.

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

(Exhibit F-1)

COMMUNITY DEVELOPMENT DEPARTMENT - Zoning Division
18400 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1290 | Fax: 941.743.1598

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION,*
Article XII *SEA TURTLE PROTECTION,*
Article XV. *SURFACE WATER AND WETLAND PROTECTION,*
Article XVIII, *LANDSCAPING AND BUFFERS.*

Chapter 3-2:

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

- 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 F-2)

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To: Charlotte County Zoning Staff

Charlotte County Board of Zoning Appeals

Charlotte County Commissioners

RECEIVED
AUG 3 0 2013
BY:_____

Dear Commissioners, BZA Board Members, and Zoning Staff,

In July of this year the Charlotte County Commission approved new zoning ordinances that were implemented for Charlotte County's bridgeless barrier islands. One dealt with all the BBI (Don Pedro Island, Knight Island, Thornton Key and Little Gasparilla Island. A second one dealt only with Little Gasparilla Island. The ordinance dealing with Little Gasparilla was designed to allow some limited commercial activity in a single family zoned area. Some special exceptions are allowed if they meet the appropriate criteria.

The ordinance requires that the Little Gasparilla Island Advisory Committee or it's designee review all applications for a special exception and report in writing to staff on its recommendations concerning the application. While I understand the findings of the committee are not dispositive, I feel we do have a very good understanding of what might or might not be appropriate for a special exception on LGI and I ask that you give serious consideration to our findings.

On Friday, August 16, 2013, in a public meeting the LGI Advisory Committee reviewed file number SE-13-013. The application requests that the owner be allowed to operate a business to rent, repair and sell golf carts from the single family residence at 8658 Grand Ave. on Little Gasparilla Island. The LGI zoning overlay allows this business under a special exception. While it is an approved use, it must meet other criteria that is spelled out in the ordinance. The request included some items that the county staff and the committee felt were very likely not to meet the requirements of the setbacks. After considerable discussion and thought, the owner agreed to modify the application with changes that would pretty well bring the proposed use into conformance of the intent and letter of the ordinance. At that point the committee felt that the cooperation of the owners showed a willingness to make the discussed modifications and voted to recommend that the application be approved with the following changes.

1. That the shed roof on the North end of the accessory building be removed and relocated on the east side of the accessory building and inside the fenced in area.
2. That the doors on the North end of the accessory building be removed and relocated on the east side of the building.
3. That the area where the doors are removed be repaired to match the rest of the outside of the building.
4. That the fencing for the south side of the property be extended in a westerly direction a distance of 12 feet and turned northward a distance of 8.2 feet and connect to the southwest corner of the accessory building.

Little Gasparilla is a unique place, according to the Florida DEP, virtually unlike any other place in Florida. We live there for that reason. We do not travel around in suv's, stretch limos, muscle cars, or any of the other ways customary on the mainland or other bridgeless barrier Islands, we travel by golf carts. A few

LGIAC - Memo
(Exhibit G-1)

hundred of them. Salt air, sand and for the most part not being kept in an enclosed area takes a large toll on them. For these reasons the ordinance allows this kind if limited commercial activity.

Thank you for your consideration.

For the LGIAC,

Robert L Hill

Bob Hill, Chairman

Little Gasparilla Island Advisory Committee

RECEIVED
AUG 30 2013
BY:

LGIAC - Memo
(Exhibit G-2)