

Application No.
PA-12-09-09 & Z-12-09-10
(Unified Plan Amendment and
Rezoning Request)

Applicant
Charlotte County Board of County
Commissioners / SR 776 & Pine St.

Legislative / Quasi-Judicial

Commission Dist. III



Community Development

CHARLOTTE COUNTY

Location Map for PA-12-09-09 and Z-12-09-10

Charlotte County Government

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05/41/20 West County

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Community Development Department Staff Report for PA-12-09-09 & Z-12-09-10

DATE: September 27, 2012
TO: Honorable Board of County Commissioners
The Planning and Zoning Board
FROM: Jie Shao, Planner III

**REQUESTED
ACTION(S):**

- A publicly initiated request to amend:
- Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Office and Institutional (OI) for 0.85± acres; and
 - Charlotte County Zoning Atlas from Planned Development (PD) to Commercial General (CG) for 0.9± acres and to Office, Medical, and Institutional (OMI) for 0.85± acres.

PART I

Applicant(s): Charlotte County Board of County Commissioners
18500 Murdock Circle
Port Charlotte, FL 33948

Owner(s): Paul G. Lane
7024 Clark Road
Sarasota, FL 34241

**General Location
and Acreage:**

The subject property is located north of S McCall Road (SR 776), south of E 1st Street, east of Pine Street and west of Hickory Drive, in the Englewood area. The entire site contains a total of 1.75 acres more or less.

Account Number(s): 412005156018 & 4120056009

Analysis:

The Community Development Department initiated, reviewed, and is recommending approval of a Future Land Use map amendment from Commercial (COM) to Office and Institutional (OI) for 0.85 acres and a companion rezoning from Planned Development (PD) to Commercial General (CG) for 0.9 acres and Office, Medical, and Institutional (OMI) for 0.85 acres. The subject property contains approximately 1.75 acres and is owned by Paul Lane.

History and Reason of This Petition

On August 18, 2009, the Board of County Commissioners approved a unified petition, which included a small scale land use change from Low Density Residential to Commercial Corridor for 0.85 acres and a rezoning from CG and Residential Multi-family 10 (RMF-10) to Planned Development (PD) for a total of 2.75 acres. The 1.75 acres of land in this current petition was included in that land use change. Those petition numbers were PA-09-05-07 and Z-09-05-08 (Please See Attachment 2: Ordinance Number 2009-035 and Ordinance Number 2009-036). The applicant was Peninsula Ground Services, LLC, with permission to submit the application from the property owner, Mr. Lane. The purpose of that unified petition was to allow a unified commercial development including a Walgreens Pharmacy on the entire 2.75 acre parcel. A portion of the proposed Walgreens Pharmacy structure and some of its parking area, as well as some other commercial general uses were planned for the property owned by Mr. Lane; the main part of the Walgreens was planned to be placed on the south 1 acre, which was owned by Peninsula Ground Services, LLC.



Figure1. Location

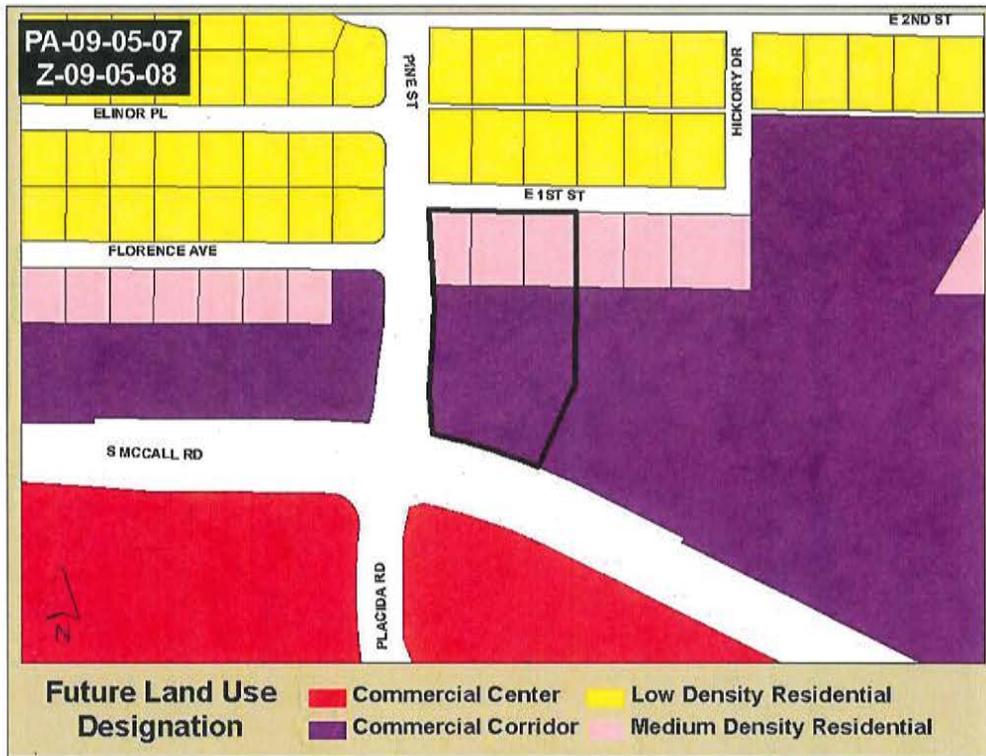


Figure 2. Prior FLUM Designation

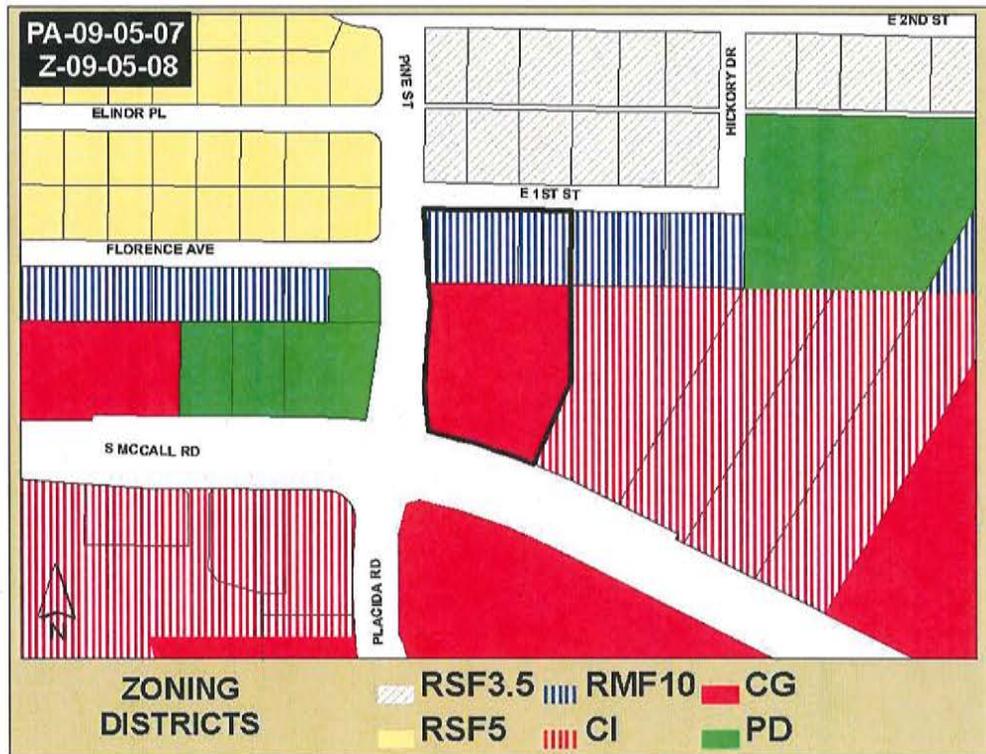


Figure 3. Prior Zoning Designations

The front 1 acre of the approved PD now belongs to Peninsula Property Holdings IV LLC. In early 2012, the attorney for Peninsula Property Holdings IV LLC had several meetings and phone conversations with County staff expressing their desire to revert the zoning designation of the property back to the original CG zoning. The attorney indicated that neither they nor Walgreens has any intention of going forward with construction on the site in fulfillment of the approved PD Concept Plan. Instead, they wanted to have a range of commercial general uses on the site.

Because the site plan and conditions of approval of a PD apply to a unified concept plan, portions cannot be changed without affecting the whole. In this case, without the development of the front portion of the PD, the approved PD concept plan cannot be implemented. Since Peninsula wished to amend the zoning of the front 1 acre to CG, the County agreed to initiate the rezoning of the remaining 1.75 acres of the PD and submitted this unified petition.

The portion of the property that was previously CG is being reverted back to CG. The portion of the property that was originally RMF-10 is being changed to OMI. Since the density of the prior residential portion of the 1.75 acres was relinquished when the PD rezoning was approved, the base density for the subject site is now zero. The property cannot be rezoned to a residential designation unless density is transferred to the site. The County can't move density to the property so is instead amending the FLUM for this portion of the site to Office and Institutional and rezoning to OMI, which is an appropriate zoning to create a transition between residential and commercial uses.

Consistency with the Smart Charlotte 2050 Comprehensive Plan (2050 Plan)

The subject property is located within a Revitalizing Neighborhood, and it is also located at a major intersection in the Englewood area. Commercial uses are located directly to the west, southeast and south of the site; some single-family homes are located to the north and east. Rezoning three platted lots located immediately adjacent to E 1st Street to OMI and amending their land use designation to OI, as well as amending the remaining parcel's zoning to CG, is supported by FLU Policy 4.1.5: Adequate Support Services, which states that, "*The County shall support plan amendments to the sub-neighborhood Commercial category or the Office and Institutional category, when appropriate, within Maturing Neighborhoods, Revitalizing Neighborhoods, or Emerging Neighborhoods as one method to ensure that there are adequate commercial neighborhood support services in close proximity to these predominantly residential areas.*"

Compatibility

The subject property is located at the northeast corner of SR 776 and Pine Street, which are major roadways in the County. Commercial uses are located directly to the west, south and east of the site. There is one single-family home located on the eastern boundary of the subject site; however, the majority of the eastern property line is bordered by the Bay Harbor Ford dealership. While there are some vacant residential lots and single-family homes located across E. 1st Street to the north, the subject property is located in an area that is suitable for commercial uses. In addition, the northern portion of the site, which is immediately adjacent to the residential uses, will be rezoned to OMI, which provides for very low-intensive commercial and office uses. It is staff's determination that the proposed land use changes will not create any detrimental impacts on the existing residential neighborhood located directly to the north and east.

Concurrency issues

- Water and Sewer: Englewood Water District retains enough capacity to provide water and sewer services to the proposed commercial general and professional office uses
- Traffic: Both SR 776 and Pine Street are currently operating at an acceptable Level-of-Service (LOS). According to the County’s Transportation Planner, the proposed uses will not cause the LOS of the County roadways to fall below the adopted LOS D. Therefore, the proposed development will not raise any concurrency issues.

STAFF RECOMMENDATION:

“Approve adoption of Petition No. PA-12-09-09 based on the findings and analysis in the Comprehensive Planning Division staff report dated September 27, 2012 and any evidence presented at the public hearing on the application.”

“Approve adoption of Petition No. Z-12-09-10 based on the findings and analysis in the Comprehensive Planning Division staff report dated September 27, 2012 and any evidence presented at the public hearing on the application.”

Conclusion:

Staff recommends approval of this FLUM change and rezoning because it is consistent with Smart Charlotte and a necessity if the front portion of the PD is to be rezoned.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. PA-12-09-09 to the Board of County Commissioners with a recommendation of [Approval or Denial], based on the findings and analysis in the staff report dated September 27, 2012 and the evidence presented at the public hearing on the application.”

“Motion to forward application No. Z-12-09-10 to the Board of County Commissioners with a recommendation of [Approval or Denial], based on the findings and analysis in the staff report dated September 27, 2012 and the evidence presented at the public hearing on the application.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The entire property is designated as part of the Revitalizing Neighborhoods.
2. **2030 Service Area Delineation:** The entire site is located in the Urban Service Area.
3. **Existing Land Use on the Site:** The subject property is currently vacant.

4. Existing Designation(s):

FLUM	Development Standard
Commercial (COM)	<p>The Commercial category is used for properties wherein nodal-style and strip-style commercial development occurs or is projected to occur in the future. Establishing a nodal-style commercial development shall be the principal and preferred use of the Commercial category. Further strip-style commercial development is prohibited except in the specific circumstances listed in FLU Policy 5.4.2. Nodal-style commercial development is differentiated into three sub-categories based upon size, character and location. The acreage of adjacent lands designated Commercial shall be aggregated to determine the standards to which the development may occur.</p> <p>General Range of Uses These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities.</p> <p>Community: These developments are designed to provide for the daily shopping and service needs of residents located in surrounding neighborhoods with a service area of up to a ten-mile radius. Businesses operating in these areas provide daily convenience and retail goods such as food, drugs, and sundries as well as professional and business services which meet the needs of the trade area.</p> <p>Locational Standards: These developments shall be located adjacent to and with access provided by arterial or collector roadways.</p> <p>Residential Support: up to 40,000 persons</p> <p>Size: Three to 30 acres</p> <p>Maximum Intensity: 0.5 FAR for commercial / retail 1.0 FAR for professional office buildings</p>
Zoning	Development Standard
Planned Development (PD)	<p><u>Minimum lot and yard requirements.</u> There are no minimum lot and yard requirements for this district, provided no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-98, "Waterfront property," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be twenty (20) feet. However, minimum lot and yard requirements other than those contained in this section and section 3-9-98 may also be established through the final site plan approval process.</p> <p><u>Maximum height of structures.</u> There is no maximum height for structures in this district, except as required by section 3-9-98, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-98 may also be established through the PD review process.</p> <p><u>Open space.</u> A minimum of twenty (20) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface.</p> <p><u>Utilities.</u> Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the county subdivision regulations except as modified in subsection (c) (1)e of this section, "Relation to utilities, public facilities and services."</p> <p><u>Internal circulation.</u> Streets to be dedicated to the public shall be designed and constructed in accordance with the subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the master plan.</p>

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
Office and Institutional (OI)	<p>These lands are designated for office and institutional uses as well as cultural activities.</p> <p>General Range of Uses Professional and business offices, museums, theatres and play houses, hospitals, clinics, nursing homes, group homes, assisted living facilities, studios, schools, funeral homes, and public services and facilities.</p> <p>Maximum Intensity Maximum FAR shall not exceed 0.6.</p> <p>Special Provisions</p> <ol style="list-style-type: none"> 1. The zoning district consistent with this FLUM designation is Office, Medical, and Institutional (OMI), Charlotte County Code of Laws and Ordinances, as may be amended. 2. Neighborhood Office and Institutional: Within residential neighborhoods, the minimum acreage for a map amendment to this category is 0.5 acres. Separate amendments may be approved for adjacent lands up to an aggregated acreage of 2 acres. An amendment of this type is expected to allow a development that serves 3,000 to 4,000 persons. The maximum intensity of development under these circumstances is 0.4 FAR. 3. Development of Residential Uses: A single residential dwelling may be incorporated into an office or institutional structure for use by a property owner, business owner, or manager or other employee of a business. The County shall allow only one dwelling unit per structure, not per business. The residential dwelling unit can only account for up to 2,000 square feet or 25 percent of the structure, whichever is less. 4. LEED Certification bonus: For projects meeting a LEED certification level of Gold, the project can increase FAR by 0.1; for projects meeting a LEED certification level of Platinum, the project can increase FAR by 0.4.

Zoning	Development Standard
Commercial General (CG)	<p>The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.</p> <ul style="list-style-type: none"> • Minimum lot size is 12,000 square feet. • Minimum lot width is 100 feet. • Maximum structure height is 60 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 20 feet (Abutting a road). ○ Rear setback is 10 feet (Abutting a lot).
Office, Medical and Institutional (OMI)	<p>The office, medical and institutional (OMI) district is intended for professional and business offices and institutional and cultural activities.</p> <ul style="list-style-type: none"> • Minimum lot size is 7,500 square feet. • Minimum lot width is 80 feet. • Maximum lot coverage by all buildings is 35%. • Maximum structure height is 60 feet (all buildings higher than 38 feet require special exception). • Setbacks:

	<ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is half the building height but not less than 15 feet (Abutting a road). ○ Rear setback is half the building height but not less than 15 feet (Abutting a lot).
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Table 2

6. Surrounding Land Uses and their Future Land Use Map and Zoning Designations:

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Single-family homes Vacant lands designated for residential uses	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
East	Bay Harbor Ford Single-family homes Vacant lands designated for residential uses	Commercial (COM) Medium Density Residential (MDR)	Commercial Intensive (CI) Residential Multi-family 10 (RMF-10)
South	Palm Plaza Shopping Center Wachovia Bank Taco Bell/Pizza Hut	Commercial (COM)	Commercial General (CG) Commercial Intensive (CI)
West	CVS Drug Store Single-family homes Vacant lands designated for residential uses	Commercial (COM) Medium Density Residential (MDR) Low Density Residential (LDR)	Planned Development (PD) Residential Multi-family 10 (RMF-10) Residential Single-family 5 (MSF-5)

Table 3

7. Buildout Calculations (square footage &/or density):

The proposed commercial general uses as well as office, medical and institutional uses involve no residential density. Based on:

- The Commercial FLUM designation and proposed CG zoning district; the maximum Floor Area Ratio is 0.5 for commercial and 1 for professional office buildings, and the maximum building height is 60 feet.
- The proposed Office and Institutional FLUM designation and proposed OMI zoning district; the maximum Floor Area Ration is 0.4, and the maximum building height is 38 feet.

Therefore, the maximum buildout of the subject site is:

- 54,014 square feet of professional office uses, or
- 14,810 square feet of professional office uses and 19,602 square feet of commercial uses.

8. Is the subject site within a Community Planning Area or Special Plan area? The site is not located within any Community Planning Area or Special Plan area.

9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?

The subject property is not adjacent to any of the existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves.

10. Is the proposed land use designation(s) consistent with the provisions of the:

- a. Charlotte Harbor Aquatic Preserves Management Plan?** The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
- b. Lemon Bay Aquatic Preserve Management Plan?** The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

11. Does the subject site contain any designated archaeological site or historic structures?

According to the Florida Master Site File, the subject site does not contain any historic structures nor is it designated as an archaeological site.

12. Are there wetlands on the property? No

- a. Number of acres of Category I:** N/A
- b. Number of acres of Category II:** N/A

13. Natural Resources:

- a. Significant natural resources and/or critical habitat for endangered/potentially endangered species:** No, according to the Protected Species Assessment report, prepared by W. Dexter Bender & Associates, Inc., dated June, 2009, no protected species or evidence of protected species utilization which would require permits from the U.S. Fish and Wildlife Service or FWC were observed on site during the June 2009 site inspection.
- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** No
- c. Is the subject site within the Special Surface Water Protection Overlay District?** No
- d. Is the subject site within the Watershed Overlay District?** No
- e. Is the subject site within a Wellhead Protection Area?** No
- f. Is the subject site within the Prime Aquifer Recharge Area?** No

14. Coastal Planning:

- a. Is the subject site within the Coastal Planning Area?** The site is located within the Coastal Planning Area.
- b. Could the proposed changes impact beach accessibility?** No
- c. Could the proposed change affect other waterfront access?** No
- d. Flood Zone:** The entire site is located in Flood Zone 10 AE, an area with a determined base flood elevation of 10 feet.
- e. Storm Surge Evacuation Zone:** The site is located within Evacuation Zone A.
- f. Coastal High Hazard Area?** Yes
- g. Could the proposed changes impact evacuation times?** No

15. Facilities and Services

- a. Nearest Park:** N/A
- b. Nearest Police Station:**
Name: District 1

Address: 6868 San Casa Drive, Englewood

Distance: approximately 2.81 miles to the southeast of the subject site

c. Nearest Fire/EMS Station:

Name: Charlotte County Station No. 13

Address: 6868 San Casa Road, in the Englewood area

Response Time: Approximate response time is 4-6 minutes

d. Nearest Library: N/A

e. Nearest Hospital:

Name: Peace River Regional Medical Center

Address: 2500 Harbor Boulevard, Port Charlotte

Distance: approximately 20.06 miles to the northeast of the subject site

f. Nearest Potential Emergency Shelter: N/A

g. Nearest Public Schools: N/A

16. Concurrency

a. Roads Level of Service: See attached report from Venkat Vattikuti, Transportation Planner

b. Potable Water Level of Service:

1. *Provider's Name:* Englewood Water District (EWD)

Permitted Facility Capacity	225 gallons per ERU per day		
	Current Facility Usage	Proposed Land Use estimated water needs	
5,360,000	2,300,000	54,014 square feet of professional office uses	14,810 square feet of professional office uses and 19,602 square feet of commercial uses
		5,401	2,461

Table 4

2. *Analysis:* If the Board approves this unified application, it will allow the property owner to have a maximum of 54,014 square feet of professional office uses or 14,810 square feet of professional office uses and 19,602 square feet of commercial uses. The estimated water usage would be 5,401 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial and professional office development.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:* Englewood Water District (EWD)

Permitted Facility Capacity	190 gallons per ERU per day		
	Current Facility Usage	Proposed Land Use estimated sewer needs	
3,000,000	1,400,000	54,014 square feet of professional office uses	14,810 square feet of professional office uses and 19,602 square feet of

		commercial uses
	4,591	2,092

Table 5

2. *Analysis:* If the Board approves this unified application, it will allow the property owner to have a maximum of 54,014 square feet of professional office uses or 14,810 square feet of professional office uses and 19,602 square feet of commercial uses. The estimated sewer generation would be 4,591 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial and professional office development.

d. Park and Recreation Level of Service:

1. *Level of Service*

Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations

2. *Analysis:*

A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.

e. Schools: N/A

f. Solid Waste:

1. *Refuse Collector:* Waste Management Inc. of Florida

2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management

3. *Level of Service*

- Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
- Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
- Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

g. Drainage:

1. *Level of Service*

New arterials – flood free in the 100-year rainfall event

New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall

Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.

2. *Analysis:*

The Southwest Florida Water Management District and the Community Development Department review stormwater management plans on a project specific basis.

17. Capital Improvements Program

- a. Are any updates to the CIP required as a result of this petition? No

18. Intergovernmental Coordination

- a. Does this amendment require comments from or coordination with adjacent governments or other governmental agencies? No

19. Has a public hearing been held on this property within the last year? No**20. 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:****Future Land Use****FLU Policy 1.2.7: TDU Applicability**

The TDU program shall be used during the review and approval process for all plan amendments and rezonings that propose to increase the base density on land and street vacations that would result in an accumulation of acreage allowing development of new units of density; this requirement shall continue to apply to lands that have been annexed by the City of Punta Gorda. Density units shall only be severed in whole units; a fractional unit shall not entitle an applicant to an additional unit. All density transfers shall be on a one-for-one basis.

The following are descriptions of those situations wherein transfers of density will not be required by the County:

1. When developed consistent with a Revitalization Plan approved in accordance with FLU Policy 4.2.1 and 4.2.2, properties located in a Revitalizing Neighborhood may rezone to the maximum density allowed by their existing Future Land Use Map category. Density for this increase shall be granted by the County from RAPID density, described in FLU Policy 1.2.15. Further instances of density transfers being granted by the County in Revitalizing Neighborhoods may be explored through the creation of a neighborhood's Revitalization Plan. Density granted for increases in a Coastal High Hazard Area (CHHA) in accordance with a Revitalization Plan shall only be allowed when the RAPID density also comes from a CHHA.
2. Any other specifically recognized area under FLU Policy 1.2.14 of this Comprehensive Plan.

FLU Policy 4.1.5: Adequate Support Services

The County shall support plan amendments to the sub-neighborhood Commercial category or the Office and Institutional category, when appropriate, within Maturing Neighborhoods, Revitalizing Neighborhoods, or Emerging Neighborhoods as one method to ensure that there are adequate commercial neighborhood support services in close proximity to these predominantly residential areas.

FLU Policy 4.2.3: Maintain Residential Compatibility

As the County intensifies Revitalizing Neighborhoods, it shall protect the core residential neighborhood from the sensory intrusions of adjacent, more intense uses. Sensory intrusions include unwanted light, noise, physical access, odor and other sources of disruptions. These criteria shall include provisions that:

1. Prevent uses that generate obnoxious sensory intrusion from being developed or expanded in certain areas.
2. Eliminate or reduce the sensory intrusions of proposed development or redevelopment.

3. Intercept or prevent the sensory intrusion from affecting the adjacent use.

21. Standards for Rezoning Approval:

For the rezoning of land, the final action of the Board shall be made after giving due consideration to:

a. Would the proposed change be contrary to the Comprehensive Plan?

Finding: The proposed CG zoning is consistent with the Commercial FLUM designation on the site. The proposed rezoning to OMI would not be contrary to the Comprehensive Plan if the Board finds the requested plan amendment to Office and Institutional (OI) appropriate.

b. The existing land use pattern in adjacent areas:

Finding: To the north, across E. 1st Street, there are single-family homes and some vacant parcels designated for residential development. To the west, across Pine Street, is CVS Pharmacy, on land which was rezoned to PD in 2002. Further to the northwest, there are single-family homes and some vacant parcels designated for residential uses. To the south is a gas station, which has ceased operations for many years. Further to the south, there is SR 776 with commercial uses along the south side. To the east are some single-family homes and vacant residential lots. Bay Harbor Ford and other improved commercial uses are located to the east and southeast of the site.

c. The population density pattern and possible increased load on public facilities, such as schools, utilities, and roads:

Finding: The proposed CG and OMI rezoning involves no residential density and so student populations are not expected to change as a result of this rezoning. The use of potable water and sanitary sewer could increase compared to the PD zoning. Although the proposed general commercial and professional office uses would increase the automobile trip generation to the site, SR 776 and Pine Street are currently operating at an acceptable Level-of-Service (LOS); the County Transportation Planner reviewed this application and concluded that the proposed rezoning will not cause the LOS of the County roadways to fall below an adopted LOS.

d. Would changed conditions make the passage of the proposed amendments appropriate?

Finding: Yes. The subject property is part of an approved PD rezoning. However, the original applicant who owns the front portion of the PD changed his business plan, and he will not fulfill the original PD Concept Plan. Without the development on the front portion of the PD site, the rear portion (which is the subject of this proposed petition) would not have any development rights without approval of either this petition or an amendment of the original PD zoning and concept plan.

e. Would the proposed change adversely influence living conditions or property values in adjacent areas?

Finding: The subject property is currently zoned PD for a unified commercial development. The majority of the properties located to the east, south and west of the subject site are commercial uses except some single-family homes and vacant residential lots located to the north and northeast of the site. The proposed CG and OMI rezoning allows for professional office uses on the portion of the property located immediately adjacent to the residential area, which should not have any adverse influence on living conditions or property values in adjacent areas.

f. Would the proposed change affect public safety?

Finding: Public safety should not be affected by this proposed change except for the potential for increased traffic on Pine Street and SR 776.

g. Would the proposed change reduce light and air to adjacent areas?

Finding: No. The site is currently vacant, and any new development must comply with the setbacks, height limitations, landscaping and buffering requirements set forth in the County's Land Development Regulations. In addition, for any new development of the site, a Type C buffer (at a minimum) is required to be placed along the property boundary adjacent to those properties zoned RSF-3.5 and RMF-10. The proposed changes would not reduce light or air to adjacent areas.

h. Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

Finding: Yes, the owner, who owns the front portion of the PD parcel, changed his business plan, and he will not fulfill the originally approved PD Concept Plan. Without the development on the front portion of the PD, the rear portion (which is the subject property) would not have any development rights without approval of either this petition or an amendment of the original PD zoning and concept plan.

Attachment 1
Legal Description for Petition PA-12-09-09

Account Number	Short Legal	Legal Description
412005156009	RCP 000 000A 0001	ROCK CREEK PK BLK A LTS 1 2 3 LESS THE FOLLOWING DESC PARCEL BEG AT INTXN OF E ROW PINE ST & S ROW FIRST ST TH E ALG ROW 15FT M/L S142 FT M/L W 25FT M/L TO E ROW PINE ST TH N ALG ROW 142FT M/L TO POB 295/675 340/24 373/582 496/250 598/1546

Legal Description for Petition Z-12-09-10

Account Number	Short Legal	Legal Description
412005156009	RCP 000 000A 0001 (Rezone to OMI)	ROCK CREEK PK BLK A LTS 1 2 3 LESS THE FOLLOWING DESC PARCEL BEG AT INTXN OF E ROW PINE ST & S ROW FIRST ST TH E ALG ROW 15FT M/L S142 FT M/L W 25FT M/L TO E ROW PINE ST TH N ALG ROW 142FT M/L TO POB 295/675 340/24 373/582 496/250 598/1546
412005156018	EGG 000 0000 0033 (Rezone to CG)	ENGLEWOOD GARDENS A PORT OF LT 33 DESC AS COMM AT NW COR LT 33 E 30 FT M/L FOR POB CONT E 269.50 FT S I81.70 FT NW 205 FT M/L N/LY 50 FT N 47 FT TO POB 373/582 496/250 884/154 RE894/233

Chg
Boc
#142

FILED WITH THE DEPARTMENT OF STATE August 24, 2009

ORDINANCE
NUMBER 2009 - 035

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AN ORDINANCE PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL CORRIDOR, FOR PROPERTY LOCATED NORTH OF SOUTH MCCALL ROAD (SR 776), SOUTH OF EAST 1ST STREET, EAST OF PINE STREET, AND WEST OF HICKORY DRIVE, IN THE ENGLEWOOD AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT III, CONTAINING 0.90 ACRES MORE OR LESS; PETITION PA-09-05-07; APPLICANT, PENINSULA GROUND SERVICES, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, August 18, 2009, the Board of County Commissioners of Charlotte County ("Board"), reviewed land use amendment Petition PA-09-05-07, which is a small scale plan amendment to the Future Land Use Map of the 1997-2010 Charlotte County Comprehensive Plan (such plan shall herein be referred to as "the Charlotte County Comprehensive Plan"); and

WHEREAS, applicant, Peninsula Ground Services, LLC, whose address is 1637 Oak Street, Sarasota, Florida 34236 ("Applicant"), filed Petition PA-09-05-07, seeking a small scale plan amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Medium Density Residential to Commercial Corridor, for property containing 0.90 acres more or less, which is owned by Peninsula Bank and Paul G. Lane, described as property located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

Attachment 2

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3415, PGS 272-275 4 pg(s)
INSTR # 1875910
Doc Type GOV, Recorded 09/03/2009 at 10:27 AM
Rec. Fee: \$35.50
Cashiered By: CAROLINEH Doc. #1

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IMAGED
9-4-09-AP



1 WHEREAS, Petition PA-09-05-07 has previously been heard before the
2 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and
3 analysis presented in the Planning Division Staff Report dated June 26, 2009, and the
4 evidence presented to the P&Z Board, the proposed amendment has been found to be
5 consistent with the Charlotte County Comprehensive Plan and has been recommended for
6 approval by the P&Z Board; and

7 WHEREAS, after due consideration, the Board has found that the
8 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,
9 have been met and that it is in the best interests of the County to approve Petition
10 PA-09-05-07.

11 NOW, THEREFORE, BE IT ORDAINED by the Board of County
12 Commissioners of Charlotte County, Florida:

13 Section 1. Approval. The following petition for amendment to the Future Land
14 Use Map of the Charlotte County Comprehensive Plan be and hereby is approved:

15 Petition PA-09-05-07, submitted by Peninsula Ground Services, LLC
16 ("Applicant"), requesting a small scale plan amendment to the Future
17 Land Use Map of the Charlotte County Comprehensive Plan from
18 Medium Density Residential to Commercial Corridor for property
19 containing 0.90 acres more or less, which is owned by Peninsula
20 Bank and Paul G. Lane, described as property located North of South
21 McCall Road (SR 776), South of East 1st Street, East of Pine Street,
22 and West of Hickory Drive, in the Englewood area, Charlotte County,
23 Florida, and more particularly described in Exhibit "A" attached hereto
24 and by this reference provided herein.
25

26 Section 2. Effective date. This ordinance shall take effect upon the filing of
27 this ordinance in the Office of the Secretary of State, State of Florida.

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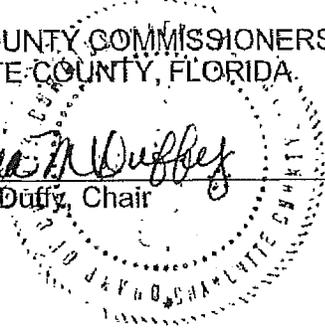
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PASSED AND DULY ADOPTED this 18 day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA.

By: Patricia M. Duffy
Patricia M. Duffy, Chair



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio Clerk to
the Board of County Commissioners

By: Anne L. Pfahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
2009-437
RB

Legal Description for a Small Scale Plan Amendment

PARCEL 1:

LOTS 1, 2, AND 3, BLOCK A, ROCK CREEK PARK, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 99, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; LESS AND EXCEPT THAT PART DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 591, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1748, PAGE 1322, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

EXHIBIT A

Orig
BCC
#148

FILED WITH THE DEPARTMENT OF STATE August 24, 2009

ORDINANCE
NUMBER 2009 - 036

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AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM RESIDENTIAL MULTI-FAMILY-10 (RMF-10) AND COMMERCIAL GENERAL (CG) TO PLANNED DEVELOPMENT (PD) FOR PROPERTY LOCATED NORTH OF SOUTH MCCALL ROAD (SR 776), SOUTH OF EAST 1ST STREET, EAST OF PINE STREET, AND WEST OF HICKORY DRIVE, IN THE ENGLEWOOD AREA, COMMISSION DISTRICT III, CHARLOTTE COUNTY, FLORIDA, CONTAINING 2.75 ACRES MORE OR LESS; PETITION Z-09-05-08; APPLICANT, PENINSULA GROUND SERVICES, LLC; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3447, PGS 760-770 11 pg(s)
INSTR # 1905477
Doc Type GOV, Recorded 01/08/2010 at 10:20 AM
Rec. Fee: \$95.00
Cashiered By: MARGEC Doc. #:2

17

RECITALS

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WHEREAS, in a public hearing held on Tuesday, August 18, 2009, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-09-05-08, submitted by applicant, Peninsula Ground Services, LLC ("Applicant"), which requested a rezoning from Residential Multi-family-10 (RMF-10) and Commercial General (CG) to Planned Development (PD) on 2.75 acres more or less of property owned by Peninsula Bank and Paul G. Lane, described as property located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Commission District III, Charlotte County, Florida, and more particularly described in Exhibit "A"; and

WHEREAS, the Applicant seeks a rezoning to Planned Development (PD) in order to allow for a unified commercial development on the subject site; and

**** NOTE: This Ordinance is being re-recorded to include Attachments 2 & 3**

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3415, PGS 276-283 8 pg(s)
INSTR # 1875911
Doc Type GOV, Recorded 09/03/2009 at 10:30 AM
Rec. Fee: \$69.50
Cashiered By: CAROLINEH Doc. #:1

IMAGED
1-20-10 AP



1 WHEREAS, Petition Z-09-05-08 has previously been heard by the
2 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the
3 findings and analysis presented in the Planning and Zoning Division staff report
4 dated June 26, 2009, and the evidence presented to the P&Z Board, has been
5 recommended for approval; and

6 WHEREAS, after due consideration, based on the Planning &
7 Zoning Division staff report dated June 26, 2009, and the evidence presented to
8 it, the Board has found that approval of Petition Z-09-05-08 is consistent with the
9 1997-2010 Charlotte County Comprehensive Plan, and that it meets the
10 requirements for the granting of a rezoning; and

11 WHEREAS, based on the above findings, the Board has
12 determined it to be in the best interests of the County to rezone the subject
13 property from Residential Multi-family-10 (RMF-10) and Commercial General
14 (CG) to Planned Development (PD).

15 NOW, THEREFORE, BE IT ORDAINED by the Board of County
16 Commissioners of Charlotte County, Florida:

17 SECTION 1. The following petition for an amendment to the
18 Charlotte County Zoning Atlas is hereby approved subject to the conditions
19 contained in the attached Exhibit "B":

20 Petition Z-09-05-08 requesting rezoning from
21 Residential Multi-family-10 (RMF-10) and Commercial
22 General (CG) to Planned Development (PD) for 2.75
23 acres more or less of property owned by Peninsula
24 Bank and Paul G. Lane, described as located North of
25 South McCall Road (SR 776), South of East 1st
26 Street, East of Pine Street, and West of Hickory Drive,
27 in the Englewood area, Commission District III,

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Charlotte County, Florida, and more particularly described in Exhibit "A".

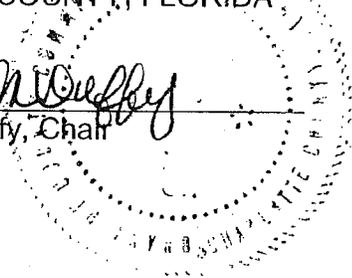
SECTION 2. That the zoning for this property shall run with the property and shall apply to any subsequent owners, heirs and assigns.

SECTION 3. This ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 18 day of August, 2009.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy
Patricia M. Duffy, Chair



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: Anne L. Pauler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney

LR 09-437
RR

Legal Description for a Planned Development Rezoning

PARCEL 1:

LOTS 1, 2, AND 3, BLOCK A, ROCK CREEK PARK, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 99, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; LESS AND EXCEPT THAT PART DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 591, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1748, PAGE 1322, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL 2:

LOT 33, ENGLEWOOD GARDENS, ACCORDING TO MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; LESS AND EXCEPT THAT PART DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 803, PAGE 591, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART CONVEYED TO MOBIL OIL CORPORATION BY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 884, PAGE 154, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; ALSO LESS AND EXCEPT THAT PART DESCRIBED IN STIPULATED ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1748, PAGE 1322, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

PARCEL 3:

A PARCEL OF LAND BEING A PORTION OF LOT 33, ACCORDING TO THE PLAT OF "ENGLEWOOD GARDENS SUBDIVISION" AS RECORDED IN PLAT BOOK 2, PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 33; THENCE ALONG THE EASTERLY LINE OF SAID LOT 33, S01°15'43"E (ON AN ASSUMED BEARING) 181.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EASTERLY LINE OF SAID LOT 33, S26°34'41"W 175.55 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #776; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD #776 AND ALONG THE ARC OF A CURVE TO THE LEFT, THROUGH A RADIAL BEARING OF S22°01'24"W, SAID CURVE HAVING A CENTRAL ANGLE OF 09°38'28", A RADIUS OF 1215.92 FEET, FOR AN ARC DISTANCE OF 234.60 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET, AS PER THE FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK

EXHIBIT A

Page 1 of 2

803 PAGE 592 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET, N05°59'56"W 183.21 FEET TO THE INTERSECTION WITH THE ARC OF A CURVE TO THE RIGHT, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, THROUGH A RADIAL BEARING OF S10°00'06"W, SAID CURVE HAVING A CENTRAL ANGLE OF 12°35'45", A RADIUS OF 1390.985 FEET, FOR AN ARC DISTANCE OF 305.79 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 41 SOUTH, RANGE 20 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1775 PAGE 884 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN LOT 33, ENGLEWOOD GARDENS, RECORDED IN PLAT BOOK 2 PAGE 57 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 884 PAGE 154 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING WEST OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 776, AND THE EASTERLY RIGHT-OF-WAY LINE OF PINE STREET (OFFICIAL RECORDS BOOK 803 PAGE 591 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA); THENCE N05°28'13"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 82.72 FEET FOR A POINT OF BEGINNING; THENCE N03°53'07"E, A DISTANCE OF 162.71 FEET TO A POINT LYING 55.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE); THENCE N04°06'26"W, A DISTANCE OF 100.61 FEET TO A POINT LYING 47.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE); THENCE N02°25'13"W, A DISTANCE OF 79.36 FEET TO THE POINT OF TERMINATION ON THE NORTHERLY LINE OF LOT 1, BLOCK A, ROCK CREEK PARK, RECORDED IN PLAT BOOK 2 PAGE 99 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING 43.00 FEET EASTERLY OF THE CENTERLINE OF PINE STREET (AS MEASURED PERPENDICULARLY TO SAID CENTERLINE).

Exhibit A
Page 2 of 2

Conditions:

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by DMK Associates, dated May 18, 2009, except for such modifications as may be required to meet the conditions of the PD zoning district. In addition, the site plan review conditions of approval, per letter dated April 7, 2009 and signed by Nicole C. E. Dozier, Charlotte County Zoning Official, are required to be met.
- b. Two phases of development are contemplated for the subject site. Within Phase Two, County staff reserves the right to place additional conditions upon the proposal when it is submitted for Final Site Plan review.
- c. Permitted uses:
 - i. Special exceptions shall not be allowed.
 - ii. Outside storage and outside display of items are prohibited.
 - iii. Within the Phase One Development (legal description is attached, see Attachment 2):
 - a) 14,820 square feet of Walgreens building and associated parking
 - iv. Within the Phase Two Development (legal description is attached, see Attachment 2):
 - a) Professional services.
 - b) Personal Services.
 - c) Business services.
 - d) Retail sales and services, provided that all merchandise shall be stored and displayed within fully enclosed buildings.
 - e) Automotive parts provided no installation is performed on the premises and all parts are stored within a completely enclosed building.
 - f) Garden shops, including the sale of plants, fertilizers and customary garden supplies, equipment and furniture. Storage and sales areas for plants and live vegetation only may be outside the building.
 - g) Banks and other financial institutions.
 - h) Package stores for the sale of liquor.
 - i) Laundromats and dry cleaning facilities.
 - j) Laboratories, class3, provided central sewer is available.
 - k) Child and adult day care facilities.
 - l) Photocopying shops.
- d. At a minimum, the gathering area shown on the Concept Plan, dated May 18, 2009 shall include a bike rack and gazebo.
- e. For the purpose of providing future internal connection points between the subject site and adjacent sites, the applicant shall provide an easement as depicted on the May 18th Concept plan, when requested by adjacent property owners.
- f. The maximum building height for the entire development is 38 feet from base flood elevation. The maximum Floor Area Ratio (FAR) is 0.6.
- g. This development is subject to the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards. Information pertaining to building design elements shall be provided by the applicant at the time of application for Final Site Plan approval. At a minimum, the architectural features

- and elevation of the Walgreens building shall meet the graphic shown on Attachment 3 of this staff report, "Architecturally Enhanced Walgreens".
- h. The Planned Development setback requirement of twenty-five (25) feet will be adhered to on the east and north borders of the proposed site. No pavement or other structures except a wall or fence, driveways, signs, landscaping and sidewalk will be allowed within the 25 foot setback on all sides of the property. Within the south and west setback, parking may also encroach into the setback as shown on the approved Concept Plan dated May 18, 2009.
 - i. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. When and if available, the developer must also extend recycled water utility lines along with the potable water and sanitary sewer lines throughout the development.
 - j. Landscaping and Buffer requirements:
 - i. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings or xeriscaping shall be allowed for landscape plantings.
 - ii. At a minimum, the buffer requirements of Chapter 3-5, Article XXII of the County Code for a type C buffer will be utilized within the 25 foot PD setback along western, northern and eastern property which is adjacent to the RSF and RMF-10 zoned properties. As part of the buffer, a six (6) foot high decorative opaque wall must be placed along northern and eastern side of the property with exterior landscaping; the wall must be kept in good repair and appearance.
 - iii. At a minimum, an eight (8) foot perimeter landscaped strip must be incorporated along the perimeter of the subject property which is adjacent to rights-of-way.
 - k. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. Phase Two development shall use all reasonable efforts to preserve as many trees as possible.
 - l. The developer is required to provide a sidewalk as depicted on the May 18th Concept plan, with a minimum width of five (5) feet from Pine Street along E. 1st Street along the subject property line.
 - m. In order to provide "Green" features within the overall building and site design to the highest degree practicable, the applicant shall utilize, at a minimum, the following Green techniques:
 - i. Energy saving lighting design incorporating a 20% reduction in watts/square feet (based on Title 24 requirements) and use of devices such as motion sensor controls, photocell controls, dimmers, and high efficiency fluorescent & LED light fixtures.
 - ii. Energy saving building components such as dual-glazed, thermally broken (insulated) storefront windows;
 - iii. Water conservation measures such as use of low flow plumbing fixtures and rain sensors for control of irrigation systems;
 - iv. Use of materials with low VOC (Volatile Organic Compounds) finishes; and
 - v. A minimum of 10 parking spaces utilizing pervious concrete.
 - n. No development shall occur prior to Final Site Plan approval.

- o. Outdoor lighting will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property. Pole or standing lights will be no higher than 10 feet.
- p. The developer shall minimize impervious surfaces within the development wherever practicable.

Attachment 2

Legal Description for Phase One Development

A PORTION OF LOT 33 OF ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, AND LOTS 1, 2 AND 3, BLOCK "A" OF ROCK CREEK PARK SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 99, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT ADDITIONAL RIGHT OF WAY FOR PINE STREET, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 33, ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE RUN $S00^{\circ}27'46''E$ ALONG THE EAST BOUNDARY OF THE AFOREMENTIONED SAID LOT 33, ENGLEWOOD GARDENS SUBDIVISION, A DISTANCE OF 82.04 FEET; THENCE RUN $N72^{\circ}12'56''W$, A DISTANCE OF 285.76 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF PINE STREET AS PER FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 803 AT PAGE 592 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA,; THENCE RUN $N04^{\circ}06'26''W$ ALONG THE EASTERLY RIGHT OF WAY LINE FOR PINE STREET, A DISTANCE OF 61.66 FEET; THENCE RUN $N02^{\circ}25'13''W$ ALONG THE EASTERLY RIGHT OF WAY LINE FOR PINE STREET, A DISTANCE OF 79.36 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE FOR FIRST STREET; THENCE RUN $S89^{\circ}10'06''E$, ALONG THE SOUTHERLY RIGHT OF WAY LINE FOR FIRST STREET A DISTANCE OF 280.59 FEET TO THE NORTHEAST CORNER OF SAID LOT 3, BLOCK "A" OF ROCK CREEK PARK SUBDIVISION; THENCE RUN $S00^{\circ}32'50''W$ ALONG THE EAST BOUNDARY LINE OF SAID LOT 3, BLOCK "A" OF ROCK CREEK SUBDIVISION, A DISTANCE OF 141.97 FEET TO THE POINT OF BEGINNING. CONTAINING 1.153 ACRES.

Legal Description for Phase Two Development

A PORTION OF LOT 33 OF ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LESS AND EXCEPT ADDITIONAL RIGHT OF WAY FOR PINE STREET AND MCCALL ROAD (STATE ROAD #776). BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 33, ENGLEWOOD GARDENS SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 57, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, THENCE RUN $S00^{\circ}27'46''E$, ALONG THE EAST BOUNDARY LINE OF SAID LOT 33, ENGLEWOOD GARDENS SUBDIVISION, A DISTANCE OF 82.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EAST LINE OF LOT 33. $S00^{\circ}27'46''E$, A DISTANCE OF 99.58 FEET; THENCE RUN $S27^{\circ}44'18''W$, ALONG THE EAST BOUNDARY LINE OF SAID LOT 33, ENGLEWOOD GARDENS SUBDIVISION, A DISTANCE OF 174.97 FEET TO A POINT OF INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE FOR MCCALL STREET (STATE ROAD #776) THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD #776 AND ALONG THE ARC OF A CURVE TO THE LEFT, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1215.92 FEET, A CHORD AND CHORD BEARING OF 200.46 FEET, $N73^{\circ}07'04''W$, A DISTANCE 200.68 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF PINE STREET (PER OFFICIAL RECORDS BOOK 803, PAGE 591 OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE RUN ALONG SAID EASTERLY

- 1 RIGHT OF WAY LINE N05°28'13"W, A DISTANCE OF 82.70 FEET; THENCE CONTINUE
- 2 ALONG SAID EASTERLY RIGHT OF WAY LINE, N03°53'07"E, A DISTANCE OF 162.71
- 3 FEET; THENCE CONTINUE ALONG SAID LINE, N04°06'26"W, A DISTANCE OF 38.95 FEET;
- 4 THENCE RUN S72°12'56"E, A DISTANCE OF 285.76 FEET TO THE POINT OF BEGINNING.
- 5 CONTAINING 1.597 ACRES.

**Application for Plan Amendment and Rezoning
Petition Number: PA -12-9-09 & Z-12-09-10**

TO: Honorable Board of County Commissioners
The Planning and Zoning Board

FROM: Venkat Vattikuti

DATE: September 26, 2012

REQUESTED ACTION:

APPLICANT: Charlotte County Board of County Commissioners

OWNER: Paul G Lane, 7024 Clark Road, Sarasota, FL 34241

GENERAL LOCATION: Southeast Corner of SR 776 and Pine Street

ACCOUNT NUMBER: Parcel ID# 412005156009 & 4120051560189

1 **ANALYSIS:** From the transportation perspective, the review of the proposed plan
2 amendment and re-zoning request of the subject property from the current zoning
3 of Planned Development (PD) to Office Medical (OM/ OMI), the surrounding
4 roadway segments within the area of significance (shown in the Table below)
5 which are currently operating at acceptable levels of service would continue to
6 operate at acceptable levels of service to the year 2017 (which is the estimated
7 built-out year). There wouldn't be any roadway concurrency failures with the
8 proposed re-zoning. No modifications would be required for the adopted FDOT
9 Transportation Improvement Program, 2035 Long range Transportation Plan and
10 County's Capital Improvements Program.

11
12 **RECOMMENDATION:** Approve the requested rezoning and small scale plan
13 amendment (MAP).

14
15 **Transportation Element: Roadway Segments in the Area of Significance**

ROADWAY	FUNCTIONAL CLASSIFICATION	PM Peak Hour LOS		# of additional trips to exceed a LOS "D"
		Actual	Adopted	
SR 776: Oriole Blvd to Pine Street	Major Arterial	C	D	700
SR 776: Pine Street to Beach Road	Major Arterial	C	D	1,000
Pine Street: SR 776 to County Line	Urban Collector	C	D	1,800

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Shao, Jie

From: Jarrett.Bingemann@akerman.com
Sent: Monday, September 17, 2012 6:39 PM
To: david@daviddunkinlaw.com
Cc: Shao, Jie; rlaflamme@fcb1923.com; marcgomes@att.net; cecelia.bonifay@akerman.com; cecelia.bonifay@akerman.com
Subject: Correspondence from Walgreens 1800 S. McCall Rd., Englewood, FL ('Site')

David,

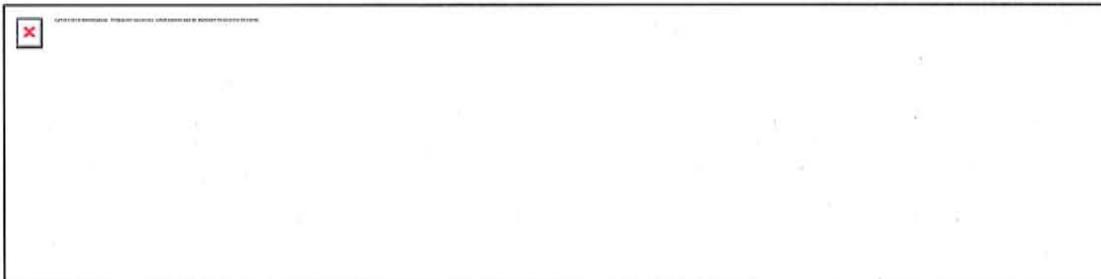
Following Janis Cheezem's correspondence to you last Friday, please find below correspondence from Walgreens indicating that they are not interested in Site. As a result, termination of the Walgreens specific PD zoning is necessary for both of our clients to make any beneficial use of their respective properties. We would appreciate your cooperation on this matter, and request that any objections your client may have to our pending rezoning application be withdrawn.

Sincerely,

Jarrett D. Bingemann, Esq., LEED AP

Akerman Senterfitt | 420 South Orange Avenue | Suite 1200 | Orlando, FL 32801
Dir: 407.419.8551 | Main: 407.423.4000 | Fax: 407.254.3764
jarrett.bingemann@akerman.com

[V Card](#) | [Bio](#) | [akerman.com](#)



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----- Forwarded Message -----

From: "O'Brien, Brenden" <brenden.obrien@walgreens.com>
To: Marcelino Gomes <marcgomes@att.net>

Sent: Fri, September 14, 2012 7:12:05 PM

Subject: NEC of Placida x McCall Rd., Englewood, Florida

In the past Walgreens approved (internally) a relocation site at the above referenced location but Walgreens soon after decided not to pursue this relocation. In fact, Walgreens decided to close the store across the street. Walgreens is not interested in pursuing another location here.

Best,
Brenden

Brenden O'Brien, CCIM
Walgreen Co.
Senior Real Estate Manager
106 Wilmot Road, MS#1460, Deerfield IL, 60015
Office: (847) 315-4544
Fax: (847) 368-6563

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**CHARLOTTE COUNTY
 BUILDING AND GROWTH MANAGEMENT DEPARTMENT**

**UNIFIED APPLICATION for
 SMALL SCALE PLAN AMENDMENT (MAP) and REZONING**

Date Received: <i>Sept. 10, 2012</i>	Time Received:
Date of Log-in: <i>Sept. 10, 2012</i>	Petition #: <i>PA-12-09-09/2-12-09-10</i> Accela #:
Receipt #: <i>N/A</i>	Amount Paid: <i>N/A</i>

1. PARTIES TO THE APPLICATION

Name of Applicant: Charlotte County Board of County Commissioners

Mailing Address: 18500 Murdock Circle

City: Port Charlotte State: FL Zip Code: 34286

Phone Number: 941 743 1272 Fax Number:

Email Address: *jie.shao@charlottefl.com*

Name of Agent: Jie Shao

Mailing Address: Same

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

Name of Engineer/Surveyor: N/A

Mailing Address:

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):

Paul G. Lane

Mailing Address: 7024 Clark Road

City: Sarasota State: FL Zip Code: 34241

Phone Number: Fax Number:

Email Address:

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 412005156018 & 412005156009		
Section: 05	Township: 41	Range: 20
Parcel/Lot #: A port of Lot 33, Lots 1, 2, 3	Block #: A	Subdivision: Englewood Gardens & Rock Creek Park
Total acreage or square feet of the property: 1.75 more or less		

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

4. PROOF OF LAND OWNERSHIP: Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

5. NOTARIZED AUTHORIZATION: A written, notarized authorization from each owner must be provided with this application if:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Commercial	1.75 more or less
<hr/>	
Zoning District(s)	Acreage
PD	1.75 more or less

8. APPLICANT'S PROPOSED CHANGE(S):

Amending FLUM designation(s) to: OI for 0.85 acres

Amending Zoning designation(s) to: OMI for 0.85 acres and CG for 0.9 acres

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?

N/A

9. REASON FOR PROPOSED CHANGE(S):

The original applicant changed his business plan.

10. CURRENT LAND USE OF SUBJECT PROPERTY: (example: house, vacant land, barn, etc.)

Vacant

11. SURROUNDING LAND USES:

North: Single-family homes & vacant residential lots

South: Improved commercial

East: Improved commercial

West: Improved commercial

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

N/A, the County Environmental Specialist will review it.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

Pine Street and SR 776

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional

engineer. Address the number of vehicle trips that may be generated by development of the subject site at maximum buildout allowed under the proposed FLUM and Zoning.

N/A, the County Transportation Planner will review it.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from the utility companies (water/sewer) stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report* showing the gallons per day that may be generated by development of the subject site at maximum buildout allowed under the proposed FLUM and Zoning.

N/A

14. HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida. N/A

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-11(e) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan No
- B. The existing land use pattern in adjacent areas Residential to the north, and improved commercial to the west, east and south.
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets No
- D. Whether changed conditions make the passage of the proposed amendment appropriate Yes, the original applicant changes his business plan.
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas No
- F. Whether the proposed change will affect public safety No
- G. Whether the proposed change will reduce light and air to adjacent areas No
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning Yes, the original applicant changed his business plan, it is impossible to fulfill the original approved PD concept plan.

16. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every

property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings.