

Application No.
PA-12-10-14-LS
**(Large Scale Plan Amendment
Request)**

Applicant
**Calusa Growers, LC / Prime Aquifer
Recharge Area**

Legislative

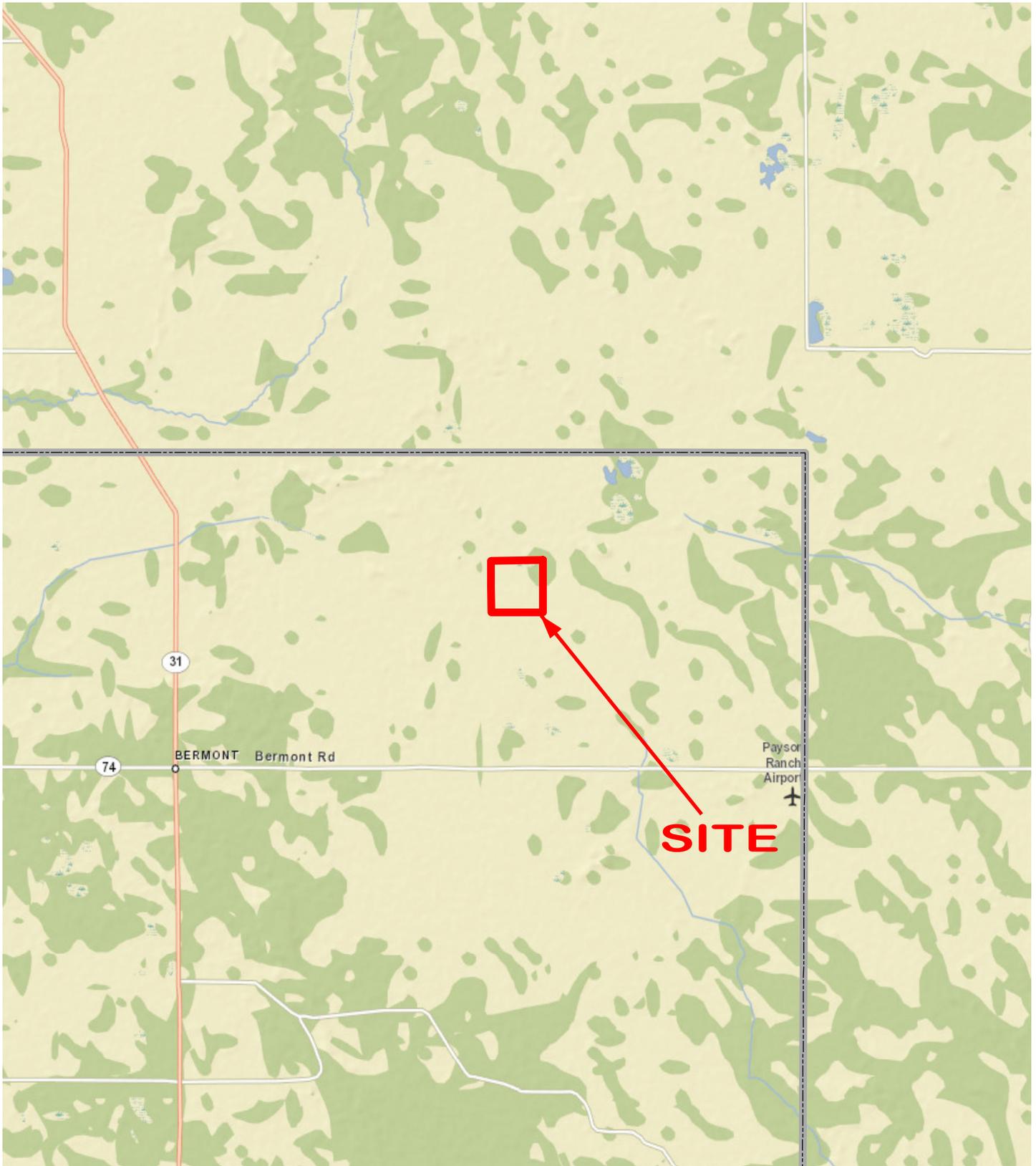
Commission Dist. I



Open for Business

PA-12-10-14-LS
Calusa Growers LC /
Map Amdmt: Prime Aquifer Recharge Area
General Area Map

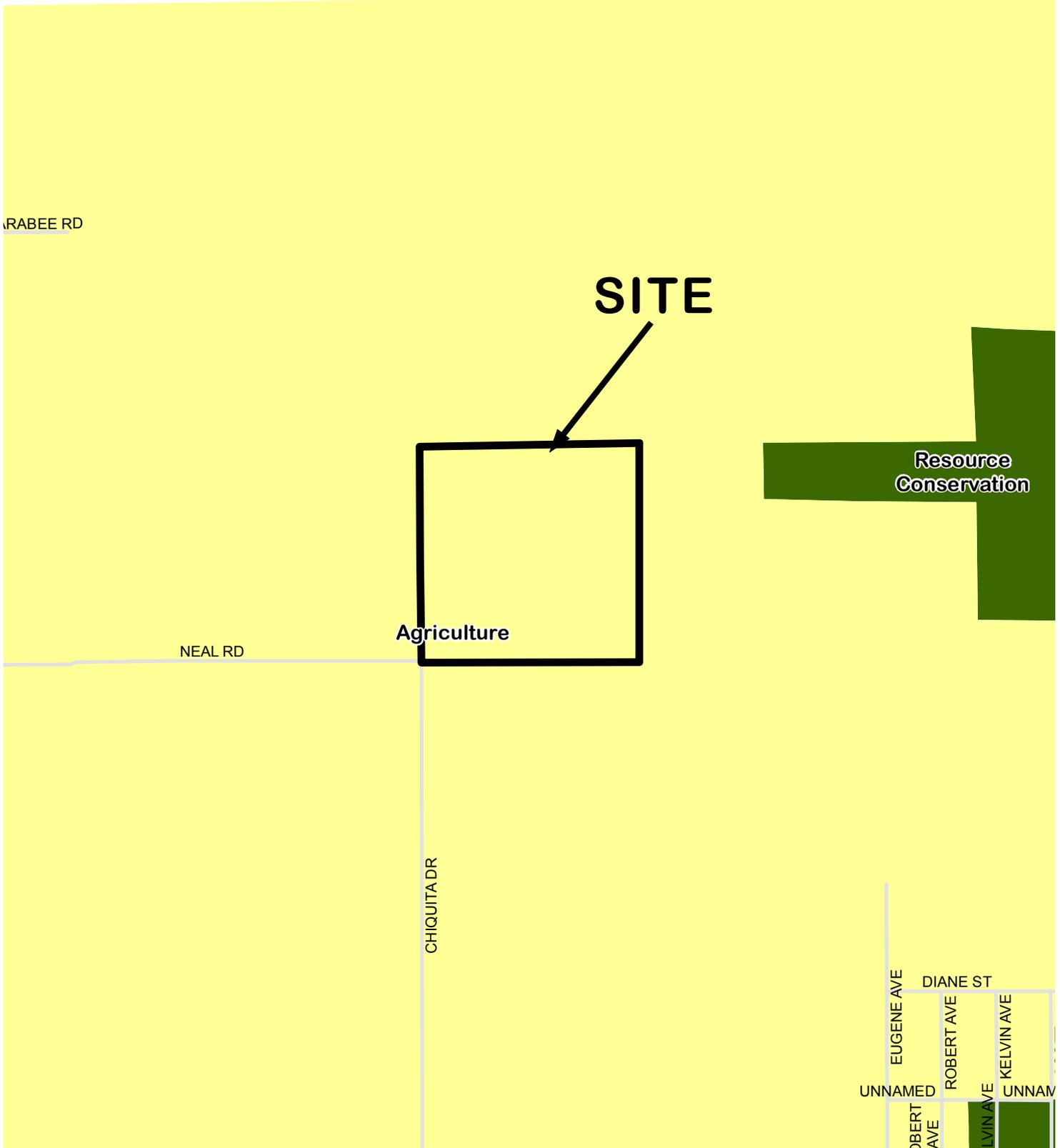
Map Prepared By
Charlotte County
Community Development
Department



27/40/18 South County

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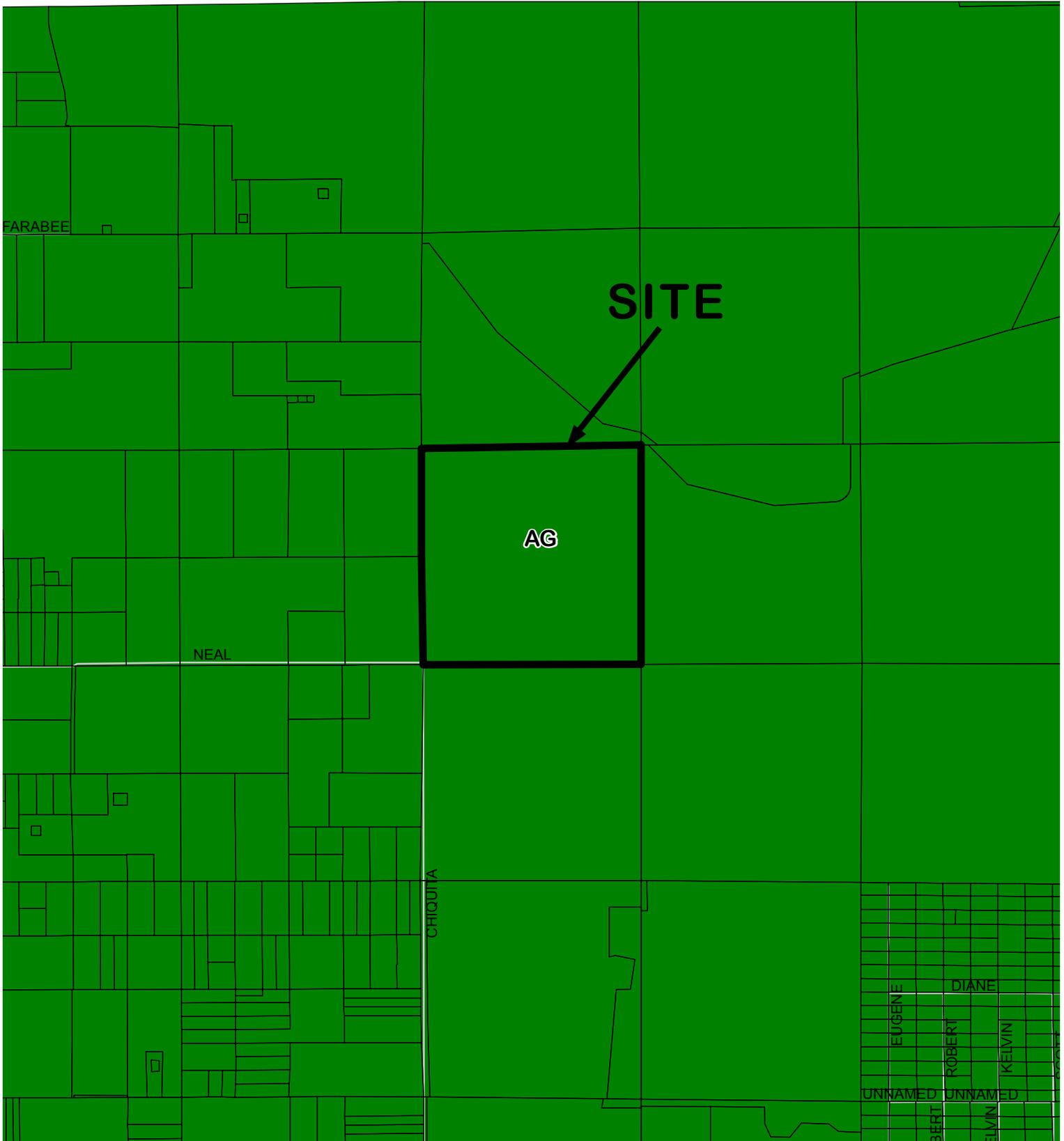




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PA-12-10-14-LS
Calusa Growers LC /
Map Amdmt: Prime Aquifer Recharge Area
Zoning Districts

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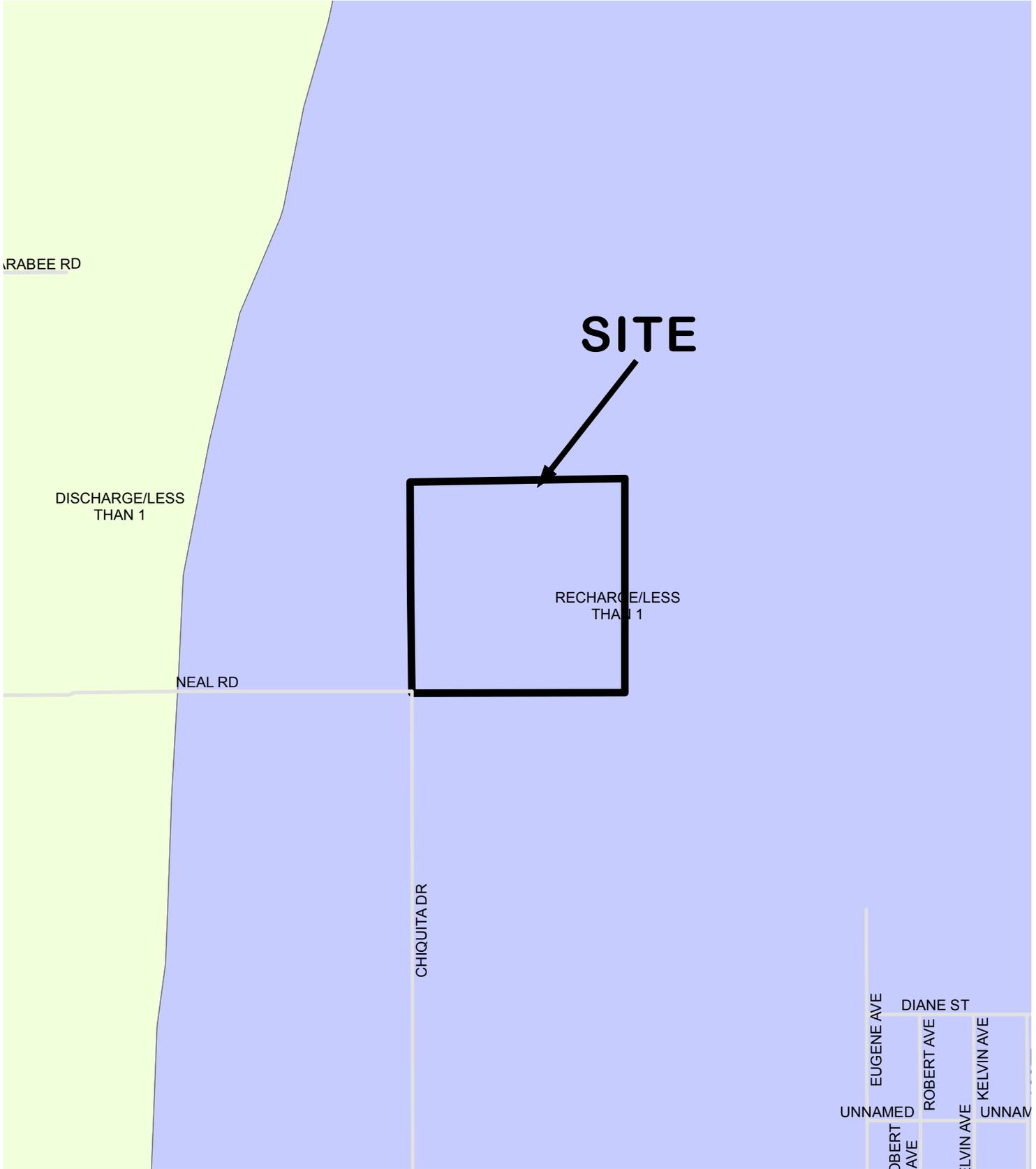
NOT TO SCALE



Open for Business

PA-12-10-14-LS Calusa Growers LC / Map Amdmt: Prime Aquifer Recharge Area Prime Aquifer Recharge Area

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Community Development Department Staff Report for PA-12-10-14-LS

DATE: November 28, 2012

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

FROM: Jie Shao, Planner III
Inga Williams, AICP, Principal Planner

REQUESTED

ACTION(S): A privately initiated request to amend FLUM Series Map #6, Prime Aquifer Recharge Area, in order to remove the subject property from the Prime Aquifer Recharge Area.

PART I

Applicant(s): Calusa Growers LC
PO Box 8188, Melrose Park, IL 60161

Owner(s): Same as applicant

General Location and Acreage:

The project site is located north of Bermont Road (C.R.74), south of the DeSoto County line, east of S.R. 31 and west of the Glades County line, in the East County area; more specifically, it is located at the northeast corner of the intersection of Neal Road and Chiquita Drive, in Township 18, Range 40, Section 27. It contains a total of 661.28± acres.

Account Number(s): 402718100001

Analysis:

The petitioner, Calusa Growers LC, is requesting a large scale plan amendment to remove the subject property from FLUM Series Map #6, Prime Aquifer Recharge Area.

On November 2, 2012, the South Florida Water Management District (SFWMD) staff responded to the petitioner's request regarding the recharge potential of the Upper Floridan Aquifer for the subject site, which states that "based upon our view of the information provided, and the District staff's knowledge of the regional hydrogeological characteristics in the vicinity of the subject site, it is the opinion of District hydrogeological staff that the area in question does not lie

within an area of High or Prime Recharge to the Upper Floridan Aquifer as defined by Chapter 62-40.210 F.A.C.”

On November 14, 2012, County staff had a meeting with SFWMD and Southwest Florida Water Management District staff to discuss the hydrogeology of the site and the recharge potential to the Upper Floridan Aquifer system. The staff of both districts confirmed that the site does not lie within an area of High or Prime Recharge to the Upper Floridan Aquifer as defined by Chapter 62-40.210 F.A.C. The Project site is very close to the area where the Upper Floridan Aquifer changes from a slight recharge to a discharge condition.

According to Chapter 62-40.210 F.A.C.:

“Prime recharge areas” means areas that are generally within high recharge areas and are significant to present and future ground water uses including protection and maintenance of natural systems and water supply.

“High recharge areas” means areas contributing significant volumes of water which add to the storage and flow of an aquifer through vertical movement from the land surface. The term significant will vary geographically depending on the hydrologic characteristics of that aquifer.

However, In Charlotte County, the area designated as the Prime Aquifer Recharge Area has, at best, very low recharge (between 0 and 2 inches per year) into the Upper Floridan Aquifer. By the standards set in Chapter 62-40.210 F.A.C., the area depicted on FLUM Series Map #6, is not a Prime Recharge Area.

STAFF RECOMMENDATION:

Approve transmittal of Petition No. PA-12-10-14-LS to the Department of Economic Opportunity for review and comments.

Conclusion:

After reviewing the materials provided by the petitioner in their application and meeting with Districts’ staff, County staff concurs with the petitioner’s request to remove the subject property from the Prime Aquifer Recharge Area.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. PA-12-10-14-LS to the Board of County Commissioners with a recommendation of Approval/Denial of transmittal of PA-12-10-14-LS to the Department of Economic Opportunity for review and comments.

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The project site is located in the Agricultural/Rural area of the 2050 Framework map, FLUM Series Map #2.
2. **2030 Service Area Delineation:** The project site is located in the Rural Service Area, FLUM Series Map #3.
3. **Existing Land Use on the Site:** The project site was a citrus grove which was removed as part of the citrus canker eradication program. A portion of the property was replanted and contains young citrus trees. The majority of the subject property is fallow at this time.

4. Existing Designation(s):

FLUM	Development Standard
Agriculture (AG)	<p>These lands are designated for agricultural activities.</p> <p>General Range of Uses Ranching, crop farming including citriculture, silviculture, aquaculture, and row crops, as well as rural residential, rural recreational uses, rural industrial uses and public services and facilities.</p> <p>Maximum Density/Intensity Density: Agricultural lands may not exceed a maximum residential density of one dwelling unit per ten acres when developing under an Agriculture zoning or one dwelling unit per five acres when developing in accordance with FLU Policy 3.1.2 and Conservation Subdivision zoning. Intensity: The maximum FAR is 0.10.</p>

Zoning	Development Standard
Agriculture (AG)	<p>Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low-density residential, recreation and other uses consistent therewith. AG district is intended to exist only outside the urban service area.</p> <ul style="list-style-type: none"> • Minimum lot area is 10 acre • Minimum width is 125 feet • Maximum lot coverage by all buildings is 20 percent • Maximum building height is 38 feet • Maximum density is 1 unit per 10 acres

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	Not applicable to this amendment.

Zoning	Development Standard
N/A	Not applicable to this amendment.

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	Grazing	Agriculture (AG)	Agriculture (AG)
East	Citrus groves	Agriculture (AG)	Agriculture (AG)
South	Citrus groves	Agriculture (AG)	Agriculture (AG)
West	Citrus groves	Agriculture (AG)	Agriculture (AG)

Table 3

- 7. Buildout Calculations (square footage &/or density):** Sixty-six units of density.
- 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?** Yes
 - a. Number of acres of Category I:** unknown
 - b. Number of acres of Category II:** unknown
- 13. Natural Resources:**
 - a. Significant natural resources and/or critical habitat for endangered/potentially endangered species:** The site contains some wetlands.
 - b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** Impacts to natural resources are possible if all regulations are not followed.
 - c. Is the subject site within the Surface Water Protection Overlay District?** No
 - d. Is the subject site within the Watershed Overlay District?** Yes
 - e. Is the subject site within a Wellhead Protection Area?** No
 - f. Is the subject site within the Prime Aquifer Recharge Area?** Yes

14. Coastal Planning:

- a. **Is the subject site within the Coastal Planning Area?** No
- 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 X, an area determined to be outside the 0.2% annual chance of flood plain.
- e. **Storm Surge Zone:** Outside the Category 5 Storm Surge
- f. **Coastal High Hazard Area?** No
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

Not applicable to this petition.

16. Concurrency

- a. **Roads Level of Service:** Not applicable to this petition.
- b. **Potable Water and Sanitary Sewage Level of Services:** Not applicable to this petition.
- c. **Park and Recreation Level of Service:** Not applicable to this petition.
- d. **Schools:** Not applicable to this petition.
- e. **Solid Waste:** Not applicable to this petition.
- f. **Drainage:** Not applicable to this petition.

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?** Yes. Coordination occurred with the South Florida Water Management District and the Southwest Florida Water Management District.

- 19. Has a public hearing been held on this property within the last year?** Yes. On September 10, 2012, a rezoning petition for the subject site was heard by the Planning and Zoning Board (Board), and the Board unanimously denied this rezoning petition.

20. 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:**ENV Policy 1.4.13 Aquifer Recharge Protection**

Within Charlotte County's Prime Aquifer Recharge Area, as identified on FLUM Series Map # 6, the County shall prohibit the generation or transmission of petroleum products or other hazardous substances. The storage and use of such products as incidental to a permitted use are allowed (the exemption shall not be construed to relieve these activities from compliance with applicable State and Federal regulations pertaining to the installation and use of hazardous

substances). The County shall further protect its aquifer recharge area by requiring properties to develop in accordance with the guidelines of the Groundwater and Aquifer Recharge subelement of the Infrastructure element, AQR Policies 1.1.1 and 1.1.2.

AQR Policy 1.1.1 Prime Aquifer Recharge Protection

The County shall limit impervious surface area within areas of prime aquifer recharge (FLUM Series Map #6) to ten percent, thereby allowing for the greatest amount of water to infiltrate the ground. Allowable uses include rural residential development and agricultural and resource conservation activities. Group III Excavations are prohibited.

AQR Policy 1.1.2 Prime Aquifer Density and Intensity Limitations

The County shall protect groundwater resources by maintaining maximum density at the levels allowed at the time of adoption of this comprehensive plan in areas of prime aquifer recharge. Increases in intensity and density are prohibited. Increases in intensity do not apply to changes in agricultural uses.

AQR Policy 1.1.3 Aquifer Protection Modifications

Uses prohibited by AQR Policy 1.1.1 and 1.1.2 may be allowed on a case by case basis by the Board of County Commissioners if it can be demonstrated through a science-based analysis, approved in writing by the appropriate Water Management District (WMD), that the proposed use will have no negative impact on the quantity or quality of water entering the aquifer.

21. Standards for Rezoning Approval: Not applicable to this petition.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

November 2, 2012

Progressive Water Resources, LLC
David J. Brown, P.G., Principal
James P. Guida, P.G., Principal
5589 Marquesas Circle, Suite 202
Sarasota, FL 34233

**Subject: Request for Confirmation
Recharge Potential of the Upper Floridan Aquifer
Northeastern Charlotte County
Specifically: Section 18 / Twp 40S / Rge 27E**

Dear Sirs:

District staff has received your request and the supporting documentation dated October 22, 2012 relative to the recharge potential of the Upper Floridan Aquifer for the subject site. Based upon our review of the information provided, and the District staff's knowledge of the regional hydrogeological characteristics in the vicinity of the subject site, it is the opinion of District hydrogeological staff that the area in question does not lie within an area of "High" or "Prime" Recharge to the Upper Floridan aquifer as defined by Chapter 62-40.210 F.A.C.

Please note that the stated opinion does not imply an approval or permit of any type from the South Florida Water Management District or any other governmental agency. Additionally, the opinion of District hydrogeological staff in this matter is not to be construed as support for or against any future landuse at the subject site, and is limited specifically to the question of recharge potential for the Upper Floridan aquifer in the vicinity of the subject site.

DISTRICT HEADQUARTERS: 3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 6868800 • (800) 432-2045

Mailing Address: PO BOX 24680 West Palm Beach FL, 33416-4680

LOWER WEST COAST SERVICE CENTER: 2301 McGregor Boulevard, Fort Myers, FL 33901 • (239) 338-2929 • (800) 248-1201

OKEECHOBEE SERVICE CENTER: 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972 • (863) 4625260 • (800) 250-4200

ORLANDO SERVICE CENTER: 1707 Orlando Central Parkway, Suite 200, Orlando FL 32809 • (407) 858-6100 • (800) 250-4250

sfwmd.gov

We trust that this information is sufficient for your use. If you should have any questions or require additional information in this regard, please feel free to contact us.

Sincerely,



David J. Hurst, P.E.
Supervisor, Water Use
Lower West Coast Service Center

Sincerely,



Simon Sunderland, P.G.
Consulting Hydrogeologist
District Headquarters, West Palm Beach

c: Dan Quick, P.E. (Charlotte County Comm. Development)