

Application No.
PA-14-04-07 / Z-14-04-08
(Unified Plan Amendment and
Rezoning)

Applicant
SW Florida Marina Investors, LLC /
Holly St., Grove City

Legislative / Quasi-Judicial

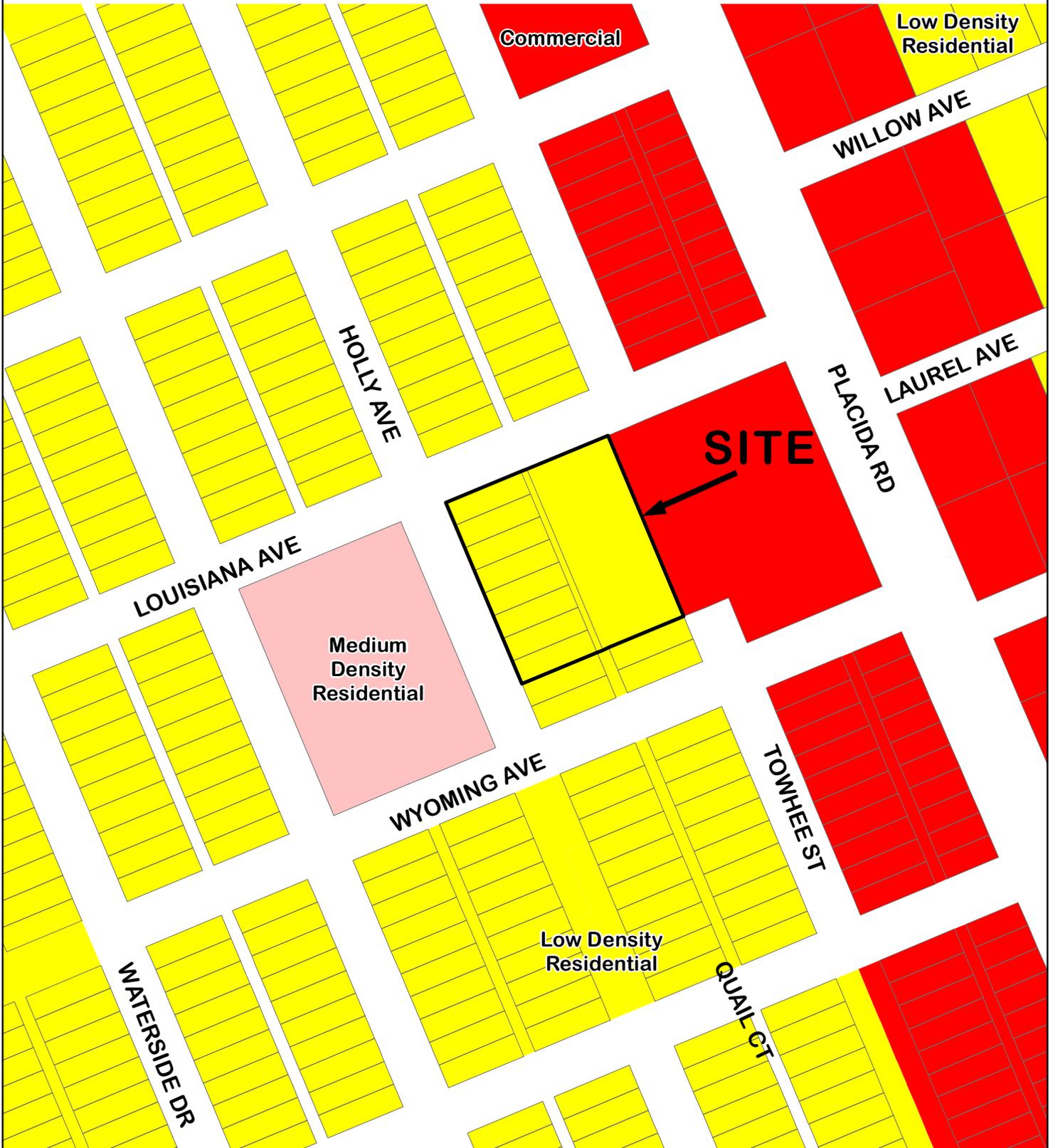
Commission District III



Community Development

CHARLOTTE COUNTY

FLUM Map for PA-14-04-07 and Z-14-04-08



17/41/20 West County

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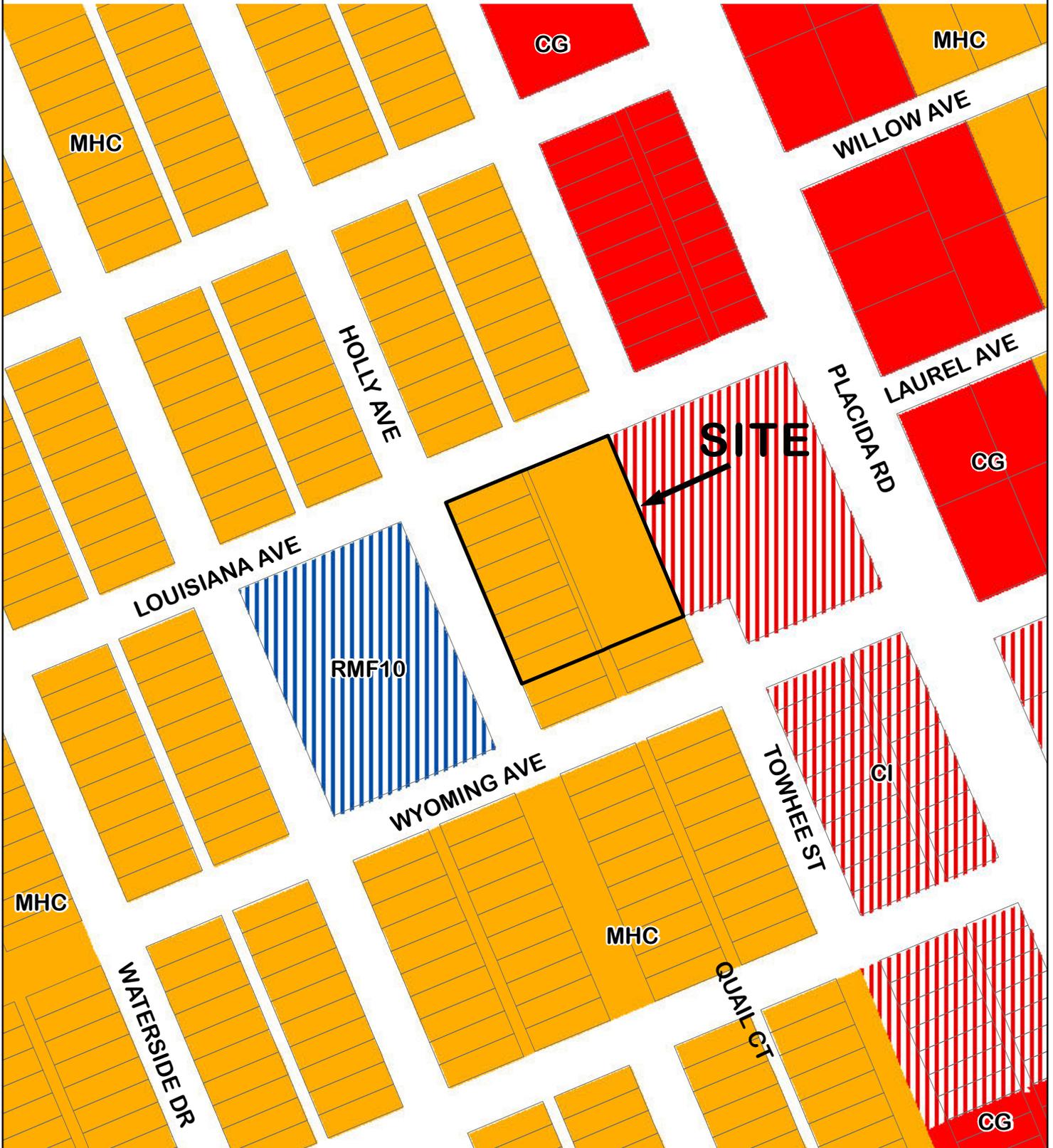
NOT TO SCALE



Community Development

CHARLOTTE COUNTY

Zoning Map for PA-14-04-07 and Z-14-04-08



17/41/20 West County

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NOT TO SCALE



Community Development Department Unified Staff Report for PA-14-04-07 & Z-14-04-08

DATE: May 20, 2014

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Jie Shao, Planner III

REQUESTED

ACTION(S): A privately initiated request to amend:

- Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM); and
- Charlotte County Zoning Atlas from Mobile Home Conventional (MHC) to Commercial Intensive (CI).

PART I

Applicant(s): SW Florida Marina Investors, LLC
260 Maryland Avenue
Englewood, FL 34224

Owner(s): Same as applicant

**General Location
and Acreage:**

The subject property is located at 3051 Holly Avenue and 3060 Placida Road, in the Englewood/Grove City area. The site contains a total of 1.17± acres.

Account Number(s): 412017405002 & 412017267001 (portion of the parcel)

Analysis:

The subject property is located on the west side of Placida Road, in the Englewood/Grove City area, and contains a total of 1.17 acres. The owner, SW Florida Marina Investors, LLC, is requesting a Future Land Use Map amendment from Low Density Residential (LDR) to Commercial (COM), and a companion rezoning from Mobile Home Conventional (MHC) to Commercial Intensive (CI). In February of 2014, the applicant purchased the subject properties along with the Stump Pass Marina property, where the Stump Pass marina and restaurant are located. A portion of the subject site is the rear half of a parcel located directly on Placida Road, which is already designated as Commercial (COM) and zoned CI. The subject property is currently vacant. According to the application, the stated purpose of this unified application is to unify the

zoning with the adjoining commercially-developed parcel, which is also owned by the applicant. The proposed change would allow the existing business to be expanded to the subject site.

Consistency with the Smart Charlotte 2050 Comprehensive Plan

The proposed change is in compliance with FLU Policy 5.4.2: Limit Expansion of Strip Commercial. This policy states that *“The County shall deny FLUM amendments to the Commercial category that will allow new strip commercial development. An exception to this policy may be made in the case of infill development where a property is located between two properties already designated Commercial, or in order to increase the depth of an existing Commercial lot(s) where:*

- 1. The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is required to submit a unified development proposal; or*
- 2. The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is part of a Planned Development rezoning that includes both the existing and proposed properties”*

The applicant owns both the subject property and the property directly adjacent to the east of the site, which is already designated as Commercial (COM) and zoned CI. Thus, the applicant’s request meets the exception to this policy to increase the depth of an existing commercial lot.

Furthermore, the subject property is located within a Revitalizing Neighborhood on the 2050 Framework Map. Revitalizing Neighborhoods are considered infill locations within the County. The properties located directly to the northeast, southeast and east of the subject site are already designated as COM and zoned CG and CI with existing commercial uses. The proposed development is compatible with the existing commercial development in this area.

In addition, the proposed change from LDR to COM would reduce residential density in the West County area, which is one of the objectives of the Comprehensive Plan that the County continue to reduce the total number of vacant platted residential lots.

Compatibility and Impacts on the Adjacent Land Uses

The subject property is located on the west side of Placida Road, which is one of the major roadways in the West County area. The properties located to the northeast, southeast and east are all commercial properties with existing commercial uses. Across Holly Avenue, to the west, there is a residential condominium. Across Louisiana Avenue, to the north, there are mobile homes. There are single-family homes and vacant platted residential lots located across Wyoming Avenue to the south. The proposed CI zoning requires a minimum of a type C buffer to be placed along the property’s boundary adjacent to residentially zoned properties. It is staff’s determination that the proposed land use change and rezoning will not create any detrimental impacts on residential homes located across streets to the north, south and further west.

Concurrency issues

- Water and Sewer: The proposed commercial uses would lead to an increased use of utilities. However, the Englewood Water District has sufficient capacity to accommodate the proposed commercial general/intensive uses.
- Traffic: After reviewing the application, the County Transportation Planner has concluded that the proposed commercial uses will not cause the Level of Service (LOS) of the County roadway, Placida Road, to fall below the adopted LOS D.

Therefore, the proposed development will not create any concurrency issues.

STAFF RECOMMENDATION:

“Approve adoption of Petition No. PA-14-04-07 based on the findings and analysis in the Comprehensive Planning Division staff report dated May 20, 2014 and any evidence presented at the public hearing.”

“Approve adoption of Petition No. Z-14-04-08 based on the findings and analysis in the Comprehensive Planning Division staff report dated May 20, 2014 and any evidence presented at the public hearing.”

Conclusion:

Staff recommends approval of this unified application. It is not inconsistent with the Smart Charlotte 2050 Comprehensive Plan, and it will not create any detrimental impacts on the surrounding properties.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. PA-14-04-07 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated May 20, 2014 and the evidence presented at the public hearing.”

“Motion to forward application No. Z-14-04-08 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated May 20, 2014 and the evidence presented at the public hearing.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Revitalizing Neighborhood
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The site is currently vacant.
4. **Existing Designation(s):**

FLUM	Development Standard
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<p>Low Density Residential (LDR)</p>	<p>General Range of Uses Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicles, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p>Minimum and Maximum Density Low Density Residential lands may be developed at a density of one dwelling unit per acre up to five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p>
<p>Zoning</p>	<p>Development Standard</p>
<p>Mobile Home Conventional (MHC)</p>	<p>The mobile home conventional (MHC) district is intended to provide for mobile homes and conventional single-family structures in an environment of residential character. Uses not compatible with single-family residential uses are prohibited. This district shall be applied to existing developments containing a mixture of mobile homes and conventional dwelling units.</p> <ul style="list-style-type: none"> • Minimum lot site is 7,500 square feet. • Minimum width is 60 feet. • Maximum lot coverage by all buildings is 35%. • Maximum building height is 38 feet. • Maximum density is 5 units per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 7.5 feet (interior). ○ Rear setback is 25 feet (Abutting a road).

Table 1

5. Proposed Designation(s):

<p>FLUM</p>	<p>Development Standard</p>
<p>Commercial (COM)</p>	<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</p>

	1.0 FAR for professional office buildings
Zoning	Development Standard
Commercial Intensive (CI)	<p>The purpose and intent of the commercial, intensive (CI) district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like or which have many of the same needs as industrial land uses. Such uses often rely on large ground areas for storage or display of goods, are relatively insensitive to the impacts of adjacent land uses, while generating substantial impacts on their neighbors. Commercial, intensive land uses are generally services, particularly warehousing, distribution and compatible businesses oriented to the sale and service of automobiles and boats. The CI district is and is intended to be intermediate between consumer-oriented commercial and light industrial uses.</p> <ul style="list-style-type: none"> • Minimum lot size is 12,000 square feet. • Minimum lot width is 100 feet. • Maximum lot coverage is 50%. • 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).

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	Improved commercial and vacant lands designated for commercial uses Mobile homes	Commercial (COM) Low Density Residential (LDR)	Commercial General (CG) Mobile Home Conventional (MHC)
East	Dockside Marina owned by the applicant Placida Road Vacant lands designated for commercial uses	Commercial (COM)	Commercial Intensive (CI) Commercial General (CG)
South	Single-family homes Vacant platted residential lots The Oaks Mini Storage One story stores	Low Density Residential (LDR) Commercial (COM)	Mobile Home Conventional (MHC) Commercial Intensive (CI)
West	Stump Pass Residential Condominium Mobile homes Vacant platted residential lots	Medium Density Residential (MDR) Low Density Residential (LDR)	Residential Multi-family 10 (RMF-10) Mobile Home Conventional (MHC)

Table 3

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

The proposed commercial general and commercial intensive uses involve no residential density. Based on the proposed commercial FLUM designation and the CI zoning district, the maximum Floor Area Ratio is 0.5 and the maximum building height is 60 feet; therefore, the maximum buildout of the subject site is 25,482.6 square feet of commercial uses.

8. Is the subject site within a Community Planning Area or Special Plan area? The site is located within the Grove City Community Planning 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 will not be used for uses that could impact 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:** An environmental assessment and FLUCCS Map has been provided by Ian Vincent and Associates (IVA) dated April 2014. The site is located within several listed species Consultation Areas including the Wood Stork (*Mycteria americana*), Florida Scrub Jay (*Aphelocoma coerulescens*), Piping Plover (*Charadrius melodus*) and the West Indian Manatee (*Trichechus manatus latirostris*). No wetlands were located on the subject sites and a total of seven (7) potentially occupied Gopher Tortoise burrows were identified.
- 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 11 AE, an area with a determined base flood elevation of 11 feet.
- e. **Storm Surge Evacuation Zone:** The site is located within Evacuation Zone B.
- f. **Coastal High Hazard Area?** No
- g. **Could the proposed changes impact evacuation times?** No

15. Charlotte County Facilities and Services

- a. **Nearest Park:** N/A
- b. **Nearest Police Station:**
Name: District 1
Address: 6868 San Casa Drive, Englewood
Distance: approximately 1.5 miles to the northeast 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 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

	225 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated water needs
5,360,000	2,330,000	7,645

Table 4

2. *Analysis:* If the Board of County Commissioners (Board) approves this unified application, it will allow the property owner to have a maximum of 25,482.6 square feet of commercial general or commercial intensive uses. The estimated water usage would be 7,645 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial development.
- c. **Sanitary Sewage Level of Service:**
 - 1. *Provider's Name:* Englewood Water District

Permitted Facility Capacity	190 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated sewer needs
3,000,000	1,400,000	6,498

Table 5

2. *Analysis:* If the Board approves this unified petition, it will allow the property owner to have a maximum of 25,482.6 square feet of commercial general or commercial intensive uses. The estimated sewer generation would be 6,498 gallons per day. Englewood Water District retains enough capacity to serve the proposed commercial 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 5.4.2: Limit Expansion of Strip Commercial

The County shall deny FLUM amendments to the Commercial category that will allow new strip commercial development. An exception to this policy may be made in the case of infill development where a property is located between two properties already designated Commercial, or in order to increase the depth of an existing Commercial lot(s) where:

1. The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is required to submit a unified development proposal; or
2. The proposed development is required to have joint, interconnected access and is under the same ownership, or under unified control, with the existing lot(s), and the proposed development is part of a Planned Development rezoning that includes both the existing and proposed properties.

FLU Policy 5.7.3: Commercial Access

The County shall require that commercial land uses that request to have access to local roads, but which have frontage on and access to an arterial or collector roadway, provide an analysis that provides the reasons why it is necessary. Joint access with adjacent commercial sites and safety issues must be included as part of the analysis. The commercial access may be approved by the County as part of the Site Plan Review process should the need for the access be proven to improve the health, safety, and welfare of the public. Should the commercial land use be located within an area that has an adopted Revitalization Plan, Emerging Area Plan or Special Area Plan that provides standards for local road access, a statement referring to these standards is adequate support material.

FLU Policy 5.7.4: Commercial Landscaping and Buffering

The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

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 rezoning to Commercial Intensive (CI) would not be contrary to the Comprehensive Plan if the Board of County Commissioners finds the requested plan amendment to Commercial (COM) appropriate. Furthermore, the proposed change would reduce residential density in the West County area, which is one of the objectives of the Comprehensive Plan that the County continue to reduce the total number of vacant platted residential lots.

b. The existing land use pattern in adjacent areas:

Finding: The subject property is located on the west side of Placida Road, in the Englewood/Grove City area, which is an area designated as part of the Revitalizing Neighborhoods. Improved commercial uses are located directly to the east, northeast and southeast of the site. To the west, across Holly Avenue, there is a residential condominium. To the north and south, there are single-family homes, mobile homes and scattered vacant platted residential lots.

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

Finding: The proposed CI rezoning involves no residential density, 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 existing residential zoning district. The letter from the Englewood Water District, dated April 17, 2014, states that *the subject site is located within the Englewood Water District (EWD) service area, and 3060 Placida Road is an existing water and sewer customer of the District. If 3051 Holly Avenue would like to connect, there is a 6 inch water line and a vacuum value pit on Holly Avenue. The District has capacity to and will provide both water and service and sewer service when the developer/owner executes a Water and Wastewater Agreement, pays the applicable rates, fees, and charges and complies with the rules and regulations of the District, EWD retains enough capacity to serve the proposed commercial general development.*

Finally, although the proposed commercial uses would increase the automobile trip generation of the site, Placida Road is currently operating at an acceptable 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 the adopted LOS.

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

Finding: Yes. Placida Road is a four-lane roadway, which accommodates high traffic volumes; therefore, residential homes along the Placida corridor area become less desirable. In addition, the proposed land use change is not contrary to FLU Policy 5.4.2.

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

Finding: The proposed commercial uses may create an increase in the amount of noise, possible fumes, traffic volume, and light on the subject site as compared to the current residential zoning of the property. However, the subject property is located immediately adjacent to an established commercial corridor with existing similar uses. The proposed change 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.

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

Finding: No. The site is currently vacant and any development of the site to a commercial use must comply with the setbacks, height limitations, landscaping and buffering requirements set forth in the County's Land Development Regulations. For example, a Type C buffer (at a minimum) is required to be placed along the property boundary adjacent to the property zoned MHC. 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: No. There are no substantial reasons why the property cannot be used in accordance with the existing residential zoning. However, the property immediately adjacent to the subject site is also owned by the applicant and contains a business. The segment of Placida Road between San Casa Drive and Short Street (approximately 1.1 miles) is mainly comprised of commercial businesses or commercially zoned property. The character of the corridor makes many areas along the corridor more appropriate for commercial uses rather than residential uses.



MEMORANDUM

Date: May 14, 2014
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: PA-14-04-07 & Z-14-04-08
SW Florida Marine Investors, LLC
Account #'s 412017267001 & 412017405002

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

- The applicant is proposing to amend ±1.17 acres from the current zoning designation of Mobile Home Conventional (MHC) to Commercial Intensive (CI) and the current FLUM designation from Low Density Residential to Commercial.
- An environmental assessment and FLUCCS Map has been provided by Ian Vincent and Associates (IVA) dated April 2014. The site is located within several listed species Consultation Areas including the Wood Stork (*Mycteria americana*), Florida Scrub Jay (*Aphelocoma coerulescens*), Piping Plover (*Charadrius melodus*) and the West Indian Manatee (*Trichechus manatus latirostris*). No wetlands were located on the subject sites and a total of seven (7) potentially occupied Gopher Tortoise burrows were identified.

If this petition is approved, the following conditions will be reviewed for compliance prior to final Site Plan Review Committee approval and the issuance of any county permits or land improvement activities.

- All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- The environmental assessment provided is only valid for one year. If a clearing/building permit has not been issued prior to the one year time frame, an updated listed species

assessment may be required. All applicable Florida Fish and Wildlife Conservation Commission (FWCC) and U.S. Fish and Wildlife Service (FWS) permits must be obtained prior to the commencement of the development (at the time of clearing permit application). Verification of successful off site relocation must be provided prior to clearing/building permit issuance.

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

Chapter 3-2:

Article IX. *TREE REQUIREMENTS**

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

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,
Article XVI, *OPEN SPACE / HABITAT RESERVATION TRUST*,
Article XVIII, *LANDSCAPING AND BUFFERS*.

- The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *NATURAL RESOURCES (ENV)* section.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1242 | Fax: 941.743.1292

Planned Development Rezoning
Petition/ Account Number: PA-14-04-07 & Z-14-04-08

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

FROM: Venkat Vattikuti

DATE: May 21, 2014

REQUESTED ACTION:

APPLICANT: SW Florida Marina Investors, LLC.

OWNER: SW Florida Marina Investors, LLC, 260 Maryland Ave., Englewood, FL 34224

GENERAL LOCATION: Property Account No: 412017405002 & 412017267001

1 **ANALYSIS:**

2 From the transportation perspective, there would not be any significant increase in
3 the number of new trips with the proposed Future Land Use Map designation
4 change from Low Density Residential to Commercial, and proposed zoning
5 change from "Mobile Home Conventional (MHC)" to "Commercial Intensive (CI)".
6 With the proposed changes, the surrounding roadway segments within the area of
7 significance of the subject property are currently operating at acceptable levels of
8 service would continue to operate at acceptable levels of service in the analysis
9 year 2015 and 2030 and offer no comments.

10



**CHARLOTTE COUNTY
 BUILDING AND GROWTH MANAGEMENT DEPARTMENT**

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

Date Received: 4/17/2014	Time Received: 3:50 PM
Date of Log-in: 4/24/2014	Petition #: PA-14-04-07 & 2-14-04-08
Receipt #: 140948	Accela #: PA-14-13-14
	Amount Paid: \$ 2,430.00

1. PARTIES TO THE APPLICATION

Name of Applicant: SW Florida Marina Investors, LLC

Mailing Address: 260 Maryland Avenue

City: Englewood

State: FL

Zip Code: 34224

Phone Number: 941-627-1000

Fax Number: 941-255-5483

Email Address:

Name of Agent: Robert H. Berntsson

Mailing Address: 18401 Murdock Circle, Suite C

City: Port Charlotte

State: FL

Zip Code: 33948

Phone Number: 941-627-1000

Fax Number: 941-255-5483

Email Address: RBerntsson@BigWLaw.com

Name of Engineer/Surveyor: Bruce Caldwell Florida Professional Surveyor & Mapper

Mailing Address: 928 Osceola Boulevard

City: Englewood

State: FL

Zip Code: 34223

Phone Number: 941-475-7615

Fax Number: 941-475-5849

Email Address: clsurveying@verizon.net

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

SW Florida Marina Investors, LLC

Mailing Address: 260 Maryland Avenue

City: Englewood

State: FL

Zip Code: 34224

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 #: Please see attached Property Information and Exhibit A.		
Section:	Township:	Range:
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property:		

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
Low Density Residential	1.17 Acres

Zoning District(s)	Acreage
MHC	1.17 Acres

8. APPLICANT'S PROPOSED CHANGE(S):

Amending FLUM designation(s) to:
 Commercial

Amending Zoning designation(s) to:
 CI

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?

9. REASON FOR PROPOSED CHANGE(S):

To unify the zoning with adjoining commercially developed parcel also owned by the applicant.

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

Vacant

11. SURROUNDING LAND USES:

North: Residential

South: Residential

East: Commercial

West: Residential

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.

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):

Placida Road. Project access will be for unified parcel.

- 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.

Property Information

Property Account #: 412017405002

Section: 17 Township: 41 Range: 20

Parcel/Lot#: 1-8* Block #: 150 Subdivision: Grove City

Acreage: .58

Property Account #: A portion of 412017267001

Section: 17 Township: 41 Range: 20

Parcel/Lot#: 13-20 (vacated)* Block #: 150 Subdivision: Grove City

Acreage: .58

*Also included in addition to the lots is half the vacated alley adjacent to each.

FORM B. APPLICANT AUTHORIZATION TO AGENT

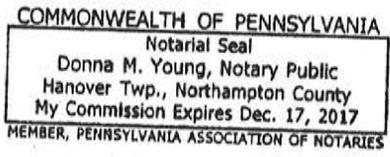
I, the undersigned, being first duly sworn, depose and say that I am the applicant for this PLAN AMENDMENT and REZONING for the property described and which is the subject matter of the proposed hearing.

I give authorization for Robert H. Berntsson to be my agent for this application.

STATE OF PA, COUNTY OF Northampton

The foregoing instrument was acknowledged before me this 14 day of April, 2014, by THOMAS M RIDDLE who is personally known to me or has/have produced DRIVER'S LICENSE as identification and who did/did not take an oath.

<u>Donna M Young</u> Notary Public Signature	<u>[Signature]</u> Signature of Applicant
<u>DONNA M YOUNG</u> Notary Printed Signature	<u>THOMAS M RIDDLE</u> Printed Signature of Applicant
 Title	<u>835 WAFFORD LANE</u> Address
 Commission Code	<u>BETHLEHEM PA 18017</u> City, State, Zip
	<u>610-868-9000</u> Telephone Number



AFFIDAVIT A

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 17 day of April, 2014, by Robert H. Bertsson who is personally known to me or has/have produced

as identification and who did/did not take an oath.

<u>Katrina Rydzenski</u>	<u>Robert H. Bertsson</u>
Notary Public Signature	Signature of Applicant or Agent

<u>KATRINA RYDZENSKI</u>	<u>Robert H. Bertsson</u>
Notary Printed Signature	Printed Signature of Applicant or Agent

Title	18401 Murdock Circle, Suite C
Address	Port Charlotte, FL 33948

Commission Code	City, State, Zip
941-627-1000	Telephone Number

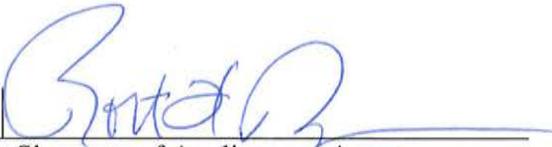


AFFIDAVIT B

The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 17 day of April, 2014, by Robert H. Berntsson who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

 _____ Notary Public Signature	 _____ Signature of Applicant or Agent
<u>KATRINA RYDZENSKI</u> _____ Notary Printed Signature	<u>Robert H. Berntsson</u> _____ Printed Signature of Applicant or Agent
_____ Title	<u>18401 Murdock Circle, Suite C</u> _____ Address
_____ Commission Code	<u>Port Charlotte, FL 33948</u> _____ City, State, Zip
	<u>941-627-1000</u> _____ Telephone Number

**Narrative to the Unified Application for Small Scale Plan Amendment and
Rezoning for SW Florida Marina Investors, LLC**
3051 Holly Street and a portion of 3060 Placida Road
Grove City, Florida

SW Florida Marina Investors, LLC is applying to amend the Smart Charlotte 2050 comprehensive plan from Low Density Residential FLUM designation to Commercial, and to amend the zoning atlas from Mobile Home Conventional (MHC) to Commercial Intensive (CI). The subject property is approximately 1.17 acres located on C.R. 775, in the Grove City area. The subject property is the rear half of a parcel that is already zoned CI with a Commercial FLUM designation. They applicant recently purchased the subject properties along with the Stump Pass Marina property in Grove City, where the Stump Pass marina and restaurant are located.

The subject property is currently undeveloped, but is adjacent to the developed Commercial Intensive developed property at 3060 Placida Road, that has most recently been operated as a marine and boat sales business.

There should be no negative traffic impacts as the Charlotte County Roadway Level of Service Data shows CR 775 operating at a Level of Service "C" with 38% capacity used in the segment on which the subject property lies. Marina and boat sales uses have generally some of the lowest parking space requirements due to the minimal traffic they generate. There are no known archeological or historical objects on site.

The 2050 Plan and land development regulations have provided for appropriate buffers between residential and commercial uses, and the subject property, when combined with the existing commercial development has ample space for appropriate buffers.

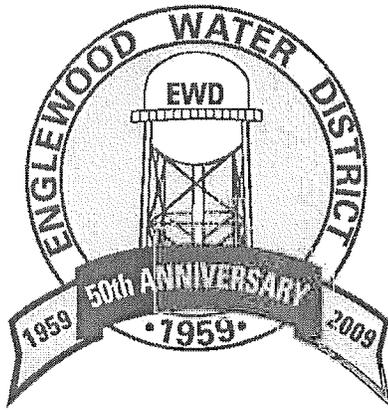
This application meets the criteria for rezoning as follows:

- A. The proposed change would not be contrary to the Comprehensive Plan. It would reduce density on the Cape Haze peninsula, one of the main goals of the 2050 Plan.
- B. The application is consistent with existing land use patterns of adjacent areas; CR 775 is a commercial corridor with commercial uses to the north, south and east of the subject property, with residential uses to the west.

- C. The population density pattern and load on public facilities such as schools, utilities and streets, would not likely be negatively affected. There will be fewer residential units, therefore fewer school children.
- D. Changed conditions make the passage of the proposed amendment appropriate. The new owners of the property desire to expand the commercial business. There are few deep commercial lots along CR 775, and this provides a unique opportunity to deepen the Commercial corridor.
- E. The proposed change will not adversely influence living conditions or property values in the adjacent area. Current regulations will ensure proper buffering to the adjacent properties.
- F. The proposed change shall have no negative effect on public safety.
- G. The proposed change will not reduce light and air to adjacent areas.
- H. The property cannot be used in accordance with the existing zoning. The subdivision on half of the subject property has been vacated, leaving those former MHC lots with no roadway access, and as a unified parcel that would have to be resubdivided. Under current regulations, when stormwater and roadway obligations were met, there would be no land left to develop as MHC lots.

Based on the foregoing, it is respectfully requested that the FLUM and zoning atlas be amended to allow for the commercial development. Respectfully submitted, this 17th day of April, 2014.


Robert H. Berntsson



Board of Supervisors

Steven Samuels, Chair
Eric Fogo, Vice-Chair
Sydney B. Crampton
Phyllis Wright
Taylor Meals

Michael J. Ray
Administrator

STATEMENT REGARDING
AVAILABILITY OF ENGLEWOOD WATER DISTRICT SERVICE

ISSUE DATE: 04/17/14

EXPIRATION DATE: 04/17/17

PROJECT NAME: SW Florida Marina

AVAILABILITY REQUESTED BY: Robert H. Berntsson, Esq.
The Big W Law Firm
Sent Via E-mail 04/17/14

PROPOSED PROJECT: COMMERCIAL REZONE

PROPERTY DESCRIPTION: PID #412017267001 - 3060 Placida Road
PID #412017405002 - 3051 Holly Avenue

Please be advised that the Englewood Water District hereinafter called "District", a political subdivision and body corporate, created pursuant to a Special Act of the Florida Legislature has the authority and duty to serve property located within the District service area.

Based upon information supplied, the subject property lies within the District service area and 3060 Placida Road is an existing water and sewer customer of the District. If 3051 Holly Avenue would like to connect, there is a 6 inch water line and a vacuum valve pit on Holly Avenue. This statement does not constitute a contract for service. The District has capacity to and will provide both water service and sewer service when the Developer/Owner executes a Water and Wastewater Service Agreement, pays the applicable rates, fees, and charges, and complies with the rules and regulations of the District.

The District does not regulate design for fire protection. Our specifications mandate the installation of the mains and their appurtenances to supply water and sewer to the property. It is the Developer/Owner's responsibility to have a professional engineer design the system for the proposed project to meet the requirements of all appropriate regulatory agencies.

It is recommended that the necessary documents required by the District be prepared as soon as possible prior to the intended commencement date of the project to accommodate the service request. Enclosed is a copy of the Developer Submittal Package List for your information. All inquiries or requests for additional information concerning this matter should be directed to the undersigned by e-mail at rsofa@ewdfl.com.

Sincerely,

Robin Sofa
Project Coordinator

/rs

ec: Jay Linden, Technical Support Manager
Susan Franklin, Customer Service Manager

Englewood Water District

201 Selma Avenue
Englewood, FL 34223

Phone: 941-474-3217
Toll Free: 1-866-460-1080
Fax: 941-460-1025
Email: info@englewoodwater.com
Website: englewoodwater.com

PROTECTED SPECIES ASSESSMENT

HOLLY STREET PARCEL Charlotte County, Florida

April 2014

Prepared by:

I V A
Ian Vincent & Associates
Environmental Consulting Services

4050 Rock Creek Drive ■ Port Charlotte, FL 33948
(941) 457-6272
www.IVAenvironmental.com

INTRODUCTION

The following assessment has been prepared to identify on-site vegetative communities and address wildlife species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and/or U.S. Fish and Wildlife Service (FWS) as endangered, threatened, or species of special concern which may be utilizing the subject property.

The property is located in Section 17, Township 41S, Range 20E within Charlotte County, Florida. More specifically, the project is located west of C.R. 775, within the northeast quadrant of the intersection at Holly Street and Wyoming Avenue, along the east side of Holly Street. Please refer to the attached LOCATION MAP.

SITE CONDITIONS

A site inspection was conducted by a qualified staff ecologist in April 2014. During the inspection, temperatures ranged from 75° - 80° F, winds were calm, and skies were clear.

VEGETATIVE COMMUNITIES

Field observations, in conjunction with the Charlotte County Soil Survey and aerial photographs, were used to develop a map of the vegetative communities onsite. The following table displays the two vegetative associations found on the subject property. The vegetative communities were identified and classified utilizing the Florida Land Use Cover and Forms Classification System (FLUCCS). A description of the communities is also included. The limits of any on-site wetlands, surface waters, and/or other surface waters are preliminary and subject to review/approval by applicable regulatory agencies. Please refer to the attached PROTECTED SPECIES ASSESSMENT MAP.

FLUCCS ID	FLUCCS DESCRIPTION	ACREAGE
411D	Pine Flatwoods, Disturbed	0.66
740	Disturbed Land	0.53
TOTAL		1.19

FLUCCS 411D – Pine Flatwoods, Disturbed

These upland areas are characteristic of native Pine Flatwoods habitat, however, it appears these areas have been previously cleared of native groundcover vegetation and subsequently regenerated naturally, exhibiting substantial coverage of opportunistic vegetative species. The dominant vegetative species within this FLUCCS association include: slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), wax myrtle (*Myrica cerifera*), rusty lyonia (*Lyonia ferruginea*), gallberry (*Ilex glabra*), saw palmetto (*Serenoa repens*), bluestem (*Schizachyrium sp.*), cogongrass (*Imperata cylindrica*), pricklypear (*Opuntia humifusa*), creeping oxeye (*Wedelia trilobata*), poison ivy (*Toxicodendron radicans*), greenbrier (*Smilax sp.*), and grapevine (*Vitis sp.*).

FLUCCS 740 – Disturbed Land

This upland area has been previously cleared of all native vegetation and is currently maintained through mowing. Dominant vegetative species present include: ragweed (*Ambrosia artemisiifolia*), beggartick (*Bidens alba*), buttonweed (*Spermacoce sp.*), creeping oxeye, bahia grass (*Paspalum notatum*), carpetgrass (*Axonopus sp.*), St.

Augustine grass (*Stenotaphrum secundatum*), Bermuda grass (*Cynodon dactylon*), rustweed (*Polypremum procumbens*), and frog-fruit (*Phyla nodiflora*).

LISTED SPECIES SURVEY METHODOLOGY

To provide approximately 80 percent coverage of the site, both linear and nonlinear overlapping transects were completed across the parcel per FWC guidelines. Transects were spaced approximately 15 - 30 feet apart depending on the visibility within the vegetative association being surveyed. Evidence of protected species was gathered through both direct observation and through observation of signs such as tracks, nests, burrows, and fecal material. If evidence of utilization by a protected species which may require permitting prior to development of the subject property was observed, an aerial photograph was marked depicting the approximate location. Please refer to the attached PROTECTED SPECIES ASSESSMENT MAP. In addition, a search of available online resources was conducted to reveal the previously documented presence of listed species which may be utilizing the subject property. These resources included, but were not limited to, the following: FWC Eagle Nest Locator Database; Charlotte County Natural Resources Department Scrub Jay Territory Search Database; FWS Panther Consultation Area Map(s); and FWS Wood Stork Colony Map(s). In the event that the site contained suitable habitat for a protected species, or if the site is within close proximity to a verified sighting or consultation area for a protected species, additional scrutiny was given during the inspection relative to that specific specie.

LISTED SPECIES ASSESSMENT RESULTS

Search of available online resources revealed that the nearest FWC documented bald eagle (*Haliaeetus leucocephalus*) nest, identified as CH016, is located approximately 1,000 feet north-northwest of the northernmost limits of the subject property. Nest CH016 was last documented as active in the year 1989. The subject property is outside of the 660-foot Secondary Protection Zone afforded to all bald eagle nests, and the nest has not been active for over 20 years. Therefore, the bald eagle is not likely to affect the future development of the subject property.

Search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (*Mycteria americana*) nesting colonies. Each of the documented colonies appears to be greater than seven miles from the subject property. Under current regulations, the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property. Further, the subject property does not contain typical wood stork foraging habitat (wetlands and/or shallow surface waters). Considering the lack of typical wood stork foraging habitat within the subject property, the wood stork is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (*Aphelocoma coerulescens*). However, review of the Charlotte County Natural Resources Department Scrub Jay Territory Search Database revealed that the subject property does not contain scrub jay parcels, and therefore, does not require any additional review relative to the Florida scrub jay. Thus, the Florida scrub jay is not likely to affect the future development of the subject property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the piping plover (*Charadrius melodus*). Piping plovers are shorebirds known to winter along the coasts of Florida, inhabiting sandy beaches, sand flats, and mud flats along coastal areas. No piping plovers or evidence of utilization by the piping plover was observed onsite during the April 2014 site inspection. Further, the subject property does not contain any of the above documented types of piping plover habitat. Considering the lack of typical piping

plover wintering habitat within the subject property, in conjunction with no observed evidence of site utilization by the species, the piping plover is not anticipated to be utilizing the subject parcel, and therefore, is not likely to affect the future development of the property.

Search of available online resources revealed that the subject property is located within the Consultation Area of the West Indian manatee (*Trichechus manatus latirostris*). However, the subject property is not accessible to the West Indian manatee, lacking surface waters capable of being traversed by the species. Therefore, the West Indian manatee is not likely to affect the future development of the subject property.

Search of available online resources did not reveal documentation of any other listed wildlife species currently utilizing the subject property.

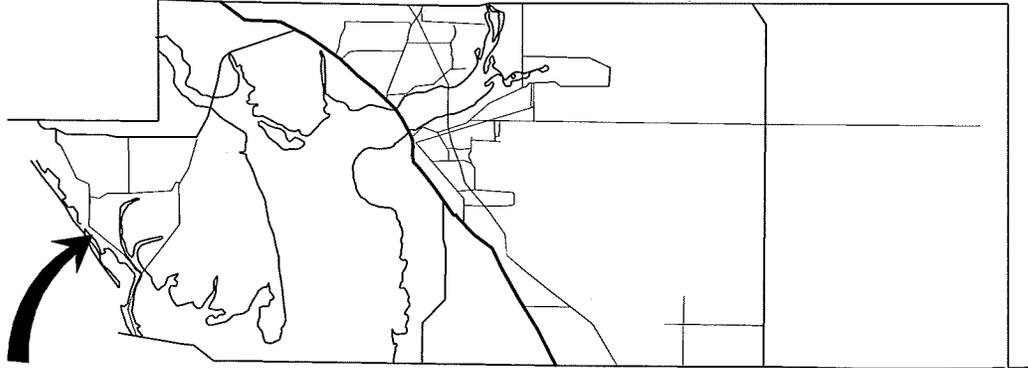
Seven potentially occupied gopher tortoise (*Gopherus polyphemus*) burrows were identified within the subject property. The burrows were identified within the Pine Flatwoods, Disturbed (FLUCCS 411D) and Disturbed Land (FLUCCS 740) communities. The approximate locations of the burrows are depicted on the attached PROTECTED SPECIES ASSESSMENT MAP. The appropriate permit relative to the gopher tortoise may be required from the FWC prior to development if gopher tortoise burrows cannot be avoided during construction.

No other protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the April 2014 site inspection.



SECTION 17; TOWNSHIP 41S; RANGE 20E

NOT TO SCALE



SITE

CHARLOTTE COUNTY, FLORIDA



SITE

LOCATION MAP

14-008 / APRIL 4, 2014

HOLLY STREET PARCEL
LOCATION MAP



SECTION 17; TOWNSHIP 41S; RANGE 20E



LEGEND

FLUCCS DESCRIPTIONS	ACREAGE
411D PINE FLATWOODS, DISTURBED	0.66±
740 DISTURBED LAND	0.53±
TOTAL	1.19±



POTENTIALLY OCCUPIED
GOPHER TORTOISE BURROW (7)

- NOTES:
1. FOR PERMIT USE ONLY, NOT FOR CONSTRUCTION.
 2. PROJECT LIMITS ARE APPROXIMATE AND BASED ON CHARLOTTE COUNTY GIS DATA.
 3. MAPPING APPROXIMATE AND BASED ON INTERPRETATION OF 2011 AERIAL PHOTOGRAPHY AT 1"=50' SCALE.

14-008 / APRIL 13, 2014

HOLLY STREET PARCEL
PROTECTED SPECIES ASSESSMENT MAP

Ivan Vincent & Associates
Environmental Consulting Services

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 150, GROVE CITY SUBDIVISION, a subdivision according to the plat thereof, recorded in Plat Book 1, Page 4, of the Public Records of Charlotte County, Florida, together with half of the adjacent vacated alley.

Lots 13 through 20, Block 150, And the northeasterly one-half of the vacated 15 feet wide alley lying adjacent to the westerly line of said lots 13 through 20, Grove City, as per the plat thereof, recorded in Plat Book 1, Page 4, of the Public Records of Charlotte County, Florida, more particularly described as follows:

Commence at the northwest corner of Lot 20, Block 150, of the aforementioned subdivision; thence South $67^{\circ}22'43''$ West, 7.5 feet to the center of a vacated 15 foot alley per O.R. Book 327, Page 662, to the Point of Beginning; thence along the southerly right of way line of Louisiana Avenue, North $67^{\circ}22'43''$ East, 107.31 feet to the westerly line of a 60 foot wide vacated street known as Sixth Street; thence along said westerly line, south $22^{\circ}37'58''$ East, 241.04 feet to the southerly line of Lot 13, Block 150, same said subdivision; thence along said southerly line of Lot 13, South $67^{\circ}20'47''$ West, 107.54 feet to the centerline of the aforementioned vacated alley per O.R. Book 327, Page 662, said point lying 7.5 feet south $67^{\circ}20'47''$ West of the southwest corner of said Lot 13; Thence along the centerline of the vacated alley North $22^{\circ}34'40''$ west, 241.10 feet to the point of beginning.

