

**Application No.**  
**PA-16-05-07-LS**  
**(Large Scale Text Amendment)**

**Applicant**  
**Board of County Commissioners /**  
**Deleting FLU Policy 6.2.2 –**  
**Development Timing Standards**

**Legislative**

**Countywide**



## MEMORANDUM

DATE: May 13, 2016

TO: Honorable Board of County Commissioners  
Planning and Zoning Board

FROM: Claire Jubb, Community Development Department Director  
Shaun Cullinan, Charlotte County Planning and Zoning Official  
Jie Shao, Planner, Principal

RE: **A Large Scale Text Amendment Petition Number PA-16-05-07-LS: Revisions to the Future Land Use Element by Deleting FLU Policy 6.2.2: Development Timing Standards**

**Staff Recommendation:**

Approve transmittal of Petition No. PA-16-05-07-LS to the Department of Economic Opportunity (DEO) and other State Review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated May 13, 2016 and any evidence presented at the public hearing.

**The Planning and Zoning Board proposed recommendations:**

Motion to forward application No. PA-16-05-07-LS to the Board of County Commissioners with a recommendation of Approval/Denial of transmittal of PA-6-05-07-LS to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment, based on the findings and analysis in the Comprehensive Planning staff memorandum dated May 13, 2016, and the evidence presented at the public hearing.

**Data and Analysis:**

The Burnt Store Area Plan (Plan) was the result of a cooperative effort to plan future improvements to transportation, utilities, environmental linkages, water management and land use along the Burnt Store corridor and throughout the surrounding area. The planning process included six months of meetings with elected officials. The Plan and associated objective and policies set forth in the County's Comprehensive Plan were approved by the Board of County Commissioners (Board) on November 15, 2015. In order to address sources to fund the widening of Burnt Store Road, the following policy was originally created and adopted in 2005; the policy was revised and adopted in the County's 2050 Comprehensive Plan:

**COMMUNITY DEVELOPMENT DEPARTMENT**

18400 Murdock Circle  
Port Charlotte, FL 33948  
Phone: 941.764.4909 | Fax: 941.764-4180

- 1997-2010 Comprehensive Plan:

**Policy 2.5.13** (Created by Ordinance # 2005-086, Adopted on November 15, 2005):

Prior to the development of any units above one unit per 10 acres, the property owners in conjunction with the County shall establish a Burnt Store area funding source to fund the widening of Burnt Store Road. The funding sources shall include, but not be limited to, an increased impact fee for the Burnt Store Planning Overlay, or an MSTU, MSBU, or other similar funding mechanism. Adoption of an impact fee rate that represents 100% of the rate recommended in an impact fee study will suffice as an "area-wide funding mechanism". Should an area-wide funding mechanism not be established at the time a property owner seeks Planned Development approval for a density greater than one unit per 10 acres, then the property owner shall undertake a proportionate share analysis that will evaluate the property owner's impacts on Burnt Store Road. The proportionate share analysis will be evaluated and approved either through the Planned Development process and/or a Developer's Agreement. The proportionate share can be paid either in a lump sum or broken down and assessed on a per unit basis. If the proportionate share is paid in a lump sum, prior to vertical development, then the property owner shall have concurrency vesting until the build out date identified in the traffic analysis used to establish a proportionate share. Any development choosing to pay through a proportionate share prior to the establishment of an area-wide funding mechanism or an update to the currently adopted impact fees will be responsible for the difference if the proportionate share amount is less than the impact fee or other funding mechanism.

- 2050 Comprehensive Plan

**FLU Policy 6.2.2: Development Timing Standards**

Any permit approval for a density greater than one unit per ten acres shall undertake a proportionate share analysis that will evaluate the proposed development's impact on Burnt Store Road. The proportionate share analysis will be evaluated and approved through the site plan or PD process by use of a Developer's Agreement. The proportionate share can be paid either in a lump sum or divided and assessed on a per-unit basis. If the proportionate share is paid in a lump sum, prior to vertical development, then the property owner shall have concurrency vesting until the build-out date identified in the traffic analysis used to establish the proportionate share. The developer shall be responsible for the difference in funding if the proportionate share amount is less than the impact fee assessment for the project.

The Burnt Store Road widening project is currently underway. There are three phases for this project. Phase I and III are completed; Phase II is progressing. Therefore, there is no need to undertake a proportionate share analysis for any residential development. Any development within the Burnt Store Area shall follow the County's Site Plan Review process which includes a standard impact fee payment (see Attachment 1: Charlotte County Impact Fee Schedule - Effective July 15<sup>th</sup> 2015).

Based on the above reasons, staff is proposing to delete FLU Policy 6.2.2: Development Timing Standards.

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CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for  
 LARGE SCALE PLAN AMENDMENT (TEXT)

Date Received: MAY 6, 2016	Time Received:
Date of Log-in: MAY 10, 2016	Petition #: PA-16-05-07-LS
Receipt #: N/A	Accela #: Amount Paid: N/A

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: 33948

Phone Number:

Fax Number:

Email Address:

Name of Agent: Charlotte County Community Development Department

Mailing Address: 18400 Murdock Circle

City: Port Charlotte

State: FL

Zip Code: 33948

Phone Number:

Fax Number:

Email Address:

2. APPLICANT'S ATTACHMENTS

- a. Submit a strikethrough/underline version of the proposed changes.
- b. Describe the purpose of/reason for the proposed change. Revisions to the Future Land Use Element by deleting FLU Policy 6.2.6: Development Timing Standards.

3. ADDITIONAL REQUIREMENTS

- a. *Traffic Impact Study*: If the proposed change could influence traffic patterns, supply a study that identifies the impacts that could occur through adoption of the proposed change. N/A
- b. *Environmental Impact Assessment*: If the proposed change could have an impact on environmental resources, supply a narrative discussing what those impacts could be and how they will be mitigated. N/A
- c. *Public Infrastructure and Service Impact Assessment*: If the proposed change could have an impact on infrastructure or services, supply a narrative discussing what those impacts could be and how they will be mitigated or addressed. N/A

### AFFIDAVIT

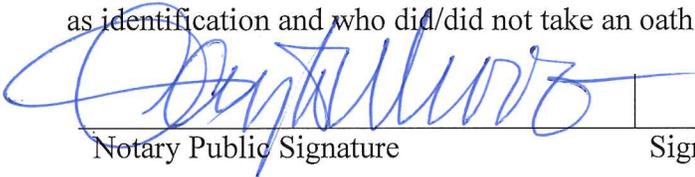
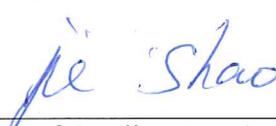
I, the undersigned, being first duly sworn, depose and say that all data and other supplementary matter attached to and made a part of the application and staff report are honest and true to the best of my knowledge and belief.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

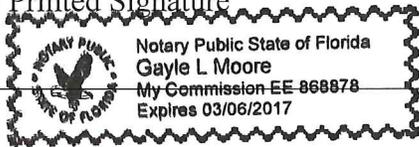
The foregoing instrument was acknowledged before me this 11 day of MAY, 2016, by

JIE SHAO  
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

Notary Printed Signature	Printed Signature of Applicant or Agent
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Title	Address
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JIE SHAO

18400 MURDOCK CIR.

Commission Code	City, State, Zip
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Port Charlotte FL 33948

Telephone Number 941-743-1272