

Application No.
SV-12-11-05
(Street Vacation)

Applicant
Charles Stephan / A
portion of Lister Street

Legislative

Commission Dist. I



MEMORANDUM

Date: December 20, 2012

To: Charlotte County Board of County Commissioners,
Planning and Zoning Board

From: Steven A. Ellis, Planner II *SAE*
Community Development

Subject: SV-12-11-05, Street Vacation, Portion of Lister Street
Charles Stephan

Charles Stephan is requesting to vacate a portion of Lister Street as recorded in Plat Book 6, Page 8-B, of the official records of Charlotte County, Florida. The portion to be vacated is 0.06 acres, more or less, and is located east of Lister Waterway, west of Bayshore Road, south of Edgewater Drive, and north of Charlotte Harbor, in Section 26, Township 40, Range 22, in Commission District I.

The subject site is located within the boundaries of the Urban Service Area. The Future Land Use Map designation is Medium Density Residential. The Zoning district is Environmentally Sensitive (ES). It lies within flood zones 11AE and 12AE, and Storm Surge Evacuation Zone A.

The applicant's property abuts the subject right-of-way on the east side at 4398 Lister Street. The house was built in the 1930s. Lister Street was platted in 1959 as part of the Replat of a Portion of Port Charlotte Subdivision Section Thirty Six. As a result of this replat, a portion of the applicant's house ended up within the right-of-way of Lister Street. The applicant seeks only to vacate enough of Lister Street to get the house out of the right-of-way. No construction is contemplated as a part of this street vacation.

Addressing has reviewed the application and had no comments.

CCU has reviewed the application and had the following comments:

CCU objects to this vacation due to existing utilities in/at this location.

CHARLOTTE COUNTY COMMUNITY DEVELOPMENT
Zoning

18400 Murdock Circle, Port Charlotte, FL 33948
Phone: 941-743-1598 | Fax: 941-764-4905

Comprehensive Planning has reviewed the application and had no comments.

Engineering has reviewed the application and had no comments.

GIS has reviewed the application and had the following comment:

I do not see any problems with the street vacation.

Land Development has reviewed the application and had no comments.

Property Appraiser's Office has reviewed the application and had no comments.

Real Estate Services has reviewed the application and had the following comments:

Do not recommend approval until all the following have been sufficiently addressed or approved by County staff or the utility companies:

1. Written approval must be received by the County from all the utilities companies that any above ground or underground utilities have been removed or relocated to their satisfaction.
2. Any existing drainage has been re-designed and relocated to the satisfaction of County staff and/or Maintenance & Operations.

Transportation – The Transportation Planner has reviewed the application and had no comments.

Zoning/Current Planning has reviewed the application, and had the following comments:

- 1) Chapter 177 of Florida Statutes provided for the "Vacation and annulment of plats subdividing land" in Sub-section 177.101. Sub-paragraph (3) states: "*The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.*"
- 2) The applicant does not own any lands, in whole or in part, that is a part of the plat sought to be vacated. This seems to indicate that the applicant is not eligible to request the proposed vacation.
- 3) The existing single-family residence was constructed circa 1930 prior to development of the Port Charlotte Subdivision by General Development Corporation, which dedicated the 50' right-of-way for Lister Street to Charlotte County for the "*perpetual use of the public*". The granting of the proposed street vacation would reduce the existing 50' wide right-of-way by 13' to 37' in width. The Board of County Commissioners must determine that this "*will not affect the right of convenient access of persons owning other parts of the subdivision.*"
- 4) The existing parcel and single-family residence is non-conforming with regard to many of the development standards of the current Zoning Code and will continue to be non-conforming if the

requested street vacation is granted. As such, the proposed street vacation would not address any issues related to the development standards of the Zoning Code.

Zoning/Current Planning recommends denial of the requested street vacation due to the fact that the applicant does not own any lands which were part of the original subdivision plat and the proposed vacation would reduce this public right-of-way from 50' to 37' thereby limiting the ability of the County to maintain the existing street and drainage systems or reconstruct future improvements needed for this public street, which provides access to lots in this subdivision.

Zoning/Environmental has reviewed the application and had the following comments:

A GIS aerial review, FWC Bald Eagle Nest locator search and National Wetlands Inventory review has been conducted by staff. The property is partially developed and consists primarily of a natural tidal creek buffering a large mangrove wetland system. The shoreline near the existing home has been rip-rapped and contains no upland buffering against the existing home. Both the creek and wetland system provide a highly valuable ecological asset to all residents of Charlotte County and is utilized by numerous species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS). The property is also located within the primary buffer zone (0 - 330 feet) of Bald Eagle nest CH029 which was last documented as active in 2003.

As this proposal moves forward, the Environmental Review Section has requested the following issues be addressed. These conditions will be reviewed for compliance prior to any land clearing, development, or permit approvals.

- The project site contains environmentally sensitive habitat that may be utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant may need to submit a Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map and current applicable listed species survey. All appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior the issuance of county permits and/or land clearing activities.
- The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A minimum 15', avg. 25' natural vegetated upland buffer must remain preserved along the perimeter of all wetlands and natural surface waters prior to any permit or land improvement activity approvals. Additional buffer width may be required by other regulatory agencies.
- Any site clearing, including underbrush, for proposed building site must comply satisfy Chapter 3-2, Article IX, Tree Requirements, of the County Code. If heritage trees are found to occur on site, the provisions of Chapter 3-2, Article IX, Section 190 of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity and/or the issuance of any building permits.

- All trees that are removed or preserved must satisfy Chapter 3-2, Article IX, and Tree Requirements of the County Code. Heritage trees may occur on site. Heritage trees are further protected by the provisions of Chapter 3-2, Article IX, Section 190 of the County Code. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and/or the issuance of any building permits.
- The project must also comply with all requirements in the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *Natural Resources (ENV)* and *Coastal Planning (CST)* sections.

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

RECOMMENDATION

Although the County would typically recommend denial of a petition of this type, due to the unusual circumstances and history surrounding this property, Community Development recommends approval of Petition #SV-12-11-05 with the following two (2) conditions:

1. Prior to the recording of the Resolution granting the Street Vacation, the applicants shall provide a utility easement in favor of Charlotte County Utilities for their facilities in this area, or pay to have those facilities relocated.
2. Prior to the recording of the Resolution granting the Street Vacation, the applicants shall provide a utility easement in favor of Century Link for their facilities in this area, or pay to have those facilities relocated.



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

STREET VACATION APPLICATION

Date Received: 11/16/12	Date of Log-in: 11/19/12
Petition #: SV-12-11-05	CAP # VST-12-00005
Receipt #: 99449	Amount Paid: \$1,315.00

1. Name of street(s) to be vacated: A portion of Lister Street

2. Parties involved in the application

A. Name of Applicant*: Charles Stephan

Mailing Address: 325 Stratford Road

City: Englewood State: Florida Zip Code: 34223

Phone Number: _____ Fax Number: _____

Email Address: _____

* The applicant must own property fronting on the right-of-way to be vacated

B. Name of Agent: Robert H. Berntsson, Berntsson, Ittersagen, Gunderson & Wideikis, LLP

Mailing Address: 18401 Murdock Circle, Suite C

City: Port Charlotte State: Florida Zip Code: 33948

Phone Number: (941) 627-1000 Fax Number: (941) 255-5483

Email Address: rberntsson@bigwlaw.com

C. Name of Surveyor: MERIDIAN GROUP of South Florida Inc.

Mailing Address: 493 Barger Drive, Unit A

City: Port Charlotte State: Florida Zip Code: 33953

Phone Number: (941) 766-0011 Fax Number: (941) 766-0012

Email Address: _____

3. Applicant's Property ID #: 402226401004

4. Total acreage of street to be vacated: .06

5. Commission District: 1

6. Purpose of request:

To vacate sufficient right of way to place existing home built in the 1930's within the property boundaries. The house is currently partially in the right of way.

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the applicant or agent for this Street Vacation and that data and other supplementary matter attached to and made part of the application are honest and true to the best of my knowledge.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 16th day of November, 2012, by Robert H Berntsson who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Tamara L Wallace

Notary Public Signature

Robert H Berntsson

Signature of Applicant/Agent

Tamara L. Wallace

Notary Printed Signature

Robert H Berntsson

Printed Signature of Applicant/Agent

Title

Address

18401 murdock circle suite C

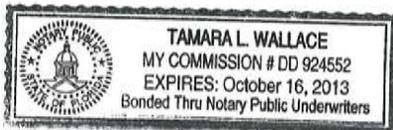
Commission Code

City, State, Zip

Port Charlotte FL 33948

941.627.1000

Telephone Number



APPLICANT AUTHORIZATION TO AGENT

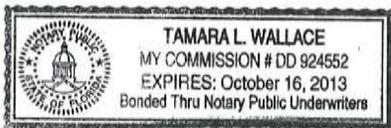
I, the undersigned, being first duly sworn, depose and say that I am the applicant for the Street Vacation of the property described and which is the subject matter of the proposed hearing.

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

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 14th day of November, 2012, by Charles P. Stephan who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

<u>Tamara L Wallace</u> Notary Public Signature	<u>Charles P. Stephan</u> Signature of Applicant
<u>Tamara L. Wallace</u> Notary Printed Signature	<u>Charles P Stephan</u> Printed Signature of Applicant
<u>Notary Public</u> Title	<u>325 Stratford Rd.</u> Address
 Commission Code	<u>Englewood, FL 34223</u> City, State, Zip
	 Telephone Number



DESCRIPTION:(A PORTION OF LISTER STREET RIGHT-OF-WAY)

Beginning at the Southwest corner of the SW 1/4 of the NW 1/4 of the SE 1/4 of Section 26, Township 40 South, Range 22 East; thence Westerly parallel with the Southerly line of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 26, 13.00 feet to a point; thence Northerly parallel with the Westerly line of the E 1/2 of said Section 26, 81.00 feet to a point; thence S 89°11'38" W, 5.00 feet to a point; thence N 00°48'22" W, 5.20 feet to a point; thence N 89°11'38" E, 5.00 feet to a point; thence Northerly parallel with the Westerly line of the E 1/2 of said Section 26, 122.55 feet to a point; thence Easterly parallel with the Southerly line of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 26, 13.00 feet to a point; thence Southerly along the West line of the E 1/2 of said Section 26, 208.75 feet to the Point of Beginning. All lying and being in Charlotte County, Florida and having an area of 2,740 square feet or 0.06 acres.

Charlotte County Property Appraiser Real Property Record



If a discrepancy is discovered in your property's records, or those of another, please bring it to our attention immediately.

General Parcel Information for 402226401004

Parcel ID:	402226401004	Property Address:	4398 LISTER ST
Old Parcel ID Number:	00707070000009	Property Zip Code:	33980
Business Name:		Section-Township-Range:	26-40-22
Map Number:	4A26S	Zoning Code:	ES
Current Use:	SINGLE FAMILY	Roads:	PAVED
Future Land Use (Comp. Plan):	PRESERVATION	Taxing District:	104
Utilities:	WATER & SEWER	Market Area / Neighborhood:	01 /60
Waterfront:	NO	SOH Base Year:	

*Parcel may have more than 1 future land use, refer to the future land use maps available on the GIS web site by clicking on View Map below.

FEMA Flood Zone (Effective 5/5/2003)

Firm Panel	Floodway	SFHA	Flood Zone	FIPS	COBRA	Community	Base Flood Elevation (ft.)
0229F		IN	11AE	12015C	COBRA_OUT	120061	11
0229F		IN	12AE	12015C	COBRA_OUT	120061	12

*If parcel has more than 1 flood zone, refer to the flood maps available on the GIS web site by clicking on View Map below. [Click here for definitions.](#)
For more information, please contact Building Construction Services at 941-743-1201.

Ownership Information

Owner Name:	STEPHAN CHARLES
Address:	325 STRATFORD RD ENGLEWOOD, FL 34223

Ownership current through: 11/14/2012

Sales Information

Date	Book/Page	Sales Codes	Qualification/Disqualification Code	Selling Price
9 /1990	1135/1018	IMPROVED		\$100
8 /1991	1173/1067	IMPROVED		\$48,000
4 /2002	2024/969	IMPROVED		
2 /2004	2402/1496	IMPROVED	<u>19</u>	\$100
8 /2005	2777/344	IMPR-MULTI	<u>19</u>	\$100
4 /2011	3568/1399	IMPROVED	<u>11</u>	\$100
12/2011	3616/1859	IMPROVED	<u>01</u>	\$61,000

Click on the book/page to view transaction document images on the Clerk of the Circuit Court's web site.

Click on Qualification/Disqualification Code for description of code. Codes are not available prior to 2003.

2012 Value Summary*

1	Single Family	2.5	0100	1930	1977	1	5	2	8	1222	1222	2127
2	WOOD SHED	3.0	0700	2004	2004	0	0	0	0	112	0	112

Building Appendage Information

Building Component Information

Bld #	Code	Description	Area	Year Built	Year Cond
1	1021	Wood Stairway (FLT)	1	1930	1977
1	1021	Wood Stairway (FLT)	1	1930	1977
1	1637	Storage Building, Wood (SF)	88	1930	1977
1	1637	Storage Building, Wood (SF)	154	1930	1977
1	903	Wood Deck (SF)	88	1930	1977
1	906	Wood Deck (SF) with Roof	100	1930	1977
1	906	Wood Deck (SF) with Roof	385	1930	1977
1	913	Enclosed Wood Deck (SF), Screened Walls	88	1930	1977

Bld #	Code	Description
1	104	Frame, Plywood or Hardboard
1	212	Metal, Copper or Terne
1	351	Warmed & Cooled Air
1	40048	Storm Panels (%)
1	402	Automatic Floor Cover Allowance
1	44549	Single Family Res Water & Waste Water Service
1	601	Plumbing Fixtures (#)
1	602	Plumbing Rough-ins (#)
1	622	Raised Subfloor (% or SF)

Legal Description

Short Legal	Legal Description
ZZZ 264022 P19	26 40 22 P-19 1 AC. IN SW COR SW 1/4 OF NW1/4 OF SE1/4 20/264 409/959 813/1471 841/1546 1135/1018 1173/1067 2024/969 2402/1496 2777/344 CT3568/1399 3616/1859

Data Last Updated: 11/19/2012- Printed On: Monday, November 19, 2012.

[View Map](#)

[New Search](#)

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SURVEY SKETCH

THE SURVEY SHOWN HEREON WAS MADE WITHOUT BENEFIT OF AN ABSTRACT OF TITLE, UNLESS OTHERWISE NOTED BEARINGS REFERRED TO RECORD PLAT AND ELEVATIONS N.G.V.D. 1929. UNDERGROUND IMPROVEMENTS AND ENCROACHMENTS WERE NOT LOCATED. UNLESS OTHERWISE SHOWN ALL MEASUREMENTS (BEARINGS AND DISTANCES) ARE PLAT AND MEASURED. THIS SURVEY IS INTENDED FOR THE EXCLUSIVE USE BY THOSE CERTIFIED TO. WETLANDS, HAZARDOUS MATERIALS OR JURISDICTIONAL LINES, IF ANY, WERE NOT LOCATED.

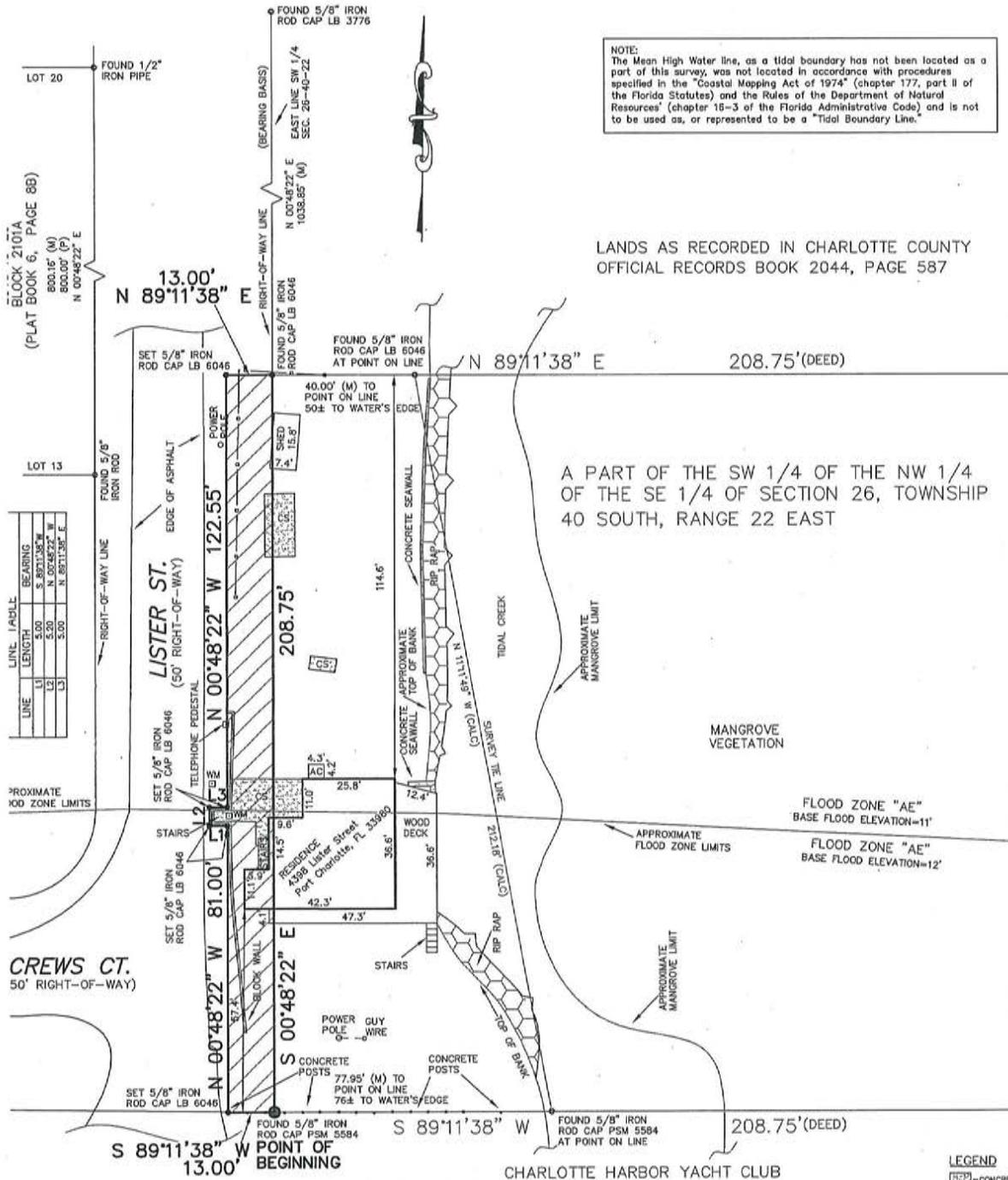
SCALE



Client Chuck Stephan

CERTIFIED TO: (FOR THE EXCLUSIVE USE OF) CLIENT

BOUNDARY SURVEY



LANDS AS RECORDED IN CHARLOTTE COUNTY OFFICIAL RECORDS BOOK 2044, PAGE 587

A PART OF THE SW 1/4 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 26, TOWNSHIP 40 SOUTH, RANGE 22 EAST

LANDS AS RECORDED IN CHARLOTTE COUNTY OFFICIAL RECORDS BOOK 2044, PAGE 587

LINE	LENGTH	BEARING
L1	5.00	S 89°11'38\"
L2	5.00	N 00°48'22\"
L3	5.00	N 89°11'38\"

CREWS CT. 50' RIGHT-OF-WAY

DESCRIPTION: (A PORTION OF LISTER STREET RIGHT-OF-WAY)

beginning at the Southwest corner of the SW 1/4 of the NW 1/4 of the SE 1/4 of Section 26, Township 40 South, Range 22 East; hence Westerly parallel with the Southerly line of the SW 1/4 of the NW 1/4 of the SE 1/4 of said Section 26, 13.00 feet to a point; thence Northerly parallel with the Westerly line of the E 1/2 of said Section 26, 81.00 feet to a point; thence S 89°11'38\"

UNDESIGNED MAKE NO GUARANTEE OR REPRESENTATION REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, AGREEMENTS, RESTRICTIONS, UNDERGROUND UTILITIES AND OTHER SIMILAR MATTER, UNLESS IT BEARS THE SIGNATURE AND ORIGINAL EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH PLAT OR MAP IS NOT VALID.

INTENDED USE OF SURVEY FINANCING
DATE OF SURVEY November 13, 2012
DATE OF FOUNDATION
DRAFTED BY B.H.

FLOOD PLANE DETERMINATION IS RESTRICTED TO REVIEW OF FLOOD INSURANCE RATE MAP AND IS NOT TO BE CONTINUED AS A CONFIRMATION OR RECALCULATION OF FLOOD POTENTIAL.
FLOOD ZONE DATA
COMMUNITY No.: 120061
MAP & PANEL No.: 12019C0229F
DATE: 05/05/03
F.I.R.M. FLOOD ZONE: "AE"
BASE FLOOD ELEVATION: 11' & 12' AS SHOWN



MERIDIAN GROUP of South Florida Inc.
Surveying-Planning-Construction Expediting

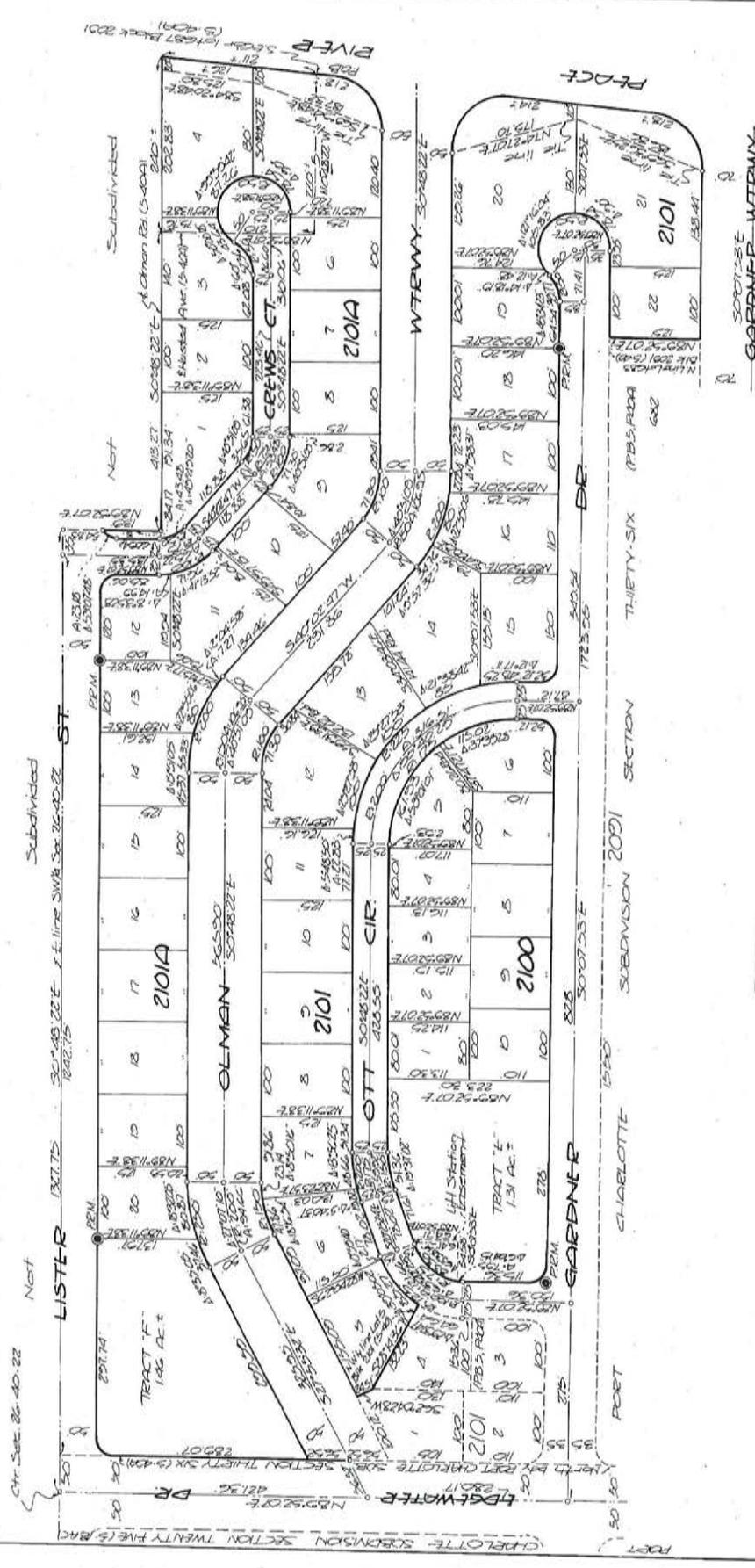
493 Barger Drive Unit A
Port Charlotte, FL 33953
Fon (941)766-0011
Fax (941)766-0012

FL. REG. LB6048

THIS CERTIFIES THAT A FIELD SURVEY OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY RESPONSIBLE DIRECTION AND THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY IS SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.
November 13, 2012
DATE

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JOB NO. 120295



**REPLAT OF A PORTION OF
PORT CHARLOTTE SUBDIVISION
SECTION THIRTY SIX**

A SUBDIVISION IN SECTION 26, TWP. 40S, RGE. 22E
CHARLOTTE COUNTY, FLORIDA
SHEET 2 OF 2 SHEETS
BISCOMBE ENGINEERING COMPANY
CORPOR. NO. 32880 CIVIL ENGINEERS
MIAMI, FLORIDA NOV. 1955



Charlotte County GIS Map



Charlotte County GIS Department Copyright (C) 2012

0 100ft



Copyright 2012
 Charlotte County GIS
 18500 Murdock Circle
 Port Charlotte, FL 33948

- Legend**
- Highlighted_Feature
 - Selected_Features
 - Accounts
 - ⚡ Lots
 - Waterway Names

DISCLAIMER : This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise to the accuracy or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. C.C.G.I.S. maintains a record regarding the methods used to produce this map and can be furnished upon request.



Community Development

CHARLOTTE COUNTY

Location Map for SV-12-11-05

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



26/40/22 Mid-County

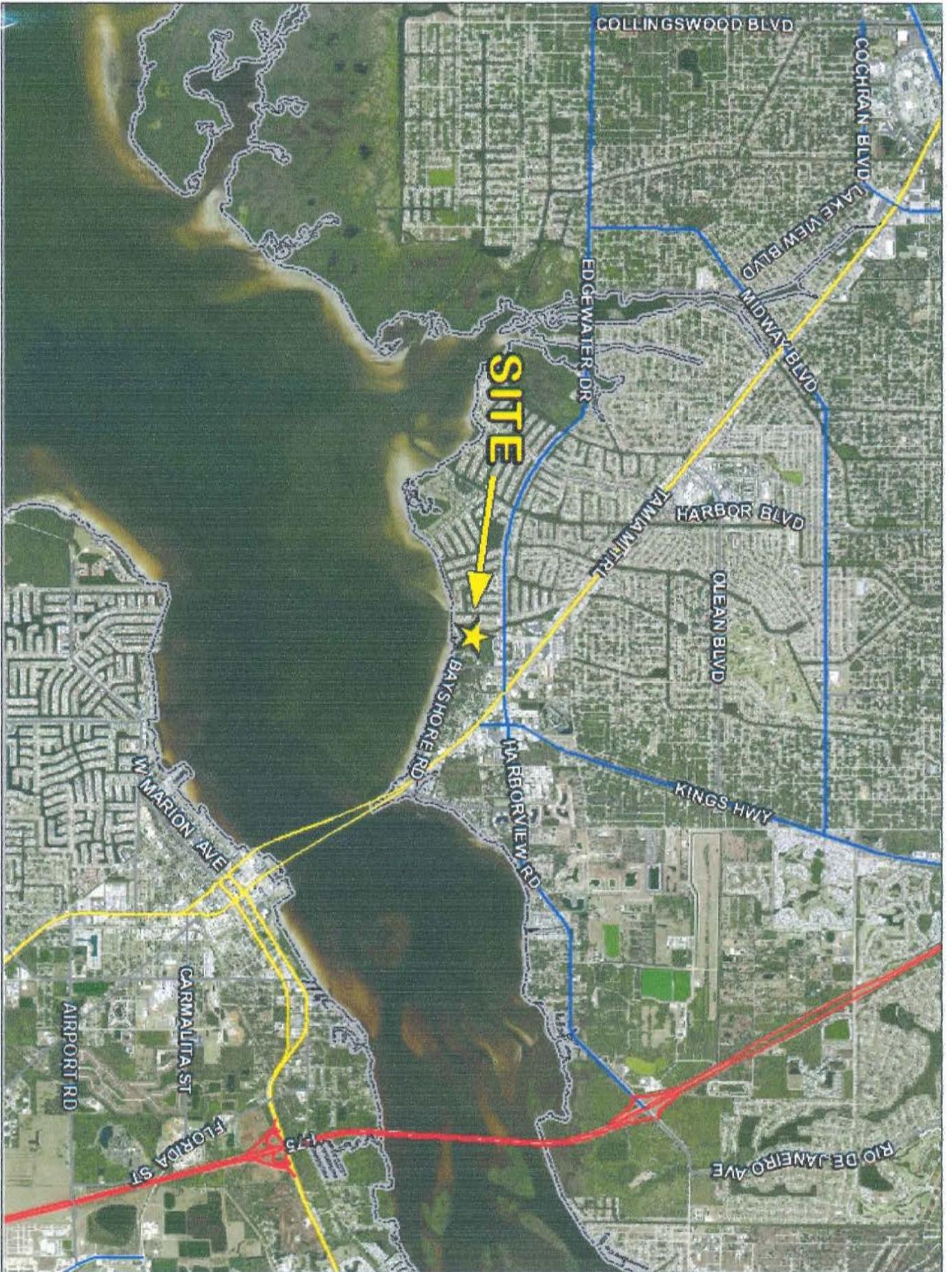
This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-D. Vance Date Saved: 12/5/2012 9:11:55 AM

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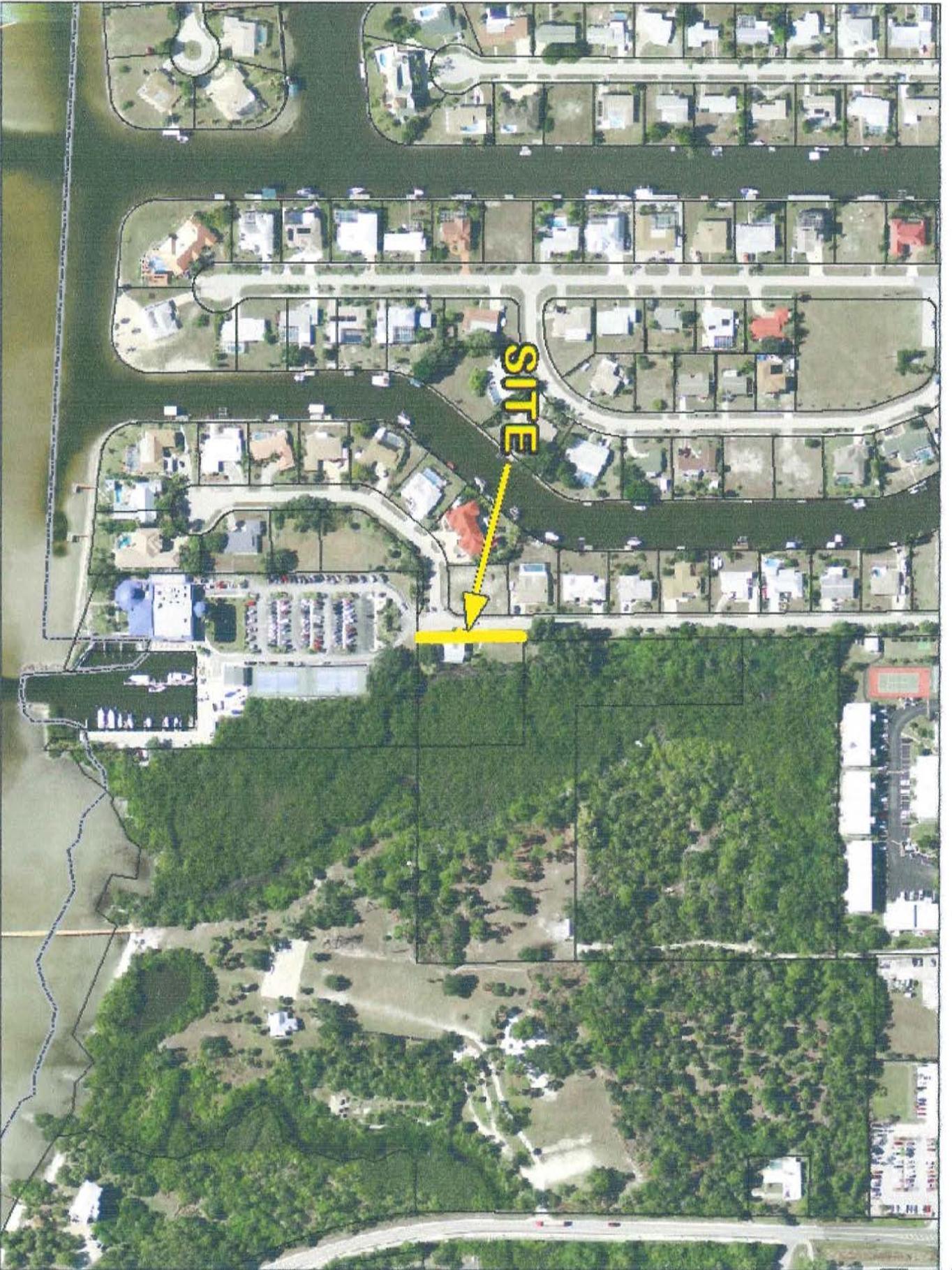


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SV-12-11-05 - 2011 Aerial View



SV-12-11-05 - 2011 Aerial View



Community Development

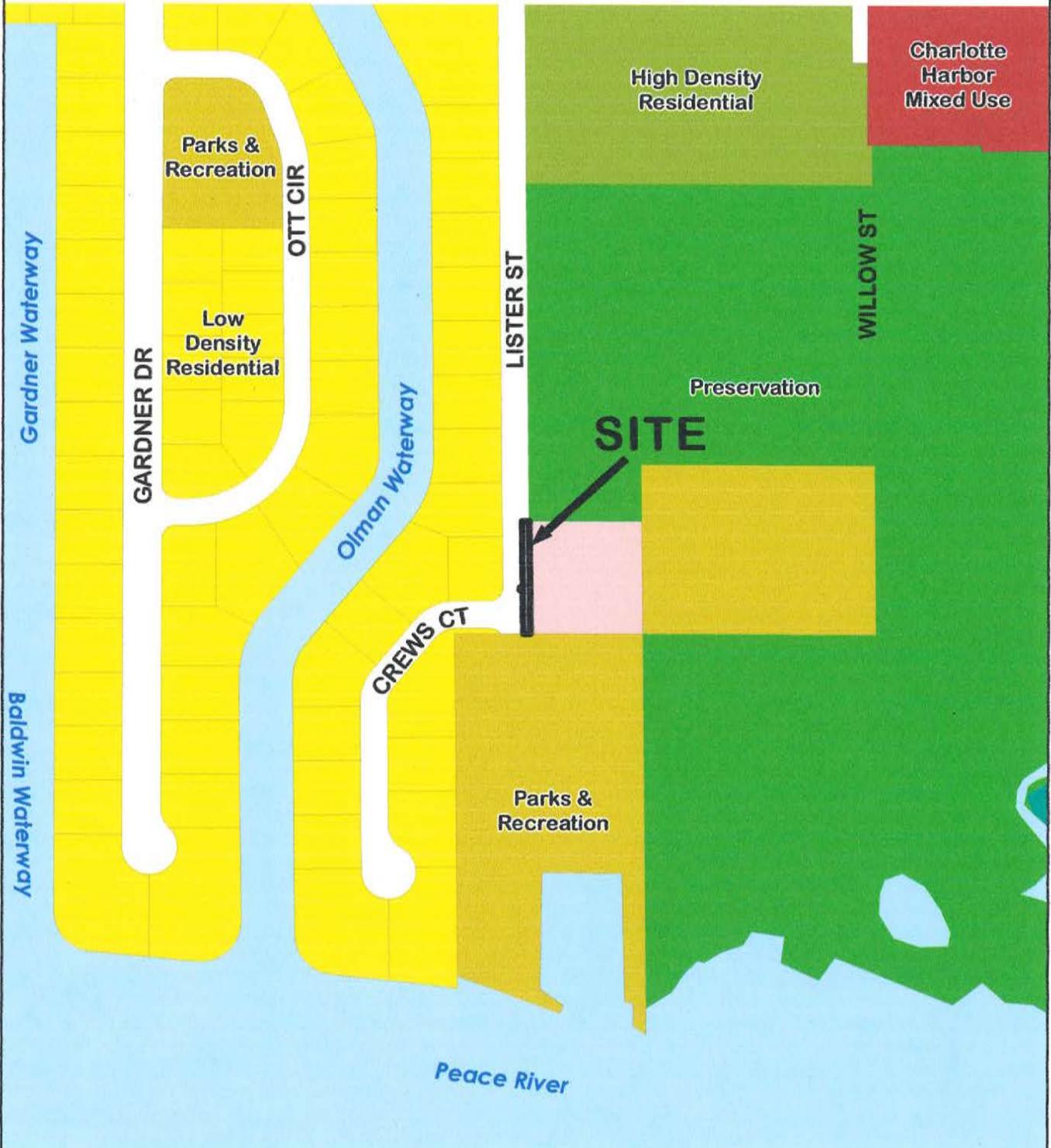
CHARLOTTE COUNTY

Flum Map for SV-12-11-05

Charlotte County Government

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26/40/22 Mid-County

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Community Development

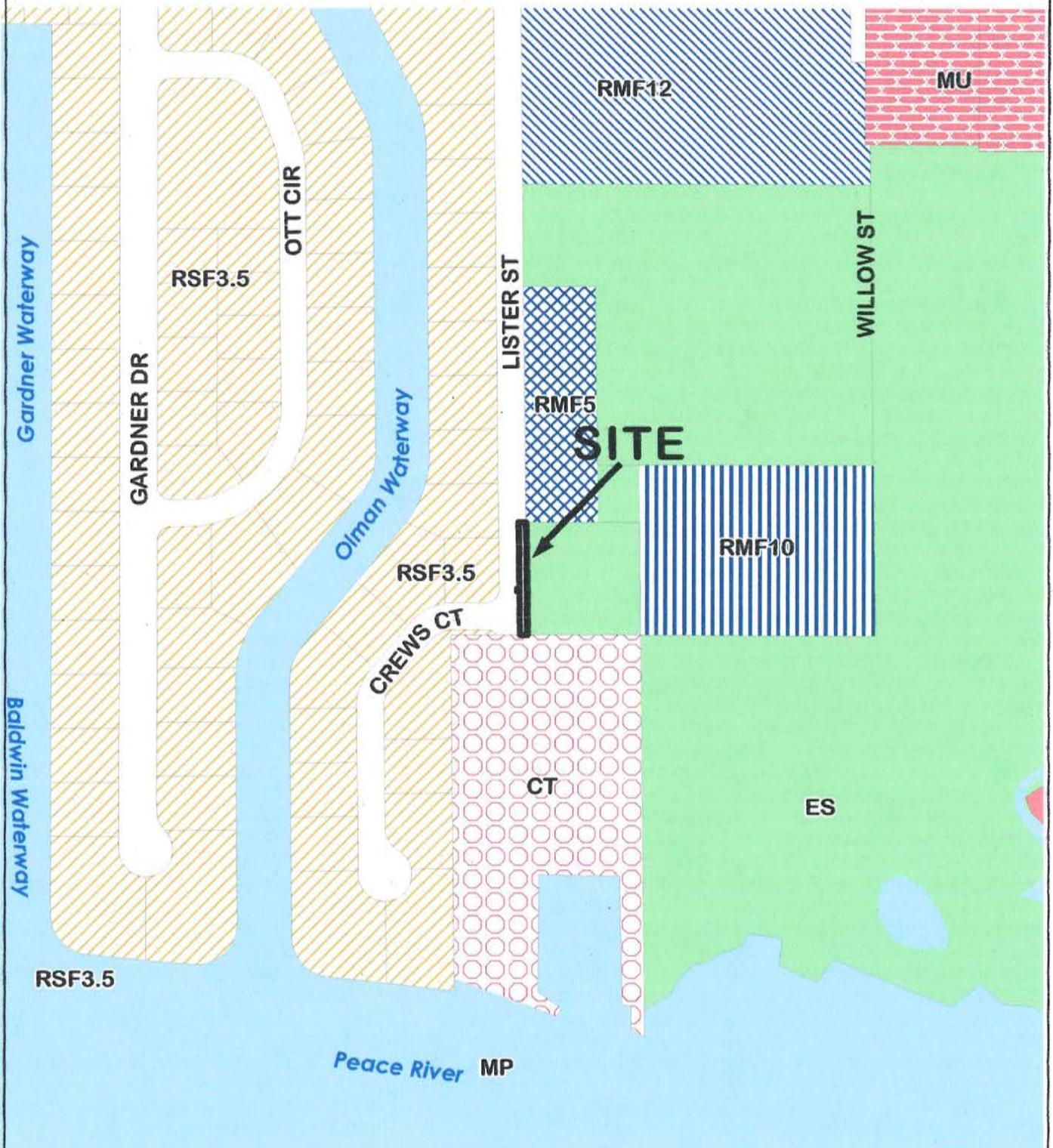
CHARLOTTE COUNTY

Zoning Map for SV-12-11-05

Charlotte County Government

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26/40/22 Mid-County

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INTEROFFICE MEMORANDUM
Community Development

To: Steven Ellis

FROM: Gerry Collins
Design Technician - Addressing

DATE: November 20, 2012

RE: Addressing Comments
January 7, 2013 P&Z / February 12, 2013 BCC

SV-12-11-05 – Charles Stephan - A portion of Lister St.

I have no comment on this application.

Ellis, Steven

From: Alexander, Debbie
Sent: Monday, November 26, 2012 3:29 PM
To: Ellis, Steven; Grossman, Gary; Searfoss, Bill; Bliss, Karen; Ford, Steven; Carson, Robert; Purcell, Don; Ouimet, Jason; Doll, Richard; DUrso, Chris
Cc: Payette, Paul; Gibson, Michael; Campitelli, Albert; Gilbreath, Gina
Subject: SV-12-11-05 Charles Stephan (Portion of Lister Street - South of Edgewater)

SV-12-11-05 Charles Stephan - Portion of Lister Street (South of Edgewater)

Do not recommend approval until all the following have been sufficiently addressed or approved by County Staff or the Utility Companies:

1. Written approval must be received by the County (Steve Ellis) from all the Utilities Companies that any above ground or underground utilities have been removed or relocated to their satisfaction (i.e. Florida Power & Light Co., Charlotte County Utilities, CenturyLink, Comcast Cable or any gas company should it service this area).
2. Any existing drainage has been re-designed and relocated to the satisfaction of County Staff and/or Maintenance & Operations.

Debra F. Alexander

Real Estate Specialist I
Real Estate Services Division
Budget and Administrative Services Department
Charlotte County Government
(941) 764-5589
(941) 764 5591 (Fax)

www.Debbie.Alexander@charlottefl.com

"To Exceed Expectations in the Delivery of
Public Services"

Ellis, Steven

From: Pederzolli, Gary
Sent: Tuesday, November 27, 2012 10:28 AM
To: Ellis, Steven
Subject: RE: SV-12-11-05, Lister St.

Steven,
I do not see any problems with the street vacation.

From: Ellis, Steven
Sent: Monday, November 19, 2012 2:33 PM
To: Matarese, Monte; Vattikuti, Venkat; Pederzolli, Gary; Quillen, Ken; Scudera, Jamie; Gilbreath, Gina; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; DUrso, Chris; Irish, Stan; Reager, Steve; Williams, Inga
Cc: Clim, Diane; Moore, Gayle
Subject: SV-12-11-05, Lister St.

Please see attachments.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-743-1598
www.charlottecountyfl.gov

"To be the energy in making Charlotte County a beautiful and enriching place to live."

Ellis, Steven

From: Free, Tim
Sent: Wednesday, November 28, 2012 10:41 AM
To: Alexander, Debbie
Cc: Ellis, Steven
Subject: RE: Street Vacation Application - Lister Street

Public Works has no issue with the vacation of this section of Lister St & we agree with Storm Water's request for the 20' wide easement along the south boundary.

From: Alexander, Debbie
Sent: Monday, November 26, 2012 2:38 PM
To: Free, Tim
Cc: Ellis, Steven
Subject: Street Vacation Application - Lister Street

Tim,

Please find attached a copy of the Street Vacation for review. If you have any comments, please contact Steve Ellis (764-4954)

Debra F. Alexander
Real Estate Specialist I
Real Estate Services Division
Budget and Administrative Services Department
Charlotte County Government
(941) 764-5589
(941) 764 5591 (Fax)
www.Debbie.Alexander@charlottefl.com
"To Exceed Expectations in the Delivery of
Public Services"

Ellis, Steven

From: Williams, Inga
Sent: Wednesday, December 12, 2012 9:45 AM
To: Ellis, Steven
Subject: RE: SV-12-11-05, Lister St.

Steven,
Comp planning has no comments on this petition.

Inga Williams, AICP, Principal Planner

Community Development Department
18500 Murdock Circle
Port Charlotte, FL 33948-1094
phone: 941.743.1242
fax: 941.743.1228

Please visit [Smart Charlotte 2050](#) to view Charlotte County's comprehensive plan
Please click on www.CharlotteCountyFL.com to visit the Charlotte County homepage
"To Exceed Expectations in the Delivery of Public Services"

From: Ellis, Steven
Sent: Monday, November 19, 2012 2:33 PM
To: Matarese, Monte; Vattikuti, Venkat; Pederzoli, Gary; Quillen, Ken; Scudera, Jamie; Gilbreath, Gina; MacDonald, John; Vance, David; Collins, Gerry; Alexander, Debbie; D'Urso, Chris; Irish, Stan; Reager, Steve; Williams, Inga
Cc: Clim, Diane; Moore, Gayle
Subject: SV-12-11-05, Lister St.

Please see attachments.

Steven A. Ellis, Planner II
Community Development Department
Zoning Division
18400 Murdock Circle
Port Charlotte, FL 33948
Voice: 941-764-4954
Fax: 941-743-1598
www.charlottecountyfl.gov

"To be the energy in making Charlotte County a beautiful and enriching place to live."



MEMORANDUM

To: Steven Ellis, Planner II
From: Ken Quillen, AICP, Planner III
Date: December 18, 2012
Subject: Review of proposed Street Vacation; file number: **SV-12-11-05**

Below are comments from the Zoning Division regarding the proposed Street Vacation of a portion of Lister Street located in the recorded plat of **Replat of a Portion of Port Charlotte Subdivision, Section Thirty-Six**, located in Section 26, Township 40 South, Range 22 East.

Dedication: Lister Street consists of a 50-foot right-of-way, which was dedicated to the public by General Development Corporation as part of the subdivision plat in December of 1959, as recorded in Plat Book 6, pages 8-A and 8-B. The plat dedication reads in part: "...General Development Corporation ... does hereby dedicate to the perpetual use of the public the Circle, Court, Drives, Street and Waterways shown hereon."

Applicant: Steven Charles purchased the un-subdivided parcel located at 4398 Lister Street in December of 2011 and is the applicant requesting this street vacation. The westerly property line of subject property is also the easterly right-of-way line of Lister Street and the boundary of the subdivision plat. The parcel owned by the applicant is a one-acre parcel and includes a single-family residence constructed at its current location circa 1930, which is partially located in the public right-of-way.

Zoning: The applicant's property is zoned Environmentally Sensitive (ES). The properties located across the street to the west are zoned Residential Single-family-3.5 (RSF-3.5). Charlotte County acquired the lands adjacent to the north and east of subject property in 2002 for park and recreational uses, which has multiple zoning classifications. (see attached Zoning Map)

Standards for ES Zoning District: The Environmentally Sensitive (ES) zoning district requires a minimum lot size of 10-acres, a minimum lot frontage of 250', and a minimum 25' front yard setback from the right-of-way line. Subject property is non-conforming with regards to all of these zoning standards.

FLUM: The applicant's property has a Future Land Use Map (FLUM) designation of Medium-Density Residential. The properties located across the street to the west have a FLUM designation of Low-Density Residential. (see attached FLUM Map)

Flood Zone: The areas involved in the proposed street vacations lies in the 12-AE and 11-AE Flood Zones. This area is also located in the Storm Surge Evacuation Zone "A".

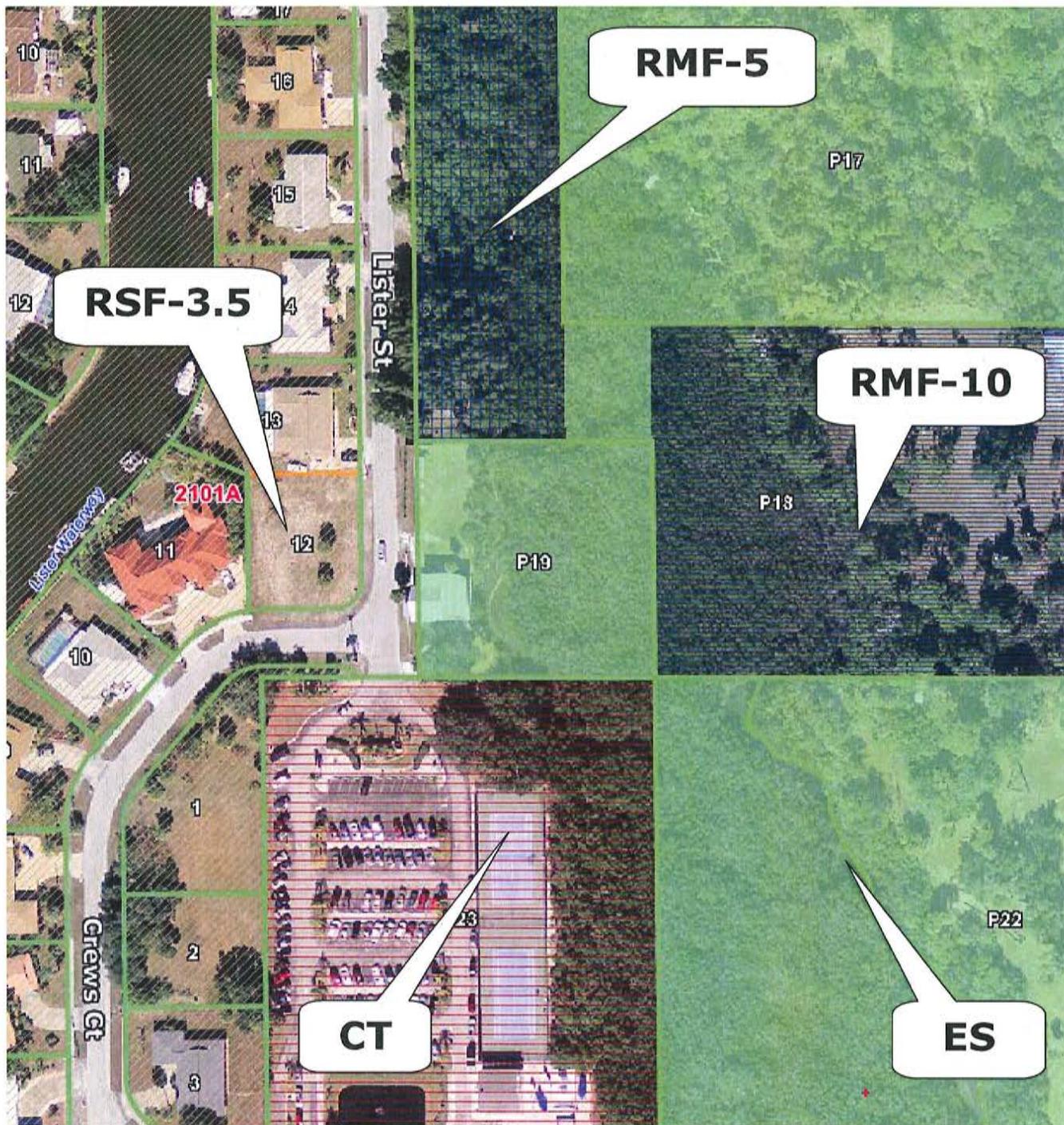
Finding of Facts:

- 1) Chapter 177 of Florida Statutes provided for the "**Vacation and annulment of plats subdividing land**" in Sub-section 177.101. Sub-paragraph (3) states: *"The governing bodies of the counties of the state may adopt resolutions vacating plats in whole or in part of subdivisions in said counties, returning the property covered by such plats either in whole or in part into acreage. Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision."*
- 2) The applicant does not own any lands, in whole or in part, that is a part of the plat sought to be vacated. This seems to indicate that the applicant is not eligible to request the proposed vacation.
- 3) The existing single-family residence was constructed circa 1930 prior to development of the Port Charlotte Subdivision by General Development Corporation, which dedicated the 50' right-of-way for Lister Street to Charlotte County for the "perpetual use of the public". The granting of the proposed street vacation would reduce the existing 50' wide right-of-way by 13' to 37' in width. The Board of County Commissioners must determine that this; "will not affect the right of convenient access of persons owning other parts of the subdivision."
- 4) The existing parcel and single-family residence is non-conforming with regard to many of the development standards of the current Zoning Code and will continue to be non-conforming if the requested street vacation is granted. As such, the proposed street vacation would not address any issues related to the development standards of the Zoning Code.

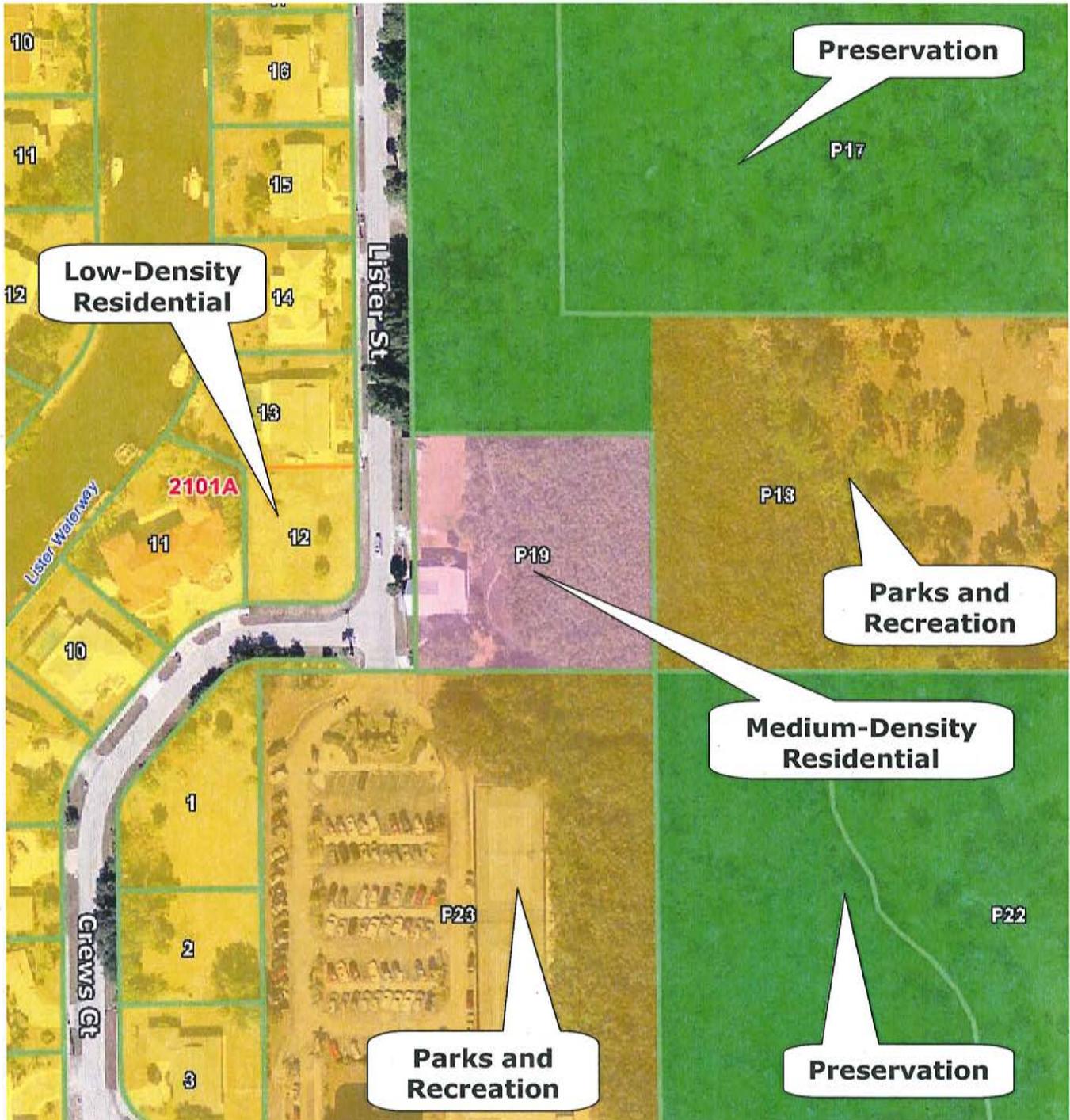
The Zoning Division recommends **denial** of the requested street vacation due to the fact that the applicant does not own any lands which were part of the original subdivision plat and the proposed vacation would reduce this public right-of-way from 50' to 37' thereby limiting the ability of the County to maintain the existing street and drainage systems or reconstruct future improvements needed for this public street, which provides access to lots in this subdivision.

cc: File

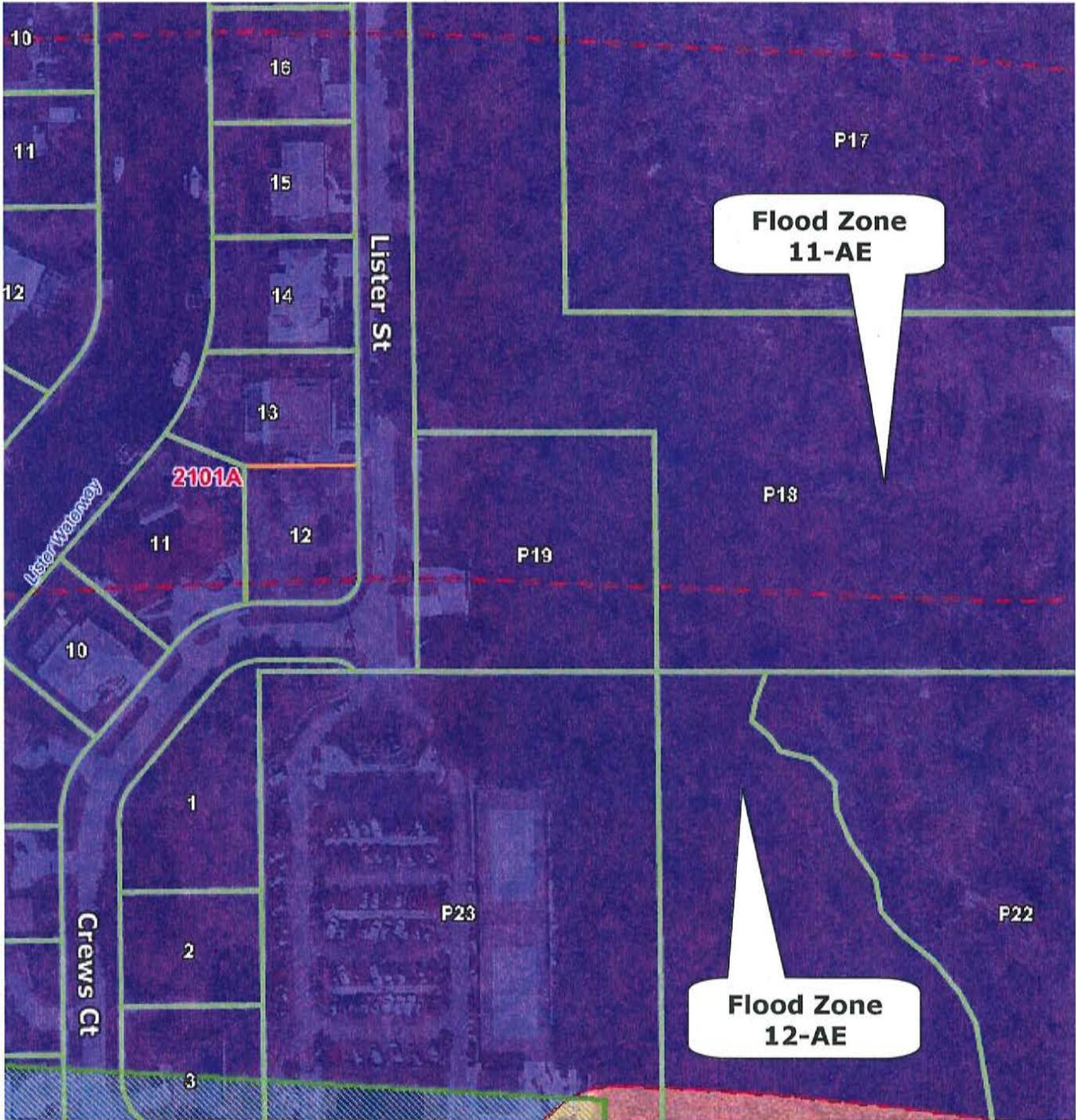
Zoning Map



Future Land Use Map (FLUM)



Flood Zone Map





MEMORANDUM

Date: December 10, 2012
To: Steven Ellis, Planner II
From: Jamie Scudera, Environmental Specialist
Subject: SV-12-11-05
Lister Street ROW Vacation
4398 Lister Street

The Current Planning and Zoning Environmental Review Section (ERS) have reviewed the above referenced petition for **Environmental and Tree and Landscaping compliance** and offer the following comments:

- A GIS aerial review, FWC Bald Eagle Nest locator search and National Wetlands Inventory review has been conducted by staff. The property is partially developed and consists primarily of a natural tidal creek buffering a large mangrove wetland system. The shoreline near the existing home has been rip-rapped and contains no upland buffering against the exiting home. Both the creek and wetland system provide a highly valuable ecological asset to all residents of Charlotte County and is utilized by numerous species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS). The property is also located within the primary buffer zone (0 - 330 feet) of Bald Eagle nest CH029 which was last documented as active in 2003.

As this proposal moves forward, the Environmental Review Section has requested the following issues be addressed. **These conditions will be reviewed for compliance prior to any land clearing, development, or permit approvals.**

1. The project site contains environmentally sensitive habitat that may be utilized by species listed by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC) as endangered, threatened, or a species of special concern. The applicant may need to submit a Florida Land Use, Cover and Forms Classification System (**FLUCCS**) Map and current applicable listed species survey. All

appropriate comments, authorization/permits, and mitigation from FWCC and FWS will be required prior the issuance of county permits and/or land clearing activities.

2. The project must comply with **Chapter 3-5, Article XV, Upland Buffer Zone** requirements of the County Code. A minimum 15', avg. 25' natural vegetated upland buffer must remain preserved along the perimeter of all wetlands and natural surface waters prior to any permit or land improvement activity approvals. Additional buffer width may be required by other regulatory agencies.
3. Any site clearing, including underbrush, for proposed building site must comply satisfy **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. If heritage trees are found to occur on site, the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to any land clearing activity and/or the issuance of any building permits.
4. All trees that are removed or preserved must satisfy **Chapter 3-2, Article IX, and Tree Requirements** of the County Code. Heritage trees may occur on site. Heritage trees are further protected by the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code. A Tree Removal Authorization, Memorandum of Fee Exemption, and Tree Preservation permits must be obtained prior to any land clearing activity and/or the issuance of any building permits.
5. The project must also comply with all requirements in the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *Natural Resources (ENV)* and *Coastal Planning (CST)* sections.

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

For any questions pertaining to this application you may contact me at (941)743-1290.

JS

P:\ANIMAL\Street_Vacations\2012\SV-12-11-05(ListerSt).doc

RE: Street Vacation Petition for January 7th, 2013 P/Z/ February 12th 2013 BCC

FROM: Stan Irish, Land Development Coordinator Date: Nov 19th, 2013

This department is processing a request for a Street Vacation contained in the enclosed documents.

Please respond by December 19, 2012

Area to be vacated: Documents enclosed are for your files.

The vacation above will _____, will not affect the operations or services of this utility.

If it will please state reasons: and must attach map showing exact location of facilities _____

Authorized signature: Candice D. Roll

Utility Name: FPL

Telephone # 941-423-4807

Please fax replies to (941) 743-1598

Questions – Call 941-764-4954

RE: Street Vacation Petition for January 7th, 2013 P/Z/ February 12th 2013 BCC

FROM: Stan Irish, Land Development Coordinator Date: Nov 19th, 2013

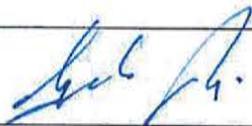
This department is processing a request for a Street Vacation contained in the enclosed documents.

Please respond by December 19, 2012

Area to be vacated: Documents enclosed are for your files.

The vacation above will ____, will not affect the operations or services of this utility.

If it will please state reasons: and must attach map showing exact location of facilities _____

Authorized signature: 

Utility Name: Comcast Cable

Telephone # 941-342-3578

Please fax replies to (941) 743-1598

Questions – Call 941-764-4954

RE: Street Vacation Petition for January 7th, 2013 PZ/ February 12th 2013 RCC

FROM: Stan Irish, Land Development Coordinator Date: Nov 19th, 2013

This department is processing a request for a Street Vacation contained in the enclosed documents.

Please respond by **December 19, 2012**

Area to be vacated: Documents enclosed are for your files.

The vacation above will will not affect the operations or services of this utility.

If it will please state reasons; and must attach map showing exact location of

facilities Coverline less facilities in this

Right of way Coverline would require road expansion
at these facilities before releasing the rest of Right of
way

Authorized signature: Will J. Smith

Utility Name: Coverline LLC

Telephone # 941-637-5109

Please fax replies to (941) 743-1398

Questions - Call 941-764-4934



DATE	11/28/2012	TIME	10:05
NAME			

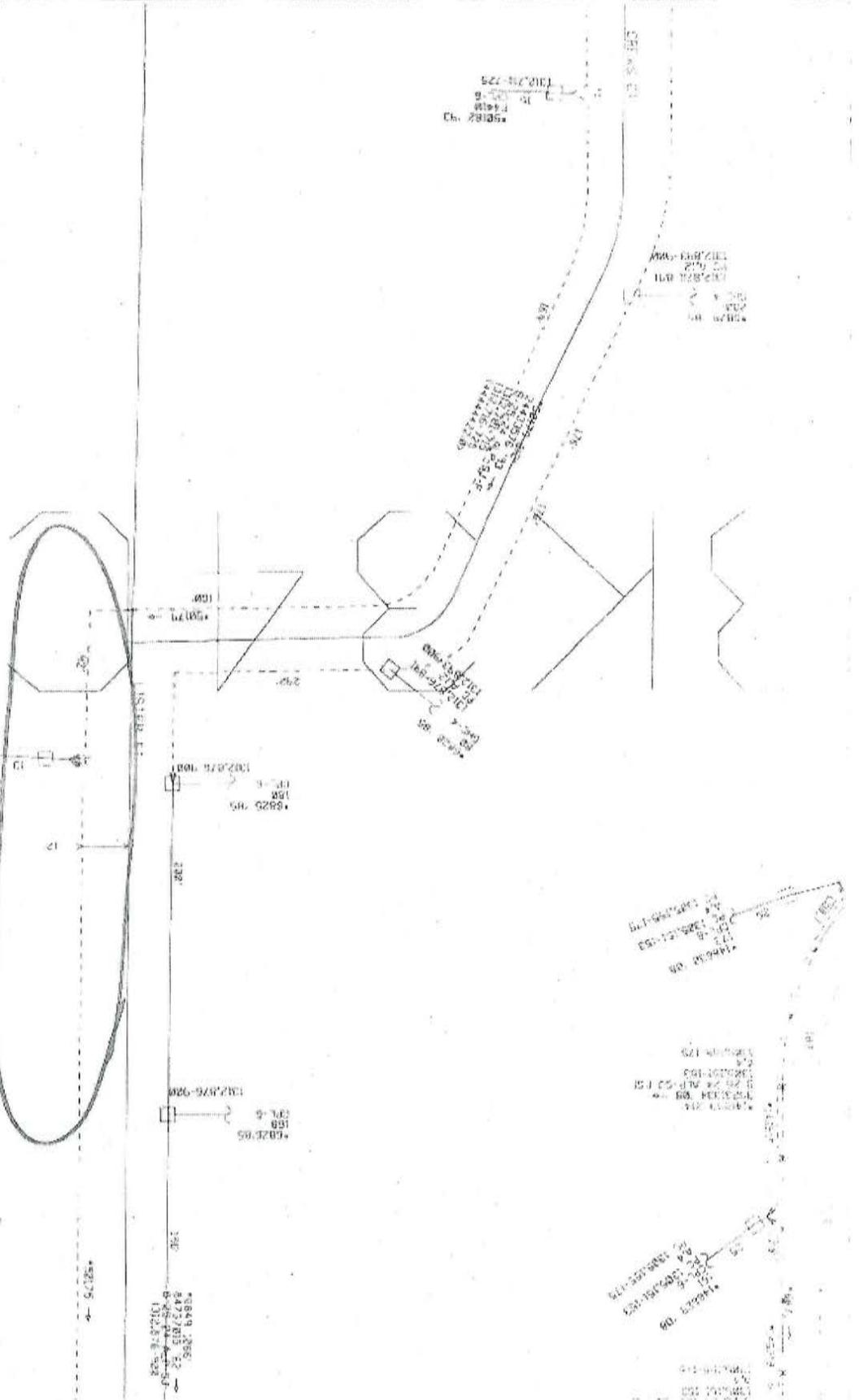
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4398 LISTEN

WE HAVE CABLE WORKERS THEY
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RE: Street Vacation Petition for January 7th, 2013 P/Z/ February 12th 2013 BCC

FROM: Stan Irish, Land Development Coordinator Date: Nov 19th, 2013

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Please respond by December 19, 2012

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The vacation above will _____, will not _____ affect the operations or services of this utility.

If it will please state reasons: and must attach map showing exact location of facilities _____

CCY OBJECTS TO THIS VACATION DUE TO
EXISTING UTILITIES IN/AT THIS LOCATION

Authorized signature: Judy Nester 12/10/12

Utility Name: _____

Telephone # _____

Please fax replies to (941) 743-1598

Questions – Call 941-764-4954