

Application No.
Z-11-12-24
(Rezoning Request)

Applicant
Board of County Commissioners /
Oyster Creek San Casa Preservation

Legislative

Commission Dist. III



Open for Business

Z-11-12-24

BoCC / Oyster Creek San Casa Preservation General Area Map

Map Prepared By
Charlotte County
Community Development
Department



03/42/20 West 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 guaranties, implied or otherwise as to its use. This is not a survey, nor is it to be used for design. Created 08-12-2011



NOT TO SCALE

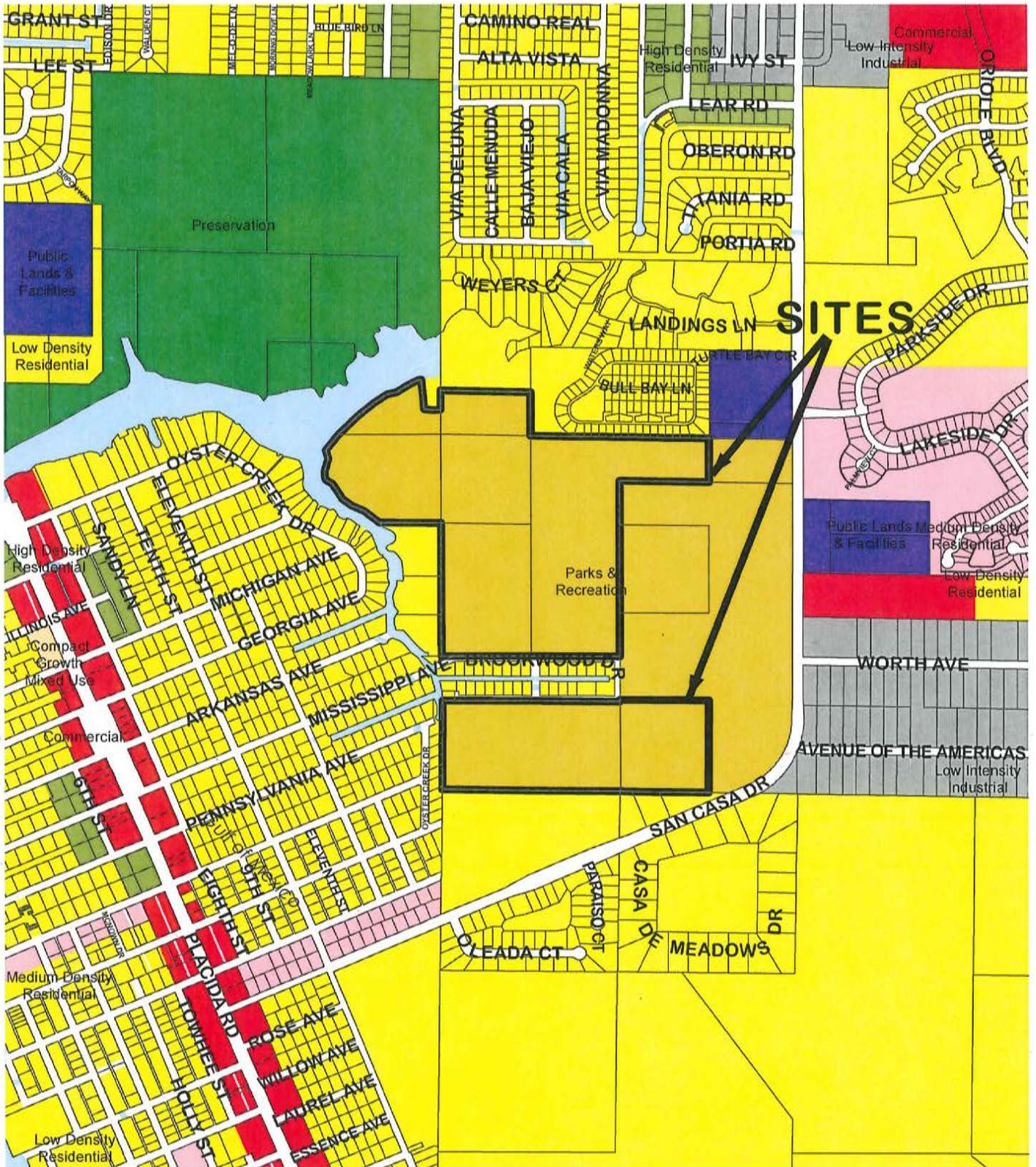


Open for Business

Z-11-12-24

BoCC / Oyster Creek San Casa Preservation 2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



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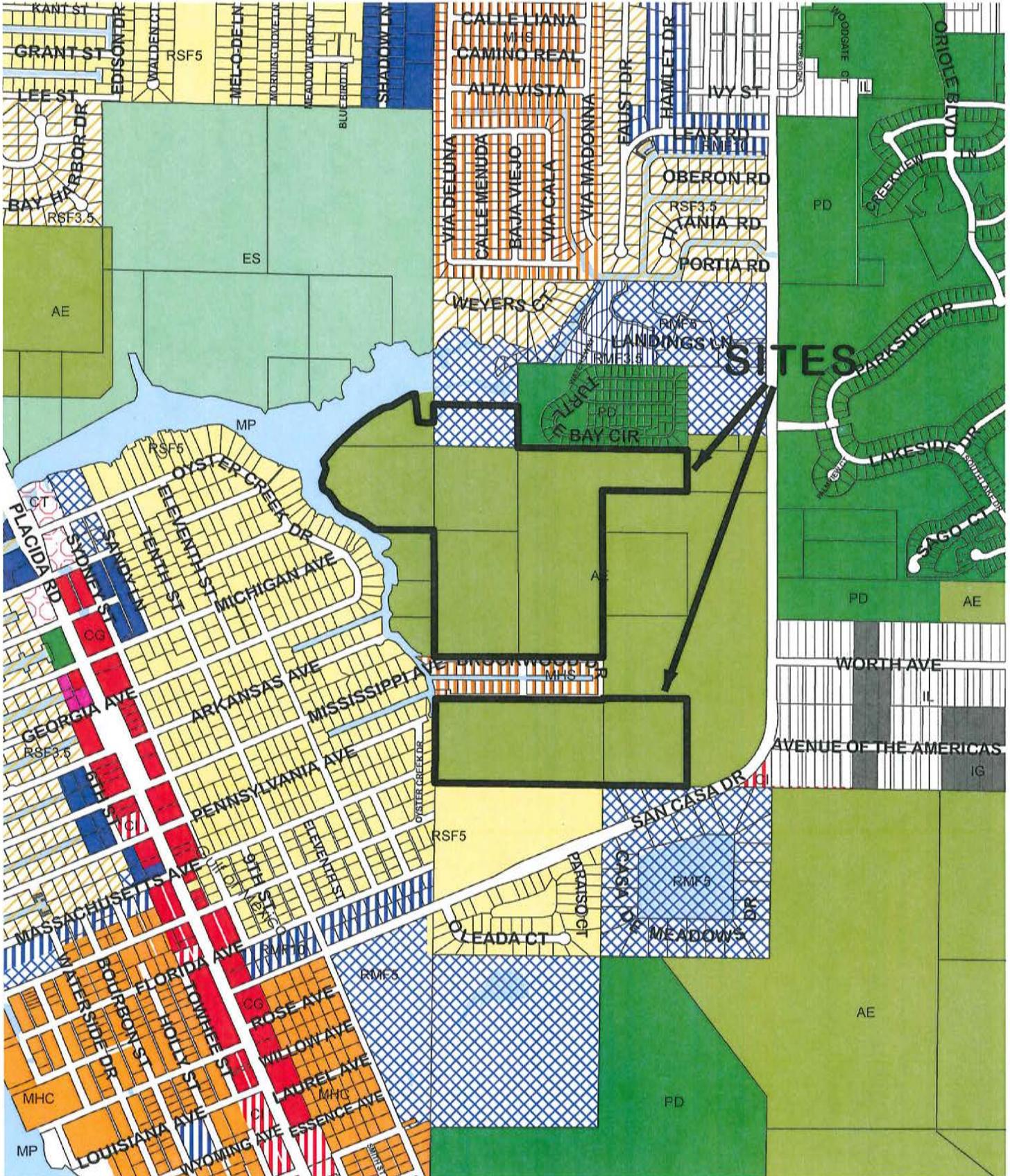
NOT TO SCALE



Open for Business

Z-11-12-24 BoCC / Oyster Creek San Casa Preservation Zoning Districts

Map Prepared By
Charlotte County
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Community Development Department Staff Report for Z-11-12-24

DATE: January 12, 2012
TO: Honorable Board of County Commissioners
FROM: Jie Shao, Planner III

REQUESTED

ACTION(S): A publicly initiated request to amend the Charlotte County Zoning Atlas from Agriculture Estates (AE) and Residential Multi-family 5 (RMF-5) to Environmentally Sensitive (ES)

PART I

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

Owner(s): Same as applicant

**General Location
and Acreage:**

The subject property is located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area; it contains 106.97± acres.

Account Number(s): 412008277001, 412008430001, 412009155001, 412009301001,
412009301002, 412009301003, 412009376001

Analysis:

The subject property is owned by Charlotte County and makes up a portion of the Ann Dever Memorial Regional Park (formerly known as the Oyster Creek Regional Park). The property was bought with a grant from Florida Communities Trust (FCT). In order to meet the requirement of the grant terms, in the summer of 2011, the Department initiated, reviewed and recommended approval of a large-scale plan amendment for the subject property from Parks and Recreation (PKR) to Preservation (PR) under petition number PA-11-07-18-LS. On October 18, 2011, Charlotte Country Board of County Commissioners (Board) approved transmittal of that petition to the Department of Economic Opportunity (DEO) for review and comments. The DEO had no comments to the

proposed amendment. The plan amendment petition is scheduled to be heard by the Board on March 20, 2012.

The purpose of the current rezoning request is to provide consistency between the Future Land Use Map and the Zoning Atlas and to reflect the use of the property as a County environmental park. The proposed zoning change is also consistent with the terms of the FCT grant.

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

Rezoning the subject property to Environmentally Sensitive (ES) is supported by many of the goals, objectives, and policies of Smart Charlotte.

Compatibility

The subject property is part of a County Regional Park and is located on San Casa Drive just south of S.R. 776 in the Englewood area. The site is in the Rural Service Area. It contains upland and wetland environmentally-sensitive habitats used by species listed as endangered by the Florida Fish and Wildlife Conservation Commission and US Fish and Wildlife Service. The site adjoins Oyster Creek with over 2,000 feet of frontage on the Creek. Across Oyster Creek, to the west, there is an existing residential neighborhood; Oyster Creek Mobile Home Park is located directed to the north. To the northwest and east is the remainder of the park. The proposed change to ES is compatible with the surrounding land uses.

Concurrency issues

There should not be any negative impacts on the County's roadways and utility capacities. According to the County's Park and Natural Resources Division, the County plans to maintain the subject property for conservation purposes. As part of the requirements of the FCT grant, the site shall be under the Preservation FLUM designation in perpetuity and shall not be developed in the future.

Staff Recommendation:

"Approve adoption of Petition No. Z-11-12-24 based on the findings and analysis in the Comprehensive Planning Division staff report dated January 12, 2012 and the evidence presented at the public hearing on the application (if applicable)."

Conclusion:

Staff recommends approval of this rezoning because it is consistent with Smart Charlotte.

The Planning and Zoning Board proposed recommendations:

"Motion to forward application No. Z-11-12-24 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated January 12, 2012 and the evidence presented at the public hearing on the application (if applicable)."

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The majority of the subject property is designated as part of Agricultural/Rural, and only a small portion of the site (located on the southeast corner of the site) is designated as Conservation.
2. **2030 Service Area Delineation:** The majority of the subject property is located in the Rural Service Area, and only a small portion of the site (located on the southeast corner of the site) is located in the Urban Service Area.
3. **Existing Land Use on the Site:** The subject site is part of the Ann Dever Memorial Regional Park.

4. Existing Designation(s):

| FLUM | Development Standard |
|---|--|
| Preservation (PR) (Petition Number is PA-11-07-18-LS; it is scheduled to be heard by the Board on April 17, 2012.) | These lands will be maintained as aquatic preserves, wilderness areas, wildlife sanctuaries, and similar uses for the protection of open spaces, natural lands, natural waterbodies, wetlands, and watersheds. <u>General Range of Uses</u> Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation. <u>Maximum Density/Intensity</u> <ul style="list-style-type: none"> • <i>Density:</i> Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed so as to minimize any impacts to natural resources. • <i>Intensity:</i> The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent. |
| Zoning | Development Standard |
| Agriculture Estates (AE) | Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low-density residential, recreation and other uses consistent therewith. The Agriculture Estate (AE) districts are intended to exist only within the urban service area. <ul style="list-style-type: none"> • Minimum lot area is 10 acres |

| | |
|------------------------------------|---|
| | <ul style="list-style-type: none"> • Minimum width is 125 feet • Maximum lot coverage by all buildings is 20 percent • Maximum building height is 38 feet • The County amended the site's Future Land Use designation to Parks and Recreation in 2008; therefore, the site contains no residential density. |
| Residential Multi-family 5 (RMF-5) | <p>The residential, multifamily (RMF) districts are intended to be low- or high-density residential districts with emphasis on multifamily use.</p> <ul style="list-style-type: none"> • Minimum lot area is 7,500 square feet. • Minimum width is 80 feet. • Maximum lot coverage by all buildings is 35 percent. • Maximum building height is 60 feet. • Minimum yard requirements: <ul style="list-style-type: none"> ○ Front yard is 25 feet. ○ Side yard: <ul style="list-style-type: none"> ▪ Interior, half the building height but not less than seven and one-half (7 1/2) feet. ▪ Abutting a road, no less than fifteen (15) feet. ○ Rear yard: <ul style="list-style-type: none"> ▪ Abutting another lot, half the building height but not less than fifteen (15) feet ▪ Abutting a road, no less than fifteen (15) feet • The County amended the site's Future Land Use designation to Parks and Recreation in 2008; therefore, the site contains no residential density. |

Table 1

5. Proposed Designation(s):

| FLUM | Development Standard |
|------|----------------------|
| N/A | N/A |

| Zoning | Development Standard |
|--------------------------------|--|
| Environmentally Sensitive (ES) | <p>The purpose and intent of the environmentally sensitive district is to preserve and protect certain land and water areas in unincorporated Charlotte County which have overriding ecological, hydrological, physiographic importance to the public at large.</p> <ul style="list-style-type: none"> • Minimum lot area is 10 acres. • Minimum width is 250 feet. • Maximum lot coverage is 10 percent. • Maximum building height is 38 feet. • Maximum density is 1 unit per 10 acres. |

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 | Oyster Creek Mobile Home Park; Single-family homes; | Low Density Residential (LDR) | Planned Development (PD) Agriculture Estates (AE) - 1 unit per acre |

| | | | |
|--------------|---|---|---|
| | Oyster Creek | | Marine Park (MP) Residential Multi-family 5 (RMF-5) |
| East | Oyster Creek Mobile Home Park; Oyster Creek Regional Park; San Casa Drive | Low Density Residential (LDR) Parks and Recreation (PKR) | Planned Development (PD) Agriculture Estates (AE) |
| South | Mobile homes; Vacant lands designated for residential development; Single-family homes | Low Density Residential (LDR) | Mobile Home Subdivision (MHS) Residential Single-family 5 (RSF-5) Residential Multi-family 5 (RMF-5) |
| West | County-owned environmentally Sensitive lands; Oyster Creek; Vacant lands designated for residential development; Single-family residential | Preservation Low Density Residential (LDR) Medium Density Residential (MDR) | Environmentally Sensitive (ES) Marine Park (MP) Residential Single-family 5 (RSF-5) Residential Multi-family 10 (RMF-10) |

Table 3

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

The subject property will contain two units of residential density.

8. Is the subject site within a Community Planning Area or Special Plan area?

The site is located with 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 site is part of the County-owned Ann Dever Memorial Regional Park.

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

- a. **Charlotte Harbor Aquatic Preserves Management Plan?** Yes, this designation preserves environmentally-sensitive lands from development and provides a buffer along Shell Creek, which feeds directly into Lemon Bay.
- b. **Lemon Bay Aquatic Preserve Management Plan?** Yes, this designation preserves environmentally-sensitive lands from development and provides a buffer along Shell Creek, which feeds directly into Lemon Bay.

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

According to the Florida Master Site File, the subject site contains one object (CH00643) listed in the Florida Master Site File.

12. Are there wetlands on the property?

- a. **Number of acres of Category I:** This site is owned and managed by Charlotte County as a conservation/preservation area. It contains highly sensitive wetlands.
- b. **Number of acres of Category II:** The subject property contains highly sensitive wetlands.

13. Natural Resources:

- a. **Significant natural resources and/or critical habitat for endangered/potentially endangered species:** Yes. According to the County Environmental Specialist's report dated August 4, 2011, this site is owned and managed by Charlotte County as a conservation/preservation area. It contains highly sensitive wetland and upland habitats that are utilized by numerous species listed as endangered by the United States Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation Commission (FWCC).
- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:**
There will be no negative impacts to these significant natural resources.
- 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 majority of the site is located in Flood Zone 11AE, an area with a determined base flood elevation of 11 feet. A small portion of the site located on the eastern site is located within the Flood Zone X, which is an area determined to be outside the 0.2% annual chance floodplain.
- e. **Storm Surge Evacuation Zone:** Tropical and Category I
- f. **Coastal High Hazard Area?** Yes
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

- a. **Nearest Park:** N/A
- b. **Nearest Police Station:**
Name: District 1
Address: 6868 San Casa Drive, Englewood
Distance: approximately 0.2 miles to the south 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 19.1 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:* Charlotte County Utilities (CCU)
2. *Analysis:* The site is not currently provided with water service, but it is located in an area served by Charlotte County Utilities (CCU). The County plans to continue to use the site as a regional park serving the Englewood area with no plans at this time for additional improvements that would require expansion of potable water service.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:* Charlotte County Utilities (CCU)
2. *Analysis:* The site is not currently provided with sanitary sewer service, but it is located in an area served by Charlotte County Utilities (CCU). The County plans to continue to use the site as a regional park serving the Englewood area; there are no plans at this time for additional improvements that would require expansion of sanitary sewer service. In addition, there are no plans to place restrooms at this preserve. Any future restrooms would most likely be self-composting pit latrines such as the ones placed at Tippecanoe and Hathaway.

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 by project basis.

17. Capital Improvements Program

a. Are any updates to the CIP required as a result of this petition? N/A

18. Intergovernmental Coordination

a. Does this amendment require comments from or coordination with adjacent governments or other governmental agencies? N/A

19. Has a public hearing been held on this property within the last year? Yes, on October 18, 2011, the Board of County Commissioners held the transmittal hearing for the large-scale plan amendment.

20. 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:

FUTURE LAND USE ELEMENT

FLU GOAL 1 SMART GROWTH FRAMEWORK

Implement a land use and development framework based upon Smart Growth Principles that will:

- Preserve and protect natural resources.
- Preserve and support agricultural uses.
- Protect and enhance residential neighborhoods.
- Promote economic development.
- Prevent urban sprawl.
- Encourage and support energy efficient land use forms.
- Ensure adequate services and facilities to serve new and existing development.
- Protect private property rights.

FLU GOAL 2 SMART GROWTH CONCEPT PLAN IMPLEMENTATION - NATURAL RESOURCE PROTECTION

Promote land use practices that:

- Preserve and protect natural resources and wildlife habitat.
- Target additional acquisition to close gaps in regional and Statewide wildlife corridors.

- Improve the quality of water that discharges into surface waters and groundwaters.
- Minimize environmental impacts within the built environment by reducing carbon emissions, minimizing water use, utilizing alternative energy resources and controlling pollution.

FLU Objective 2.1 Protect Natural Lands

To create, protect and manage systems of green infrastructure including open spaces within developments, conservation lands, areas protected by easement or covenant, parks, wetlands, and floodplains.

FLU Policy 2.1.1 Conservation Lands

The County shall protect conservation lands in public and private ownership and assure the protection of large-scale conservation areas across the County. The planning principles that guide the decisions regarding the identification and protection of these conservation areas include:

1. Protect native biological diversity.
2. Protect viable portions of natural plant communities.
3. Link conservation lands.
4. Allow for natural flooding, prescribed fires and other natural land management tools.

NATURAL RESOURCES ELEMENT

ENV GOAL 2 PROTECT NATURAL RESOURCES

Protect, conserve, enhance and manage native habitats and natural communities to ensure viable use continues for present and future generations of terrestrial and aquatic floral and faunal species and the enjoyment of the public.

ENV Objective 2.2 Regional Conservation Strategy

To protect plant and animal diversity and distribution by protecting listed and imperiled plant and wildlife habitats, providing for habitat corridors, and preventing habitat degradation, isolation or fragmentation through a regional conservation strategy.

ENV Policy 2.2.6 Environmental Land Protection

The County shall protect environmental lands using all available methods, including: land acquisition; incentives; land development requirements for the provision of conservation and preservation areas; and denial of increases in density and intensity.

ENV Policy 2.2.7 Environmental Acquisition and Management

The County shall acquire and manage environmental lands using all available opportunities including, but not be limited to: levying an ad valorem tax; obtaining State, Federal and non-profit grant funding; land swaps; public/private partnerships; public/public partnerships (such as Florida Communities Trust); community land trusts; and conservation easements. All lands acquired by the County for preservation shall be managed to retain their environmental value.

21. Standards for Rezoning Approval:

For the rezoning of land, the recommendation of the Planning and Zoning Board shall be made after giving due consideration to:

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

Finding: The proposed ES zoning district is consistent with the Preservation Future Land Use Map designation. The proposed change is consistent with Smart Charlotte.

b. The existing land use pattern in adjacent areas:

Finding: The subject property is located to the west of San Casa Drive. Oyster Creek is directly located to the north of the subject site. To the east, there are mobile homes and the rest of the regional park. To the west, there are some single-family homes and vacant lands designated as residential uses.

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

Finding: No impacts on utilities or schools, very minimal impacts on roads.

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

Finding: None are needed.

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

Finding: The proposed change may favorably influence living conditions and property values in adjacent areas.

f. Would the proposed change affect public safety?

Finding: No

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

Finding: No

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

Finding: The property was bought with the Florida Communities Trust grant. The property is no longer available for residential development; retention of residential zoning or agricultural zoning designations would be misleading.

Attachment 1**Legal Description for Oyster Creek Preservation**

Lots 1 through 6, Lots 11 through 14, Lots 19 and 20 and Lots 26 through 31 in Sections 8 and 9, Township 41 South, and Range 20 East, according to the Plat thereof, as recorded in Plat Book1, Page 4 of the Public Records of Charlotte County, Florida.

| Account Number | Short Legal | Legal Description |
|-----------------------|--|--|
| 412008277001 | ZZZ 084120 P14 | 08 41 20 P-14 5 AC. M/L LOTS 60 & 61 SUB N1/2 232/484 1533/314 1571/1333-1356 1892/1669 AFF1892/1676 E3223/853 |
| 412008430001 | ZZZ 084120 P20 | 08 41 20 P-20 11 AC. LOTS 1 AND 2 SUB THAT PART OF SE 1/4 E OF S BRANCH OF OYSTER CREEK 232/484 1533/314 1571/1333-13561892/1669 AFF1892/1676 |
| 412009155001 | ZZZ 094120 P9-1 | 09 4120 P9-1 5.0 AC. M/L THE S1/2 LT 13 GROVE CITY LAND CO 2037/1374 |
| 412009301001 | ZZZ 094120 LT4 | 09 41 20 LT4 LOTS 4 & 5 SUB SW1/4 232/484 1533/314 1571/1333-13561892/1669 |
| 412009301002 | ZZZ 094120 LT1 | 09 41 20 LTS 12 13 20 SUB SW1/4 1533/314 1571/1333-1356 1892/1669 RES2793/1610 RES3122/1294 E3354/1808 E3354/1813 |
| 412009301003 | ZZZ 094120 LT2 | 09 41 20 LT 2 LTS 2 3 6 11 14 19 27 28 29 30 IN SW1/4 1533/314 1571/1333-56 1892/1669 RES2949/75 |
| 412009376001 | ZZZ 094120 P1 (only a portion of the property) | 09 41 20 P-1 TRACTS 26 & 31 LYING W OF SAN CASA DR 555/345 RES1155/2087 E1182/459 RES1219/366 1533/314 1571/1333-1356 1892/1662 EAS3099/717 |

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The majority of the subject property is designated as part of Agricultural/Rural, and only a small portion of the site (located on the southeast corner of the site) is designated as Conservation.
2. **2030 Service Area Delineation:** The majority of the subject property is located in the Rural Service Area, and only a small portion of the site (located on the southeast corner of the site) is located in the Urban Service Area.
3. **Existing Land Use on the Site:** The subject site is part of the Ann Dever Memorial Regional Park.

4. Existing Designation(s):

| FLUM | Development Standard |
|---|---|
| Preservation (PR) (Petition Number is PA-11-07-18-LS; it is scheduled to be heard by the Board on March 20, 2012.) | <p>These lands will be maintained as aquatic preserves, wilderness areas, wildlife sanctuaries, and similar uses for the protection of open spaces, natural lands, natural waterbodies, wetlands, and watersheds.</p> <p>General Range of Uses Allowable development activities include public services and facilities and those necessary for management of the resource and limited public access, as applicable, and sparse residential use. Uses permitted in preservation areas shall be primarily of a passive nature, related to the aesthetic, educational and scientific enjoyment of the natural resources. Development identified within an approved land management plan of a public land management agency that uphold the allowable development activities listed above are considered consistent with this designation.</p> <p>Maximum Density/Intensity</p> <ul style="list-style-type: none"> • <i>Density:</i> Residential densities may not exceed one dwelling unit per 40 acres (consistent with Special Provisions provided below) and must be developed so as to minimize any impacts to natural resources. • <i>Intensity:</i> The maximum Floor Area Ratio (FAR) for all non-residential structures is 0.1 and the maximum impervious surface coverage for all residential and non-residential uses is ten percent. |
| Zoning | Development Standard |
| Agriculture Estates (AE) | <p>Agriculture districts are intended to retain the open character of the land. Permitted uses are limited to conservation, agriculture, low-density residential, recreation and other uses consistent therewith.</p> <p>The Agriculture Estate (AE) districts are intended to exist only within the urban service area.</p> <ul style="list-style-type: none"> • Minimum lot area is 10 acres |



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

APPLICATION for REZONING

| | |
|-------------------------------------|--|
| Date Received: <u>Dec. 7, 2011</u> | Time Received: <u>9:00 AM</u> |
| Date of Log-in: <u>Dec. 7, 2011</u> | Petition #: <u>2-11-12-24</u> Accela #: |
| Receipt #: <u>N/A</u> | Amount Paid: <u>N/A</u> |

1. PARTIES TO THE APPLICATION

Name of Applicant: Charlotte County Board of County Commissioners

Mailing Address: 18500 Murdock Circle

| | | |
|--|------------------|------------------------|
| City: <u>Port Charlotte</u> | State: <u>FL</u> | Zip Code: <u>33948</u> |
| Phone Number: <u>941.743.1272</u> | | Fax Number: |
| Email Address: <u>jie.shao@charlottefl.com</u> | | |

Name of Agent: Same

Mailing Address:

| | | |
|----------------|--------|-------------|
| City: | State: | Zip Code: |
| Phone Number: | | Fax Number: |
| Email Address: | | |

Name of Engineer/Surveyor: N/A

Mailing Address:

| | | |
|----------------|--------|-------------|
| City: | State: | Zip Code: |
| Phone Number: | | Fax Number: |
| Email Address: | | |

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

Mailing Address: Same as Applicant

| | | |
|----------------|--------|-------------|
| City: | State: | Zip Code: |
| 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 #: 412008277001, 412008430001, 412009155001, 412009301001, 412009301002,
 412009301003, 412009376001

| | | |
|---|--------------------|----------------|
| Section: 8 &9 | Township: 41 South | Range: 20 East |
| Parcel/Lot #: 1-6, 11-14, and 19, 20, and 26-31 | Block #: | Subdivision: |
| Total acreage or square feet of the property: 106.97 acres more or less | | |

3. SURVEY:

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

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

5. NOTARIZED AUTHORIZATION:

- 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 |
|---|---------------------------|
| Preservation | 106.97 acres more or less |
| | |
| | |
| Zoning District(s) | Acreage |
| Agriculture Estates (AE) | 5.04 acres more or less |
| Residential Multi-family 5 (RMF-5) | 101.93 acres more or less |
| | |

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: Environmentally Sensitive (ES)

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 be consistent with the newly-adopted FLUM designation.

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

Oyster Creek Regional Environmental Park

11. SURROUNDING LAND USES:

North: Oyster Creek, residential

South: vacant and single-family residential

East: golf course, vacant, County use

West: vacant and single-family 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.

This information will be field verified by the Department's Environmental Specialist.

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):
San Casa Drive
-
-

- 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.

B. Potable Water and Sanitary Sewer

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

Requirement is waived.

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

Requirement is waived.

15. REZONING NARRATIVE

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

- A. Whether the proposed change would be contrary to the Comprehensive Plan Yes
- B. The existing land use pattern in adjacent areas The site adjoins Oyster Creek with over 2,000 feet of frontage on the Creek. Across Oyster Creek, to the west, there is an existing residential neighborhood; Oyster Creek Mobile Home Park is located directed to the north. To the northwest and east is the remainder of the park. The proposed change to Preservation is compatible with the surrounding land uses.
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets No
- D. Whether changed conditions make the passage of the proposed amendment appropriate Yes
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas No
- F. Whether the proposed change will affect public safety No
- G. Whether the proposed change will reduce light and air to adjacent areas No
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning Yes

16. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser's Office. The list shall include

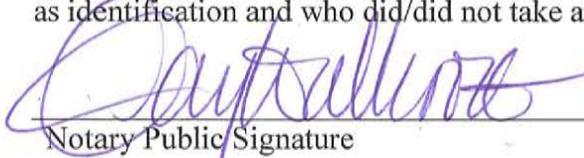
property owner's name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings

AFFIDAVIT

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 7th day of Dec, 2011, by
who is personally known to me or has/have produced
as identification and who did/did not take an oath.

| | |
|---|--|
|  Notary Public Signature | <u>Jie Shao</u> Signature of Applicant or Agent |
| Notary Printed Signature | <u>Jie Shao</u> Printed Signature of Applicant or Agent |
| Title | Address |
| Commission Code | City, State, Zip |
| | Telephone Number |

