

Application No.
Z-11-12-27
(Rezoning Request)

Applicant
Board of County Commissioners /
Rotonda Preserve

Quasi-Judicial

Commission Dist. III



Open for Business

Z-11-12-27 ROTONDA PRESERVE General Area Map

Map Prepared By
Charlotte County
Community Development
Department



SITE

23/41/20 West County



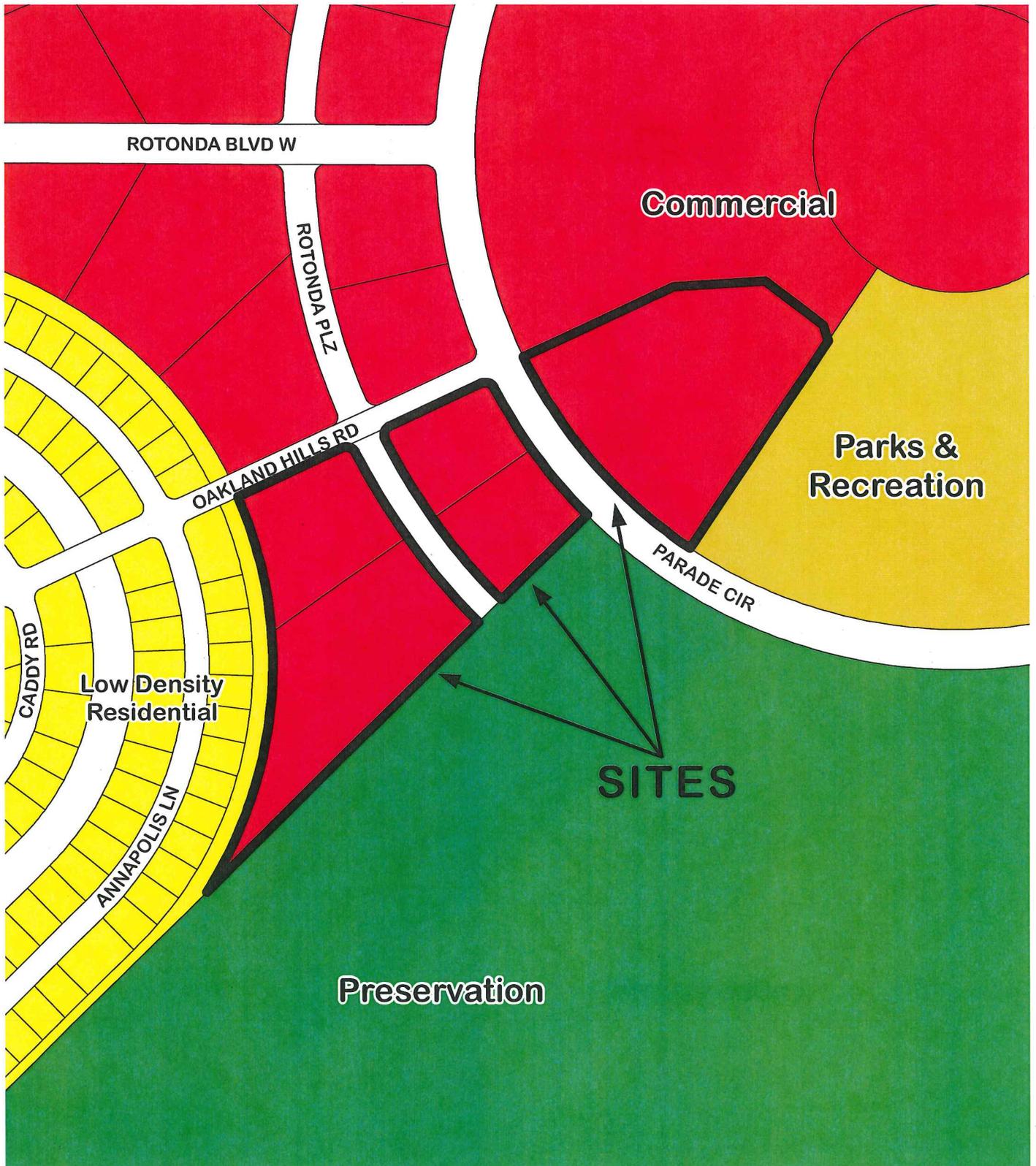
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Open for Business

Z-11-12-27
ROTONDA PRESERVE
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



23/41/20 West County

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Created 08-10-2011



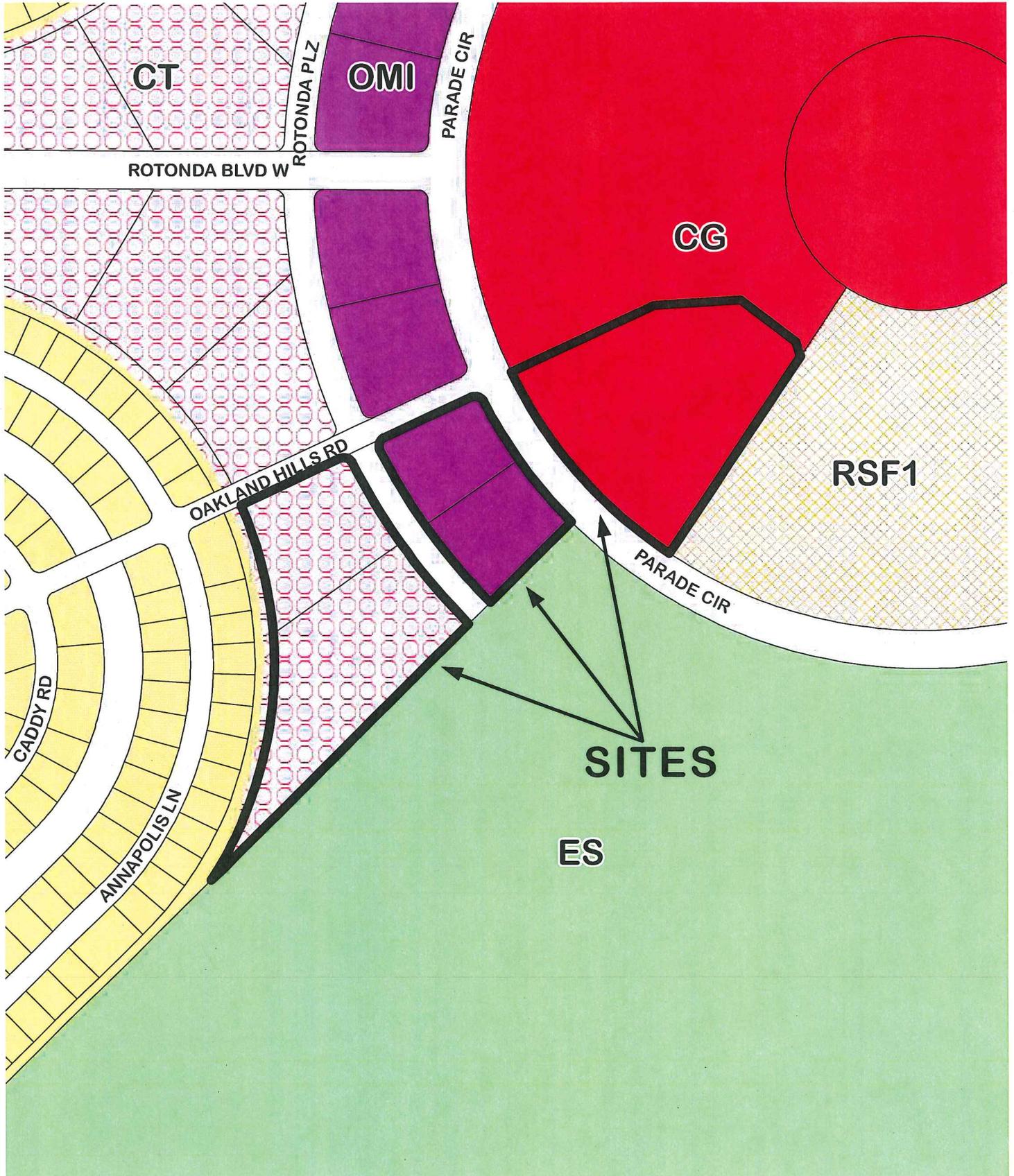
NOT TO SCALE



Open for Business

Z-11-12-27 ROTONDA PRESERVE Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



23/41/20 West County

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Community Development Department Staff Report for Z-11-12-27

DATE: January 23, 2012

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

FROM: Roxann Read, Planner II

REQUESTED

ACTION(S): A publicly initiated request to amend the Charlotte County Zoning Atlas from Commercial General (CG), Office, Medical and Institutional (OMI) and Commercial Tourist (CT) to Environmental Sensitive (ES).

PART I

Applicant(s): Charlotte County Board of County Commissioners

Owner(s): Same as applicant

General Location and Acreage: 16.68± acres located southeast of Oakland Hills Road, northwest of the State-owned environmentally-sensitive lands and east of Annapolis Lane, in the Rotonda area.

Account Number(s): 412023426001, 412023457001, 412023457002, 412023476001, 412023427001

Analysis:

The subject property was purchased by the County as a mitigation area for Florida scrub-jay impacts that will be incurred during the extension of Winchester Boulevard. In order to make the Future Land Use and zoning designations consistent with the use of the property as a mitigation area, the Department initiated, reviewed and recommended approval of a large-scale plan amendment for the subject property from Commercial (COM) to Preservation (PR). That petition number is PA-11-07-15-LS. On October 18, 2011, the Charlotte County Board of County Commissioners approved transmittal of that petition to the Department of Economic Opportunity (DEO) for review and comments. The DEO had no comments for the proposed plan amendment. The plan amendment petition is scheduled to be heard by the Board on March 20, 2012 for adoption.

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 mitigation area.

Compatibility and Impacts on the Adjacent Land Uses

The subject property is located in the Rotonda area, and it is in a U.S. Fish and Wildlife Service (FWS) Scrub Jay review area. It contains upland habitats that may be utilized by numerous species listed by the FWS or Florida Fish and Wildlife Conservation Commission (FWCC). To the southeast, the site is bordered by State-owned preservation lands. To the north and east, the site is bordered by vacant residential lands; while to the west, it is bordered by single-family residential homes. The proposed zoning change will have no adverse effect on the adjacent land uses, and in fact, preservation lands have been shown to enhance the value of surrounding properties.

Staff Recommendation:

“Approve adoption of petition No. Z-11-12-27 based on the findings and analysis in the Planning Division staff report dated January 23, 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-11-12-27 to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated January 23, 2012 and the evidence presented at the public hearing on the application (if applicable).”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The subject site is located entirely within the designated Maturing Neighborhood.
2. **2030 Service Area Delineation:** The subject site is located entirely within the Urban Service Area.
3. **Existing Land Use on the Site:** The subject site is undeveloped.
4. **Existing Designation(s):**

FLUM	Development Standard
Preservation (PR) (Petition Number is PA-11-07-15-LS; it is scheduled to be heard by the Board	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

<p>on March 20, 2012.)</p>	<p>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.
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Zoning	Development Standard
<p>Commercial General (CG)</p>	<p>The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.</p>
<p>Office, Medical and Institutional (OMI)</p>	<p>The office, medical and institutional (OMI) district is intended for professional and business offices and institutional and cultural activities.</p>
<p>Commercial Tourist (CT)</p>	<p>The purpose and intent of the commercial, tourist (CT) district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for the commercial provision of accommodations and services for tourists and other visitors and short-term or seasonal residents. The term "accommodations" is here intended to include housing, various amenities, including recreational facilities, and local retail trade in goods and service, both general and specific to the locality/attractor or principal activities. Areas designated commercial, tourist are expected to be located near or adjacent to an attractor of tourism such as Gulf beach frontage, theme parks, major public or private parks, and other recreational or scenic resources.</p>

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
<p>N/A</p>	<p>N/A</p>

Zoning	Development Standard
<p>Environmentally Sensitive (ES)</p>	<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.

	<ul style="list-style-type: none"> • Maximum building height is 38 feet. • Maximum density is 1 unit per 10 acres.
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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	Vacant land	Commercial (COM)	Office, Medical, Institutional (OMI) Commercial Tourist (CT)
East	Vacant land	Commercial (COM) Parks & Recreation (PKR)	Commercial General (CG) Residential Single-Family 1 (RSF-1)
South	Preservation land	Preservation (PR)	Environmentally Sensitive (ES)
West	Single -family homes	Low Density Residential (LDR)	Residential Single-Family 5 (RSF-5)

Table 3

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

If the Board of County Commissioners approves the proposed rezoning to ES, it would allow the maximum density to be one unit per 40 acres. Since the site consists of 16.68± acres, one density unit would be applied to the site.

8. Is the subject site within a Community Planning Area or Special Plan area? No.

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 located adjacent to environmental lands maintained by the Florida Department of Environmental Protection.

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

- a. Charlotte Harbor Aquatic Preserves Management Plan? Yes
- b. Lemon Bay Aquatic Preserve Management Plan? Yes

11. Does the subject site contain any designated archaeological site or historic structures? No.

The archaeological predictive model shows very little probability of archaeological sites.

12. Are there wetlands on the property? No.

13. Natural Resources:

- a. **Significant natural resources and/or critical habitat for endangered/potentially endangered species:** According to the County Environmental Specialist’s report dated August 2, 2011, the site contains upland habitats that are used by numerous species listed by the U.S. Fish and Wildlife Service or the Florida Fish and Wildlife Conservation Commission.

- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** None
- 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 site is in zone 10 AE, an area with a determined flood elevation of 10 feet.
- e. **Storm Surge Zone:** Category 2
- f. **Coastal High Hazard Area?** No
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

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:* There is no potable water service to this subject property.
 - 2. *Analysis:* The County plans to preserve the site for low impacting recreation in perpetuity.
- c. **Sanitary Sewage Level of Service:**
 - 1. *Provider's Name:* There is no sanitary sewer service to the subject property.
 - 2. *Analysis:* The County plans to preserve the site low impacting recreation in perpetuity.
- 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?** 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? Yes, on October 18, 2011, the BCC 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 in the Rotonda area. To the north, south and east there is vacant land. State-owned preservation lands are located directly to the southeast of the site. To the west, there are single-family homes.

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 by Charlotte County as a mitigation area for the Florida scrub-jay impacts that will be incurred during the extension of Winchester Boulevard. The property is no longer available for commercial development; retention of commercial zoning or OMI zoning designations would be misleading.



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

APPLICATION for REZONING

Date Received: DEC. 9, 2011	Time Received:
Date of Log-in: DEC. 9, 2011	Petition #: Z-11-12-27 Accela #:
Receipt #: N/A	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: 34286

Phone Number: 941-764-4928 Fax Number:

Email Address: roxann.read@charlottefl.com

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):

Charlotte County Board of County Commissioners

Mailing Address:

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 #: 412023426001, 412023457001, 412023457002, 412023476001, 412023427001		
Section: 23, 24	Township: 41	Range: 20
Parcel/Lot #: 3,4,5,6,00P1	Block #: 0000	Subdivision: Rotonda West Oakland Hills, Rotonda West White Marsh
Total acreage or square feet of the property: 16.68± acres		

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
Commercial (COM)	16.68± acres
Zoning District(s)	Acreage
Commercial General (CG)	6.56
Office, Medical and Institutional (OMI)	3.22
Commercial Tourist (CT)	6.90

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):

This property is requested to be rezoned in order to make the land use designation consistent with the use of the property as a mitigation area.

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

The land is currently vacant.

11. SURROUNDING LAND USES:

North: Vacant

South: Vacant preservation land

East: Vacant

West: Single-family homes

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):

Oakland Hills Road, Rotonda Plaza, Parade Circle, Rotonda Blvd. West, Annapolis Lane.

- 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 No
- B. The existing land use pattern in adjacent areas Vacant lands to the north and east, single-family homes to the west, and environmentally-sensitive lands to the south.
- 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, to be consistent with the newly-adopted Preservation FLUM designation

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

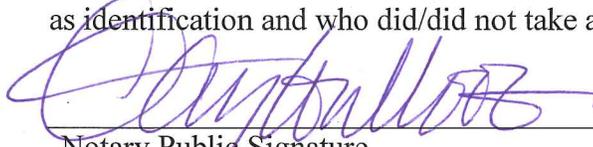
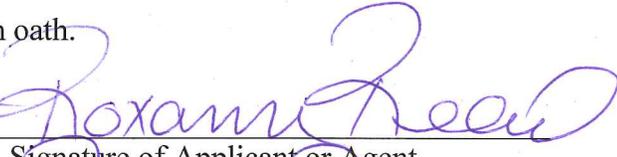
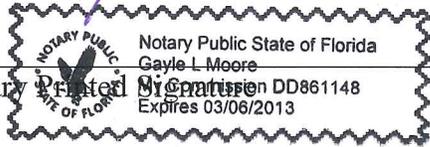
AFFIDAVIT

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 12 day of DECEMBER, 2011, by ROXANN READ 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 Public Printed Signature	<u>Roxann Read</u> Printed Signature of Applicant or Agent
_____	<u>18500 Murdock Circle</u> Address
_____	<u>Port Charlotte, FL 33948</u> City, State, Zip
_____	<u>941-764-4928</u> Telephone Number