

**Application No.**  
**Z-11-12-28**  
**(Rezoning Request)**

**Applicant**  
**Board of County Commissioners / Don**  
**Pedro Island State Park**

**Quasi-Judicial**

**Commission Dist. III**



Open for Business

# Z-11-12-28 DON PEDRO ISLAND STATE PARK 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, 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 08-10-2011

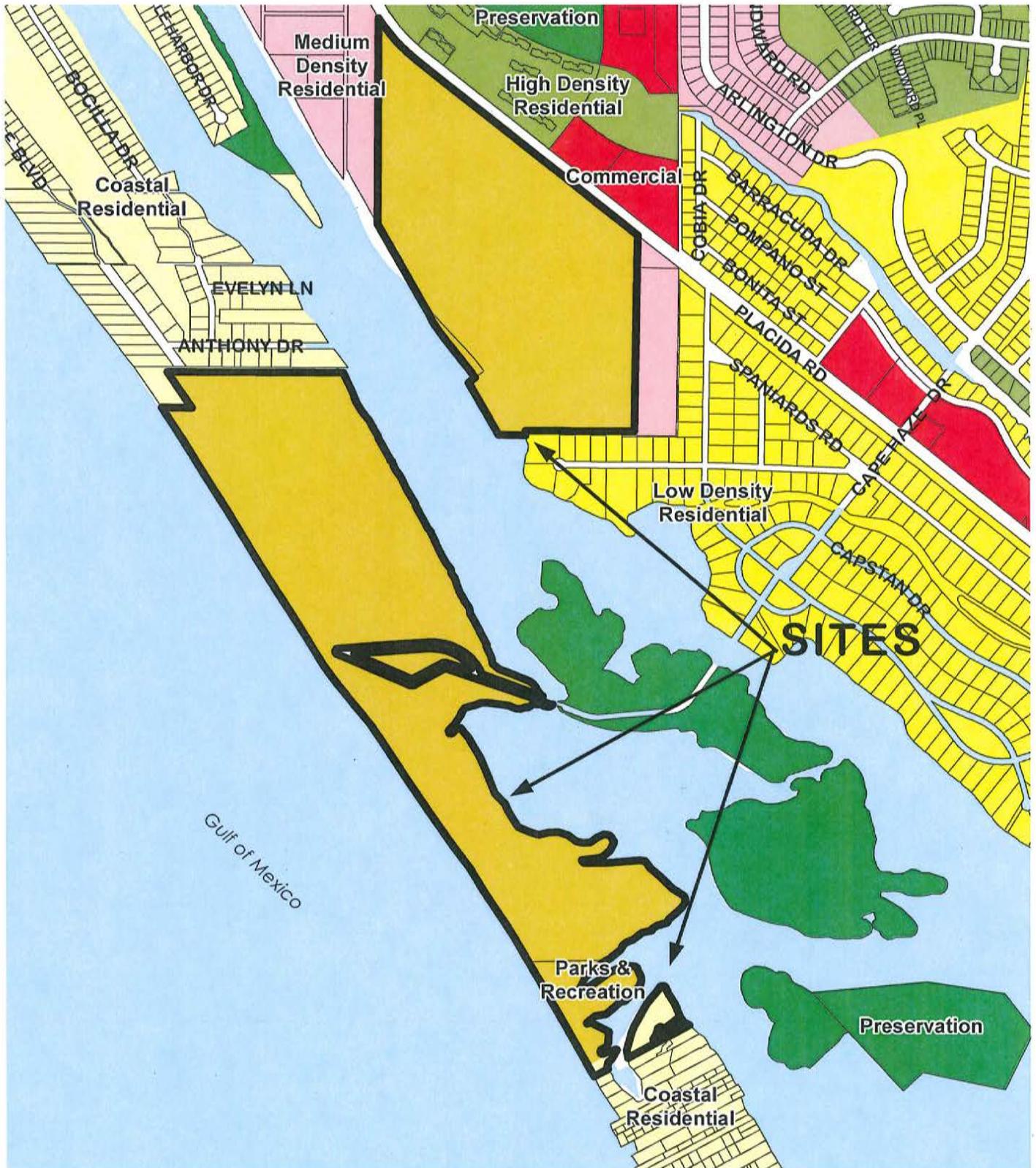




Open for Business

Z-11-12-28  
DON PEDRO ISLAND STATE PARK  
2030 Future Land Use Designations

Map Prepared By  
Charlotte County  
Community Development  
Department



03/42/20 West County

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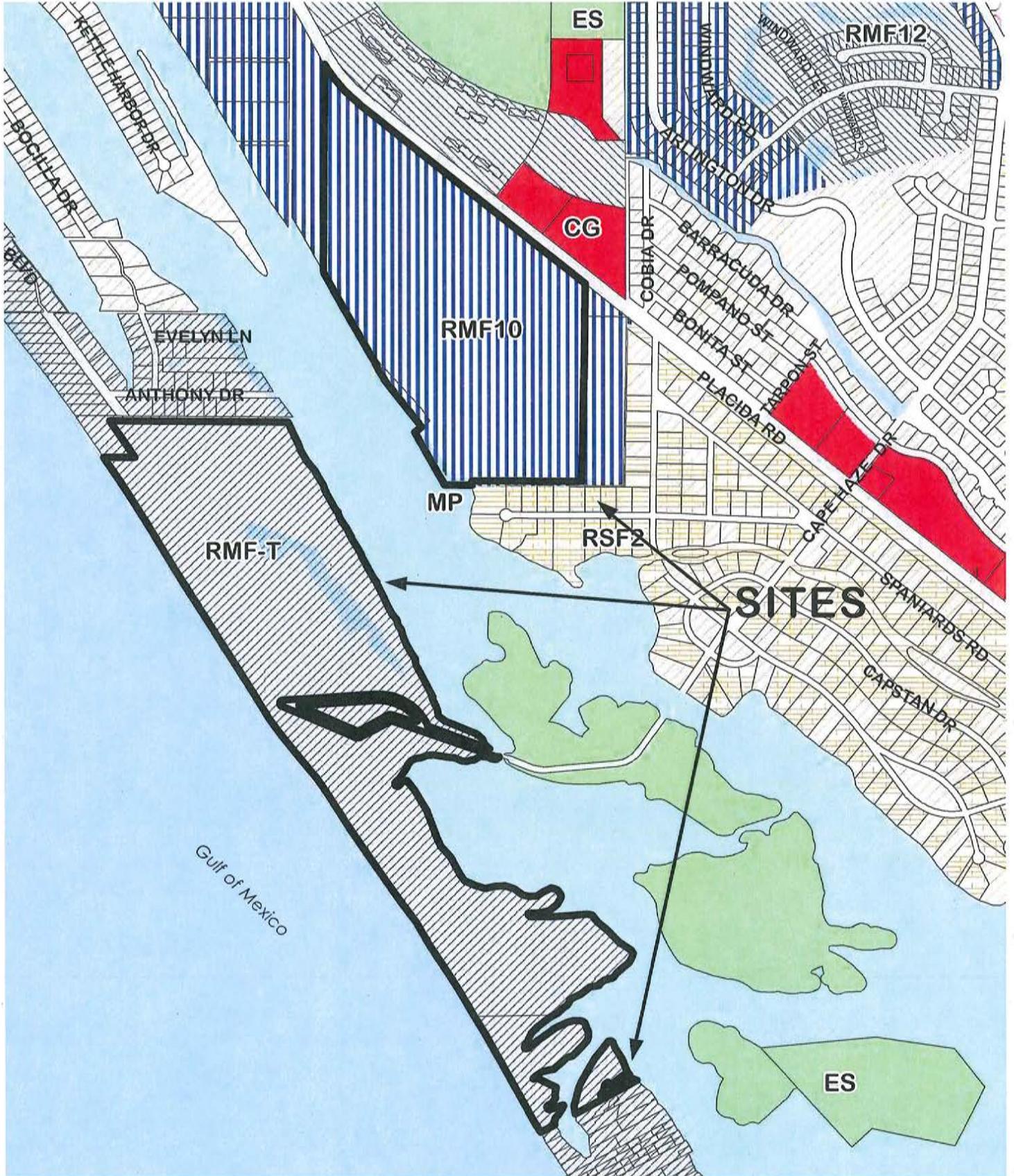




Open for Business

# Z-11-12-28 DON PEDRO ISLAND STATE PARK Zoning Districts

Map Prepared By  
Charlotte County  
Community Development  
Department



03/42/20 West County

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## Community Development Department Staff Report for Z-11-12-28

**DATE:** January 24, 2012

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

**FROM:** Inga Williams, Principal Planner

**REQUESTED**

**ACTION(S):** A publicly initiated request to amend the Charlotte County Zoning Atlas from Residential Multi-family 10 (RMF-10) and Residential Multi-family Tourist (RMF-T) to Environmentally Sensitive (ES)

### PART I

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

**Owner(s):** Trustees of Internal Improvement Trust Fund, State of Florida  
Marine Resources and Don Pedro Island State Rec Area  
3900 Commonwealth Blvd  
Tallahassee, FL, 32399

**General Location  
and Acreage:**

The subject site includes land on the mainland of West County and on Don Pedro Island. This property is located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the West County area, containing a total of 239.04± acres.

**Account Number(s):** 4220000330001, 422016200001, 422003101001, 422003126001

**Analysis:**

The subject site is owned by the State of Florida and consists of the mainland and island sections of Don Pedro Island State Park. The Future Land Use Map (FLUM) designation of the park is under amendment from Parks and Recreation (PKR) to Preservation (PR), and that petition will be heard by the Board on March 20, 2012 for adoption. ES zoning is consistent with the Preservation FLUM designation and will continue to allow development of three units of density on the mainland site of the park.

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

Designation of the subject property with ES zoning is consistent with Smart Charlotte.

**Compatibility**

The subject site is part of the State’s park system. 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 Lemon Bay and the Gulf of Mexico. To the north on the island and to the south on the mainland are single-family residences. The proposed change to Preservation is compatible with the surrounding land uses and with the State’s management of the property.

**Concurrency issues**

There will be no concurrency issues associated with this petition.

**STAFF RECOMMENDATION:** “Approve adoption of Petition No. Z-11-12-28 based on the findings and analysis in the Comprehensive Planning Division staff report dated January 24, 2012 and the evidence presented at the public hearing on the application (if applicable).”

**Conclusion:** The request is consistent with Smart Charlotte and will not adversely affect any adjacent neighborhood.

The Planning and Zoning Board proposed recommendation:

“Motion to forward application No. Z-11-12-28 to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated January 24, 2012 and the evidence presented at the public hearing on the application (if applicable).”

**PART II: RESEARCH AND FINDINGS**

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1. **2050 Framework Designation:** The site is designated Agricultural/Rural.
2. **2030 Service Area Delineation:** The site is located in the Rural Service Area.
3. **Existing Land Use on the Site:** Passive recreational uses.
4. **Existing Designation(s):**

FLUM	Development Standard
Parks and Recreation (PKR)	These lands are designated for either active (facilities based) or passive (resource based) recreational uses.
	<b>General Range of Uses</b> These lands may contain park sites with many associated facilities or with minimal facilities, and may include public services and facilities. Parks and recreational lands may be publicly or privately owned.
	<b>Maximum Intensity</b>

	<ul style="list-style-type: none"> <li>• The maximum FAR for all structures in a primarily active park is 0.7 and the maximum impervious surface coverage is 35 percent.</li> <li>• The maximum FAR for all structures in a primarily passive park is 0.1 and the maximum impervious surface coverage is ten percent.</li> </ul>
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Zoning	Development Standard
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Residential Multi-family Tourist (RMF-T)	<p>The residential, multifamily/tourist (RMF-T) districts is intended to permit multifamily dwellings, apartments and tourist-related commercial facilities. The location of these districts are primarily along arterials as designated in the comprehensive plan and in resort areas on the barrier islands.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 7,500 square feet.</li> <li>• Minimum width is 80 feet.</li> <li>• Maximum lot coverage by all buildings is 35 percent.</li> <li>• Maximum building height is 38 feet.</li> <li>• Minimum yard requirements:             <ul style="list-style-type: none"> <li>○ Front yard is 25 feet.</li> <li>○ Side yard:                 <ul style="list-style-type: none"> <li>▪ Interior, half the building height but not less than seven and one-half (7 1/2) feet.</li> <li>▪ Abutting a road, no less than fifteen (15) feet.</li> <li>▪ Abutting water, twenty (20) feet</li> </ul> </li> <li>○ Rear yard:                 <ul style="list-style-type: none"> <li>▪ Abutting a lot, fifteen (15) feet</li> <li>▪ Abutting a road, no less than twenty-five (25) feet</li> <li>▪ Abutting water, twenty (20) feet</li> </ul> </li> </ul> </li> </ul>
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Residential Multi-family 10 (RMF-10)	<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"> <li>• Minimum lot area is 7,500 square feet.</li> <li>• Minimum width is 80 feet.</li> <li>• Maximum lot coverage by all buildings is 35 percent.</li> <li>• Maximum building height is 60 feet.</li> <li>• Minimum yard requirements:             <ul style="list-style-type: none"> <li>○ Front yard is 25 feet.</li> <li>○ Side yard:                 <ul style="list-style-type: none"> <li>▪ Interior, half the building height but not less than seven and one-half (7 1/2) feet.</li> <li>▪ Abutting a road, no less than fifteen (15) feet.</li> </ul> </li> <li>○ Rear yard:                 <ul style="list-style-type: none"> <li>▪ Abutting another lot, half the building height but not less than fifteen (15) feet</li> <li>▪ Abutting a road, no less than fifteen (15) feet</li> </ul> </li> </ul> </li> </ul>
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Table 1

**5. Proposed Designation(s):**

FLUM	Development Standard
Preservation (PR)	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><b>General Range of Uses</b>                  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><b>Maximum Density/Intensity</b></p> <ul style="list-style-type: none"> <li>• <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.</li> <li>• <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.</li> </ul>
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"> <li>• Minimum lot area is 10 acres.</li> <li>• Minimum width is 250 feet.</li> <li>• Maximum lot coverage is 10 percent.</li> <li>• Maximum building height is 38 feet.</li> <li>• Maximum density is 1 unit per 10 acres.</li> </ul>

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	Island	Single-family homes	Coastal Residential (CR)	RMF-T
	Mainland	Vacant residential; professional service building; vacant commercial	High Density Residential; Commercial	RMF-12; CG
East	Island	Water and mangrove islands	Preservation (PR); Lemon Bay	ES
	Mainland	Single-family homes	Medium Density Residential; Low Density Residential	RMF-10; RSF-2
South	Island	Single-family homes	Coastal Residential (CR)	RMF-T
	Mainland	Single-family homes	Low Density Residential	RSF-2
West	Island	Gulf of Mexico	N/A	N/A
	Mainland	Lemon Bay	N/A	N/A

Table 3

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

The subject property will contain three units of residential density.

**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 part of the State's park system.

**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 Lemon Bay and the Gulf.

**b. Lemon Bay Aquatic Preserve Management Plan?** Yes.

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

According to the Florida Master Site File, the subject site contains prehistoric shell middens.

**12. Are there wetlands on the property?** Yes. It contains highly sensitive wetlands. This site is managed for low impact recreational uses in keeping with a conservation/preservation area.

**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 2, 2011, the site contains several sensitive habitats that are utilized by numerous 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.

**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 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:** 14AE, 14VE, 13AE, 13VE.

**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** Any impact to facilities and services for two RV sites is negligible.

**16. Concurrency**

- a. Roads Level of Service:** This petition would not create roadway concurrency issues.
- 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. Staff does not anticipate that any use on this site will 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. Staff does not anticipate that any use on this site will require expansion of sanitary sewer service.
- d. Park and Recreation Level of Service:** N/A
- e. Schools:** N/A
- f. Solid Waste:** N/A
- g. Drainage:** N/A

**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? Yes,** this amendment requires coordination with the Florida Department of Environmental Protection.

**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 final action of the Board shall be made after giving due consideration to:

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

**Finding:** The proposed 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 land use pattern in adjacent areas is residential.

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

**Finding:** Very minimal impacts on utilities.

**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 is zoned for residential development. This is inconsistent with the intent of the State to manage this park as an environmental preserve with low impacting recreational uses allowed.

**Attachment 1**  
**Legal Description for Don Pedro Island State Park**

Account Number	Short Legal	Legal Description
422003300001	ZZZ 034220 P6	3-42-20 P-6 133 AC. M/L BEG NW COR SEC 3 TH S 1300 FT E 220FT TO E MHWL OF ISLAND SE/LY MEADERING SHORE LINE TO SOUTH SECTION LINE OF SEC #3 CONT WEST ALG MHWL TO A PT CONT SW INLINE W/NORTH LINE OF OLD LITTLE GASPARILLA PASS (L G P) TO MHWL OF GULF OF MEXICO NW ALG MHWL TO SOUTH SECTION LINE OF SEC 3 CONT NW TO A PT 1320 FT M/L SOUTH OF N SEC LN SEC 4 E 200FT N 400 FT E 1407 FT M/L TO EAST MHWL OF ISLAND TH SE 300 FT M/L TO E S/L OF SEC 4 TH S 300 FT TO POB AKA DON PEDRO ISLAND INCL PT SEC 4 AND G/L-6 G/L-7 G/L-8 IN SECTION 3 AND THAT PT OF ISL NORTH OF L G P IN SEC 10 800/1697 805/2067 (STATE-.37 INT BANK-.63INT 845/1458 847/98 1336/1560 E1363/171 ODN2113/2055
422003126001	ZZZ 344120 T18	34-41-20 & 3-42-20 TRACT 18 93.627A M/L TRACT 18 BEG NE COR NW1/4 SEC 3 W 337.78FT FOR POB S 1322.74FT W 1086.52FT TO E R/W IC W/W N 29D W ALG R/W 480.33FT N 52D E 151.87FT N 35D W 112FT N 41D W 94.5FT N 42D W 420.46FT W 65FT TO E/LY R/W LINE IC W/W N 29D W ALG R/W 816.54FT NO D E 1860FT TO SW/LY R/W SR775 SE ALG R/W 2704.59FT S 289.83 FT TO POB LESS THE S 35FT THEREOF 611/761 610/1761 767/1701 1255/916 1665/1235-37 1684/619-22 ODN2113/2055
422003101001	ZZZ 034220 P3-1	03 42 20 P-3-1 1 AC. M/L COMM AT 1/4 SEC CORNER TH W ON N LINE SE C 3 1247.2 FT TH SE 115 FT TH SW 236.8 FT TH SW 537 FT TO POB TH NE 112 FT TH SW FOR 70 FT M/L TO MHWL TH NW/LY ALONG GASP SOUND TO A LINE 330 FT S OF SEC 3 TH E 65 FT TH SE 420.46 FT TH SE 94.5 FT TO POB 247/369 610/ 1788 823/452 CA#1545 1665/1232 ODN2113/2055
422016200001	SBD 000 000A 0001	SEABOARD BLK A LTS 1 2 409/482856/443 912/1522 913/1688 E1220/507 TD1665/713 FJ1697/1093 1946/2197 E3399/703

**422003300001:** A parcel of land on Don Pedro Island North of Little Gasparilla Pass, measuring 750 feet along the Gulf of Mexico and being in Section 3 and Section 10, Township 42 South, Range 20 East, described as follows: Begin at a concrete monument at the West end of a Boat Basin, which is South 4755.26 feet and East 2776.41 feet from the U.S. government meander corner on the North boundary of Section 4, Township 42 South, Range 20 East, on the easterly shore of said Don Pedro Island; then N 82° 37' 45" E, along the center line of said basin 445 feet more or less to the intersection with the waters of Gasparilla Sound; then Northerly meandering the waters of said Gasparilla Sound (along the East shore of Don Pedro Island) 1225 feet more or less; thence S 56° 17' 45" W, 660 feet more or less (passing through a concrete monument at 100 feet more or less, which concrete monument bears N 54° 50' 39" W, 804.12 feet from the Point of Beginning and passing through a concrete monument at 550 feet more or less) to the waters of the Gulf of Mexico; thence Southeasterly, meandering the waters of said Gulf 750 feet more or less to the intersection with a line bearing S 56° 17' 45" W; from the Point of Beginning; thence N 56° 17' 45" E, along said line 900 feet more or less along said line to the Point of Beginning.

**422003101001:** A tract or parcel of land situate in Section 3, Township 42 South, Range 20 East, Charlotte County, Florida, more particularly described as follows: from the quarter section corner common to Section 34, Township 41 South, Range 20 East, and Section 3, Township 42 South, Range 20 East, run West along the section and township line common to said Section and Townships for 1247.2 feet; then run S 40° 09' E, for 115.0 feet; then run S 24° 34' W, for 230.8 feet; then run S 40° 44' W, for 537.0 feet to the Point of Beginning of the herein described parcel; from said Point of Beginning run S 35° 00' E, for 112.0 feet; thence run S 52° 30' W, for 70 feet, more or less, to the waters of Gasparilla Sound; thence run in a Northwesterly direction along said waters to an intersection with a line 330.0 feet South of an parallel with aforementioned section and township line; then run East for 65 feet more or less to a point 1969.2 feet West of , and 330.0 feet South of, said quarter section corner; then run S 42° 41' E, for 420.46 feet; then run S 41° 12' E, for 94.5 feet to the Point of Beginning.

**422003126001:** Certain property lying and being in Charlotte County, Florida, to-wit: Section 34, Township 41 South, Range 20 East and in Section 3, Township 42 South, Range 20 East. Commence at the NE corner of the NW ¼ of said Section 3; then N 89° 18' 00" W, along the North line of said Section 3 for a distance of 337.78 feet for a Point of Beginning: then S 0° 42' 00" W, 1322.74 feet; then N 89° 38' 40" W, 1086.52 feet the Easterly right-of-way line of the Intracoastal Waterway (500 feet of right-of-way): then N 29° 39' 50" W, along said Easterly right-of-way line, 480.33 feet: thence leaving said right-of-way line for the following courses and distances: N 52° 30' 00" E, 151.87 feet; N 35° 00' 00" W, 112.00 feet; N 41° 12' 00" W, 94.50 feet; N 42° 41' 00" W, 420.46 feet; West, 30.40 feet to said Easterly right-of-way line of Intracoastal Waterway; then N 29° 39' 50" W, along said Easterly right-of-way, 1316.54 feet to its intersection with the Westerly line of said Section 34; thence N 0° 25' 00" E, along said Westerly line of Section 34, for a distance of 1655.09 feet to its intersection with the Southwesterly right-of-way line of State Road No. 775; thence along said right-of-way, S 28° 47' 00" E, 426.67 to the Point of Curvature of a curve to the left which has a radius of 1323.25 feet and a central angle of 22° 43' 00"; then Southeasterly along said right-of-way and arc of said curve, 524.64 feet to the Point of Tangency; thence S 51° 30' 00" E, continuing along said Southwesterly right-of-way line of State Road No. 775 for a distance of 2253.28 feet; thence leaving said right-of-way, S 0° 42' 00" W, 289.89 feet to the Point of Beginning.

Less and Except the following: Tract of land in Southwest ¼ of Section 34, Township 41 South, Range 20 East, Charlotte County, Florida, described as follows: The Westerly 250.26 feet of the Southwest ¼ of said Section 34, lying Southwesterly of the Southwesterly right-of-way line of State Road 775 (100 feet wide) and Northeasterly of the Northeasterly right-of-way line of the Intracoastal Waterway as described in premises conveyed by Grove City Land Company to W.C.I.N.D. by Final Judgement Law Number 1902, July 1960, and from W.C.I.N.D. to United States of America by Instrument dated October 31, 1963, recorded in Official Records Book 176, Page 266, of the Public Records of Charlotte County, Florida.

Also Less and Except the South 35 feet thereof.

**422016200001:** Lots 1 and 2, Block A, Seaboard Subdivision, according to the plat thereof recorded in Plat Book 1, Page 11, of the Public Records of Charlotte County Florida.



# Florida Department of Environmental Protection

Gasparilla Island Administration  
P.O. Box 1150  
Boca Grande, FL 33921

Rick Scott  
Governor

Jennifer Carroll  
Lt. Governor

Herschel T. Vinyard, Jr.  
Secretary

December 8, 2011

Inga Williams, AICP, Principal Planner  
Building and Growth Management Department  
18500 Murdock Circle  
Port Charlotte, FL 33948-1094

This letter is in response to the request for clarification on the Rezoning and Future Land Use of Don Pedro Island State Park. It is the intention of the state at this time to fund, design, permit and build 2 volunteer Recreational Vehicle sites on the land base portion of the state park. These sites would be provided to volunteers who travel in an RV in exchange for volunteering at the state park. Typical length of stay for each site would be sixteen weeks.

If you have any questions, or wish to discuss this further please do not hesitate to give me a call.

Thanks,

Chad Lach, Park Manager  
Gasparilla Island Administration

CC: Ezell Givens, Assistant Bureau Chief, D4



**CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for REZONING**

Date Received: DEC. 9, 2011	Time Received:
Date of Log-in: DEC 9, 2011	Petition #: 2-11-12-28 Accela #:
Receipt #: N/A	Amount Paid: N/A

**1. PARTIES TO THE APPLICATION**

**Name of Applicant:** Community Development Department on behalf of the State of Florida

Mailing Address: 18500 Murdock Circle

City: Port Charlotte	State: Florida	Zip Code: 33950
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Phone Number: 941-743-1242	Fax Number:
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Email Address: inga.williams@charlottefl.com

**Name of Agent:** Inga Williams

Mailing Address: same as above

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

**Name of Engineer/Surveyor:** None

Mailing Address:

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

**Name of Property Owner** (if more than one property owner, attach a separate sheet with a list of all owners):  
 Trustees Of Internal Improvement Trust Fund, State of Florida

Mailing Address: Marine Resources & Don Pedro Island State Rec Area, 3900 Commonwealth Blvd

City: Tallahassee	State: Florida	Zip Code: 32399
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Phone Number:	Fax Number:
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Email Address:

## 2. PROPERTY INFORMATION

(if more than one account number, attach a separate sheet listing all information required by this section)

Property Account #: 422003300001		
Section: 3	Township: 42	Range: 20
Parcel/Lot #: P-6	Block #:	Subdivision:
Total acreage or square feet of the property: 133.0		

Property Account #: 422016200001		
Section: 16	Township: 42	Range: 20
Parcel/Lot #: 18	Block #:	Subdivision:
Total acreage or square feet of the property: 93.6		

Property Account #: 422003101001		
Section: 3	Township: 42	Range: 20
Parcel/Lot #: P3-1	Block #:	Subdivision:
Total acreage or square feet of the property: 1.0		

Property Account #: 422003126001		
Section: 34	Township: 42	Range: 20
Parcel/Lot #: 1 and 2	Block #: A	Subdivision: Seaboard
Total acreage or square feet of the property: 11.44		

### 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.

**Requirement is waived**

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

**Requirement is waived**

### 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.

**Requirement is waived**

### 6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

**Requirement is waived**

**7. EXISTING LAND USE DESIGNATIONS**

Future Land Use Map (FLUM) designation(s)	Acreage
Parks and Recreation	133.0 (422003300001)
	93.6 (422016200001)
	1.0 (422003101001)
	8.2 (4220003126001)
Coastal Residential	3.24 (422003126001)
Zoning District(s)	Acreage
RMF-T	144.44
RMF 10	94.6

**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?**  
There will be no increase in density. Three units of density exist currently on the subject site in the Coastal Residential FLUM portion of the property. With the change to a Preservation FLUM, three units of density will be allowed to develop on the subject site. There is no loss or increase of density through the changes being made to the land use of the subject site.

**9. REASON FOR PROPOSED CHANGE(S):**

Parks and Recreation allows no residential to be developed. The manager of Don Pedro Island State Park would like to develop housing for an on-site ranger and volunteers. The Preservation FLUM category would allow the manager to do so if this item is included in the approved land management plan.

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

Preserve

**11. SURROUNDING LAND USES:**

North: residential, Lemon Bay

South: residential

East: Lemon Bay

West: Gulf of Mexico

**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

- o Locations of listed flora and fauna species, if present.
- o 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.
- o 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.

**Requirement is waived**

### 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):

None on the barrier island, Placida Road on the mainland

- 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.

**Requirement is waived**

#### 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 Archeological 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  
Rezoning the property to ES would not be contrary to the Comprehensive Plan. State and County preservation land should be zoned ES.

- B. The existing land use pattern in adjacent areas  
There is vacant and developed residential near the land-based and island-based portions of the preserve.
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets  
There will be no increase in density or load on public facilities.
- D. Whether changed conditions make the passage of the proposed amendment appropriate  
Changed conditions are not necessary to make the passage of this proposed amendment appropriate.
- 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  
The existing zoning is for residential development which will never occur as this is a state preserve/park.

**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

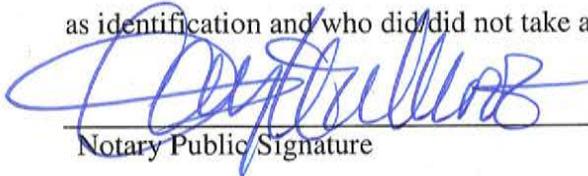
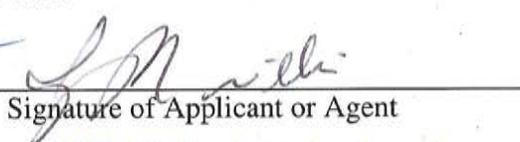
**AFFIDAVIT**

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.

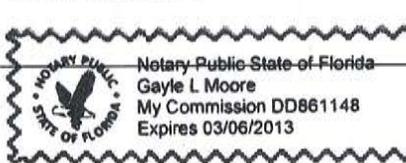
STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of Feb., 2012, by INGA WILLIAMS who is personally known to me or has/have produced

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

	
Notary Public Signature	Signature of Applicant or Agent

Notary Printed Signature	<u>INGA WILLIAMS</u> Printed Signature of Applicant or Agent
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Title		Address	<u>18500 MURDOCK CIR, #B-205</u>
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Commission Code	City, State, Zip	<u>Port Charlotte FL 33948</u>
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Telephone Number	<u>941-743-1242</u>
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