

Application No.
Z-12-06-06
(Rezoning Request)

Applicant
Board of County Commissioners /
Shell Creek - Conservation Charlotte

Quasi-Judicial

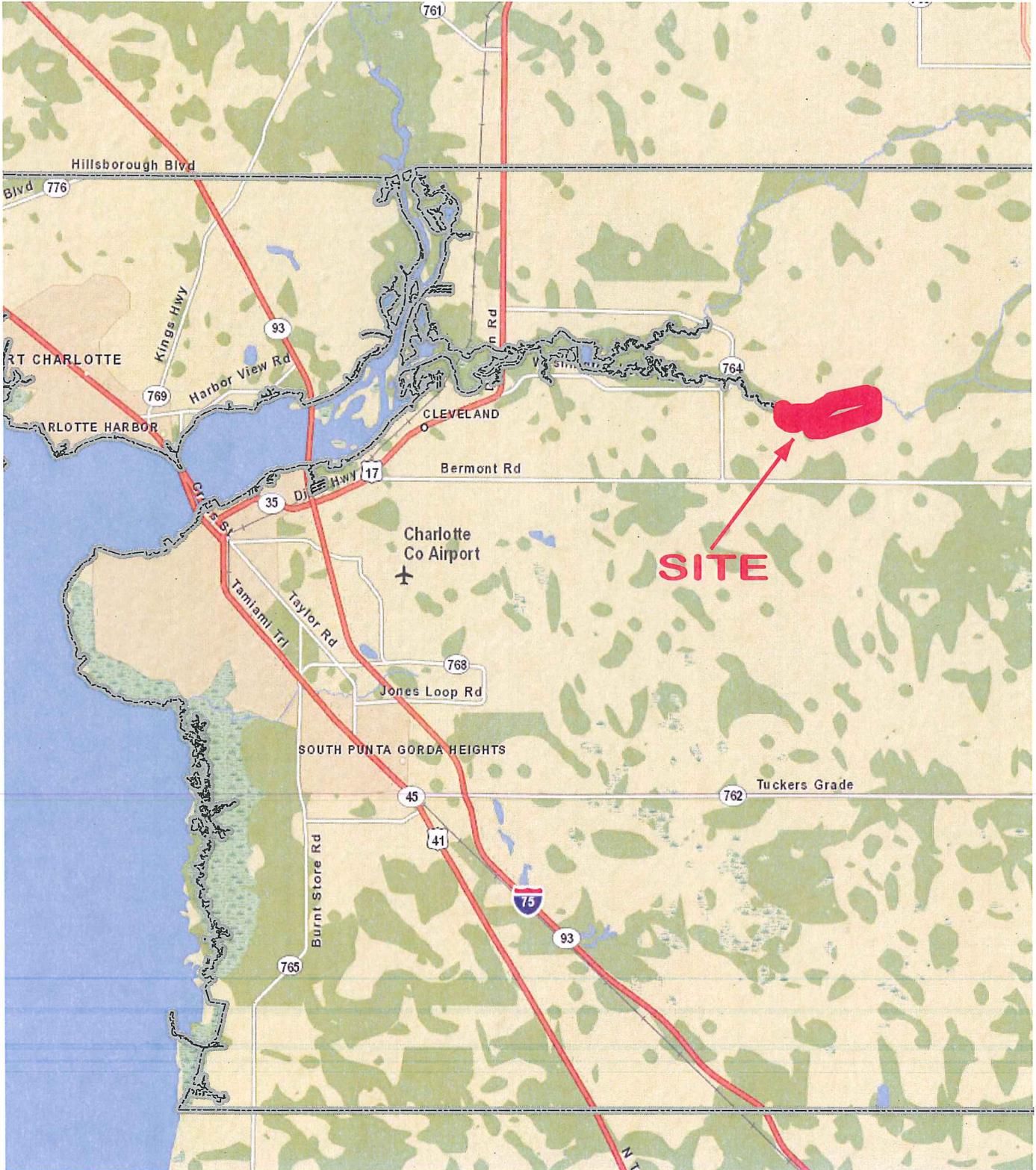
Commission Dist. I



Open for Business

Z-12-06-06
BoCC / Shell Creek Preserve
- Conservation Charlotte Properties
General Area Map

Map Prepared By
Charlotte County
Community Development
Department



25&30/40/24&25 East-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 08-23-2012



NOT TO SCALE

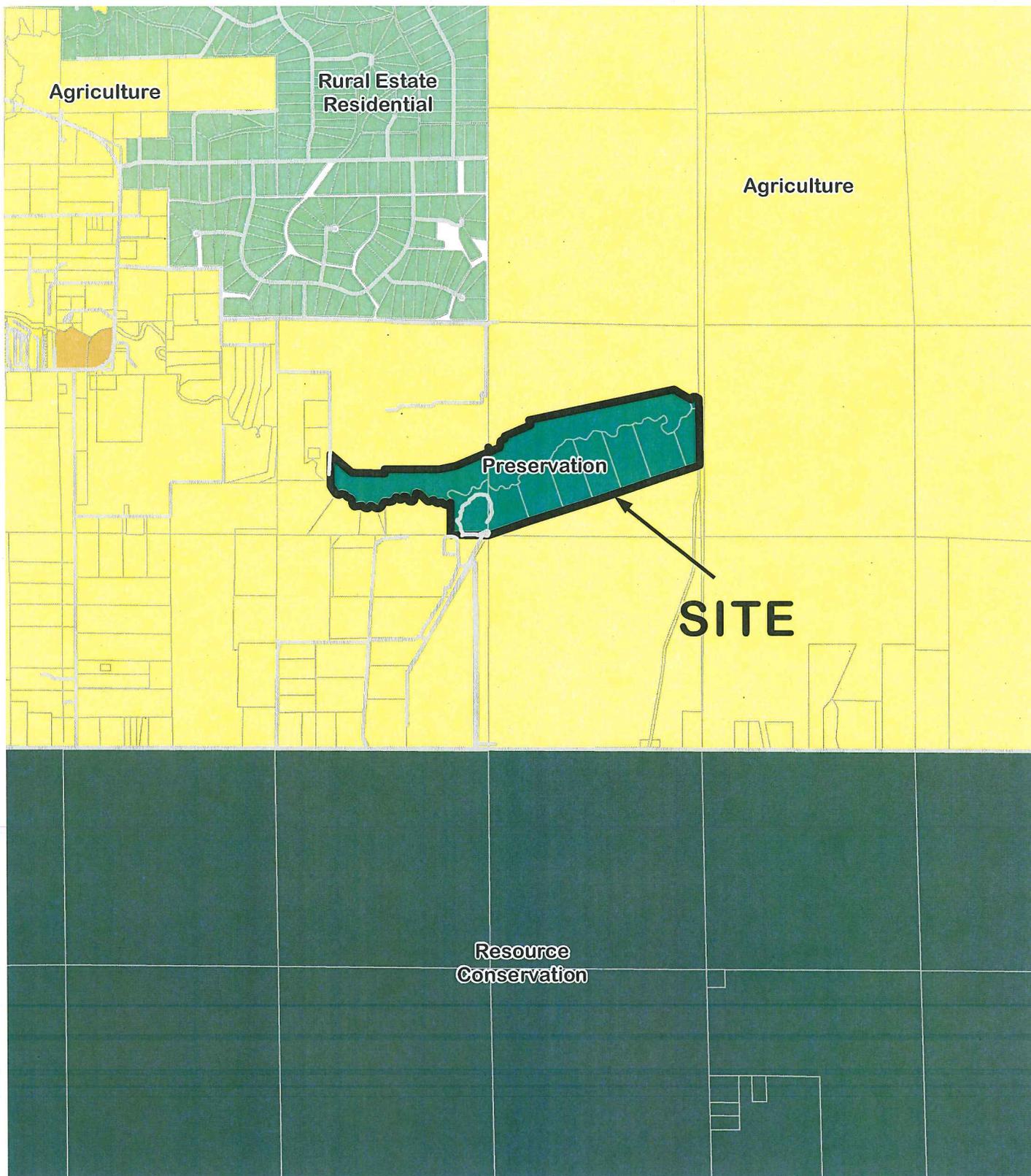


Open for Business

Z-12-06-06

BoCC / Shell Creek Preserve
- Conservation Charlotte Properties
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



25&30/40/24&25 East-County

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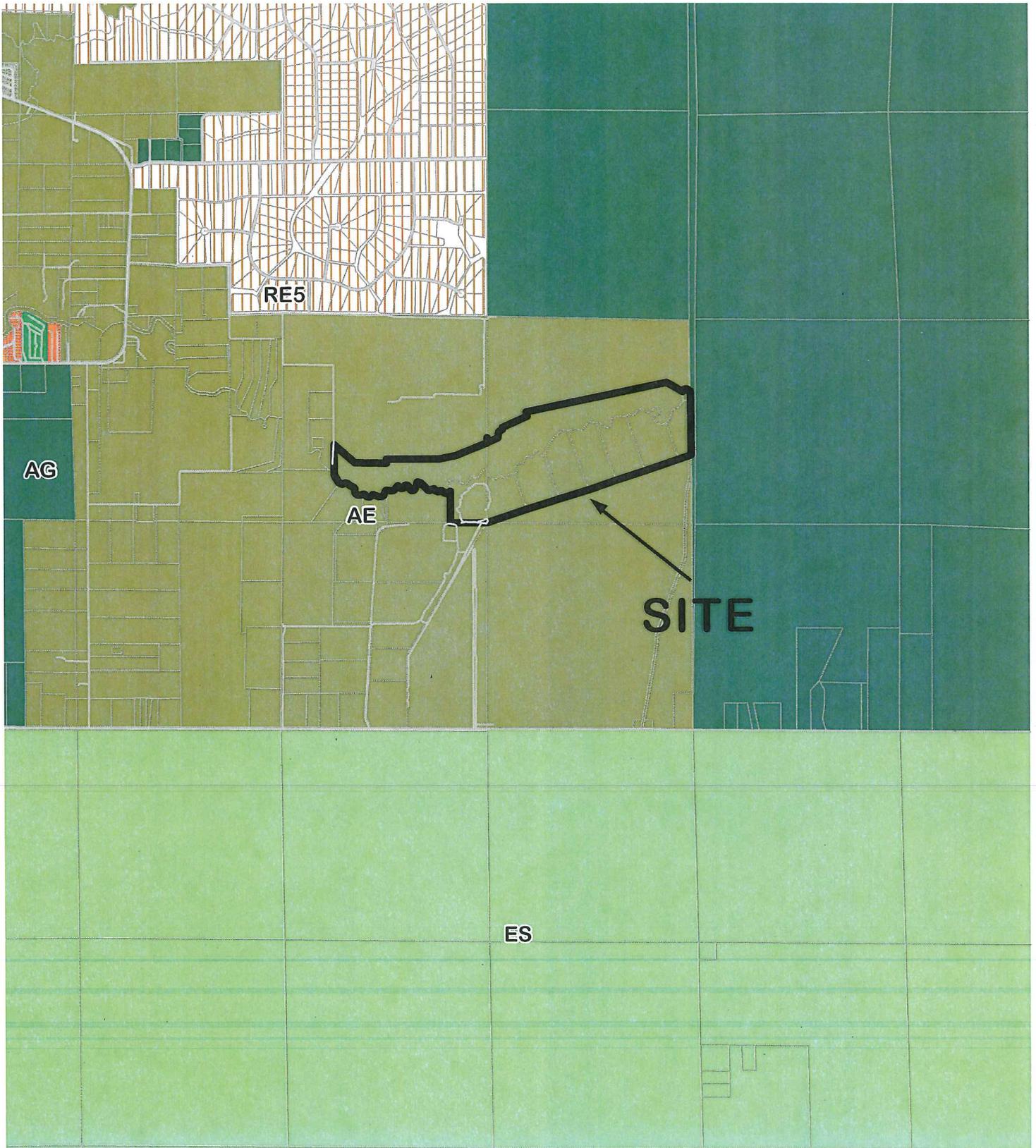




Open for Business

Z-12-06-06
BoCC / Shell Creek Preserve
- Conservation Charlotte Properties
Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



25&30/40/24&25 East-County

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Community Development Department Staff Report for Z-12-06-06

DATE: August 20, 2012

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

FROM: Jie Shao, Planner III

REQUESTED

ACTION(S): A publicly initiated request to amend the Charlotte County Zoning Atlas from Agriculture Estates (AE) 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 north of Bermont Road (C.R. 74), southeast of Washington Loop Road, east of Duncan Road (U.S.17) and west of S.R 31, in the East County area; it contains 366.56± acres.

Account Number(s): 402425400001, 402425400004, 402530200001, 402530300001,
402530300002, 402530300003, 402530300004, 402530300005,
402530400001, 402530400002, 402530400003

Analysis:

The subject property, Shell Creek Preserve, is located in the East County rural area and was purchased with Conservation Charlotte funds. The property is currently designated as Preservation on the 2030 Future Land Use map and zoned Agriculture Estates (AE).

The purpose of the current rezoning request is to provide consistency between the Future Land Use map and the Zoning Atlas and to formally designate an existing County environmental preserve as Environmentally Sensitive (ES).

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 and Impacts

The subject property contains upland and wetland environmentally-sensitive habitats used by species listed as endangered by the Florida Fish and Wildlife Conservation Commission and the US Fish and Wildlife Service. The subject property is surrounded by agricultural lands. There are scattered residences located to the south and west of the site. To the north, there are some single-family homes as well as some vacant residential lands. The proposed change to ES will ensure that no development will occur on the site, so it will have no adverse impacts on the adjacent land uses.

Concurrency Issues

According to the County's Park and Natural Resources Division, the County plans to maintain the subject property for preservation purposes. Since no development will occur on this land, there are no concurrency issues for the County's roadways and utility capacities.

Staff Recommendation:

Approve adoption of Petition No. Z-12-06-06 based on the findings and analysis in the Comprehensive Planning Division staff report dated August 20, 2012 and any evidence presented at the public hearing on the application.

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-12-06-06 to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated August 20, 2012 and any evidence presented at the public hearing on the application.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The entire site is designated Agricultural/Rural.
2. **2030 Service Area Delineation:** The entire site is located in the Rural Service Area.
3. **Existing Land Use on the Site:** The subject property was purchased with Conservation Charlotte funds, called Shell Creek Preserve. The site consists of cypress lined creek banks, xeric hammock, small areas of mesic hammock, scrub, depressional marshes and large areas of longleaf pine dominated mesic flatwoods..

4. Existing Designation(s):

FLUM	Development Standard
Preservation (PR)	<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><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.</p> <p><u>Maximum Density/Intensity</u></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 • Minimum width is 125 feet • Maximum lot coverage by all buildings is 20 percent

	<ul style="list-style-type: none"> • Maximum building height is 38 feet • Maximum density is 10 unit per acre
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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	Orchards groves, citrus Single-family homes Vacant residential lands	Agriculture (AG) Rural Estate Residential (RER)	Agriculture Estates (AE) (1 unit per 10 acres) Residential Estates 1 unit per 5 acres (RE-5)
East	Agricultural lands Mining lands	Agriculture (AG)	Agriculture (AG)
South	Orchards groves, citrus Agricultural lands Curtilage with residence	Agriculture (AG)	Agriculture Estates (AE) (1 unit per 10 acres)
West	Agricultural lands Curtilage with residence	Agriculture (AG)	Agriculture Estates (AE) (1 unit per 10 acres)

Table 3

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

The subject property will contain nine units of residential density.

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

A portion of the property is located within the U.S. 17 Special Plan area.

9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?

No.

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

- a. **Charlotte Harbor Aquatic Preserves Management Plan?** The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
- b. **Lemon Bay Aquatic Preserve Management Plan?** The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

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

According to the Florida Master Site File, the subject property does not contain any designated archaeological or historic structures.

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 20, 2012, this site contains highly sensitive surface water, wetland and upland habitats that are utilized by a wide diversity of 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. One such example includes the unique and rare scrub habitat which has been documented by county staff.
- 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?** No. The site is located outside of 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 A, an area which no base flood elevations are determined. Only a very small portion of the northern edge of the site is in Flood Zone X, an area determined to be outside the 0.2% annual chance of flood plain.
- e. **Storm Surge Evacuation Zone:** The site is located within Evacuation Zone C.
- f. **Coastal High Hazard Area?** No
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services**a. Nearest Park:** N/A**b. Nearest Police Station:***Name:* District 3*Address:* 7474 Utilities Road, in the Punta Gorda area*Distance:* approximately 12.2 miles to the southwest of the subject site**c. Nearest Fire/EMS Station:***Name:* Charlotte County Station No. 16*Address:* 29400 Palm Shores Boulevard, in the Punta Gorda area*Response Time:* Approximate response time is 8-10 minutes**d. Nearest Library:** N/A**e. Nearest Hospital:***Name:* Charlotte Regional Medical Center*Address:* 809 East Marion Avenue, Punta Gorda*Distance:* approximately 12.7 miles to the southwest 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:* There is no potable water service to this subject property.2. *Analysis:* The County plans to preserve the site 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 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 Florida2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management3. *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? No

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 surrounded by agricultural lands. Further to the north, there are some single-family homes and vacant residential lands. There are some scattered residences located to the west and south of the site.

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 purchased with Conservation Charlotte funds. The property is no longer available for any development or agricultural activities; retention of Agriculture Estates zoning designation would be misleading.

Attachment 1
Legal Description for Shell Creek Preserve Rezoning Properties

Account Number	Short Legal	Legal Description
402425400001	ZZZ 254024 P6	25 40 24 P-6 68.34 AC M/L COMM NE COR SEC 25 S ALG E S/L 3260FT S 69D W 855.82FT S 70D W 376.94FT S 88D W 1416.3FT S 98.15FT W 811.21FT NW 713.69FT S 703.27FT S/RLY E/RLY ALG SHELL CREEK TO E S/L N660FT M/L TO POB 421/267 573/1996 574/1699 577- 679 E583/763 E697/994 E706/950 707/1910 E-730/843 748/1645 DE954/1385 RE954/1414 RE954/1410 954-1382 1606/1933 3253/486
402425400004	ZZZ 254024 P5	25 40 24 P-5 25.65A M/L BEG AT SE COR OF SEC 25 TH N ALG E SEC LINE 1374FT M/L TO SINUOUS C/L OF SHELL CREEK TH MEANDER C/L OF CREEK 1465. 89FT SW/LY & NW/LY TH LEAVING C/L OF CREEK S 918.45FT TO S LINE OF SEC 25 TH E 952.38FT TO POB PR93-630 1291/1892 1431/1853(50% INT EACH) RES1555/206 RES1674/686 2373/1576 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
402530200001	ZZZ 304025 P2-1	30 40 25 P-2-1 3.5A COMM NE COR SEC 30 TH S 2160FT TO POB W 425 FT TO INTXN WITH TOP OF SE/LY BANK OF SHELL CRK N/LY & E/LY ALG MEANDERS OF SAID TOP OF BANK TOINTXN WITH E LINE OF SAID SEC 30 S ALG E LINE 30FT TO INTXN WITH SAID TOP OF BANK CONT ALG MEANDERS OF SAID TOP OF BANK W/LY S/LY & E/LY TO POB 799/1177 2973/174 3239/1497
402530300001	ZZZ 304025 P1	30 40 25 P-1 90.30A M/L COMM NE COR SEC30 S ALG E S/L1727FT W ALG SHELL CREEK 418FT FOR POB NW 476.65FT SW 3505.06FT S 116FT SW 674FT S 47.6FT SW/LY 110.84FT S137.10FT SW/LY 46.9 FT SW182.79FT NW170.44FT SW112.7FT S ALG W S/L TO SHELL CREEK MEANDER ALG SHELL CREEK S800FT M/L TO POB 272-628 421-267 562/958-64 563-1740 564/966-67 573-1996 574-1699 577- 679 707-1910 748-1645 E954/1384-85 954/1382 1606/1933 3253/486
402530300002	ZZZ 304025 P6	30 40 25 P-6 22.56A M/L BEG AT SW COR OF SEC 30 N ALG W SEC LINE 1374 FT M/L TO SINUOUS C/L OF SHELL CREEK TH MEANDER C/L OF CREEK SE/LY & NE/LY 1038FT TH LEAVING C/L OF CREEK SE 941.23FT SW 1132.47FT TO POB 1271/1005 PR93-630 PR-93-631 14314/1853 1431/2094 COR1433/782 1562/1366 CD1584/1322 1612/16311784/1911 2373/1576 2392/2049&64 2392/2034&79 2973/177 3239/1497

402530300003	ZZZ 304025 P7	30 40 25 P-7 22.63A M/L COMM AT SW COR OF SEC 30 TH NE 1132.47FT FOR POB NE 829.14FT NW 1176.31FT M/L TO THE SINUOUS C/L OF SHELL CREEK TH MEANDER C/L OF CREEK SW/LY & NW/LY 1306.5FT TH LEAVING C/L OF CREEK SE 941.23FT TO POB 1271/1010 PR93-630 1431/1853 1562/1354 1562/1366 CD1584/1322 1612/1631 1784/19112373/1576 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
402530300004	ZZZ 304025 P8	30 40 25 P-8 25.20A M/L COMM AT SW COR SEC 30 TH NE 1961.61FT FOR POB TH NW 1176.31FT M/L TO SINUOUS CENTER OF SHELL CREEK TH MEANDER C/L OF CREEK NE/LY & SE/LY 934.5FT TH LEAVING C/L OF CREEK SE 1557.59 FT SW 743.5FT TO POB 361/794 361/796 799/1177 E1032/1436 PR93-631 1431/1853 1431/2094 CD1433/782 1562/1354 1562/1366 CD1584/1322 1612/1631 1784/19112373/1576 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
402530300005	ZZZ 304025 P9	30 40 25 P-9 25.17A M/L COMM AT SW COR OF SEC 30 NE 2705.11FT FOR POB CONT NE 705.31FT NW 1550.59FT TO SINUOUS C/L OF SHELL CREEK TH MEANDER C/L OF CREEK NW/LY & SW/LY 817.5FT TH LEAVING C/L OF CREEK SE 1557.59FT TO POB 1271/999 PR93-630 1431/1853 1562/1354 1562/1366 CD1584/1322 1612/1631 1784/19112373/1576 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
402530400001	ZZZ 304025 P10	30 40 25 P-10 25.05A M/L COMM AT SW COR SEC 30 TH NE 3410.42FT FOR POB TH NW 1550.59FT M/L TO SINUOUS C/L OF SHELL CREEK TH MEANDER C/L OF CREEK SE/LY & NE/LY 975.5FT TH LEAVING C/L OF CREEK SE 1483.65FT SW 745.84FT TO POB 361/794 361/796 799/1177 E1032/1436 PR93-631 1431/1853 1431/2094 COR1433/7821562/1354 1562/1366 CD1584/13221612/1631 1784/1911 2373/1583 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
402530400002	ZZZ 304025 P11	30 40 25 P-11 27.66A M/L COMM AT SW COR OF SEC 30 TH NE 4156.26FT FOR POB TH CONT NE 871.55FT NW 1000.26 FT M/L TO SINUOUS C/L OF SHELL CREEK TH MEANDER C/L OF CREEK NW/LY & SW/LY 1770FT TH LEAVING C/L OF CREEK SE 1483.65FT TO POB 361/794 361/796 799/1177 E1032/1436 1271/999 PR93-630 1431/1853 1562/1354 1562/1366 CD1584/13221612/1631 1784/1911 2373/1576 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
402530400003	ZZZ 304025 P12	30 40 25 P-12 22.62A M/L COMM AT SW COR OF SEC 30 TH NE 5027.81FT FOR POB TH NW 1000.26FT M/L TO SINUOUS CENTER OF SHELL CREEK TH MEANDER C/L OF CREEK NE/LY & SE/LY 754.09FT TH LEAVING C/L OF CREEK E 425FT TO E SEC LINE OF SEC 30 TH S 1324.12FT SW 579.57FT TO POB 361/794&796799/1177 E1032/1436 PR93-631 1431/1853 1431/2094 COR1433/7821562/1354 1562/1366 CD1584/13221612/1631

		1784/1911 2373/1576 2392/2034 2392/2049&64 2392/2079 2973/177 3239/1497
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MEMORANDUM

Date: August 20, 2012
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: Z-12-06-06
Shell Creek – Conservation Charlotte Property

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

The applicant is proposing to amend the current Zoning designation from Agricultural Estates (AE) to Environmentally Sensitive (ES). This site was acquired as part of a county-wide voter approved tax program titled Conservation Charlotte.

The property contains highly sensitive surface water, wetland and upland habitats that are utilized by a wide diversity of 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. One such example includes the unique and rare scrub habitat which has been documented on site by county staff.

Charlotte County staff encourages the preservation of imperiled, rare and protected habitats and supports the rezoning to better support the use of the property (if any) in the future.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

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GROWTH MANAGEMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1290 | Fax: 941.743.1598

Large Scale Plan Amendment & Rezoning
Petition/ Account Number: Z-12-06-06

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

FROM: Venkat Vattikuti

DATE: August 17, 2012

REQUESTED ACTION:

APPLICANT: Charlotte County Board of County Commissioners

OWNER: Charlotte County Board of County Commissioners, Port Charlotte, FL 33948

GENERAL LOCATION: Shell Creek – Conservation Charlotte Properties

1 **ANALYSIS:** From the transportation perspective, the proposed zoning change is
2 not going to have any negative impact on the surrounding roadway network
3 within the vicinity of the subject property.

4

5 **RECOMMENDATION:** Approve the requested Land Use Amendment (MAP) and
6 Rezoning.

7



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

APPLICATION for REZONING

Date Received: <i>June 12, 2012</i>	Time Received:
Date of Log-in: <i>June 13, 2012</i>	Petition #: <i>Z-12-0608</i> Accela #:
Receipt #: <i>N/A</i>	Amount Paid: <i>N/A</i>

1. PARTIES TO THE APPLICATION

Name of Applicant: Charlotte County Community Development Department

Mailing Address: 18500 Murdock Circle

City: Port Charlotte

State: FL

Zip Code: 33950

Phone Number: 941-743-1272

Fax Number: 941-743-1292

Email Address: jie.shao@charlottefl.com

Name of Agent: Jie Shao

Mailing Address: Same

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 #: 402530300004, 402530300005, 402530400001, 402530400002, 402530200001, 402530300002, 402530300003, 402530400003, 402530300001, 402425400004, 402425400001

Section: 30, 25	Township: 40	Range: 25, 24
Parcel/Lot #: P-1, P-2-1, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12	Block #:	Subdivision: ZZZ
Total acreage or square feet of the property: 366.57± 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
Preservation	366.57± acres
Zoning District(s)	Acreage
AE	366.57± acres

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: 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?
No

9. REASON FOR PROPOSED CHANGE(S):

To make the Zoning Atlas consistent with the 2030 Future Land Use designation

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

The site is currently vacant and is part of Conservation Charlotte.

11. SURROUNDING LAND USES:

North: Orchards Groves, Citrus, etc. with barn-garage

South: Agricultural lands, Groves, Citrus, etc.

East: Agricultural lands

West: Residential homes, Agricultural lands

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.

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):
US 17, Washington Loop Road
-
-

- 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. N/A
- 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. *There is no potable water service to this subject property.*

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. *The proposed ES zoning district is consistent with both the Preservation and Resource Conservation Future Land Use Map designations. The proposed change is consistent with Smart Charlotte.*
- B. The existing land use pattern in adjacent areas. *Residential development to the south, vacant agricultural lands to the west, east and north.*
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets *No impacts on utilities, schools, or roads.*
- D. Whether changed conditions make the passage of the proposed amendment appropriate *None are needed.*
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas. *The proposed change may favorably influence living conditions and property values in adjacent areas.*
- 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 property was bought with Conservation Charlotte funds. The property is no longer available for any residential development.*

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

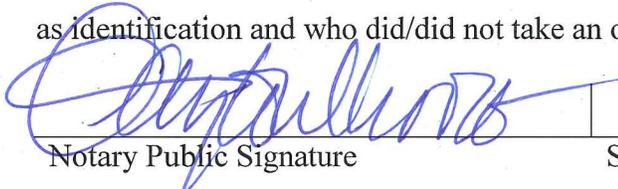
AFFIDAVIT

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 June, 2012, by JIE SHAO who is personally known to me or has/have produced

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



Notary Public Signature

jie shao

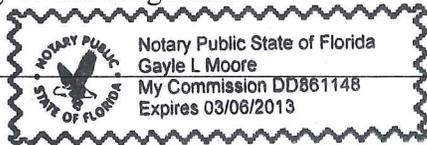
Signature of Applicant or Agent

Jie Shao

Notary Printed Signature

Printed Signature of Applicant or Agent

Title



Address

B208 18500 Murdock circle

Port Charlotte, FL 33948

Commission Code

City, State, Zip

941 743 1272

Telephone Number