

**Application No.**  
**Z-12-08-08**  
**(Rezoning Request)**

**Applicant**  
**Board of County Commissioners /**  
**Deep Creek - Conservation Charlotte**

**Quasi-Judicial**

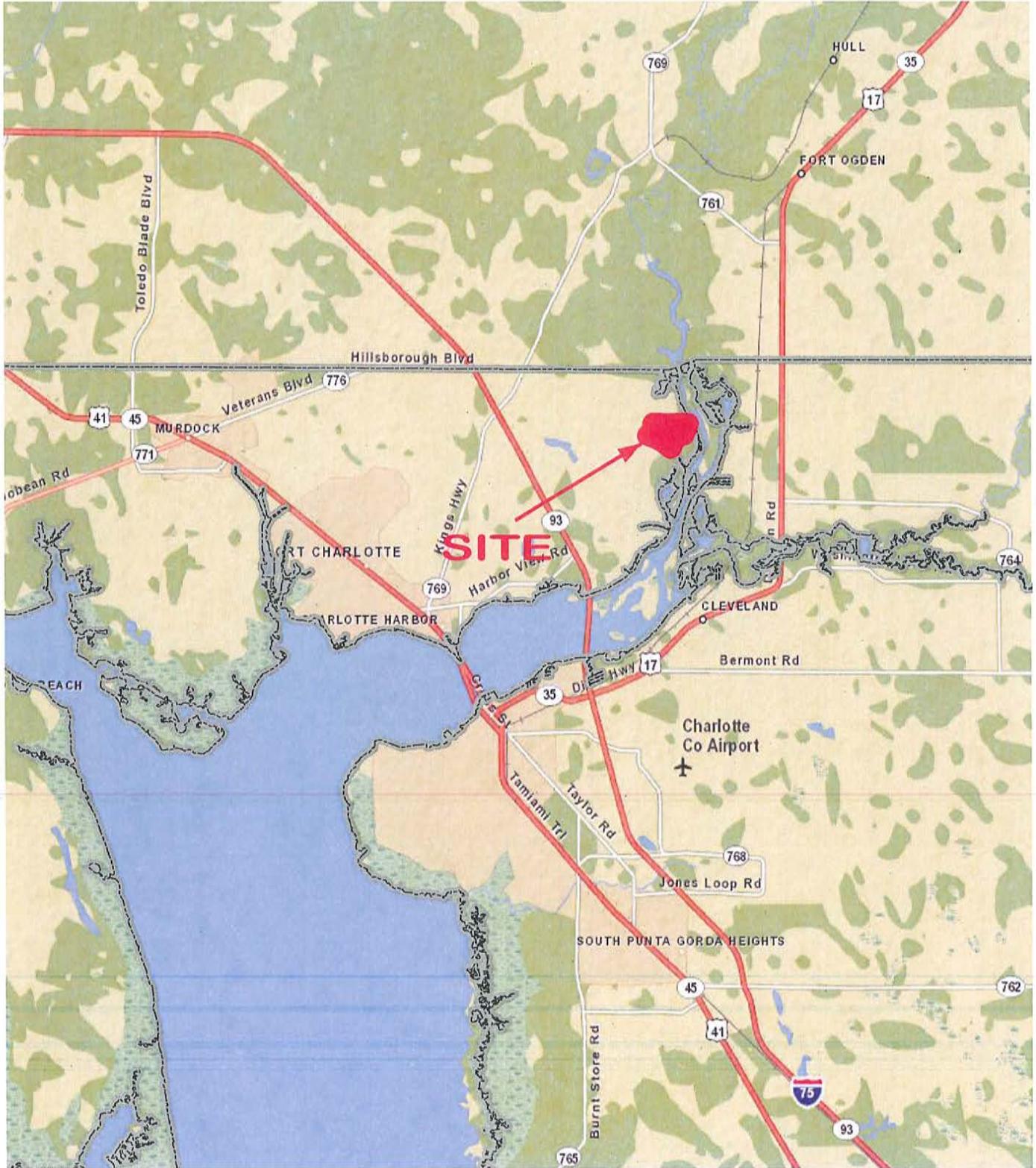
**Commission Dist. I**



Open for Business

Z-12-08-08  
BoCC / Deep Creek Property  
- Conservation Charlotte Properties  
General Area Map

Map Prepared By  
Charlotte County  
Community Development  
Department



10&11/40/23 Mid-County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no 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



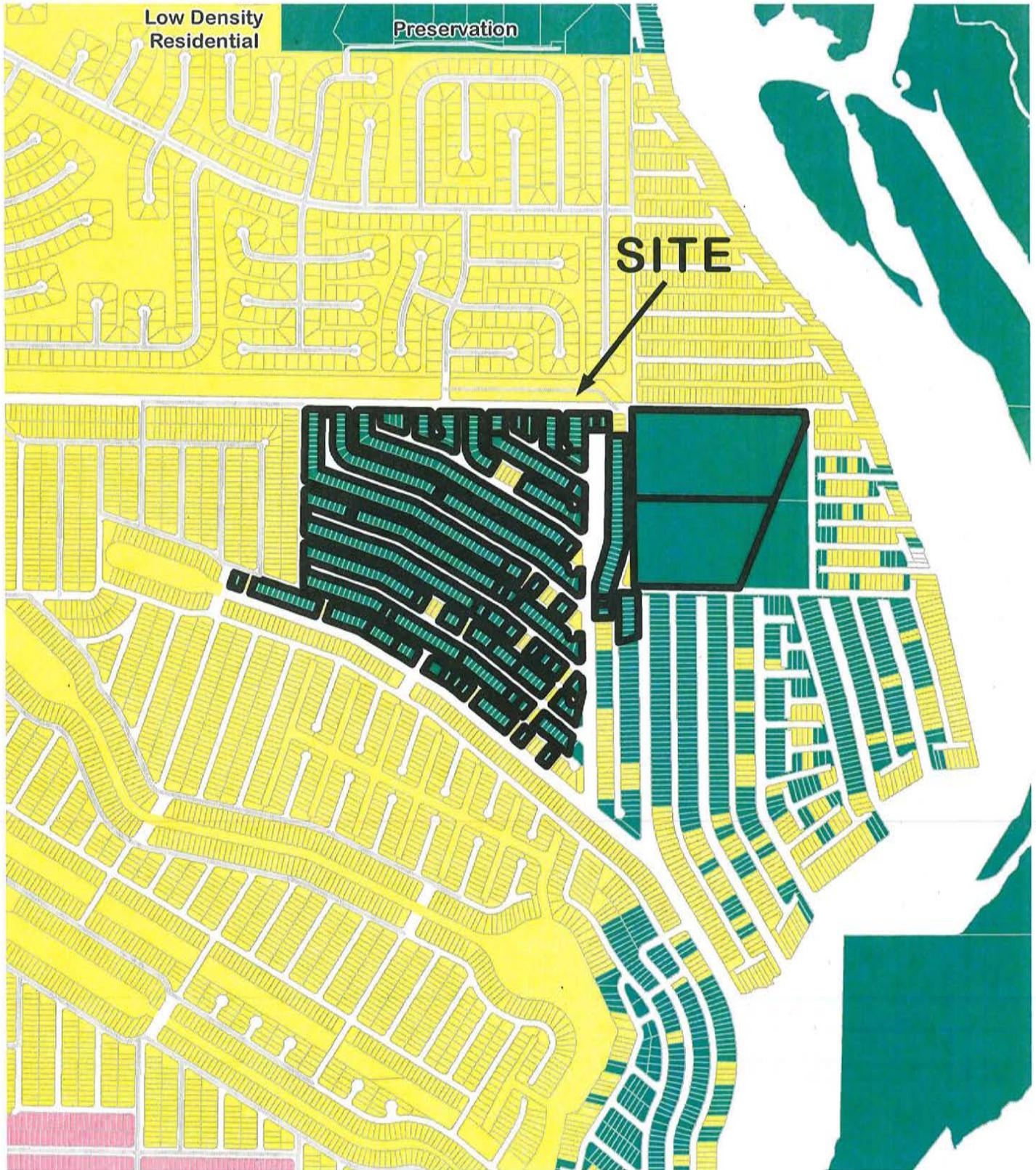


Open for Business

Z-12-08-08

BoCC / Deep Creek Property - Conservation Charlotte Properties 2030 Future Land Use Designations

Map Prepared By Charlotte County Community Development Department



10&11/40/23 Mid-County

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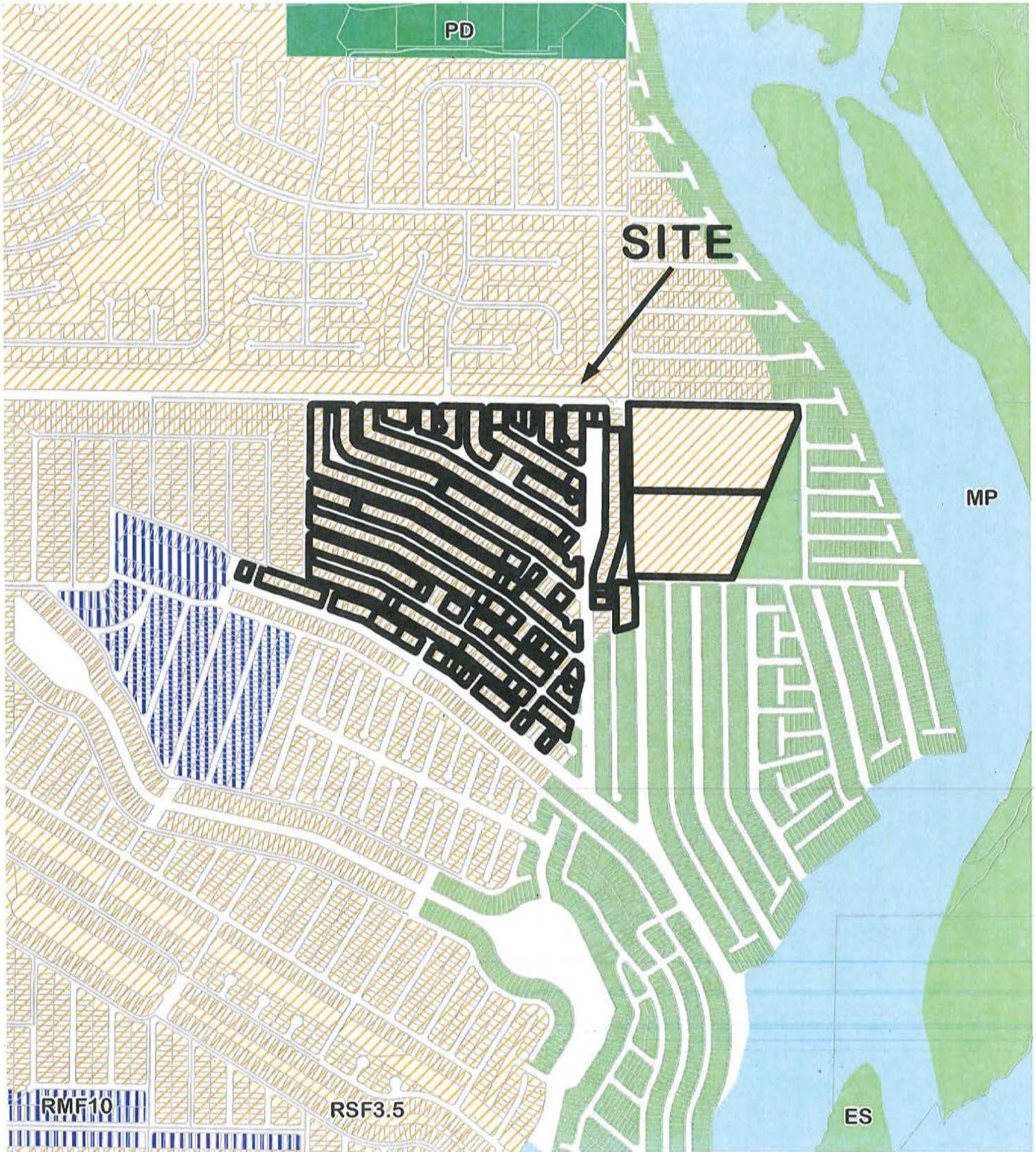




Open for Business

Z-12-08-08  
BoCC / Deep Creek Property  
- Conservation Charlotte Properties  
Zoning Districts

Map Prepared By  
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# Community Development Department Staff Report for Z-12-08-08

**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 Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES)

## PART I

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

**Owner(s):** Same as applicant

**General Location and Acreage:** The subject property is located northeast of Harbour Point Drive, south of Sandhill Boulevard, east of Sulstone Drive and west of the Peace River, in the Deep Creek area; it contains 101.83± acres.

<b>Account Number(s):</b>	402310177002,	402310202001,	402310203001,	402310204001,
	402310205001,	402310206001,	402310227001,	402310227002,,
	402310228001,	402310229001,	402310230001,	402310231001,
	402310231002,	402310232001,	402310233001,	402310233003,
	402310252001,	402310253002,	402310254001,	402310254002,
	402310254003,	402310277001,	402310278001,	402310278002,
	402310279002,	402310279004,	402310280001,	402310280002,
	402310281002,	402310281006,	402310283001,	402310283004,
	402310284001,	402311101001,	402311101002	

**Analysis:**

The subject property is located in the Deep Creek area and was purchased with Conservation Charlotte funds. The property is currently designated as Preservation on the 2030 Future Land Use map and zoned Residential Single-family 3.5 (RSF-3.5).

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

***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 is located just west of the Peace River, and it contains scrubby and mesic flatwoods, xeric and mesic hammocks, scattered depressional marshes and mangrove swamp, which can be used by species listed as endangered by the Florida Fish and Wildlife Conservation Commission and the US Fish and Wildlife Service. To the north, across Sandhill Boulevard, there are single-family homes and some vacant residential lots. Single-family homes and scattered vacant residential lands are located directly to the west of the site. To the south, the majority of the lands are vacant residential and some of them contain single-family residences. The County-owned environmentally sensitive lands are located immediately to the east and the Peace River is further to the east. 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 the subject property, there are no concurrency issue for the County's roadways and utility capacities.

**Staff Recommendation:**

"Approve adoption of Petition No. Z-12-08-08 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-12-08-08 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 property is designated as part of 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. The western and northern portion of this site may be a good place to catch a glimpse of the Florida scrub jays, gopher tortoise and many other scrub dependent species. The southern area transitions into high marsh and mangrove communities along the western shores of the Peace River, where an abundant variety of wading birds can be seen foraging.

**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><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
Residential Single-family 3.5 (RSF-3.5)	<p>The residential, single-family (RSF) districts are intended to be used for single-family residential dwellings and other uses normally associate therewith. Among RSF-1, RSF-2, RSF-3.5, and RSF-5 districts, there are variations in requirements for lot area, width and certain yards.</p> <ul style="list-style-type: none"> <li>• Minimum lot site is 10,000 square feet.</li> <li>• Minimum width is 80 feet.</li> <li>• Maximum lot coverage by all buildings is 35%.</li> <li>• Maximum building height is 38 feet.</li> </ul>

	<ul style="list-style-type: none"> <li>• Maximum density is 3.5 units per acre.</li> <li>• Setbacks:                         <ul style="list-style-type: none"> <li>○ Front setback is 25 feet.</li> <li>○ Side setback is 15 feet (Abutting a road).</li> <li>○ Rear setback is 20 feet (Abutting a lot).</li> </ul> </li> </ul>
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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"> <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	Single-family homes Vacant residential lands	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
East	Vacant residential lands County-owned environmentally sensitive lands Peace River	Preservation (PR) Low Density Residential (LDR)	Environmentally Sensitive (ES) Marine Park (MP)
South	Vacant residential lands Single-family homes	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
West	Single-family homes Vacant residential lands	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5) Residential Multi-family 10 (RMF-10)

Table 3

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

The subject property will contain two units of residential density.

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

No. The subject site is not within any Community Planning Area or 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 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 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?** The site is located within the Coastal Planning Area.
  - b. **Could the proposed changes impact beach accessibility?** No
  - c. **Could the proposed change affect other waterfront access?** No
  - d. **Flood Zone:** The majority of the site is in Flood Zone X, an area determined to be outside the 0.2% annual chance of flood plain. Only a small portion is located with Flood Zone A and Flood Zone 8AE. Flood Zone A is an area which no base flood elevations and Flood Zone 8AE is an area with a determined base flood elevation of 8 feet.

- e. **Storm Surge Evacuation Zone:** The majority of the site is located within Storm Surge Evacuation Zone B, and the balance is located in Storm Surge Evacuation Zone A.
- f. **Coastal High Hazard Area?** A small portion of the eastern edge of the site is located within the Coastal High Hazard Area.
- g. **Could the proposed changes impact evacuation times?** No

**15. Facilities and Services**

- a. **Nearest Park:** N/A
- b. **Nearest Police Station:**  
*Name:* District 4  
*Address:* 3280 Tamiami Trail Suite 505, Port Charlotte  
*Distance:* approximately 9.2 miles to the southwest of the subject site
- c. **Nearest Fire/EMS Station:**  
*Name:* Charlotte County Station No. 12  
*Address:* 2001 Luther Road, Port Charlotte  
*Response Time:* Approximate response time is 4-6 minutes
- d. **Nearest Library:** N/A
- e. **Nearest Hospital:**  
*Name:* Peace River Regional Medical Center  
*Address:* 2500 Harbor Boulevard, Port Charlotte  
*Distance:* approximately 8.1 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:* Charlotte County Utilities (CCU) / Charlotte Harbor Water Association
  - 2. *Analysis:* The site is not currently provided with water service, but it is located in an area served by CCU and Charlotte Harbor Water Association. The County plans to preserve the site in perpetuity, so no water service is needed for the site.
- c. **Sanitary Sewage Level of Service:**
  - 1. *Provider's Name:* Charlotte County Utilities (CCU)
  - 2. *Analysis:* The site is not currently provided with sanitary sewer service, but it is located in an area served by Charlotte County Utilities (CCU). The County plans to preserve the site in perpetuity, so no sanitary sewer service is needed for the site.
- 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?** 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 located to the west of the Peace River, in the Deep Creek area. Single-family homes and some vacant residential lots are located to the north and west of the site. To the south, there are vacant residential lands and scattered single-family home. To the east, there are the County-owned environmentally-sensitive lands.

**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.

**g. 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 residential development; retention of Residential Single-family 3.5 zoning designation would be misleading.

**Attachment 1**  
**Legal Description for Deep Creek Property Rezoning Properties**

<b>Account Number</b>	<b>Short Legal</b>	<b>Legal Description</b>
402310177002	HBH 011 0231 0001	HRBR HTS SEC 11 PART 3 BLK 231 LTS 1- 2-5 THR 17 & 28 THR 33 1386/746 2121/390 3302/1862
402310202001	HBH 014 0241 0001	HRBR HTS SEC 14 BLK 241 LTS 1 THRU 15 348/963 415/58 524/512 532/720-1 604/188-93 1164/1315 COR1346/1205 1388/896 3302/1860
402310203001	HBH 014 0243 0001	HRBR HTS SEC 14 BLK 243 LTS 1 THR 51 & 58-59-64- 65-66 1386/746 2121/390 3302/1862
402310204001	HBH 014 0244 0001	HRBR HTS SEC 14 BLK 244 LTS 1 THR 14 W1/2 15 ALL LTS 16 & 17 AND 20 THR 49 & 51 THR 58 1386/746 2121/390 3302/1862
402310205001	HBH 014 0245 0001	HRBR HTS SEC 14 BLK 245 LTS 1 THRU 35 W1/2 LT 36 & LTS 39 40 41 42 82/734 348/963 415/58 524/512 532/720-1 603/53&54 604/188-93 888/1497 TD891/1813 DC935/478 1032/1106 1053/1431 DC1109/660 1139/1019&21 1141/1078&79 1149/1012 &13 1164/1315 1181/32&33 DC1193/315 (WS) 1193/328&29 COR1346/1205 1388/896 3302/1860
402310206001	HBH 014 0246 0008	HRBR HTS SEC 14 BLK 246 LTS 8 THRU 14 21 THRU 25 38 THRU 59 1388/896 3302/1860
402310227001	HBH 014 0240 0001	HRBR HTS SEC 14 BLK 240 LTS 1 THRU 4 21 22 70/211 134/632 348/963 398/710 415/58 524/512 532/720- 1 586/812 604/188-93 1164/1315 1166/1789&90 1172/1640 COR1346/1205 1601/1010 1721/657 3302/1860
402310227002	HBH 014 0240 0005	HRBR HTS SEC 14 BLK 240 LTS 5 THRU 20 LTS 23 THRU 34 LTS 41 THRU 51 1388/896 3302/1860
402310228001	HBH 014 0239 0017	HRBR HTS SEC 14 BLK 239 LTS 17 & 18 1181/30&31 COR1346/1205 1601/1010 1721/657 3302/1860
402310229001	HBH 014 0239 0001	HRBR HTS SEC 14 BLK 239 LTS 1 THRU 7 10 THRU 16 19 20 73/240 235/583 348/963 415/58 524/512 532/720-1 604/188-93 730/723 1147/2077&78 1164/1315 AFF1181/29 1181/30&31 COR1346/1205 1388/896 3302/1860
402310230001	HBH 014 0239 0008	HRBR HTS SEC 14 BLK 239 LTS 8 & 9 1386/746 2121/390 3302/1862
402310231001	HBH 014 0242 0001	HRBR HTS SEC 14 BLK 242 LTS 1 THR 47 & 51 THR 107 1386/746 2121/390 3302/1862
402310231002	HBH 014 0242 0048	HRBR HTS SEC 14 BLK 242 LTS 48 & 49 86/277 194/135 348/963 415/58 524/511 532/720-1 604/188-93 1132/900&01 PRO91-237 1151/926 1156/1028&29 1134/1315 COR1346/1205 2541/2112 3302/1860
402310232001	HBH 014 0243 0052	HRBR HTS SEC 14 BLK 243 LTS 52 53 54 55 408/240 524/512 532/720-21 DC645/706 1140/298&99 1164/315 1203/1653 1204/1448 COR1346/1205 2541/2112 3302/1860
402310233001	HBH 014 0237	HRBR HTS SEC 14 BLK 237 LTS 35 & 36 1386/746

	0035	2121/390 3302/1862
402310233003	HBH 014 0237 0001	HRBR HTS SEC 14 BLK 237 LTS 1 THRU 30 37 & 38 C#70-240 146/07 348/963 362/847 415/58 524/512 532/720-1 604/188-93 1141/1086&87 1164/1315 COR1346/1205 1388/896 3302/1860
402310252001	HBH 014 0247 0001	HRBR HTS SEC 14 BLK 247 LTS 1 THRU 16 19 THRU 33 45 46 W1/2 47 61 70/209- 213 73/241 167/329 171/439 348/963 DC388/714 415/58&62 DC456/336 524/512 532/720-21 542/1183 604/188-93 DC729/1829 728/595 971/1479 1014/14 1132/1610&11 DC1140/42 1140/418&815 1144/2197 & 98 1146/2120&21 1149/1174&78 1164/1315 1203/1664 1207/453&526- 32 COR1346/1205 1388/896 3302/1860
402310253002	HBH 011 0231 0020	HRBR HTS SEC 11 PART 3 BLK 231 LTS 20 THRU 27 & LTS 34 THRU 37 126/147 163/536 348/963 415/58 524/510 532/720&1 604/188-93 AFF1015/3 1140/270&71 1042/465 1086/2006 1149/1038&39 DC1149/1040 (WAC) 1152/952&53 1164/1315 COR1346/1205 1388/896 3302/1860
402310254001	HBH 011 0216 00TC	HRBR HTS SEC 11 PT 3 BLK 216 TRACT C 348/963 415/58 524/510 532/720-1 604/188-93 1164/1315 COR1346/1205 1388/896 3302/1860
402310254002	HBH 011 0216 0031	HRBR HTS SEC 11 PRT 3 BLK 216 LTS 31 & 32 1388/896 3302/1860
402310254003	HBH 011 0216 0029	HRBR HTS SEC 11 BLK 216 LTS 29 & 30 1189/1253&54 COR1346/1205 2541/2112 3302/1860
402310277001	HBH 014 0244 0015	HRBR HTS SEC 14 BLK 244 E1/2 LT 15 & ALL 18 19 50 70/214 167/249 194/548 333/526 348/963 357/171 372/179 415/58 524/512 532/720&21 DC537/1075 537/1078 604/188-93 1143/670 1146/1534/&35 1152/942&43 1164/1315 1181/34&35 DC1205/495(FF) 1205/496&97 COR1346/1205 AFF2541/2111 2541/2112 3302/1860
402310278001	HBH 014 0245 0036	HRBR HTS SEC 14 BLK 245 E1/2 LT 36 ALL LTS 37 38 W1/2 51 ALL LTS 54 55 & W1/2 LT 56 1193/328&29 COR1346/1205 2541/2112 3302/1860
402310278002	HBH 014 0245 0043	HRBR HTS SEC 14 BLK 245 LTS 43 44 45 49 50 E1/2 51 ALL 52 53 59 60 1386/746 2121/390 3302/1862
402310279002	HBH 014 0246 0015	HRBR HTS SEC 14 BLK 246 LTS 15 THR 20 & 28 THR 31 1386/746 2121/390 3302/1862
402310279004	HBH 014 0246 0001	HRBR HTS SEC 14 BLK 246 LTS 1 THRU 4 & E1/2 5 & LTS 36 & 37 80/489 122/257 524/512 532/720-1 604/188- 93 DC504/1595 646/1354 921/1725 1038/2016 1139/987&88&1142&43 1154/869&70 1163/1746&47 1164/1315 PRO91-534 1171/1113 1175/181 1180/1670&71 DC1189/1165(JJV) 1189/1167&68 COR1346/1205 2541/2112 3302/1860
402310280001	HBH 014 0247 0034	HRBR HTS SEC 14 BLK 247 LTS 34 THR 44 & E1/2 52 ALL 53 THR 60 1386/746 2121/390 3302/1862
402310280002	HBH 014 0247 0047	HRBR SEC 14 BLK 247 LTS 17 18 E1/2 47 ALL 48 & 49 1189/1167 COR1346/1205 2541/2112 3302/1860

402310281002	HBH 011 0216 0013	HRBR HTS SEC 11 PART 3 BLK 216 LTS 13 14 17 THR 24 & 27 28 1386/746 2121/390 3302/1862
402310281006	HBH 011 0216 0007	HRBR HTS SEC 11 PART 3 BLK 216 LTS 7 & 8 71/64 86/261 88/618 92/651 180/547 348/963 415/58 524/510 532/720-1 604/188-93 605/1709 659/229 1042/465 1086/2006 1140/1198 1143/673-75 TD1143/2003 1149/1019&30 1152/952&538&1136&37 1164/1315 1175/997&98 1189/1253&54 COR1346/1205 1601/1010 1721/657 3302/1860
402310283001	HBH 014 0238 0037	HRBR HTS SEC 14 BLK 238 LTS 37 38 & S1/2 39 348/963 415/58 524/511-13 532/720-1 868/333
402310283004	HBH 014 0238 0001	HRBR HTS SEC 14 BLK 238 LTS1 2 20 21 22 23 24 25 26 27 28 29 30 N1/2 39 40 348/963 415/58&65 524/512- 13 532/720-1 868/334
402310284001	HBH 014 0213 0001 (portion of the property zoned RSF-3.5)	HRBR HTS SEC 14 BLK 213 LTS1 2 2A 3 3A 4 4A 5 5A 6 6A 7 7A 8 8A 9 9A 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 30 31 32 33 34 35 36 348/963 415/58& 65 524/512-13 532/720-1 868/335
402311101001	ZZZ 114023 P1-1 (portion of the property zoned RSF-3.5)	11 40 23 P-1-1 20A M/L N1/2 OF NW1/4 OF NW1/4 107/4541175/1001 1188/327 1219/511 1387/1283 1784/1491 1805/1270 E2591/1329 2628/1143 3302/1857
402311101002	ZZZ 114023 P1 (portion of the property zoned RSF-3.5)	11 40 23 P-1 20AS1/2 OF NW1/4 OF NW1/4 311/399AFF1151/1253 DC1151/1254 1151/1247 1188/327 1219/511 1387/1193 1731/2052-75 2744/1232 3302/1916



## MEMORANDUM

**Date:** August 20, 2012  
**To:** Jie Shao, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** Z-12-08-08  
Deep Creek – Conservation Charlotte Property

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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 Residential Single Family 3.5 (RSF 3.5) 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

P:\ANIMAL\Planamen\_Rezonings\2012\Z-12-06-08(DeepCreekES).doc

### 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-12-08-08**

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

**FROM:** Venkat Vattikuti

**DATE:** August 22, 2012

<b>REQUESTED ACTION:</b>
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**APPLICANT:** Charlotte County Board of County Commissioners

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

**GENERAL LOCATION:** Deep 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: <b>AUG 1, 2012</b>	Time Received:
Date of Log-in: <b>AUG 3, 2012</b>	Petition #: <b>Z-12-08-08</b> Accela #:
Receipt #: <b>N.A.</b>	Amount Paid: <b>N.A.</b>

**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 #: 402310203001, 402310205001, 402310206001, 402310227001, 402310228001, 402310229001, 402310230001, 402310232001, 402310233003, 402310277001, 402310278001, 402310278001, 402310281002, 402310283001, 402310283004, 402310284001, 402311101001, 402311101002, 402310177002, 402310202001, 402310204001, 402310227002, 402310231001, 402310231002, 402310233001, 402310252001, 402310253002, 402310254001, 402310254002, 402310254003, 402310278002, 402310279002, 402310279004, 402310280001, 402310280002, 402310281006

Section: 10, 11	Township: 40	Range: 23
Parcel/Lot #: 1 through 51 and etc.	Block #: 243	Subdivision: HBH
Total acreage or square feet of the property: 101.83± 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	101.83± acres
Zoning District(s)	Acreage
RSF-3.5	101.83± acres

**8. APPLICANT'S PROPOSED CHANGE(S):**

Amending Zoning designation(s) to: ES

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**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

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

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

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

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

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**11. SURROUNDING LAND USES:**

North: Vacant residential lots, Single-family homes

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South: Vacant residential lots

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East: County-owned properties, Peace River

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West: Single-family homes

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**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):  
Sandhill Boulevard, Highlands Road

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- 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 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. *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. *Residential development to the west and north, Buck Creek to the south, and vacant lands to the east*
- 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 commercial 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

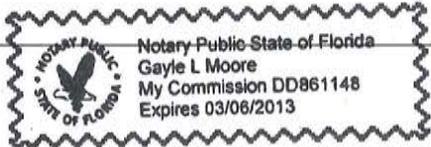
**AFFIDAVIT**

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 3rd day of August, 2012, by JIE SHAO who is personally known to me or has/have produced

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

	<u>jie shao</u>
Notary Public Signature	Signature of Applicant or Agent
	<u>Jie Shao</u>
Notary Printed Signature	Printed Signature of Applicant or Agent
	<u>18500 Murdock Circle</u>
Title	Address
	<u>Port Charlotte, FL 33948</u>
Commission Code	City, State, Zip
	<u>941 743 1272</u>
	Telephone Number