

**Application No.**  
**Z-13-01-01**  
**(Rezoning)**

**Applicant**  
**Board of County Commissioners /**  
**RE-1 to MSF-1 (The Pointe)**

**Quasi-Judicial**

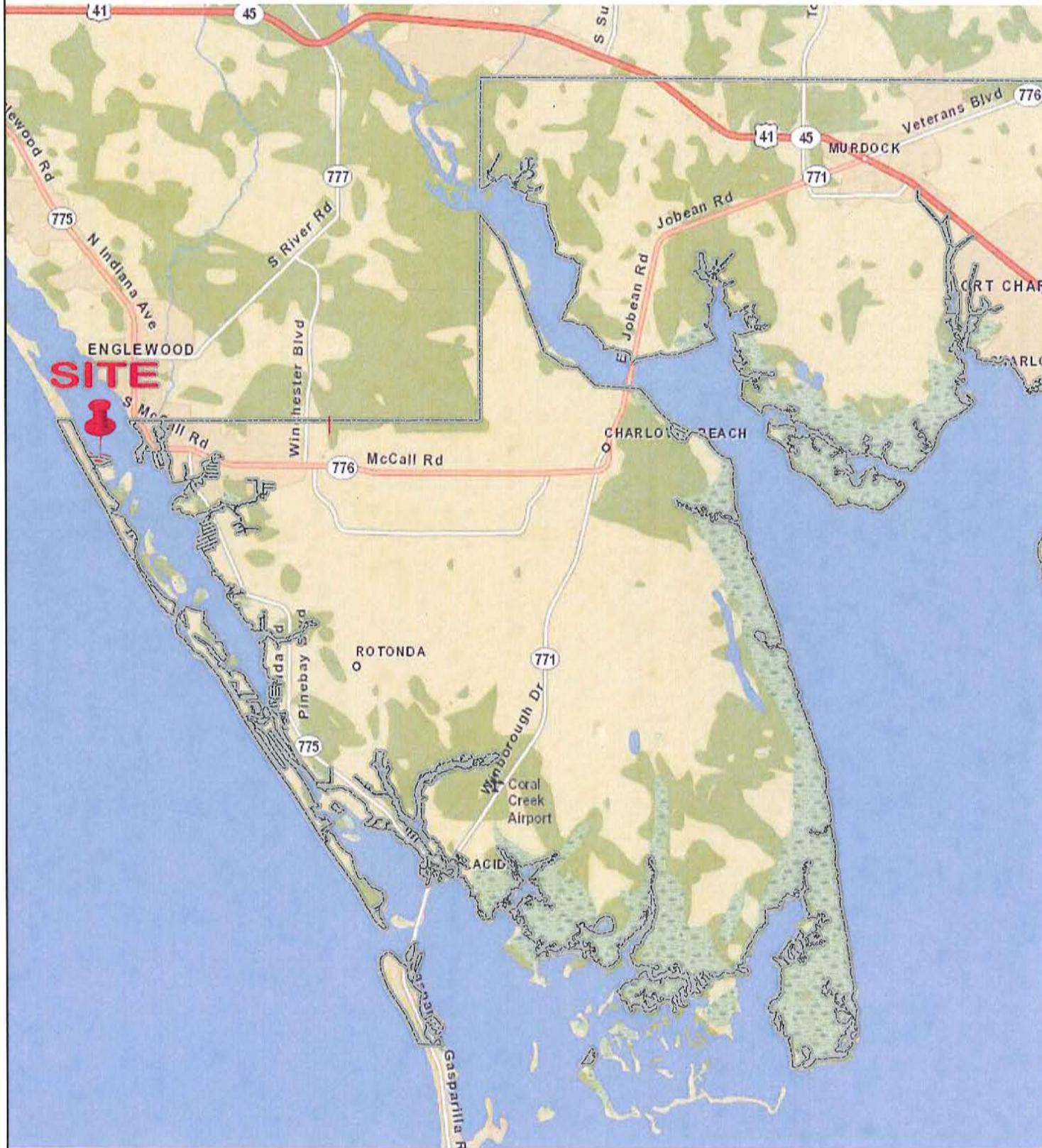
**Commission Dist. III**



Community Development

# CHARLOTTE COUNTY

## Location Map for Z-13-01-01



### 01/41/19 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 By: Land Information--D. Vance Date Saved: 2/5/2013 2:31:31 PM

Path: M:\Departments\GIS\Projects\Petition\_Maps\Comp\_Planning\2013\Z-13-01-01\PCKT\_Location\_Z130101.mxd



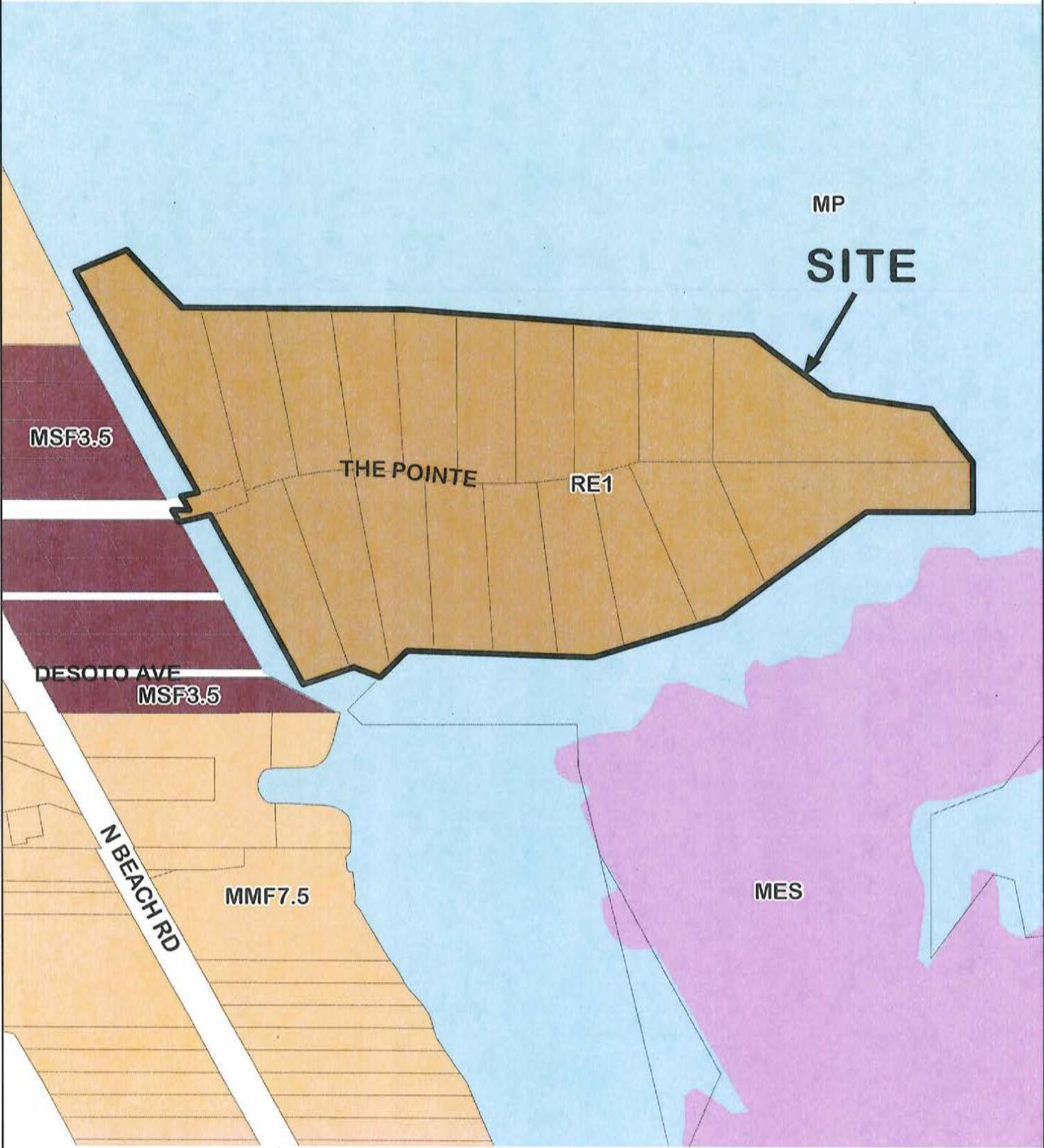
NOT TO SCALE



Community Development

# CHARLOTTE COUNTY

## Zoning Map for Z-13-01-01



01/41/19 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 By: Land Information--D. Vance Date Saved: 2/7/2013 8:45:35 AM  
 Path: M:\Departments\LLIS\Projects\Petition\_Maps\Comp\_Planning\2013\Z-13-01-01\PKCT\_Zoning\_Z130101.mxd

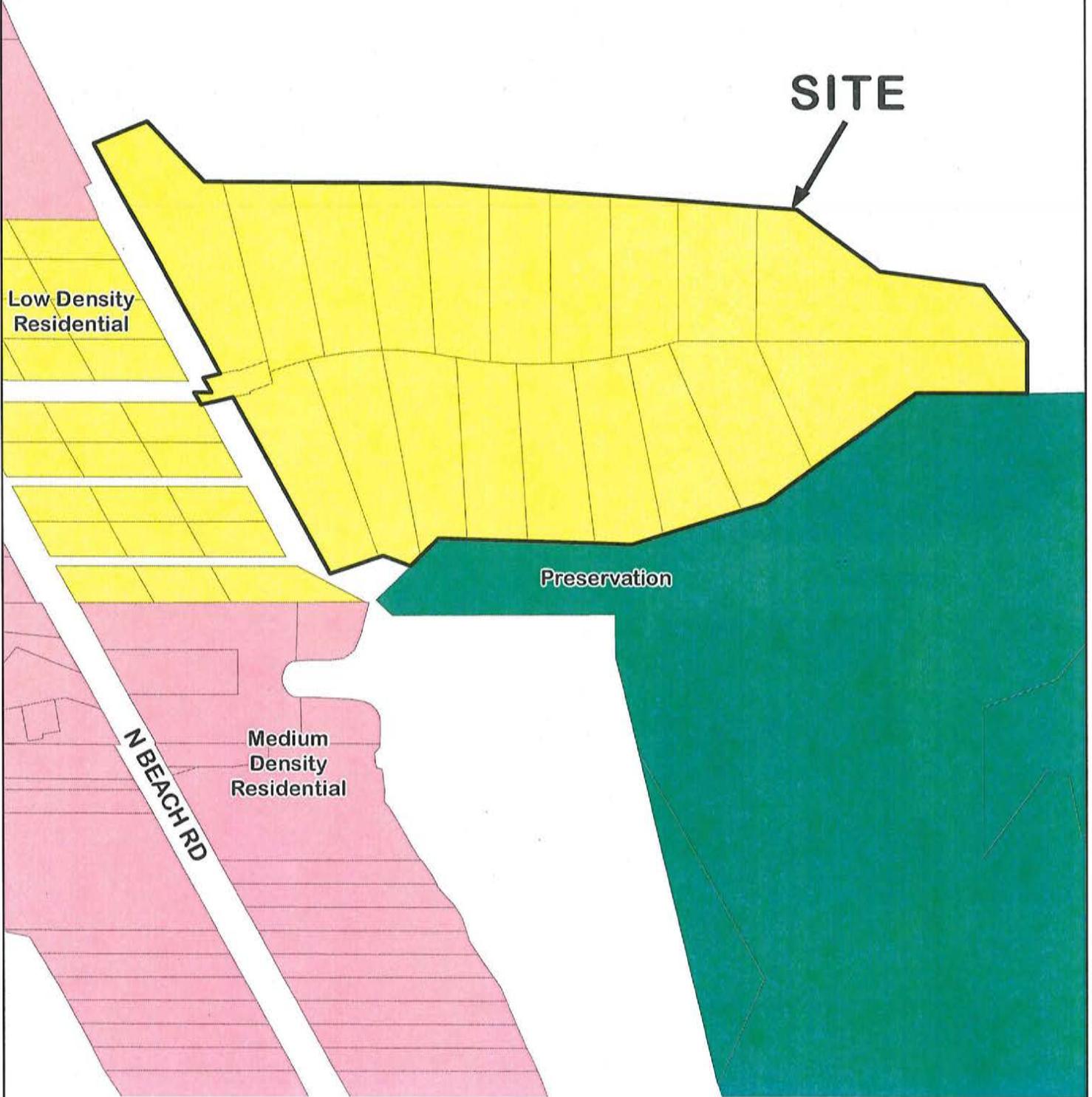




Community Development

# CHARLOTTE COUNTY

## Flum Map for Z-13-01-01



01/41/19 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 By: Land Information--D. Vance Date Saved: 2/7/2013 8:48:55 AM

Path: M:\Departments\GIS\Projects\Petition\_Maps\Comp\_Planning\2013\Z-13-01-01\PCCKT\_Flum\_Z130101.mxd



NOT TO SCALE



## Community Development Department Staff Report for Z-13-01-01

**DATE:** February 21, 2013

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

**FROM:** Roxann Read, Planner II

**REQUESTED ACTION(S):** A publicly initiated request to amend the Charlotte County Zoning Atlas from Residential Estate-1 (RE-1) to Manasota Single-Family (MSF-1)

### PART I

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

**Owner(s):** see attached

**General Location and Acreage:** The subject property is located east of N. Beach Road, south and west of Lemon Bay, in Lemon Bay Estates No. 2, Manasota Key. It contains approximately 25.29 acres.

**Account Number(s):** see attached

**Analysis:**  
The subject property is located on Manasota Key in the West County area, and it contains approximately 25 acres. All properties are located in the Manasota Key Zoning District Overlay (Overlay). At the January 8, 2013 Board of County Commissioners meeting, the Commissioners directed Community Development Department staff to initiate a rezoning of all subject properties from Residential Estates (RE-1) to Manasota Single-Family (MSF-1) in order to make all zoning districts on Manasota and Sandpiper Key align with the provisions outlined in the Overlay.

#### *History*

On September 21, 2004, the Board of County Commissioners (Board) accepted the Manasota and Sandpiper Key Community Plan. In February of 2005, the Board approved the Manasota Key Zoning District Overlay. When the initial Overlay was adopted, most properties within the boundaries of the Manasota and Sandpiper Key Overlay, were rezoned to include a Manasota

prefix, i.e. all properties zoned as Residential Single Family (RSF) were rezoned to Manasota Single Family (MSF). The properties on the island that were zoned RE-1 were not amended to a Manasota designation. At the time of the rezoning and creation of the Overlay, the properties zoned RE-1 were left with that designation at the express request of the Key residents and Manasota Sandpiper Key Advisory Committee members who worked on the Overlay creation with the planner in charge of the project. The only properties zoned RE-1 are in the Lemon Bay Estates No. 2 subdivision, a subdivision connected to the Key by a bridge.

***Development Standards between RE-1 and MSF-1***

<b>DEVELOPMENT STANDARDS</b>	<b>RE-1</b>	<b>MSF-1</b>
<b>minimum lot size</b>	43,560	43,560
<b>lot width</b>	125	125
<b>front yard setback</b>	40	25
<b>side interior yard setback</b>	20	half the building height (as measured by section 3-9-2), but no less than 10 feet
<b>rear yard setback abutting water</b>	20	20

There are only four different development standards between the existing RE-1 zoning and the proposed MSF-1 zoning:

- The front yard setback will reduce from 40 feet under the RE-1 to 25 feet under the MSF-1.
- The side interior yard setback will reduce from 20 feet under the RE-1 to half the building height, but no less than 10 feet under the MSF-1.
- The maximum lot coverage will increase from 20% under the RE-1 to 35% under the MSF-1.
- Height in the MSF-1 district will be governed by the Manasota Key Overlay, whereas height in the RE-1 district was subject to the Waterfront Property code, 3-9-98.

***Consistency with the Smart Charlotte 2050 Comprehensive Plan and the Manasota and Sandpiper Key Community Plan***

The site is designated as Low Density Residential on the 2030 Future Land Use map and is designated as a Maturing Neighborhood. The growth and development of these areas (Maturing Neighborhoods) is fairly recent and continues without much need for change in land use. The residential density for the subject site will remain the same if the Board approves this rezoning to MSF-1. In addition, the permitted uses are similar under the existing RE-1 and the proposed MSF-1 zoning. Therefore, rezoning the site to MSF-1 is consistent with the land use designation and is not contrary to the goals, objectives, and policies of Smart Charlotte and the intent of the Manasota and Sandpiper Key Community Plan, which is to ensure the preservation and enhancement of the Manasota Key community character, quality-of-life and sustainability.

***Compatibility and Impacts on the Adjacent Land Uses***

The subject property is surrounded by Lemon Bay, except for some single family homes located to the west of the site. The proposed change will not increase any residential density, but will instead provide for a reduction of some setback requirements and an increase in the maximum lot coverage. The allowable maximum building height and architectural design standards are the same. Therefore, the proposed change will not create any compatibility issues.

Furthermore, the proposed change will not raise any water and sewer service capacity or road concurrency issues.

**STAFF RECOMMENDATION:**

“Approve adoption of Petition No. Z-13-01-01 based on the findings and analysis in the Comprehensive Planning Division staff report dated February 21, 2013 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 intent of the Manasota and Sandpiper Key Community Plan, and will not create any detrimental impacts on the surrounding land uses.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-13-01-01 to the Board of County Commissioners with a recommendation of Approval, based on the findings and analysis in the staff report dated February 21, 2013 and the evidence presented at the public hearing on the application.”

**PART II: RESEARCH AND FINDINGS**

1. **2050 Framework Designation:** Maturing Neighborhood
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The site contains single family homes and vacant platted residential lots.
4. **Existing Designation:**

FLUM	Development Standard
Low Density Residential (LDR)	<b>General Range of Uses</b> Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicles, recreational facilities in association with residential development, schools, and public services and facilities.
	<b>Minimum and Maximum Density</b> Low Density Residential lands may be developed at a density of one dwelling unit per acre up to five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.
Zoning	Development Standard
RE-1	The following development standards shall apply in this district: Minimum lot requirements: <i>Area Acres</i> RE-1 .....1

	<p><i>Width Feet</i>  RE-1 .....125  Minimum yard requirements:  <i>Yard Feet</i>  Front .....40  Side .....20  Rear .....20  Abutting water .....20  Accessory buildings shall not be closer than ten (10) feet from any rear property line.  Maximum lot coverage by all buildings, percent .....20  Maximum height of structures, feet .....38  Maximum residential density for:  RE-1, unit per 1 acres .....1  Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with <u>section 3-9-98</u>.</p>
--	--

Table 1

**5. Proposed Designation:**

FLUM	Development Standard
N/A	N/A

Zoning	Development Standard
MSF-1	<p>(A)The following development standards apply to the MSF districts.  Minimum lot requirements : 43,560 square feet  Lot width: 125 feet  Front yard: 25 feet  Interior Side yard: Half the building height (as measured by section 3-9-2), but no less than 10 feet  Side yard abutting a road: 20 feet  Maximum lot coverage by all buildings: 35 percent  Maximum building height: 43 feet  Minimum rear yard, abutting a lot: Half the building height (as measured by section 3-9-2), but no less than 20 feet  Minimum rear yard, abutting a road: 25 feet  Minimum rear yard, abutting a greenbelt: 15 feet  Rear or side line abutting a waterway: 20 feet  Accessory building setbacks from rear lot line: 10 feet  Accessory building setbacks from side yard: Same as principal building  Accessory building setbacks abutting road right-of-way line: Same as principal building  (C) Where properties lie within one thousand two hundred (1,200) feet of the waters of the Gulf of Mexico, Gasparilla Sound, or Lemon Bay, structures must also be constructed in accordance with the waterfront ordinance, except for building height, which shall be determined</p>

according to subsection 3-9-53(f)(9) below.

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	water	N/A	MP
East	water	N/A	MP
South	Water/preservation lands	N/A	MP/MES
West	residential	Low Density Residential	MSF 3.5/MMF 7.5

Table 3

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

Under the existing (RE-1) and proposed (MSF-1) zoning designations, maximum buildout is one unit per acre; therefore, the allowable maximum residential density is 25 units. Seven single family homes are currently built in Lemon Bay Estates No. 2, and the rest are vacant residential lots.

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

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

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

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

**11. Does the subject site contain any designated archaeological site or historic structures?** The subject site is designated on the Archaeological Predictive Model (SPAM Map #3) as high and medium probability for the discovery of archaeological artifacts.

**12. Are there wetlands on the property?** Yes

- a. Number of acres of Category I: Approximately 11 acres
- b. Number of acres of Category II: None

**13. Natural Resources:**

- a. Significant natural resources and/or critical habitat for endangered/potentially endangered species: Yes. According to the County Environmental Specialist's environmental assessment report dated February 12, 2013, significant natural resources include the mangrove wetland fringe and the Lemon Bay Aquatic Preserve. The mangrove fringe and Lemon Bay are highly valuable ecological assets to all residents of Charlotte

County and are utilized by numerous species listed by the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service.

- b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** Secondary impacts are possible if the mangrove wetland fringe is disturbed.
- 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?** Yes
- b. Could the proposed changes impact beach accessibility?** No
- c. Could the proposed change affect other waterfront access?** No
- d. Flood Zone:** 11AE, 12AE, 13AE
- e. Storm Surge Evacuation Zone:** A, B
- f. Coastal High Hazard Area?** Yes, tropical storm surge
- g. Could the proposed changes impact evacuation times?** No density is being increased.

#### 15. Facilities and Services

**a. Nearest Park:**

*Name:* Englewood Beach

*Classification:* Special Purpose Park

*Address:* 2100 North Beach Rd., Englewood

*Distance:* 0.2 miles

**b. Nearest Police Station:**

*Name:* Sheriff District 1 Office

*Address:* 6868 San Casa Drive, Englewood

*Distance:* 5.7 miles

**c. Nearest Fire/EMS Station:**

*Name:* Station 13

*Address:* 6868 San Casa Drive, Englewood

*Response Time:* 8-10 minutes

**d. Nearest Library:**

*Name:* Englewood Charlotte

*Address:* 3450 North Access Road, Englewood

*Distance:* 6.2 miles

**e. Nearest Hospital:**

*Name:* Englewood Community Hospital

*Address:* 700 Medical Blvd; Englewood

*Distance:* 4.7 miles

**f. Nearest Potential Emergency Shelter:**

*Name:* Lemon Bay High School

*Address:* 2201 Placida Rd., Englewood

*Distance:* 4.2 miles

**g. Nearest Public Schools:**

1. **Elementary:**

*Name:* Englewood Elementary (Sarasota County Schools)

*Address:* 150 N McCall Rd, Englewood

*Distance:* 4.4 miles

2. **Middle:**

*Name:* L.A. Ainger Middle

*Address:* 245 Cougar Way, Rotonda West

*Distance:* 7.4 miles

3. **High:**

*Name:* Lemon Bay High School

*Address:* 2201 Placida Rd., Englewood

*Distance:* 4.2 miles

**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:* Englewood Water District

225 gallons per ERU per day		
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated water needs
5,360,000	2,310,000	RE-1 and MSF-1 zoning districts carry the same density limit so there is no proposed increase in the water usage.

Table 4

2. *Analysis:* The existing RE-1 zoning and the proposed MSF-1 zoning allow the same maximum density unit, which is one unit per acre. Therefore, there is not increase in the water usage.

**c. Sanitary Sewage Level of Service:**

1. *Provider's Name:* Englewood Water District

190 gallons per ERU per day		
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated sewer needs
3,000,000	1,400,000	RE-1 and MSF-1 zoning districts carry the same density limit so there is no proposed increase in the sewer generation.

Table 5

2. *Analysis:* The existing RE-1 zoning and the proposed MSF-1 zoning allow the same maximum density unit, which is one unit per acre. Therefore, there is not increase in the sewer generation.

**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:* No change to Park and Recreation Level of Service is anticipated since density will not increase.

A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.

**e. Schools:**

LOS Standard		
High	Middle	Elementary
95% of total FISH	100% of total FISH	100% of total FISH
Student Generation		
N/A	N/A	N/A

1. *Analysis:* No change to the Level of Service is anticipated since density will not increase.

**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 specific 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:**

**Coastal Planning**

**CST Policy 1.1.3 Protection of Coastal Planning Area**

The County shall not approve projects that adversely impact the social, economic or environmental productivity, integrity or values of natural resources in the CPA.

**CST Policy 1.1.6 Mangrove Protection**

The County shall uphold the implementation of the 1996 Mangrove Trimming and Preservation Act for the protection and lawful trimming of mangrove trees. When unlawful acts are documented by County staff, appropriate action shall include notification of the permitting agency, intervention in agency proceedings, or legal action by the County.

**CST Policy 1.1.8 Coastal Resources Protection Program**

The County shall develop strategies with public and private stakeholders to protect, maintain, and, where feasible, restore native submerged aquatic vegetation, benthic communities and water quality in the County, particularly Lemon Bay, the Peace and Myakka Rivers, and Charlotte Harbor.

**CST Policy 1.2.3 Barrier Island Protection**

The County shall require that all construction activities on or off the shore of the barrier islands shall not detrimentally impact the barrier island system and shall support local and State regulations pertaining to construction seaward of the Coastal Construction Control Line (CCCL).

**Future Land Use**

**FLU Policy 1.1.6 Consistency with Comprehensive Plan**

The County shall issue all development orders or permits to be consistent with the Future Land Use Map (FLUM) Series and Smart Charlotte 2050 Comprehensive Plan as specified in Chapter 163.3194, Florida Statutes (F.S.). All County regulations, including the Zoning Code, Subdivision Regulations, and Zoning Atlas, are subordinate to the Plan and to the FLUM Series. Density and intensity increases shall only be allowed up to the maximum provided by the designation of the subject property; increases beyond the maximum shall require a comprehensive plan amendment to a higher intensity use should one exist.

**FLU Policy 2.4.6 Strategy to Protect Coastal High Hazard Area**

To protect existing and future populations from the loss of life and property caused by catastrophic hurricanes, the County shall limit development within the Tropical Storm and

Category I Hurricane Storm Surge Zones, collectively referred to as the Coastal High Hazard Area (CHHA), as illustrated on the SLOSH map issued by the Division of Emergency Management of the Department of Community Affairs, and shall:

1. Prohibit increases of density on any barrier island (FLUM Series Map #9) and, for bridgeless barrier islands, only allow for residential uses at very low densities not to exceed one dwelling per acre or one dwelling unit per lot platted by 1992.
2. Limit density of all other development platted subsequent to April 19, 1993 to 3.5 units per acre within the CHHA.
3. Allow the voluntary transfer of densities out of the CHHA.
4. Prohibit construction of public facilities within the CHHA unless such location is the only one that serves that particular structure's intended public purpose and, if building in that location is necessary, build these facilities at least eight feet above the base flood elevation in order to provide storm surge flood evacuation protection.

**FLU Policy 4.3.1 Maintain Maturing Neighborhoods**

The County shall protect the residential subdivisions within Maturing Neighborhoods and shall ensure the long-term viability of these residential areas by regulating adjacent and internal future development and redevelopment to maintain compatibility with these areas.

**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 change is not contrary to the Comprehensive Plan as there will be no increase in density.

**b. The existing land use pattern in adjacent areas:**

**Finding:** The subject property is surrounded by Lemon Bay, except for some single family homes located to the west of the site.

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

**Finding:** The proposed rezoning will not result in any increase in density. Therefore, there will be no impacts on utilities, schools or roads.

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

**Finding:** Changed conditions are not a factor in this proposed rezoning.

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

**Finding:** The proposed change will have no effect on living conditions or property values in adjacent areas. This is a gated community surrounded on three sides by water. Every property owner in this community will be able to utilize the new development standards.

**f. Would the proposed change affect public safety?**

**Finding:** The proposed change will not affect public safety.

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

**Finding:** The proposed change will not reduce light or air to adjacent areas.

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

**Finding:** The property can be used in accordance with existing zoning. However, the Board of County Commissioners has directed staff to rezone these properties to align with the zoning districts created by the Manasota and Sandpiper Key Zoning District Overlay.

**Application for Rezoning**  
**Petition Number: Z -13-01-01**

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

**FROM:** Venkat Vattikuti

**DATE:** February 12, 2013

<b>REQUESTED ACTION:</b>
--------------------------

**APPLICANT:** Charlotte County Government

**OWNER:** Multiple Units in Lemon Bay Estates # 2 Subdivision

**GENERAL LOCATION:** Lemon Bay Estates # 2 Subdivision

**ACCOUNT NUMBER:** Multiple Account Numbers in Section 01, Township 41 and Range 19, with a total approximate area of 25.29 acres.

- 1 **ANALYSIS:** From the transportation perspective, the review of the proposed re-
- 2 zoning request<sup>1</sup> of the subject property shows that the surrounding roadway
- 3 segments within the area of significance which are currently operating at
- 4 acceptable levels of service would continue to operate at acceptable levels of
- 5 service to the year 2017 (which is the estimated built-out year). There wouldn't be
- 6 any roadway concurrency failures with the proposed re-zoning. No modifications
- 7 would be required for the adopted FDOT Transportation Improvement Program,
- 8 2035 Long range Transportation Plan and County's Capital Improvements Program.
- 9
- 10 **RECOMMENDATION:** Approve the requested re-zoning.
- 11

---

<sup>1</sup> Requesting from the existing land use designation of RE-1 to MSF -1



## MEMORANDUM

**Date:** February 12, 2013  
**To:** Roxanne Read, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** Z-13-01-01  
Charlotte County BCC  
Lemon Bay Estates #2 (The Pointe)

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 Estates 1 (RE-1) to Manasota Single Family 1 (MSF-1) in order to align these properties with the zoning districts created by the Manasota and Sandpiper Key Overlay District.
- Each parcel is cleared and sodded with the exception of a few native trees in the upland areas. Each parcel also contains a large mangrove wetland fringe which abuts Lemon Bay, a state protected aquatic preserve. Two parcels in the subdivision (acct #'s 411901401001 & 411901451001) consist almost entirely of wetlands with the exception of an existing pathway (per GIS aerials and an existing survey). In total, there are approximately 11 acres of mangrove wetland fringe in Lemon Bay Estates #2. The original development plans identify a 45 foot drainage and maintenance easement that runs along the upland portion of each side adjacent to the jurisdictional wetlands.
- Staff highly encourages that any future boardwalks, docks and/or lifts utilize the avoidance and minimization requirements (Florida Department of Environmental Protection) in order to protect this valuable wetland system.
- Both the mangrove wetland fringe and Lemon Bay, a state protected aquatic preserve, are highly valuable ecological assets to all residents of Charlotte County and are utilized

### **GROWTH MANAGEMENT DEPARTMENT**

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598

by numerous species listed by the Florida Fish and Wildlife Conservation Commission (FWC) and US Fish and Wildlife Service (FWS).

No environmental information was provided for staff to review and no development plan is proposed at this time. See below for preliminary comments.

**If this petition is approved, the following conditions will be reviewed for compliance prior to the issuance of any county permits or land improvement activities.**

- All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS\**

\*\*All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,  
Article XV, *SURFACE WATER AND WETLAND PROTECTION*  
Article XV, *UPLAND BUFFER ZONE*,  
Article XVIII, *LANDSCAPING AND BUFFERS*

Chapter 3-9:

Article III, *SPECIAL REGULATIONS*

- The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *NATURAL RESOURCES (ENV) & COASTAL PLANNING (CST) – GOALS, OBJECTIVES AND POLICIES* sections.

The applicant is advised that the Charlotte County site review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

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

JS

P:\ANIMAL\Planamen\_Rezonings\2012\Z-13-01-01(LemonBayEstates2).doc

**COMMUNITY DEVELOPMENT DEPARTMENT**

Planning and Zoning Division  
18500 Murdock Circle | Port Charlotte, FL 33948  
Phone: 941.743.1242 | Fax: 941.743.1292



**CHARLOTTE COUNTY  
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for REZONING**

Date Received:	Time Received:
Date of Log-in: <b>JAN. 18, 2013</b>	Petition #: <b>2-13-01-01</b>
Receipt #: <b>N.A.</b>	Accela #: <b>N.A.</b>
	Amount Paid: <b>N.A.</b>

**1. PARTIES TO THE APPLICATION**

**Name of Applicant:** Charlotte County BCC

Mailing Address: 18500 Murdock Circle

City: Port Charlotte      State: FL      Zip Code: 33948

Phone Number: 941-764-4928      Fax Number:

Email Address: roxann.read@charlottefl.com

**Name of Agent:** N/A

Mailing Address:

City:      State:      Zip Code:

Phone Number:      Fax Number:

Email Address:

**Name of Engineer/Surveyor:**

Mailing Address: N/A

City:      State:      Zip Code:

Phone Number:      Fax Number:

Email Address:

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

Mailing Address: See attached list

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 #: See attached list

Section:	Township:	Range:
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 25.175 ± acres		

3. **SURVEY:** None required

4. **PROOF OF LAND OWNERSHIP:** None required

5. **NOTARIZED AUTHORIZATION:** Not required

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
Low Density Residential	25.29
Zoning District(s)	Acreage
RE-1	25.29

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

Amending Zoning designation(s) to MSF-1

**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 increase in density

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

The Board of County Commissioners has directed staff to rezone these properties to align with the zoning districts created by the Manasota and Sandpiper Key Overlay District.

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

Single family homes

**11. SURROUNDING LAND USES:**

North: water

---

South: water/preservation lands

---

East: water

---

West: residential

---

**12. ENVIRONMENTAL ASSESSMENT:** Not required

**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):  
N. Beach Road, Lemon Bay Point Dr.
- 

- ii. *Traffic Impact Report*: Not required

**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. Not required
- 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. Not required

**14. HISTORICAL OR ARCHEOLOGICAL SITES:** Not required

**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 change is not contrary to the Comprehensive Plan as there will be no increase in density.*
- B. The existing land use pattern in adjacent areas  
*The existing land use pattern adjacent to The Pointe is single family residences.*
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets  
*The proposed rezoning will not result in any increase in density.*
- D. Whether changed conditions make the passage of the proposed amendment appropriate  
*Changed conditions are not a factor in this proposed rezoning.*
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas  
*The proposed change will have no effect on living conditions or property values in adjacent areas as there is no change in density.*
- F. Whether the proposed change will affect public safety

*The proposed change will not affect public safety.*

- G. Whether the proposed change will reduce light and air to adjacent areas

*The proposed change will not reduce light or air to adjacent areas as there is no increase in density.*

- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning

*The property can be used in accordance with existing zoning. However, the Board of County Commissioners has directed staff to rezone these properties to align with the zoning districts created by the Manasota and Sandpiper Key Overlay District.*

#### **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

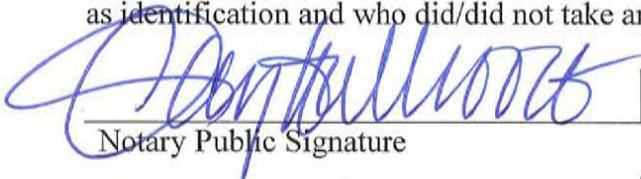
**AFFIDAVIT**

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 18 day of JANUARY, 2013, 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

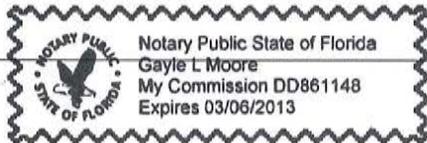


Signature of Applicant or Agent

Notary Printed Signature

Printed Signature of Applicant or Agent

Title



Address

121 Peace Island Dr

Commission Code

City, State, Zip

Punta Gorda, FL 33950

Telephone Number

941 - 743 - 1242

**Name of Property Owner** David M & Laura E Dignam

Mailing Address: 5150 The Pointe

City: Englewood State: FL Zip Code: 34223

Property Account #: 411901327003

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0001 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.45 ac.

**Name of Property Owner** Thomas J & Dawn M Hinck

Mailing Address: 201 Lake Victoria Ct.

City: Englewood State: FL Zip Code: 34223

Property Account #: 411901327004

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0002 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.2 ac.

**Name of Property Owner** Daniel T & Kathleen E Dunn

Mailing Address: 13922 Clarendon Point Ct.

City: Huntersville State: NC Zip Code: 28078

Property Account #: 411901327005

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0003 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.12 ac.

**Name of Property Owner** Louis J & Dora Gallipoli

Mailing Address: 109 Cedar Row

City: Toms River State: NJ Zip Code: 08753

Property Account #: 411901327006

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0004 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.05 ac.

**Name of Property Owner** Thomas M. & Laverne A Dignam

Mailing Address: 5206 The Pointe

City: Englewood State: FL Zip Code: 34223

---

Property Account #: 411901327007

Section: 01	Township: 41	Range: 19
Parcel/Lot #: 0005	Block #: 0000	Subdivision: LB2

Total acreage or square feet of the property: 1.09 ac.

---

**Name of Property Owner** Thomas M.Dignam & LAD&LDE&DMD

Mailing Address: 5206 The Pointe

City: Englewood	State: FL	Zip Code: 34223
-----------------	-----------	-----------------

Property Account #: 411901401001

Section: 01	Township: 41	Range: 19
Parcel/Lot #: 00TA	Block #: 0000	Subdivision: LB2

Total acreage or square feet of the property: 2.24 ac.

---

Property Account #: 411901327001

Section: 01	Township: 41	Range: 19
Parcel/Lot #: 00TC	Block #: 0000	Subdivision: LB2

Total acreage or square feet of the property: 0.085 ac.

---

**Name of Property Owner** John W & Loralee Fisher

Mailing Address: 45 Grand Palms Blvd.

City: Englewood	State: FL	Zip Code: 34223
-----------------	-----------	-----------------

Property Account #: 411901327008

Section: 01	Township: 41	Range: 19
Parcel/Lot #: 0006	Block #: 0000	Subdivision: LB2

Total acreage or square feet of the property: 1.11 ac.

---

**Name of Property Owner** Leslie D Edwards

Mailing Address: 1235 Highland Ave.

City: Englewood	State: FL	Zip Code: 34223
-----------------	-----------	-----------------

Property Account #: 411901327009

Section: 01	Township: 41	Range: 19
Parcel/Lot #: 0007	Block #: 0000	Subdivision: LB2

Total acreage or square feet of the property: 1.06 ac.

---

**Name of Property Owner I Mayfair**

Mailing Address: 14916 Celle Way

City: Naples State: FL Zip Code: 34110

Property Account #: 411901327010

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0008 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.07 ac.

**Name of Property Owner Ihor & Olya Hron**

Mailing Address: 201 Osprey Pt. Dr.

City: Osprey State: FL Zip Code: 34229

Property Account #: 411901327011

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0009 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.12 ac.

**Name of Property Owner Linda M & Jerome J Janota**

Mailing Address: 5163 The Pointe

City: Englewood State: FL Zip Code: 34223

Property Account #: 411901330003

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0010 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.05 ac.

**Name of Property Owner Sue H Lambert & WC Lievense**

Mailing Address: 5177 The Pointe

City: Englewood State: FL Zip Code: 34223

Property Account #: 411901330004

Section: 01 Township: 41 Range: 19

Parcel/Lot #: 0011 Block #: 0000 Subdivision: LB2

Total acreage or square feet of the property: 1.28 ac.

**Name of Property Owner** Jon F & Amanda Stoneburner

Mailing Address: 1474 Landview Ln.

City: Osprey	State: FL	Zip Code: 34229
--------------	-----------	-----------------

Property Account #: 411901330005

Section: 01	Township: 41	Range: 19
-------------	--------------	-----------

Parcel/Lot #: 0012	Block #: 0000	Subdivision: LB2
--------------------	---------------	------------------

Total acreage or square feet of the property: 1.22 ac.

**Name of Property Owner** Edward Doyle Slifer, Trustee

Mailing Address: 5207 The Pointe

City: Englewood	State: FL	Zip Code: 34223
-----------------	-----------	-----------------

Property Account #: 411901330006

Section: 01	Township: 41	Range: 19
-------------	--------------	-----------

Parcel/Lot #: 0013	Block #: 0000	Subdivision: LB2
--------------------	---------------	------------------

Total acreage or square feet of the property: 1.13 ac.

**Name of Property Owner** Robert A & Julia S Diaco

Mailing Address: 33041 Lake Forest Ct.

City: Niles	State: MI	Zip Code: 49120
-------------	-----------	-----------------

Property Account #: 411901330007

Section: 01	Township: 41	Range: 19
-------------	--------------	-----------

Parcel/Lot #: 0014	Block #: 0000	Subdivision: LB2
--------------------	---------------	------------------

Total acreage or square feet of the property: 1.16 ac.

**Name of Property Owner** Shirley L Brown

Mailing Address: 5235 The Pointe

City: Englewood	State: FL	Zip Code: 34223
-----------------	-----------	-----------------

Property Account #: 411901330008

Section: 01	Township: 41	Range: 19
-------------	--------------	-----------

Parcel/Lot #: 0015	Block #: 0000	Subdivision: LB2
--------------------	---------------	------------------

Total acreage or square feet of the property: 1.22 ac.

**Name of Property Owner** John K Landis, Trustee.

Mailing Address: 5263 The Pointe

City: Englewood

State: FL

Zip Code: 34223

Property Account #: 411901330009

Section: 01

Township: 41

Range: 19

Parcel/Lot #: 0016

Block #: 0000

Subdivision: LB2

Total acreage or square feet of the property: 1.17 ac.

Property Account #: 411901330010

Section: 01

Township: 41

Range: 19

Parcel/Lot #: 0017

Block #: 0000

Subdivision: LB2

Total acreage or square feet of the property: 1.41 ac.

Property Account #: 411901451001

Section: 01

Township: 41

Range: 19

Parcel/Lot #: 00TB

Block #: 0000

Subdivision: LB2

Total acreage or square feet of the property: 1.96 ac.

**Name of Property Owner** Pointe on Lemon Bay Assoc. Inc

Mailing Address: PO Box 1283

City: Englewood

State: FL

Zip Code: 34295

Property Account #: 411901327002

Section: 01

Township: 41

Range: 19

Parcel/Lot #: 0001

Block #: 0000

Subdivision: LB2

Total acreage or square feet of the property: 0.5 ac.

Property Account #: 411901330002

Section: 01

Township: 41

Range: 19

Parcel/Lot #: 0010

Block #: 0000

Subdivision: LB2

Total acreage or square feet of the property: 0.39 ac.

Property Account #: 411901330001

Section: 01

Township: 41

Range: 19

Parcel/Lot #: 00TC

Block #: 0000

Subdivision: LB2

Total acreage or square feet of the property: 0.09 ac.