

**Application No.**  
**Z-13-02-02**  
**(Rezoning)**

**Applicant**  
**Gratia Schroeder, Ttee /**  
**SR 776 at Bay Heights Ave.**

**Quasi-Judicial**

**Commission Dist. III**



Community Development

# CHARLOTTE COUNTY

## Location Map for Z-13-02-02

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



### 06/41/20 West County

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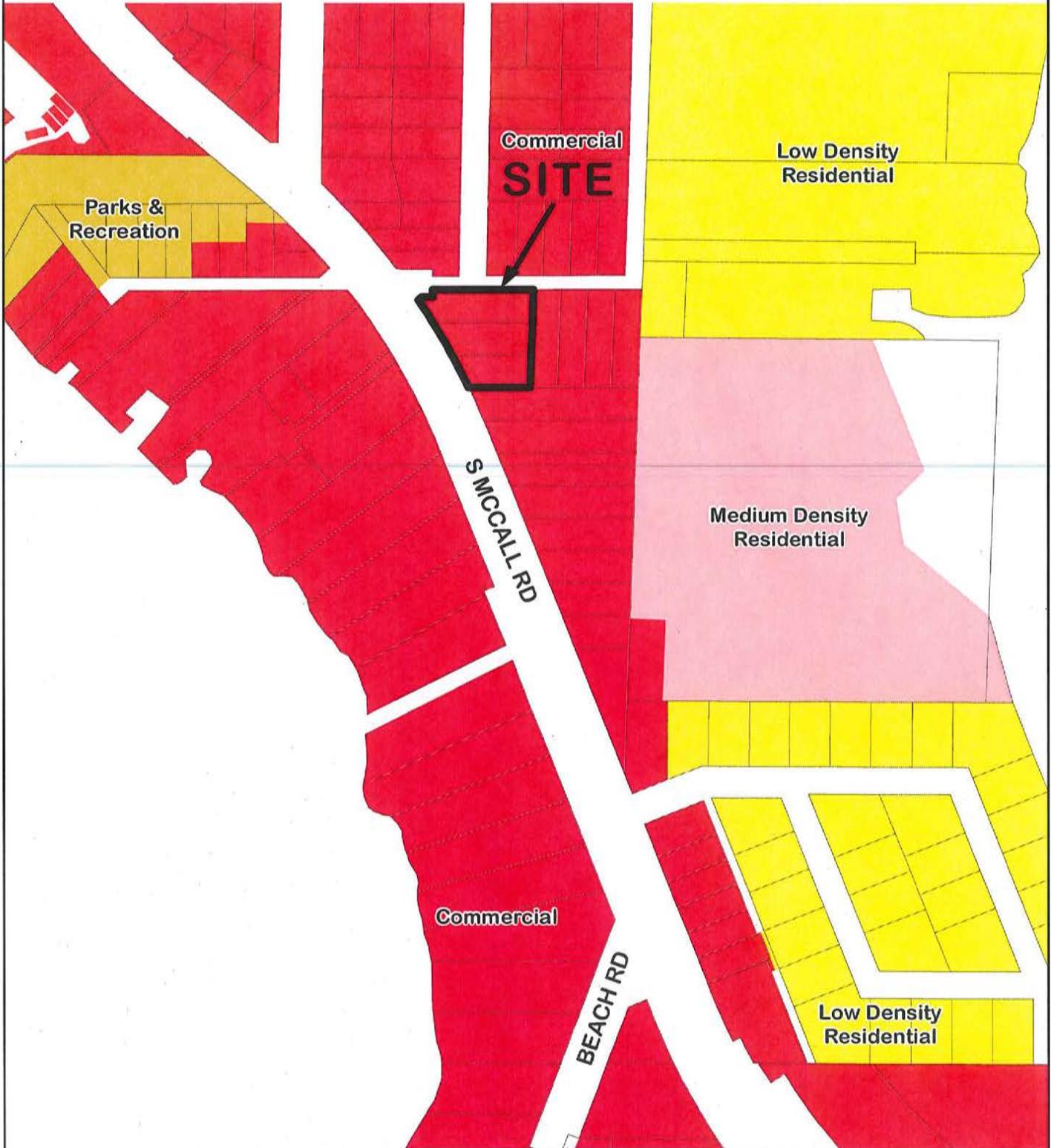
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# CHARLOTTE COUNTY

## Flum Map for Z-13-02-02



06/41/20 West County

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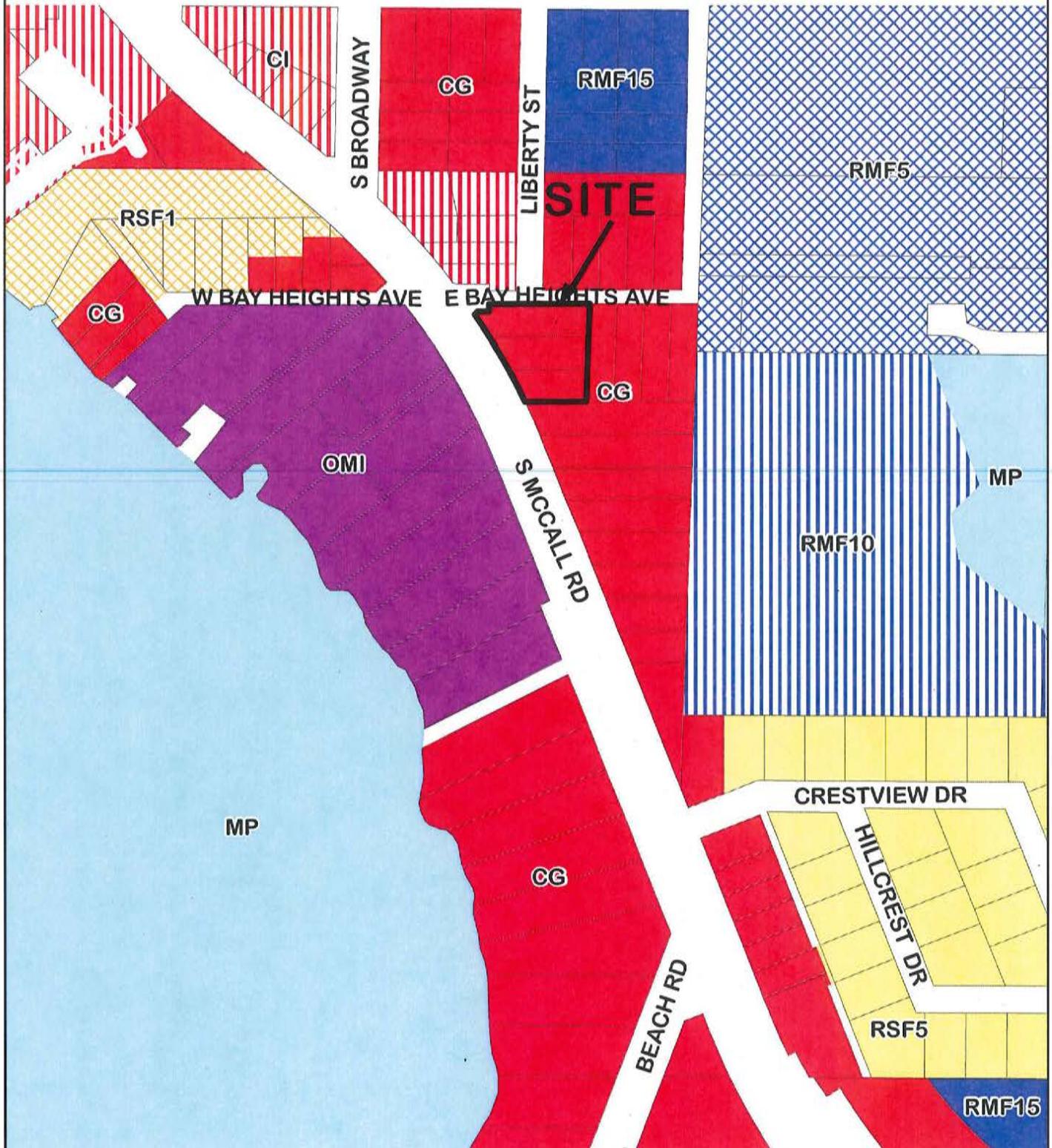


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# CHARLOTTE COUNTY

## Zoning Map for Z-13-02-02



06/41/20 West County

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## Community Development Department Staff Report for Z-13-02-02

**DATE:** March 22, 2013

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

**FROM:** Jie Shao, Planner III

**REQUESTED ACTION(S):** A privately initiated request to amend Charlotte County Zoning Atlas from Commercial General (CG) to Commercial Intensive (CI)

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### PART I

**Applicant(s):** Gratia D. Schroeder,  
As Trustee of the Gratia D. Schroeder Revocable Trust dated March 21, 2002  
2602 Hermitage Boulevard  
Venice, FL 34292

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

**General Location and Acreage:** The subject property is located northeast of S. McCall Road, and south of E. Bay Heights Avenue, in the Englewood area. The site contains a total of 0.67 acres.

**Account Number(s):** 412006107001

**Analysis:**

The petitioner, Gratia Schroeder, is requesting a rezoning from Commercial General (CG) to Commercial Intensive (CI). The property is located on the east side of S. McCall Road, in the Englewood area, and retains a Commercial Future Land Use Map (FLUM) designation. The stated purpose of this petition is to allow commercial intensive uses, such as a moped rental business, on the site.

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

Across S. McCall Road, to the west, there is a residential condominium development; this area is designated as Commercial with an Office, Medical, and Institutional (OMI) zoning. The properties located to the north and further northwest are commercial properties with existing

commercial intensive uses on the sites; this area is zoned CI. Englewood Bank is located directly to the east and south of the site. Further to the east, there are vacant residential lands. The existing CG properties located directly to the east of the subject site will provide a transition area between the proposed commercial intensive uses and the vacant residential lands. In addition, it is important to note that all CI zoned properties along S. McCall Road (the segment between Beach Road and Riverview Avenue) have been developed. It is staff's opinion that there will be a demand for commercial intensive uses in this area in order to provide adequate commercial services for the existing and the future residents.

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

The subject property is located within a Revitalizing Neighborhood, and it is also located on the major roadway in the Englewood area. The site is currently designated as Commercial on the 2030 Future Land Use map. The proposed CI zoning is consistent with the existing FLUM designation of Commercial.

*Spot Zoning Discussion*

It is staff's opinion that the proposed CI rezoning does not constitute "spot zoning" for the following reasons:

- A CI zoning district exists in the immediate vicinity.
- The proposed change is consistent with the existing Future Land Use designation and Smart Charlotte.
- The proposed commercial intensive use is compatible with the surrounding existing commercial intensive uses.

*Concurrency issues*

- Water and Sewer: Englewood Water District retains enough capacity to provide water and sewer services to the proposed commercial general and commercial intensive uses
- Traffic: S. McCall Road is currently operating at an acceptable Level-of-Service (LOS). According to the County's Transportation Planner, the proposed uses will not cause the LOS of the County roadway to fall below the adopted LOS D.

Therefore, the proposed development will not raise any concurrency issues.

**STAFF RECOMMENDATION:**

"Approve adoption of Petition No. Z-13-02-02 based on the findings and analysis in the Comprehensive Planning Division staff report dated March 22, 2013 and any evidence presented at the public hearing on the application."

**Conclusion:**

Staff recommends approval of this rezoning because it is not contrary to Smart Charlotte, and it will not create any detrimental impacts on the surrounding properties.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-13-02-02 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated March 22, 2013 and the evidence presented at the public hearing on the application.”

**PART II: RESEARCH AND FINDINGS**

1. **2050 Framework Designation:** Revitalizing Neighborhood.
2. **2030 Service Area Delineation:** Urban Service Area.
3. **Existing Land Use on the Site:** The subject site contains a small one story office building and its parking area.
4. **Existing Designation(s):**

FLUM	Development Standard
Commercial (COM)	<p>The Commercial category is used for properties wherein nodal-style and strip-style commercial development occurs or is projected to occur in the future. Establishing a nodal-style commercial development shall be the principal and preferred use of the Commercial category. Further strip-style commercial development is prohibited except in the specific circumstances listed in FLU Policy 5.4.2. Nodal-style commercial development is differentiated into three sub-categories based upon size, character and location. The acreage of adjacent lands designated Commercial shall be aggregated to determine the standards to which the development may occur.</p> <p><b>General Range of Uses</b> These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities.</p> <p><b>Community:</b> These developments are designed to provide for the daily shopping and service needs of residents located in surrounding neighborhoods with a service area of up to a ten-mile radius. Businesses operating in these areas provide daily convenience and retail goods such as food, drugs, and sundries as well as professional and business services which meet the needs of the trade area.</p> <p><b>Locational Standards:</b> These developments shall be located adjacent to and with access provided by arterial or collector roadways.</p> <p><b>Residential Support:</b> up to 40,000 persons</p> <p><b>Size:</b> Three to 30 acres</p> <p><b>Maximum Intensity:</b> 0.5 FAR for commercial / retail 1.0 FAR for professional office buildings</p>
Zoning	Development Standard
Commercial General (CG)	<p>The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.</p> <ul style="list-style-type: none"> <li>• Minimum lot size is 12,000 square feet.</li> </ul>

	<ul style="list-style-type: none"> <li>• Minimum lot width is 100 feet.</li> <li>• Maximum structure height is 60 feet.</li> <li>• Setbacks:             <ul style="list-style-type: none"> <li>○ Front setback is 25 feet.</li> <li>○ Side setback is 20 feet (Abutting a road).</li> <li>○ Rear setback is 10 feet (Abutting a lot).</li> </ul> </li> </ul>
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Table 1

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

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

<b>Zoning</b>	<b>Development Standard</b>
Commercial Intensive (CI)	<p>The purpose and intent of the commercial, intensive (CI) district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like or which have many of the same needs as industrial land uses. Such uses often rely on large ground areas for storage or display of goods, are relatively insensitive to the impacts of adjacent land uses, while generating substantial impacts on their neighbors. Commercial, intensive land uses are generally services, particularly warehousing, distribution and compatible businesses oriented to the sale and service of automobiles and boats. The CI district is and is intended to be intermediate between consumer-oriented commercial and light industrial uses.</p> <ul style="list-style-type: none"> <li>• Minimum lot size is 12,000 square feet.</li> <li>• Minimum lot width is 100 feet.</li> <li>• Maximum lot coverage is 50%.</li> <li>• Maximum structure height is 60 feet.</li> <li>• Setbacks:             <ul style="list-style-type: none"> <li>○ Front setback is 25 feet;</li> <li>○ Side setback is 20 feet (Abutting a road);</li> <li>○ Rear setback is 10 feet (Abutting a lot).</li> </ul> </li> </ul>

Table 2

**6. Surrounding Land Uses and their Future Land Use Map and Zoning Designations:**

<b>Direction</b>	<b>Existing Land Use</b>	<b>FLUM Designation</b>	<b>Zoning District Designation</b>
<b>North</b>	Specialty auto sales and Metro PCS Single-family homes	Commercial (COM)	Commercial General (CG) Commercial Intensive (CI)
<b>East</b>	Englewood Bank Vacant residential lands	Commercial (COM) Medium Density Residential (MDR)	Commercial General (CG) Residential Multi-family 5 (RMF-5) Residential Multi-family 10 (RMF-10)
<b>South</b>	Englewood Bank Professional services buildings	Commercial (COM)	Commercial General (CG)

<b>West</b>	S. McCall Road Oak Shores at Lemon Bay Octaplex 8 units	Commercial (COM)	Office, Medical, and Institutional (OMI)
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Table 3

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

The proposed commercial intensive uses involve no residential density. Based on the commercial FLUM designation and the proposed CI zoning district, the maximum Floor Area Ratio is 0.5 and the maximum building height is 60 feet; therefore, the maximum buildout of the subject site is 14,592.6 square feet of commercial uses.

**8. Is the subject site within a Community Planning Area or Special Plan area?** The site is not located 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?**

The subject property is not adjacent to any of the existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves.

**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 site does not contain any historic structures nor is it designated as an archaeological site.

**12. Are there wetlands on the property?** No, the site is fully developed.

**a. Number of acres of Category I:** N/A

**b. Number of acres of Category II:** N/A

**13. Natural Resources:**

**a. Significant natural resources and/or critical habitat for endangered/potentially endangered species:** No, the site is fully developed with no environmental issues present.

**b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** No

**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 entire site is located in Flood Zone 11 AE, an area with a determined base flood elevation of 11 feet.
- e. **Storm Surge Evacuation Zone:** The site is located within Evacuation Zone A.
- f. **Coastal High Hazard Area?** Yes
- g. **Could the proposed changes impact evacuation times?** No

**15. Facilities and Services**

- a. **Nearest Park:** N/A
- b. **Nearest Police Station:**  
*Name:* District 1  
*Address:* 6868 San Casa Drive, Englewood  
*Distance:* approximately 3.5 miles to the southeast of the subject site
- c. **Nearest Fire/EMS Station:**  
*Name:* Charlotte County Station No. 13  
*Address:* 6868 San Casa Road, in the Englewood area  
*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 20.2 miles to the northeast 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:* Englewood Water District (EWD)

Permitted Facility Capacity	Current Facility Usage	225 gallons per ERU per day	
		Proposed Land Use estimated water needs	
5,360,000	2,330,000	176 (commercial intensive uses)	730 (commercial general uses)

Table 4

2. *Analysis:* If the Board approves this rezoning application, it will allow the property owner to have a maximum of 14,592.6 square feet of commercial general or commercial intensive uses. The estimated water usage would be 176 gallons per day for commercial

intensive uses and 703 gallons per day for commercial general uses. Englewood Water District retains enough capacity to serve the proposed commercial development.

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

1. *Provider's Name:* Englewood Water District (EWD)

Permitted Facility Capacity	190 gallons per ERU per day			
	Current Facility Usage	Proposed Land Use estimated sewer needs		
3,000,000	1,400,000	<table border="1"> <tr> <td>150 (commercial intensive uses)</td> <td>620 (commercial general uses)</td> </tr> </table>	150 (commercial intensive uses)	620 (commercial general uses)
150 (commercial intensive uses)	620 (commercial general uses)			

Table 5

2. *Analysis:* If the Board approves this rezoning application, it will allow the property owner to have a maximum of 14,592.6 square feet of commercial general or commercial intensive uses. The estimated sewer generation would be 150 gallons per day for commercial intensive uses and 620 gallons per day for commercial general uses. Charlotte County Utilities (CCU) retains enough capacity to serve the proposed commercial development.

**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

**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?** Yes, the subject property is located very close to the Charlotte/Sarasota County line. The application packet was emailed to the Sarasota County for comments on March 5, 2013. No response has been received.

**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:** No

**Future Land Use**

**FLU Policy 5.7.3: Commercial Access**

The County shall require that commercial land uses that request to have access to local roads, but which have frontage on and access to an arterial or collector roadway, provide an analysis that provides the reasons why it is necessary. Joint access with adjacent commercial sites and safety issues must be included as part of the analysis. The commercial access may be approved by the County as part of the Site Plan Review process should the need for the access be proven to improve the health, safety, and welfare of the public. Should the commercial land use be located within an area that has an adopted Revitalization Plan, Emerging Area Plan or Special Area Plan that provides standards for local road access, a statement referring to these standards is adequate support material.

**FLU Policy 5.7.4: Commercial Landscaping and Buffering**

The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

**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 subject site is currently designated as Commercial on the 2030 Future Land Use Map (FLUM). The proposed Commercial Intensive (CI) zoning is consistent with the existing Commercial FLUM designation. It is also not contrary to any of the Goals, Objectives, and Policies listed above in Section 20.

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

**Finding:** The subject property is located on the east side of S. McCall Road, in the Englewood area, which is an area designated as part of the Revitalizing Neighborhoods. Improved commercial uses are located directly to the north, south and east of the site. To the north, across E. Bay Heights Avenue, there are Special Auto Sale business and Metro PCS; this area is zoned CI. Across S. McCall Road, to the west, there is a multi-family development.

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

**Finding:** Neither the existing CG nor the proposed CI zoning districts involve any residential density, so student populations would not be expected to change as a result of this rezoning. CI zoning permits all the uses in the CG zoning and some intensive uses like a moped rental business and boat sales, and these intensive uses typically generate less traffic and less demand on utilities than commercial general uses. The subject site is located within the Englewood Water District (EWD) service area, and EWD retains enough capacity to serve the proposed commercial development. Furthermore, the proposed commercial intensive uses would potentially decrease the automobile trip generation of the site. In addition, S. McCall Road is currently operating at an acceptable Level-of-Service (LOS); the County Transportation Planner reviewed this application and concluded that the proposed rezoning will not cause the LOS of the County roadways to fall below an adopted LOS.

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

**Finding:** No. Changed conditions are not required to make this rezoning to CI appropriate.

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

**Finding:** Although the proposed commercial intensive uses would create a slight increase in the amount of noise and possible fumes, these uses would potentially generate less traffic volume compared to the current Commercial General zoning of the property. However, the subject property is located within an established commercial corridor with existing CI zoning to the north and northwest. The proposed change should not have any adverse influence on living conditions or property values in adjacent areas.

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

**Finding:** The permitted uses under the existing CG zoning could generate more traffic volume than the use under the proposed CI zoning. Therefore, the proposed zoning change would not affect public safety.

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

**Finding:** The development standards of the proposed CI zoning are similar to the development standards of the current CG zoning. Any new development or redevelopment will comply with the setbacks, height limitations, landscaping and buffering requirements set forth in the County's Land Development Regulations. In addition, for any new development or redevelopment of the site, a type A buffer (at a minimum) would be required along the property boundary adjacent to properties zoned CG. The proposed changes would 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:** No. There are no substantial reasons why the property cannot be used in accordance with the existing Commercial General (CG) zoning. However, the owner wishes to have some commercial intensive uses such as a moped rental business, which is not permitted under the current CG zoning district. After reviewing this application, it is staff's determination that the proposed rezoning to CI will not have any negative impacts such as visual, noise and odor in this area.

**Application for Rezoning**  
**Petition Number: Z -13-02-02**

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

**FROM:** Venkat Vattikuti

**DATE:** March 08, 2013

<b>REQUESTED ACTION:</b>
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**APPLICANT:** Gratia D Schroeder, as Trustee of the Gratia Schroeder Revocable Trust

**OWNER:** Gratia D Schroeder, as Trustee of the Gratia Schroeder Revocable Trust

**GENERAL LOCATION:** Southeast Corner of SR 776 and Bay Heights Avenue

**ACCOUNT NUMBER:** 412006107001 in Section 06, Township 41 and Range 20, with a total approximate area of 0.67 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 2018 (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  
9 Program.

10  
11 **RECOMMENDATION:** Approve the requested re-zoning.  
12

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<sup>1</sup> Requesting from the existing land use designation of Commercial General (CG) to Commercial Intensive (CI)



## MEMORANDUM

**Date:** March 6, 2013  
**To:** Jie Shao, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** Z-13-02-02  
Schroeder Office Space  
1101 South McCall Rd.

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 Commercial General (CG) to Commercial Intensive (CI) to allow a broader range of tenants to utilize the existing building.
- The parcel is a fully developed commercial site with no environmental issues present.

**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 any new development is proposed, 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 XVIII, *LANDSCAPING AND BUFFERS*.

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

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**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: FEB. 15, 2013	Time Received:
Date of Log-in: FEB. 19, 2013	Petition #: <del>102</del> 2-13-02-02
Receipt #: 105752	Accela #: R2.13-00001
	Amount Paid: \$2,490.00

1. PARTIES TO THE APPLICATION

**Name of Applicant:** Gratia D. Schroeder, as Trustee of the Gratia D. Schroeder Revocable Trust dated March 21, 2002

Mailing Address: 2602 Hermitage Boulevard

City: Venice	State: FL	Zip Code: 34292
Phone Number: (941) 321-6441	Fax Number:	
Email Address:		

**Name of Agent:** Robert H. Berntsson, Berntsson, Ittersagen, Gunderson & Wideikis, LLP

Mailing Address: 18401 Murdock Circle, Suite C

City: Port Charlotte	State: FL	Zip Code: 33948
Phone Number: (941) 627-1000	Fax Number: (941) 255-5483	
Email Address: rberntsson@bigwlaw.com		

**Name of Engineer/Surveyor:** DMK Associates, Inc.

Mailing Address: 4315 S. Access Road

City: Englewood	State: Florida	Zip Code: 34224
Phone Number: 941-475-6596	Fax Number: 941-474-5060	
Email Address: info@dmkassoc.com		

**Name of Property Owner** (if more than one property owner, attach a separate sheet with a list of all owners):  
 Gratia D. Schroeder, as Trustee of the Gratia D. Schroeder Revocable Trust dated March 21, 2002

Mailing Address: 2602 Hermitage Boulevard

City: Venice	State: FL	Zip Code: 34292
Phone Number: (941) 321-6441	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 #: 412006107001

Section: 06	Township: 41	Range: 20
Parcel/Lot #: 1-3	Block #: A	Subdivision: Sunset Bay
Total acreage or square feet of the property: .67+/- Acres		

**3. SURVEY:**

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

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

**5. NOTARIZED AUTHORIZATION:**

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

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

**7. EXISTING LAND USE DESIGNATIONS**

Future Land Use Map (FLUM) designation(s)	Acreage
Commercial	.67 +/-
Zoning District(s)	Acreage
Commercial General	.67 +/-

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

Amending Zoning designation(s) to: Commercial Intensive

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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?**

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

To allow for CI uses given the location and layoff of property with large paved area.

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

OFFICE BUILDINGS NON-PROFESSIONAL SERVICES BUILDINGS, ONE STORY

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**11. SURROUNDING LAND USES:**

North: Commercial

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South: Commercial

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East: Commercial

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West: Across 776 Multifamily.

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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.

**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):

SR 776, E. Bay Heights Avenue

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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.

**B. Potable Water and Sanitary Sewer**

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report* showing the gallons per day that may be generated by development of the subject site at maximum buildout allowed under the proposed Zoning.

**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.

**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
- B. The existing land use pattern in adjacent areas
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets
- D. Whether changed conditions make the passage of the proposed amendment appropriate
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas
- F. Whether the proposed change will affect public safety
- G. Whether the proposed change will reduce light and air to adjacent areas
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning

**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

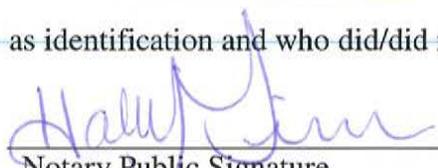
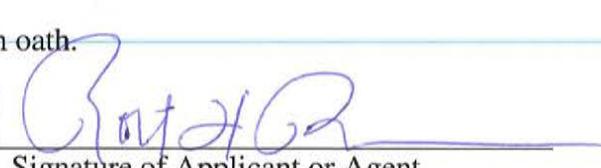


**AFFIDAVIT**

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 14 day of February, 2013, by who is personally known to me or has/have produced as identification and who did/did not take an oath.

 Notary Public Signature	 Signature of Applicant or Agent
Notary Printed Signature	<u>ROBERT H. BERNITSEN</u> Printed Signature of Applicant or Agent
Title	<u>18401 MURDOCK CIRCLE, SUITE C</u> Address
Commission Code	<u>PORT CHARLOTTE FLORIDA 33948</u> City, State, Zip
	<u>941.627.1000</u> Telephone Number

**NARRATIVE TO THE**  
**Gratia D. Schroeder, as Trustee of the Gratia D. Schroeder Trust dated**  
**March 21,2002**  
**REZONING FROM CG TO CI**

Gratia D. Schroeder, Trustee is applying to amend the zoning atlas from Commercial General (CG) to Commercial Intensive (CI). The subject property is approximately three quarters of an acre located on S.R, 776, at the southeast corner of the intersection with East Bay Heights Avenue. It has a land use designation of Commercial on the FLUM.

The property is currently developed as a commercial development capable of housing several tenants. Ms. Schroeder currently operates her business, Short Stop Printing, out of the building and other rental space is currently vacant. Several tenants have shown an interest in renting the space for commercial intensive uses, including a moped rental business.

The site is completely developed and has no environmental issues or species on site. In addition, as indicated in the attached email from the traffic engineer and trip generation tables, impacts to traffic as a result of the amendment will be minimal, if any. There are no known archeological or historical objects on site.

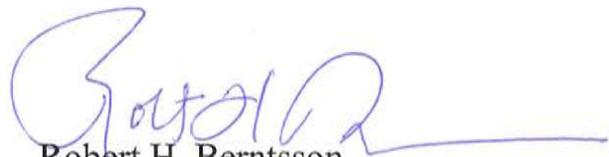
This application meets the criteria for rezoning as follows:

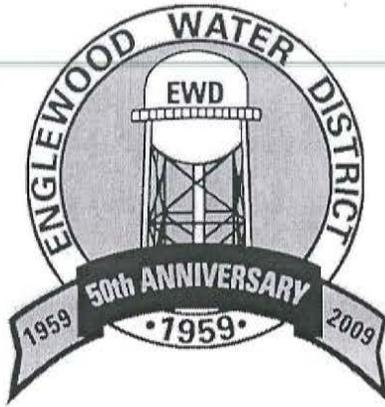
- A. The proposed change would not be contrary to the Comprehensive Plan. CI zoning is consistent with the Commercial land use designation.
- B. The application is consistent with existing land use patterns of adjacent areas; commercial uses to the north, south and east of the subject property, with multi-family development across S.R. 776 to the west oriented to face Lemon Bay further to the west.
- C. The population density pattern and load on public facilities such as schools, utilities and streets, would not likely be affected.
- D. Changed conditions make the passage of the proposed amendment appropriate. Since the adoption of the zoning code, many uses have developed which were not contemplated, and the current code does not recognize these minimal impact uses as CG uses, such as a moped rental

facility, which are popular in beach/tourist destinations. CI zoning will allow for more flexibility for potential tenants, with safeguards under the code to ensure compatibility.

- E. The proposed change will not adversely influence living conditions or property values in the adjacent area. The contiguous uses are all commercial. Even properties to the northeast of the subject property which are currently used for residential purposes, have an underlying Commercial land use designation.
- F. The proposed change shall have no negative effect on public safety.
- G. The proposed change will not reduce light and air to adjacent areas.
- H. While the property can be used in accordance with existing zoning, the existing zoning limits the potential tenant base for the property. The property has been developed with a large paved parking area, that would be suitable for outdoor storage of mopeds and other rental vehicles.

Based on the foregoing, it is respectfully requested that the property be rezoned to Commercial Intensive. Respectfully submitted, this 14<sup>th</sup> day of February.

  
Robert H. Berntsson



**Board of Supervisors**  
Taylor Meals, Chair  
Sydney B. Crampton, Vice-Chair  
Steve Samuels  
Phyllis Wright  
Eric Fogo  
  
Michael J. Ray  
Administrator

SENT VIA E-MAIL 01/03/13

January 3, 2013

Mr. Robert H. Berntsson, Esq.  
Berntsson, Ittersagen, Gunderson & Wideikis, LLP  
18401 Murdock Circle, Suite C  
Port Charlotte, Florida 33948

SUBJECT: 1101 S. McCall Road

Issued: 01/03/13

Expiration: 01/13/16

Dear Mr. Berntsson:

Please be advised that the Englewood Water District hereinafter called "District" as a political subdivision and body corporate has the authority and duty to serve properties located within the District.

Based on the information supplied, the above property is within the District boundaries. Our records indicate that this property is a current water and sewer customer of the District. Further, the District has capacity to adequately serve this property with water and sewer.

Sincerely,

A handwritten signature in cursive script that reads "Robin Sofa".

Robin Sofa  
Project Coordinator

/rs

cc: Jay Linden, Tech/Operation Support Department Manager  
Susan Franklin, Customer Service Manager

## Englewood Water District

201 Selma Avenue  
Englewood, FL 34223

Phone: 941-474-3217  
Toll Free: 1-866-460-1080  
Fax: 941-460-1025  
Email: info@englewoodwater.com  
Website: englewoodwater.com