

Application No.
Z-13-03-04
(Rezoning)

Applicant
James Harrower /
Insane Customs, LLC

Quasi-Judicial

Commission Dist. II



Community Development

CHARLOTTE COUNTY

Location Map for Z-13-03-04



34/41/23 South County

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Community
Development

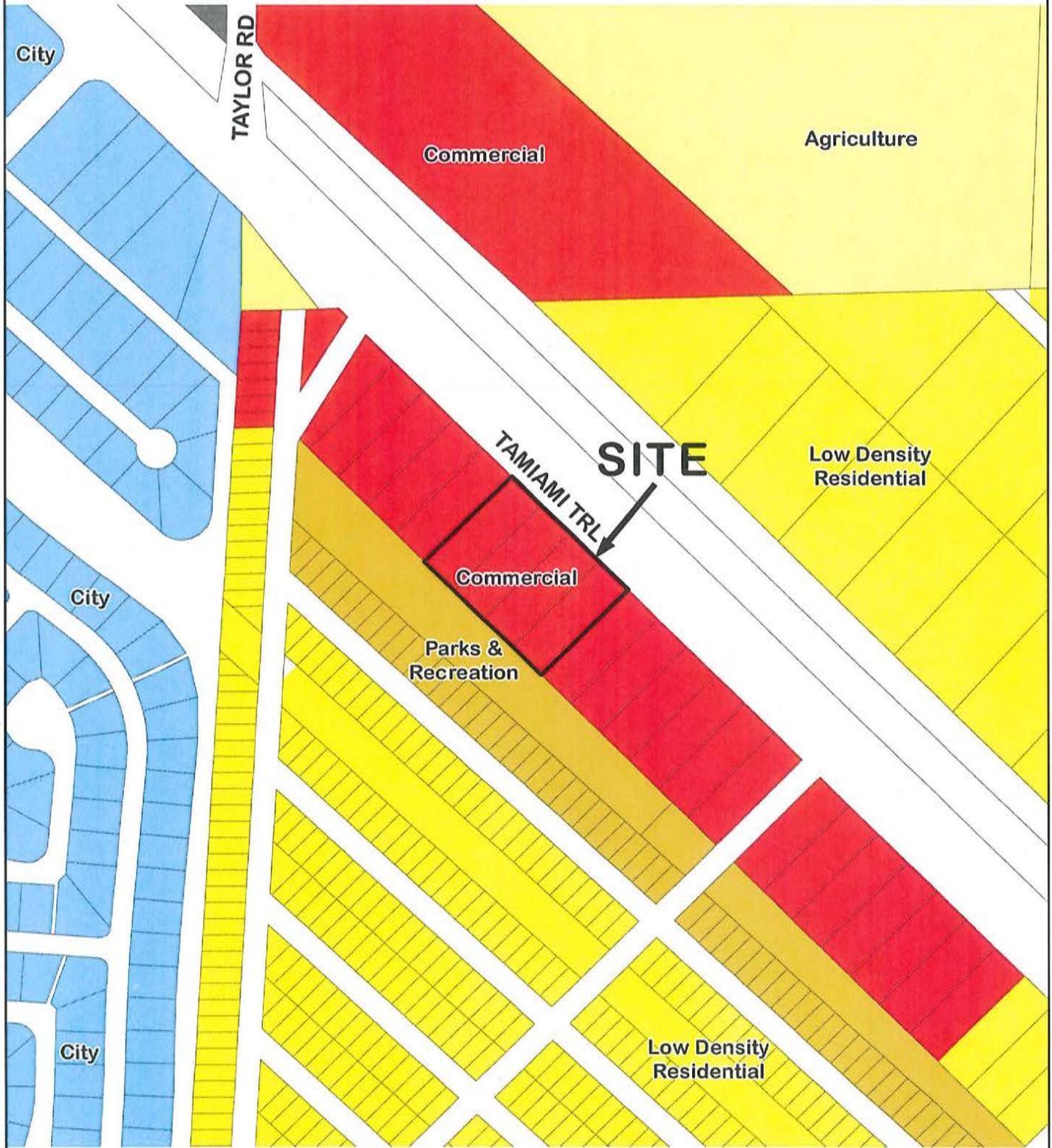
CHARLOTTE COUNTY

FLUM Map for Z-13-03-04

Charlotte County Government

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34/41/23 South County

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Community Development

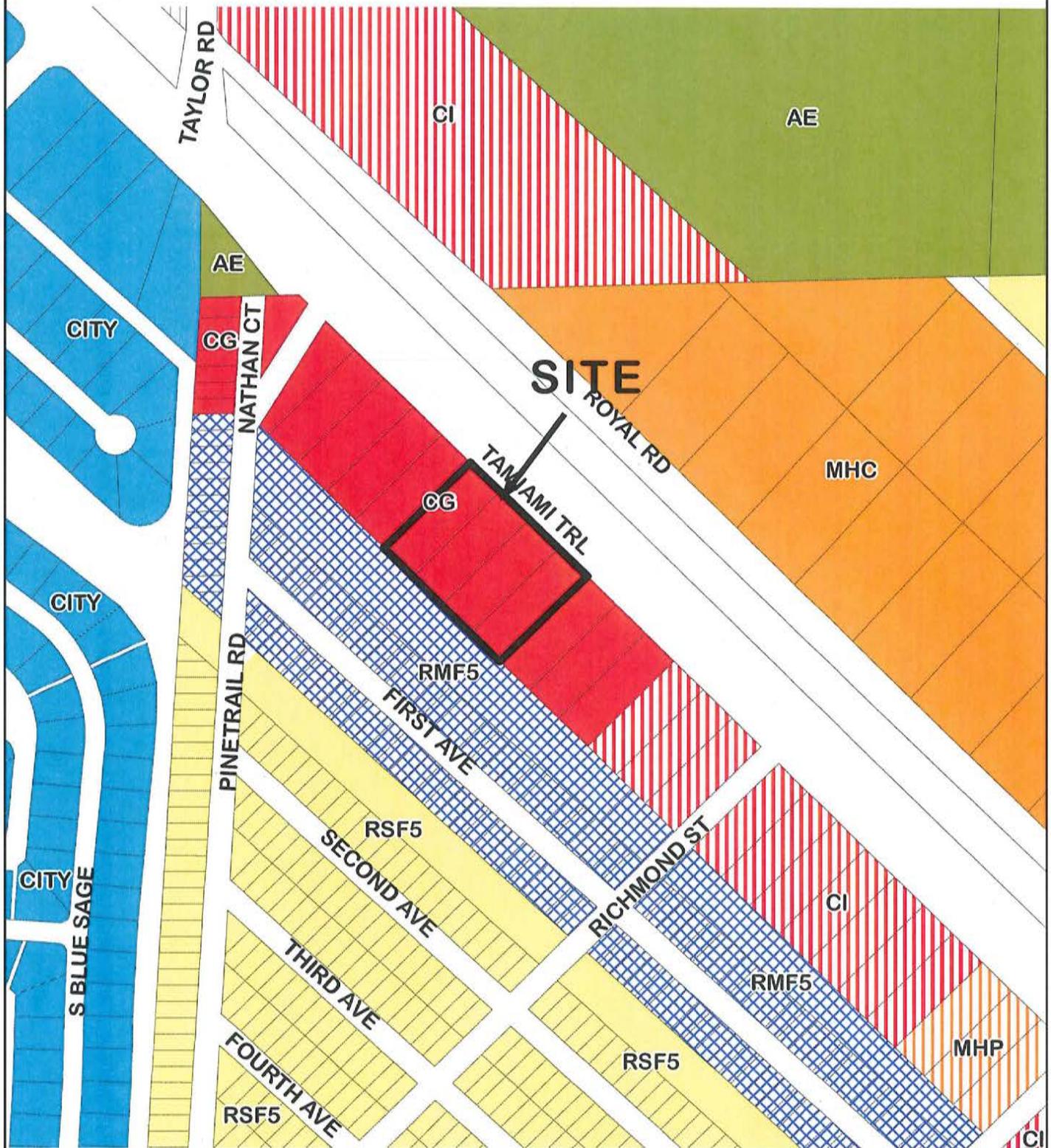
CHARLOTTE COUNTY

Zoning Map for Z-13-03-04

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34/41/23 South County

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Community Development Department Staff Report for Z-13-03-04

DATE: April 19, 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)

PART I

Applicant(s): Jim Harrower / Insane Customs LLC
3017 Cooper Street
Punta Gorda, FL 33950

Owner(s): Same as applicant

**General Location
and Acreage:**

The subject property is located at 11069, 11079, 11089, and 11079 Tamiami Trail (U.S. 41), in the Punta Gorda area. The site contains a total of 2.25± acres.

Account Number(s): 412334106004 & 412334106005

Analysis:

The petitioner, Mr. Harrower, is requesting a rezoning from Commercial General (CG) to Commercial Intensive (CI). The site consists of four platted lots totaling 2.25 acres located on U.S. 41, in the south Punta Gorda area. The purpose of this change is to allow for commercial intensive uses and to rectify the existing illegal non-conforming uses on the subject site.

History of this Petition

The County has an active code violation case (COD-12-02753) against the applicant's company, Insane Customs, LLC, which operates prohibited uses on the subject property. The hearing was originally scheduled on April 3, 2012. All existing uses on the subject property are permitted under the proposed CI zoning but not under the current CG zoning. Because the applicant filed a rezoning application on March 4, 2013, the violation case has been put on hold until the rezoning public hearings are completed.

Staff has had one meeting and a few phone calls with the applicant to discuss his violation case. Although the applicant filed a rezoning petition, he was advised that does not automatically resolve his violation Case. In order to rectify the violations on the subject site, there are more steps that need to be taken by the applicant than this rezoning. If the Board of County Commissioners approves this rezoning application, then the applicant must submit a site plan review application that meets the County Land Development Regulations such as landscaping, parking and stormwater requirements, and go through the appropriate permitting process.

Compatibility and Impacts on the Adjacent Land Uses

The subject property is located on the west side of U.S. 41, in the South County area. To the north, there are vacant lands designated for commercial development. Further to the north, there are residential structures. To the south, there are vacant commercial parcels. Further to the south, there is an auto repair business, and the property is zoned CI. The County-owned South Punta Gorda Park is located directly to the west of the site. Further to the west, there are vacant platted residential lots and scattered single-family homes. The County-owned park will provide the necessary distance buffer between the proposed commercial intensive uses and the existing single-family homes and potential residential homes. To the east, across U.S. 41, there are mobile homes. Further to the northwest, there is a strip of vacant land zoned CI. This area is a mix of commercial general and commercial intensive uses and it is the staff's opinion that and the proposed uses will not create additional negative impact on this area.

Consistency with the Smart Charlotte 2050 Comprehensive Plan

The subject property is designated Commercial on the 2030 Future Land Use map. The proposed Commercial Intensive zoning is consistent with this land use designation.

Spot Zoning Discussion

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

- Other CI zoning exists in the immediate vicinity.
- The proposed change is consistent with the existing Future Land Use designation of Commercial and the Smart Charlotte 2050 Comprehensive Plan
- The proposed commercial intensive use is compatible with the surrounding existing commercial intensive uses.

Concurrency issues

- Water and Sewer: The commercial intensive use should lead to an equal or lesser use of utilities than a commercial general use. Charlotte County utilities (CCU) retains enough capacity to provide water and sewer services to the proposed commercial general and commercial intensive uses. However, the site is currently served by on-site well and septic systems.
- Traffic: U.S. 41 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-13-03-04 based on the findings and analysis in the Comprehensive Planning Division staff report dated April 19, 2013 and any evidence presented at the public hearing on the application.”

Conclusion:

Staff recommends approval of this rezoning to CI. It is not inconsistent with any goals, objectives, and policies of Smart Charlotte 2050 Comprehensive Plan 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-13-03-04 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated April 19, 2013 and the evidence presented at the public hearing on the application.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Economic Corridor
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The site contains a structure and the rest is vacant.
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>General Range of Uses These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities.</p> <p>Community: 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>Locational Standards: These developments shall be located adjacent to and with access provided by arterial or collector roadways.</p>

	<p>Residential Support: up to 40,000 persons Size: Three to 30 acres Maximum Intensity: 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"> • Minimum lot size is 12,000 square feet. • Minimum lot width is 100 feet. • Maximum structure height is 60 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 20 feet (Abutting a road). ○ Rear setback is 10 feet (Abutting a lot).

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A
Zoning	Development Standard
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"> • Minimum lot size is 12,000 square feet. • Minimum lot width is 100 feet. • Maximum lot coverage is 50%. • Maximum structure height is 60 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet; ○ Side setback is 20 feet (Abutting a road); ○ Rear setback is 10 feet (Abutting a lot).

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	Vacant lands designated for commercial uses Trail Apts	Commercial (COM)	Commercial General (CG)
East	U.S. 41 Mobile homes	Low Density Residential (LDR)	Mobile Home Conventional (MHC)
South	Single-family home Auto sales and repair business	Commercial (COM)	Commercial General (CG) Commercial Intensive (CI)
West	South Punta Gorda Heights Park Vacant lands designated for residential development	Low Density Residential (LDR)	Residential Multi-family 5(RMF-5)

Table 3

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

The proposed commercial intensive uses involve no residential density. Based on 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 49,005 square feet of commercial general or commercial intensive 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

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:** Per the environmental assessment dated February 8, 2013 by Dorothea Zysko with The Ecology Group, no significant environmental resources were identified on the site and no environmental permitting is required at this time.
- 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 D, an area in which flood hazards are undetermined, but possible.
- e. Storm Surge Evacuation Zone:** The site is located within Evacuation Zone D.
- f. Coastal High Hazard Area?** No
- g. Could the proposed changes impact evacuation times?** No

15. Facilities and Services

- a. Nearest Park:** N/A
- b. Nearest Police Station:**
Name: District 3
Address: 7474 Utilities Road, Punta Gorda
Distance: approximately 5.5 miles to the northeast of the subject site
- c. Nearest Fire/EMS Station:**
Name: Charlotte County Station No. 5
Address: 26287 Notre Dame Boulevard, Punta Gorda
Response Time: Approximate response time is 4-6 minutes
- d. Nearest Library:** N/A
- e. Nearest Hospital:**
Name: Charlotte Regional Medical Center
Address: 809 East Marion Avenue, Punta Gorda
Distance: approximately 6.2 miles to the northwest 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)

Permitted Facility Capacity	Current Facility Usage	225 gallons per ERU per day	
		Proposed Land Use estimated water needs	
500,000	385,000	520 (commercial intensive uses)	2,450 (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 49,005 square feet of commercial general uses. The estimated water usage would be 520 gallons per day for commercial intensive uses and 2,450 gallons per day for commercial general uses. The subject site is located within the Charlotte County Utilities (CCU) water service area, and CCU retains enough capacity to serve the proposed commercial development. However, CCU currently does not provide any water service to the subject property, there is an on-site well system.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:* Charlotte County Utilities (CCU)

Permitted Facility Capacity	Current Facility Usage	190 gallons per ERU per day	
		Proposed Land Use estimated sewer needs	
6,000,000	4,100,000	442 (commercial intensive uses)	2,083 (commercial general uses)

Table 5

2. *Analysis:* If the Board approves this unified petition, it will allow the property owner to have a maximum of 49,005 square feet of commercial general uses. The estimated sewer generation would be 442 gallons per day for commercial intensive uses and 2,083 gallons per day for commercial general uses. The subject site is located within the Charlotte County Utilities (CCU) sanity sewer service area, and CCU retains enough capacity to serve the proposed commercial development. However, CCU currently does not provide any sanitary sewer service to the subject property, there is an on-site septic system.

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 2030. 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?** On March 26, 2013, the rezoning application was email to the City of Punta Gorda Urban Planning Department for review and comments.

19. **Has a public hearing been held on this property within the last year?** No. However, the County has an active code violation case (COD-12-02753) against the applicant's company, Insane Customs, LLC, which operates prohibited uses on the subject property. The hearing was originally scheduled on April 3, 2012. Because the applicant filed a rezoning application on March 4, 2013, the violation case has been put on hold until the rezoning public hearings are completed.

20. 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:

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 property is designated as Commercial on the 2030 Future Land Use map. The proposed rezoning to Commercial Intensive (CI) is not be contrary to any of the goals, objectives, and policies the Comprehensive Plan.

b. The existing land use pattern in adjacent areas:

Finding: The subject property is located on the west side of U.S. 41, in the South County area. To the north, there are vacant lands designated for commercial development. Further to the north, there are residential structures. To the south, there are vacant commercial parcels. Further to the south, there is an auto repair business, and the property is zoned CI. The County-owned, South Punta Gorda Park is located directly to the west of the site. Further to the west, there are vacant platted residential lots and scattered single-family homes. To the east, across U.S. 41, there are mobile homes. Further to the northwest, there is a strip of vacant land zoned CI.

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 an auto sales and repair business, and these intensive uses typically generate less traffic and less demand on utilities than commercial general uses. Although the subject site is located within the Charlotte County Utilities (CCU) service area, and CCU retains enough capacity to serve

the proposed commercial development, the site is currently serviced by a well and an on-site septic system. Furthermore, the proposed commercial intensive uses would potentially decrease the automobile trip generation of the site. In addition, U.S. 41 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 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 south 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, public safety should not be affected by this proposed change.

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 must 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, and a type C buffer would be required along the property boundary adjacent to properties zoned RMF-5. 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 zoning.

Application for Rezoning
Petition Number: Z -13-03-04

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

FROM: Venkat Vattikuti

DATE: April 12, 2013

REQUESTED ACTION:

APPLICANT: James Harrower, 3017 Cooper Street, Punta Gorda, FL 33950

OWNER: James Harrower, 3017 Cooper Street, Punta Gorda, FL 33950

GENERAL LOCATION: 11069 to 99 Tamiami Trail, Punta Gorda, FL 33950

ACCOUNT NUMBER: 412334106004 and 412334106005 in Section 34, Township 41 and Range 23, with a total approximate area of 2.95 acres.

1 **ANALYSIS:** From the transportation perspective, the review of the proposed re-
2 zoning request¹ 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 2013 (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

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



MEMORANDUM

Date: April 11, 2013
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: Z-13-03-04
Insane Customs, LLC
11069, 11079, 11089 & 11099 Tamiami Trail

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) in order to bring the current use of the subject property into compliance.
- Per the environmental assessment dated February 27, 2013 by Dorothea Zysko with The Ecology Group, no environmental issues were identified on the site and no environmental permitting is required at this time.
- The property is adjacent to a county park known as South Punta Gorda Heights Park.**

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.

GROWTH MANAGEMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598

- 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 XVI, *OPEN SPACE / HABITAT RESERVATION TRUST*,
Article XVIII, *LANDSCAPING AND BUFFERS*

- **Charlotte County Smart Charlotte 2050 Comprehensive Plan, *NATURAL RESOURCES (ENV) – GOALS, OBJECTIVES AND POLICIES*, ENV Policy 2.2.3, Developments Adjacent to Preserved Lands has NOT been met.

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: 3/4/2013	Time Received: 10:30 am
Date of Log-in: 3/6/2013	Petition #: 2-13-03-04
Receipt #: 106879	Accela #: R7-13-00003
	Amount Paid: \$ 2,490.00

1. PARTIES TO THE APPLICATION

Name of Applicant: James Harrower

Mailing Address: 3017 Cooper St Punta Gorda

City: Punta Gorda **State:** FL **Zip Code:** 33950

Phone Number: 941 639 0010 **Fax Number:**

Email Address: Jim@InsaneCustoms.net

Name of Agent: Richard (Dick) Rottke

Mailing Address: 744 S Blue Sage

City: Punta Gorda **State:** FL **Zip Code:** 33955-1111

Phone Number: 941 421 8643 **Fax Number:** N/A

Email Address: dickandpattice@comcast.net

Name of Engineer/Surveyor: All Service Land Surveying, Inc.

Mailing Address:

City: Port Charlotte **State:** FL **Zip Code:** 33

Phone Number: 941 629 6801 **Fax Number:** 941 627 5168

Email Address:

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

Jim Harrower Insane Customs LLC

Mailing Address: 3017 Cooper St

City: Punta Gorda **State:** FL **Zip Code:** 33950

Phone Number: 941 639 0010 **Fax Number:**

Email Address:

11069 / 79 / 89 / 99
 TORIANI TRC

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 412334106004 - 412334106005

Section: <u>34 68788B7B</u>	Township: <u>41</u>	Range: <u>23</u>
Parcel/Lot #: <u>412334106005</u>	Block #:	Subdivision: <u>South Park Corridor</u>

Total acreage or square feet of the property: 2.25 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
<u>Commercial</u>	<u>2.25</u>
Zoning District(s)	Acreage
<u>C6</u>	<u>2.25</u>

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: C1

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?

9. REASON FOR PROPOSED CHANGE(S):

Car Sales

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

Car Rental

11. SURROUNDING LAND USES:

North: CI / CG

South: CI

East: CI / CG

West: CI / CG

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):

US 41



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 **NO**
- B. The existing land use pattern in adjacent areas **Same**
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets **NO**
- D. Whether changed conditions make the passage of the proposed amendment appropriate **Yes**
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas **NO**
- F. Whether the proposed change will affect public safety **NO**
- G. Whether the proposed change will reduce light and air to adjacent areas **NO**
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning **NO**

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

FORM B. APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the REZONING of the property described and which is the subject matter of the proposed hearing.

I give authorization for Jim Harrower  to be my agent for this application.
Pick Rettke 

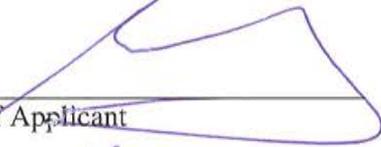
STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 19th day of FEBRUARY, 2013, by

who is personally known to me or has/have produced

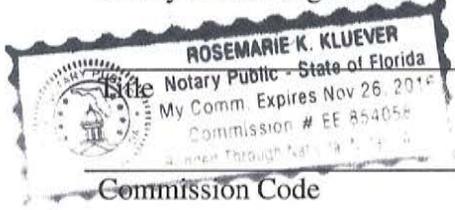
as identification and who did/did not take an oath.

Rosemarie K. Kluever
Notary Public Signature


Signature of Applicant

ROSEMARIE K. KLUEVER
Notary Printed Signature

Jim Harrower
Printed Signature of Applicant



Commission Code

Address

City, State, Zip

Telephone Number

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.

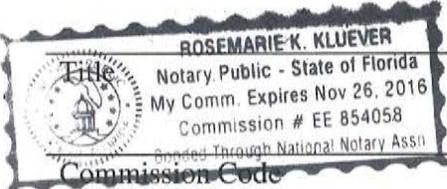
STATE OF FLA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 15TH day of FEBRUARY, 2012, by who is personally known to me or has/have produced

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

Rosemarie K. Kluever | [Signature]
Notary Public Signature | Signature of Applicant or Agent

ROSEMARIE K. KLUEVER | Jim Harrow
Notary Printed Signature | Printed Signature of Applicant or Agent



Address

City, State, Zip

Telephone Number

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for James Harrower to be the applicant for this REZONING.

STATE OF FLA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 15th 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.

Rosemarie K. Kluever
Notary Public Signature

[Signature]
Signature of Owner

ROSEMARIE K. KLUEVER
Notary Printed Signature

Jim Harrower
Printed Signature of Owner

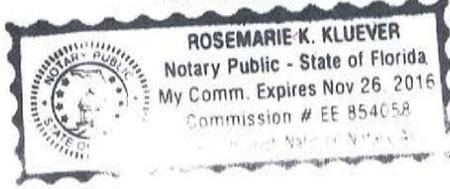


ROSEMARIE K. KLUEVER
Notary Public - State of Florida
My Comm. Expires Nov 26 2016
Commission # EE 854058
Bonds #

Address

Commission Code

City, State, Zip



ROSEMARIE K. KLUEVER
Notary Public - State of Florida
My Comm. Expires Nov 26 2016
Commission # EE 854058
Bonds #

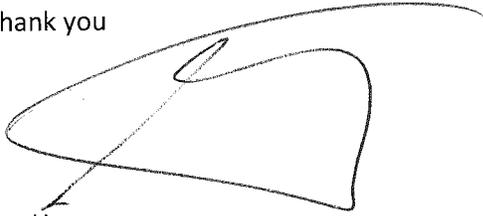
Telephone Number

Jim Harrower
Insane Customs LLC
11069 Tamiami Trl

The impact of cars expected on our property should be around 10 cars per day.

When built originally as a Dairy Queen it was around 200 cars a day.

Thank you

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by 'Harrower'.

Jim Harrower

Insane Customs LLc and Jim Harrower

SMALL-SCALE PLAN AMENDMENT AND REZONING NARRATIVE

This is an application for a Small-Scale Future Land Use Map change from Low Density

Commercial General (CG) to Commercial Intensive and a rezoning from Commercial General for lot 6b, 7b, 8b, 9b to Commercial Intensive (CI). The subject property adjoins Commercial Corridor designated and Commercial Intensive zoned property on the corner of Pine Trail and U.S. 41 is high way Commercial

The change from Commercial General to Commercial Intensive is consistent with the Comprehensive Land Use Plan Smart Choice, and furthers Policies and objectives within that plan. This Change will strengthen and direct development toward existing communities in furtherance of FLU Policy 1.1.1. The property is in the Urban Service Area. This change will promote infill development in furtherance of FLU policy 1.2.3. These changes will also further FLU Objective 1.4 by protecting private property rights. This change will further FLU Policy 4.1.2 by reducing platted residential lands, and facilitates the reassembly of lots. Granting this request furthers FLU Policy 4.1.5 by helping to ensure adequate commercial support services are proximate to predominantly residential neighborhoods. Approval of this application will further FLU Objective 5.5 by supporting business creation and further economic development opportunities.

This is also an application for rezoning the property after a Small-Scale Plan Amendment is approved from the existing Commercial General to Commercial Intensive. This application meets the standards of approval as follows:

A. WHETHER THE PROPOSED CHANGE WOULD BE CONTRARY TO THE COMPREHENSIVE PLAN.

As presented above, this change would be consistent with the Comprehensive Land Use Plan, and furthers important Policies and Objectives within Smart 2050.

B. THE EXISTING LAND USE PATTERN IN ADJACENT AREAS.

THE subject property is in a mainly commercial intensive and highway commercial areas. PROPERTY'S south are commercial intensive. THERE has been a business at this property for years, property owners adjacent are use to the uses, and the rezoning will not constitute any new activities.

C. THE POPULATION DENSITY PATTERN AND POSSIBLE INCREASED LOAN ON PUBLIC FACILITES SUCH AS SCHOOLS UTILITIES AND STREETS.

Changing the Land Use Designation and Zoning from Low Density Commercial General to Commercial Intensive will have no affect on schools and public facilities. The streets are U.S. 41 and Pine Trail near U.S. 41, are adequate for the proposed use.

D. WHETHER CHANGED CONDITONS MAKE THE PASSAGE OF THE PROPOSED AMENDMENT APPROPRIATE.

The Commercial General Lots have remained vacant for many years. Our economic downturn and sputtering recovery further indicate that the property is better serving and an expansion of existing business. The depressed commercial market and the opportunity to expand an existing business amounts to a change of circumstance from when the Zoning and Comp Plan designations were initially implemented.

- E. WHETHER THE PROPERTY CHANGE WILL ADVERSELY INFLUENCE LIVING CONDITIONS OR PROPERTY VALUES IN ADJACENT AREAS.

The proposed change will not adversely influence living conditions or property values. Area Residents are already accustomed to commercial use at or about this location

- F. WHETHER THE PROPOSED CHANGE WILL AFFECT PUBLIC SAFETY.

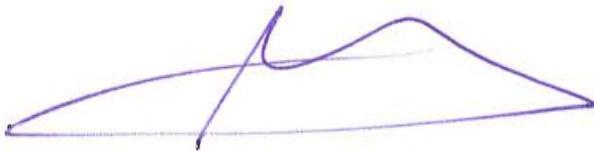
This proposed change should have no effect upon public safety.

- 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.

There are substantial reasons why the property should be Commercial Intensive in order for the property owner to expand an existing business and produce more jobs.

A handwritten signature in blue ink, consisting of a series of connected loops and lines, positioned at the bottom left of the page.



ENVIRONMENTAL SITE EVALUATION

**PID# 412334106005 (11079 Tamiami Trail)
& PID #412334106004 (11069 Tamiami Trail)
Punta Gorda, FL**

February 27, 2013

Prepared for:

Mr. James Harrower
11079 Tamiami Trail
Punta Gorda, FL 33955

Prepared by:

A handwritten signature in black ink that reads "Dorothea P. Zysko". The signature is written in a cursive style and is positioned above a horizontal line.

Dorothea P. Zysko, C.E., PWS
The Ecology Group, Inc.
P. O. Box 512856
Punta Gorda, FL 33951-2856



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Fax: 941.639.1297
Cell: 941.416.1187

ENVIRONMENTAL EVALUATION
PID# 412334106005 (11079 Tamiami Trail)
& PID #412334106004 (11069 Tamiami Trail)
Punta Gorda, FL

INTRODUCTION

A site visit was conducted in afternoon on Wednesday, February 27, 2013, to perform an environmental evaluation of the subject parcels owned by James Harrower and his company, Insane Customs, LLC, located in Punta Gorda in Section 34, T41S, Range 23E. For convenience in preparing this report the northern parcel is referred to as Parcel 1 and the southern parcel as Parcel 2. Parcel 1 is approximately 29,993.2 sq. ft or 0.69 acres. Parcel 2, comprised of 3 lots-7B, 8B, & 9B, is approximately 89,979.5 sq. ft. or 2.06 acres. The two parcels total approximately 119,992.7 sq. ft. or 2.75 acres. The general location of the parcels is shown on Exhibit 1, Location Map. The parcels are currently zoned Commercial General. The owner is requesting a rezoning of the parcels to Commercial Intensive.

This environmental evaluation included reviewing the site for the presence of wetlands and protected species including gopher tortoises, scrub jays and bald eagles, and preparing a habitat/vegetation (FLUCCS) map. Parcel 2 was surveyed by pedestrian transects at 50 ft. intervals.

SITE EVALUATION

Field Conditions

Sunny, clear, no wind, 78°.

Vegetation and Land Use

Parcel 1 is currently developed as a used RV/automobile sales business with two buildings and shell parking lot. Parcel 2 is currently undeveloped, but a portion is used for additional parking for the business on Parcel 1. The combined parcels are bounded on the east by Tamiami Trail, on the south by a commercially developed parcel, on the north by vacant land, and on the west by South Punta Gorda Heights Park.

The existing land use and vegetation on the parcels were classified according to the Florida Land Use, Cover and Forms Classification System (FLUCCS) (DOT, 1999). Parcel 1 is classified as Retail Sales & Services (FLUCCS 141). Parcel 2 is classified as Rural Land (FLUCCS 741) and Retail Sales & Services (FLUCCS 141).

See Exhibit 2, a 2012 Charlotte County GIS color aerial photograph of the parcel, with the approximate boundaries of the Florida Land Use Cover and Forms Classification System (FLUCCS) codes noted. See Exhibit 4 for photographs of the parcels.



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FLUCCS 141 – Retail Sales & Services

A commercial RV and Automobile Sales and Service business is present on Parcel 1 with two buildings and a shell parking lot. No natural vegetation remains. A small portion of Parcel 2 has been cleared and filled with shell to serve as additional parking for the business on Parcel 1.

FLUCCS 741 – Rural Land

This parcel has been cleared and appears to be maintained. A portion of the parcel is used for grass parking for the business on Parcel 1.

Based on the natural vegetation that is present in the ground cover, this parcel likely was a pine flatwoods prior to clearing. The majority of the trees on the parcel have been cut down. However, some trees remain in the southwest corner and along the southern boundary and include Brazilian pepper (*Schinus terebinthifolius*), oak (*Quercus* sp.), cabbage palm (*Sabal palmetto*), and wax myrtle (*Myrica cerifera*). Species were observed in the ground cover or shrub layer include a few small cabbage palms (*Sabal palmetto*) with no clear trunk, broom sedge (*Andropogon* sp.), grape vine (*Vitis* sp.), small saw palmetto (*Serenoa repens*), and small oaks along with a myriad of sedges, grasses and herbs. These include rabbit tobacco, Spanish needle, tickseed, love grass, sorrel, yellow-eyed grass, pawpaw, gopher apple, runner oak, catbrier, tasselflower, Caesarweed, grape vine, and grass-leaved ladies tresses among others.

Wetlands

After reviewing the site, aerial photography and soils information, no state or federal jurisdictional wetlands were determined to be present on either parcel.

Soils

The parcels were mapped by the Natural Resources Conservation Service (NRCS) as Oldsmar sand (33), a non-hydric soil and Smyrna fine sand (43), also non-hydric. See Exhibit 3. No soil plugs were taken during this evaluation to verify soil mapping. A soil description of each soil paraphrased from the NRCS Soil Survey is provided below.

Oldsmar sand (33)

This is a nearly level, poorly drained soil on low, broad flatwoods areas. The surface layer is black sand about 3 inches thick, the subsurface is gray and light gray sand about 39 inches thick. The upper part of the subsoil is very dark gray sand about 5 inches thick.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for more than 6 months. It recedes to a depth of more than 40 inches during extended dry periods.



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Permeability is rapid in the surface and subsurface layers, moderate in the upper part of the subsoil, and slow or very slow in the lower part of the subsoil.

Natural vegetation consists of saw palmetto, slash pine, pineland threeawn and meadowbeauty.

Smyrna fine sand (43)

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth to slightly concave and range from 0 to 2 percent. Typically, the surface layer is black fine sand about 4 inches thick. The subsurface layer is light gray fine sand about 9 inches thick. The upper 2 inches is very dark grayish brown, the next 3 inches is dark brown, and the lower 4 inches is mixed dark brown and brown. Extending to a depth of 80 inches or more is mottled light gray, pale brown, and white fine sand.

In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months. It is at a depth 10 to 40 inches for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods.

Natural vegetation consists of saw palmetto, South Florida slash pine, wax myrtle, inkberry, dwarf huckleberry, and pineland threeawn.

Protected Species and Wildlife

A limited protected species survey was conducted on the parcel at the time of the environmental evaluation. Pedestrian transects across the parcel to survey for wildlife.

No protected species or evidence of any species was observed.

Wildlife

During the site review, no wildlife was observed although a few birds were heard singing.

Gopher Tortoise

Suitable gopher tortoise habitat is present on the parcel. However, no gopher tortoises or burrows were observed during the site review.

Bald Eagle

The Florida Fish and Wildlife Conservation Commission Bald Eagle database was reviewed for identification of eagle nests within 2 miles of the parcel.

Three nests were identified with the closest, CH045, located approximately 1.27 miles to the west of the parcel. This nest was last reported active in 2010. The next closest nest is CH059 located 1.76 miles to the southwest and last reported active in 2010. The third nest, CH064, is located 1.82 to the south southwest and also was last reported active in 2010. These distances are great enough that there are no restrictions on development of the property relative to bald eagles as of the date of this report.



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Florida Scrub Jay

A territory search of the two parcels was conducted on the Charlotte County website for the Florida Scrub Jay. The results indicate that the neither parcel is located within any identified scrub jay territory and no jays were observed on the parcels during the site review.

CONCLUSIONS

No environmental issues were identified on the parcel and no state or federal environmental permitting is required at this time.

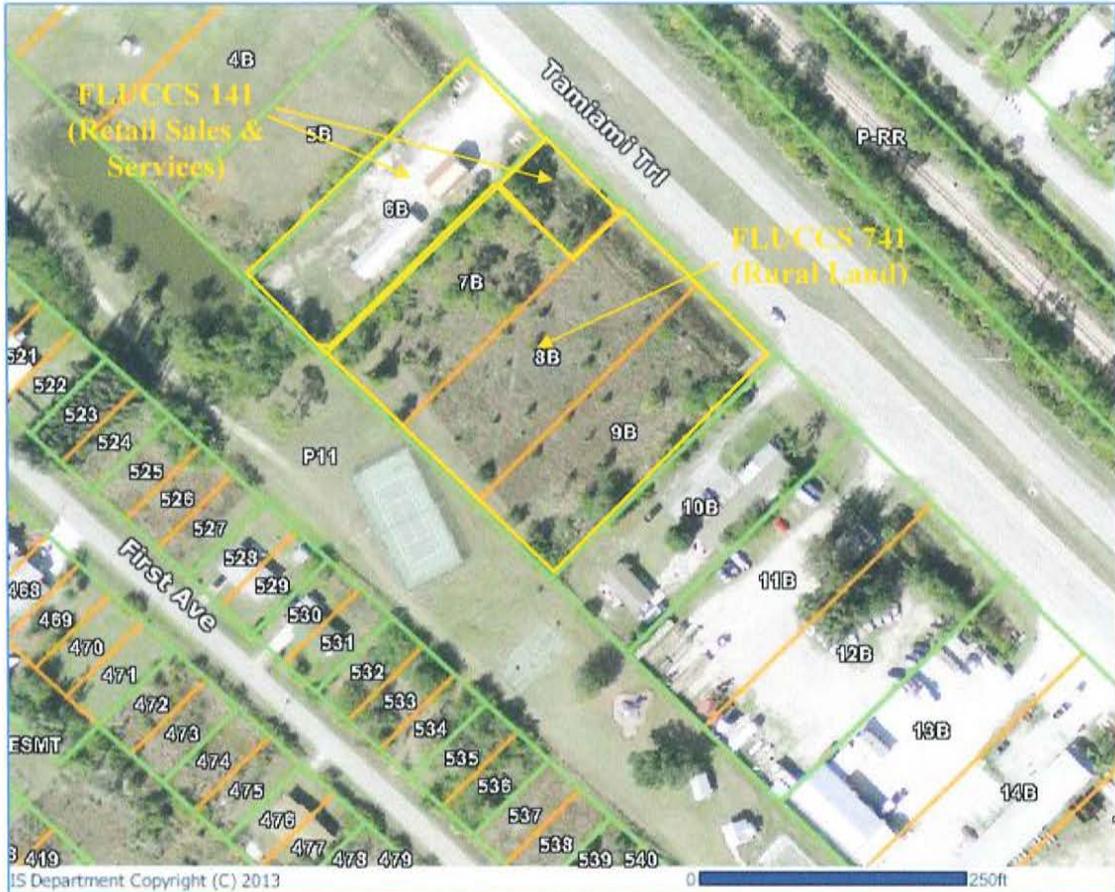
EXHIBIT 1. PARCEL LOCATION MAP





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EXHIBIT 2. FLUCCS MAP (Approximate Boundaries)





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EXHIBIT 3. NRCS SOILS MAP



Source: Mapwise



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EXHIBIT 4. PHOTOGRAPHS OF PARCELS



Above. Photograph of business located on Parcel 1 (FLUCCS 141).
Below. Taken from SE corner of Parcel 2 looking west (FLUCCS 741).





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Above. Taken from southern boundary looking east to grass parking area on Parcel 2.
Below. Taken from southwest corner looking toward commercial development on Parcel 1.
Vegetation is typical of most of Parcel 2.





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Above. Rear portion of Parcel 1 looking west.
Below. Taken from northwest corner of Parcel 2 looking southeast.

