

Application No.
Z-13-05-09
(Rezoning)

Applicant
DeFilippis Land Holdings of Florida,
LLC /
RSF-3.5 to OMI, Cochrane Blvd.

Quasi-Judicial

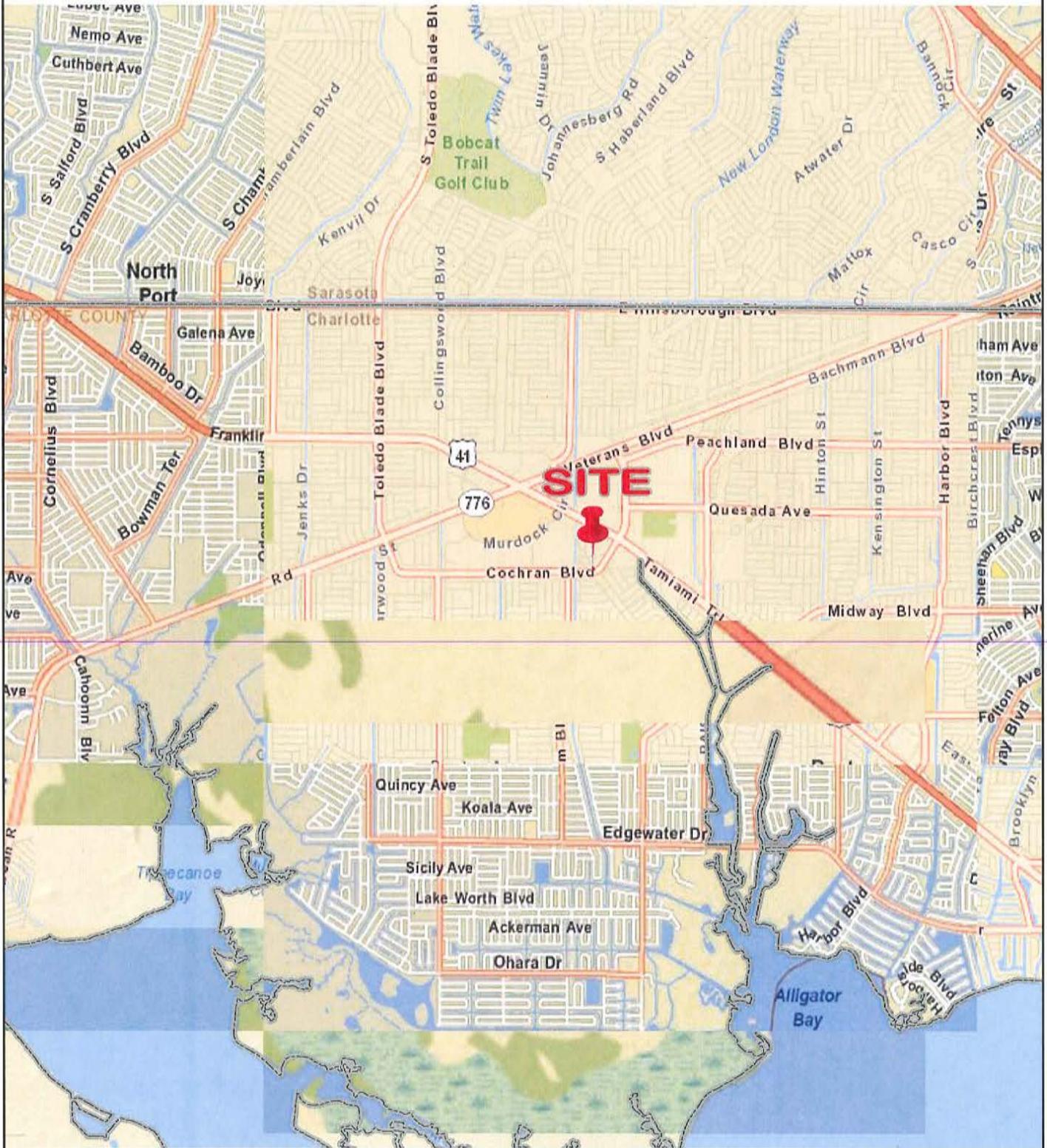
Commission Dist. IV



Community Development

CHARLOTTE COUNTY

Location Map for Z-13-05-09



08/40/22 Mid County

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Community Development

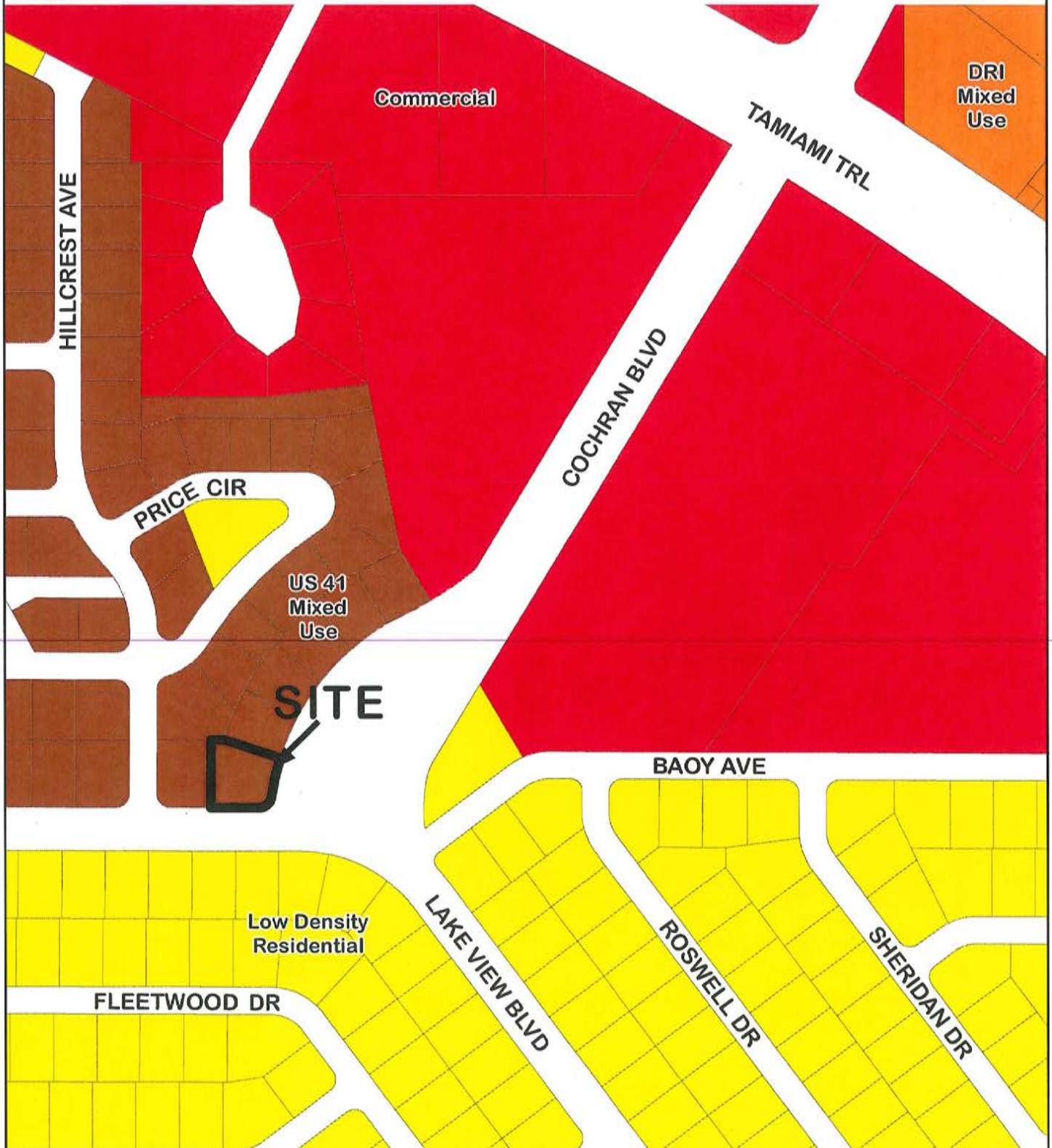
CHARLOTTE COUNTY

FLUM Map for Z-13-05-09

Charlotte County Government

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

www.CharlotteCountyFL.com



08/40/22 Mid County

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Community Development

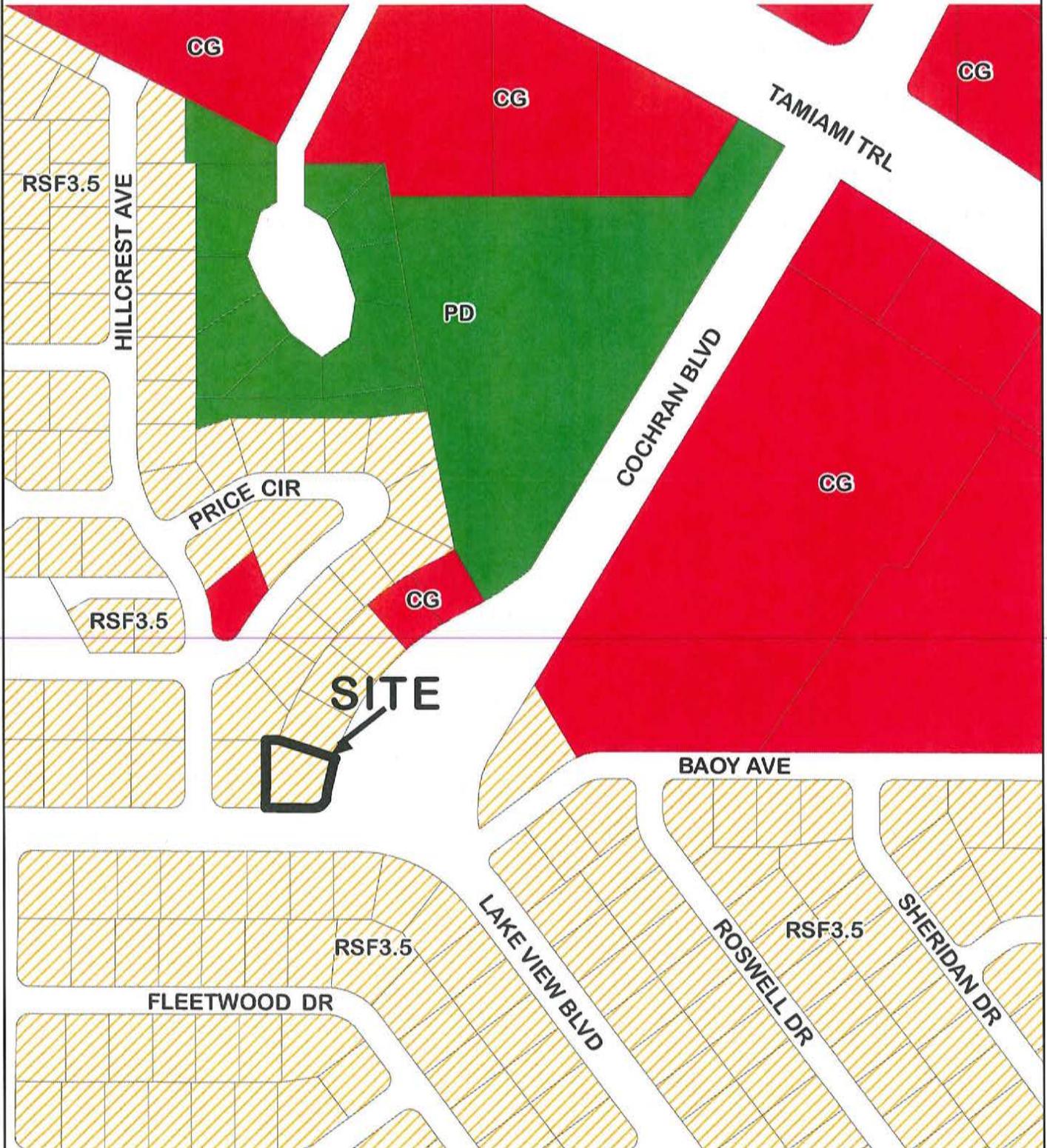
CHARLOTTE COUNTY

Zoning Map for Z-13-05-09

Charlotte County Government

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Community Development Department Staff Report for Z-13-05-09

DATE: July 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 Residential Single-family 3.5 (RSF-3.5) to Office, Medical, and Institutional (OMI)

PART I

Applicant(s): DeFilippis Land Holdings of Florida, LLC
2136 Oyster Creek Drive
Englewood, FL 34224

Owner(s): David Roy Dupuis, Sr. and Linda Lee Dupuis
19076 Cochran Boulevard
Port Charlotte, FL 33948

General Location and Acreage: The subject property is located at 19076 Cochran Boulevard (Blvd.), in the Port Charlotte area. The site contains a total of 0.303 acres.

Account Number(s): 402208357015

Analysis:

The applicant is requesting a rezoning from Residential Single-family 3.5 (RSF-3.5) to Office, Medical, and Institutional (OMI). The subject property is located at 19076 Cochran Blvd., in the U.S. 41 Zoning District Overlay (Overlay) area. The site contains a single-family home and it is designated as U.S. 41 Mixed Use (41MU) on the 2030 Future Land Use Map. The stated purpose of this petition is to allow for a chiropractic office on the subject site.

Compatibility and Impacts on the Adjacent Residential Uses

The subject property is located on Cochran Blvd., at the intersection with Lake View Blvd., in the Port Charlotte area. To the south, across Cochran Blvd., there are single-family homes and scattered vacant platted residential lots. To the east of the proposed site, there are single-family

residences. To the northeast is the Village Marketplace Shopping Center, including Books-a-Million and Big Lots. To the north, there are single-family homes, but there are also three lots zoned Commercial General (CG). One was rezoned in 2008 (petition # Z-08-04-24) and two in 2006 (petition # Z-06-07-51). To the west are single-family homes until the transition to assisted living facilities approximately 1,000 feet down Cochran Blvd. The area contains a mixture of residential and low-intensity commercial uses. Moreover, the Zoning District Overlay contains language regarding enhanced buffers and landscaping requirements, which will minimize possible impacts to the adjacent residents. Therefore, the proposed professional uses are compatible with the surrounding established neighborhood.

Consistency with the Smart Charlotte 2050 Comprehensive Plan

The subject property is within the Economic Center framework designation on the 2050 Framework map, and it is also located within the boundary of Smart Charlotte's U.S. 41 Overlay District. The area has been designated as 41MU on the Future Land Use Map. The intent of the U.S. 41 Overlay District and the 41MU land use category is to allow development to build to a greater density and intensity in order to create a more urban feel in the center of Port Charlotte. The goal is also to create more attractive economic and business climate. The proposed change is consistent with and supported by Smart Charlotte.

Consistency Issues

- **Water and Sewer:** The proposed office, medial, and institutional types of uses would likely result in higher use of utilities than the currently-permitted residential uses. However, Charlotte County Utilities has more than adequate capacity to accommodate the proposed professional office uses.
- **Traffic:** After reviewing the application, the County Transportation Planner has concluded that the proposed change will not cause the Level-of-Service (LOS) of the County's roadways such as Cochran Blvd., Lake View Blvd. and U.S. 41 to drop below the adopted LOS D; no modifications would be required for the adopted FDOT Transportation Improvement Program, 2035 Long Range Transportation Plan and the County's Capital Improvements Program.

STAFF RECOMMENDATION:

"Approve adoption of Petition No. Z-13-05-09 based on the findings and analysis in the Comprehensive Planning Division staff report dated July 19, 2013 and any evidence presented at the public hearing on the application."

Conclusion:

Staff recommends approval of this rezoning to OMI because it is consistent with the goals, objectives, and policies set forth in the County's Comprehensive Plan and the intent of the U.S. 41 Zoning District Overlay. The proposed professional office uses will be compatible with the existing residential single-family and low-intensity commercial uses and will not create any detrimental impacts on the surrounding properties.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-13-05-09 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated July 19, 2013 and the evidence presented at the public hearing on the application.”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Economic Center
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The subject property contains one single-family residence.
4. **Existing Designation(s):**

FLUM	Development Standard
U.S. 41 Mixed Use (41MU)	<p>The 41MU category allows for redevelopment and new development along the U.S. 41 corridor to build to a greater density and intensity, creating an urban character, providing a more attractive economic and business climate, and complementing the County's beautification efforts. The area includes that property located between the boundaries of the Charlotte Harbor CRA and the Sarasota County line. Only those properties located within the boundary of the U.S. 41 Zoning District Overlay are eligible for this category.</p> <p>General Range of Uses This category will allow a mixture of commercial, institutional, office, multi-family residential uses, and public services and facilities. Commercial and office uses will be limited to professional, business, and personal services, and retail sales and services, unless a Planned Development zoning district is used. When a Planned Development zoning district is used, otherwise restricted commercial general or commercial intensive uses may be requested. Existing intensive commercial and industrial uses will not be made non-conforming by this designation.</p> <p>Maximum Intensity Maximum FAR for commercial, office and institutional uses is 1.2.</p> <p>Special Provision Open space is not required within the U.S. 41 Mixed Use area. This does not negate the developer's obligation to pay into the Open Habitat Space Reservation Fund.</p>

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

	<ul style="list-style-type: none"> • Maximum building height is 38 feet. • Maximum density is 3.5 units per acre. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 15 feet (Abutting a road). ○ Rear setback is 20 feet (Abutting a lot).
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Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A

Zoning	Development Standard
Office, Medical and Institutional (OMI)	<p>The office, medical and institutional (OMI) district is intended for professional and business offices and institutional and cultural activities.</p> <ul style="list-style-type: none"> • Minimum lot size is 7,500 square feet. • Minimum lot width is 80 feet. • Maximum lot coverage by all buildings is 35%. • Maximum structure height is 60 feet (all buildings higher than 38 feet require special exception). • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is half the building height but not less than 15 feet (Abutting a road). ○ Rear setback is half the building height but not less than 15 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	Single-family homes Commercial business (About Hair)	U.S. 41 Mixed Use (41MU)	Residential Single-family 3.5 (RSF-3.5) Commercial General (CG)
East	Cochran Boulevard Village Marketplace Vacant platted lots designated for residential development Single-family homes	Commercial (COM) Low Density Residential (LDR)	Commercial General (CG) Residential Single-family 3.5 (RSF-3.5)
South	Cochran Boulevard Vacant platted lots designated for residential development Single-family homes	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
West	Single-family homes	U.S. 41 Mixed Use (41MU)	Residential Single-family 3.5 (RSF-3.5)

Table 3

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

The subject property is located within the boundary of the U.S. 41 Zoning District Overlay. The proposed OMI zoning does not include residential density. Based on the proposed OMI zoning district, the maximum Floor Area Ratio is 1.2 and the maximum building height is 38 feet; therefore, the maximum buildout of the subject site is 15,838 square feet of professional office 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. However, the site is located within the boundary of the U.S. 41 Zoning District Overlay 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

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 resources 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 X, an area determined to be outside the 0.2% annual change flood plain.
- e. **Storm Surge Evacuation Zone:** The site is located within Evacuation Zone B.
- 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 2
Address: 1441 Tamiami Trail (Town Center Mall near Sears), Port Charlotte
Distance: approximately 1.5 miles to the northwest of the subject site
- c. **Nearest Fire/EMS Station:**
Name: Charlotte County Station No. 1
Address: 3631 Tamiami Trail, Port Charlotte
Response Time: Approximate response time is 4-6 minutes
- d. **Nearest Library:** N/A
- e. **Nearest Hospital:**
Name: Peace River Regional Medical Center
Address: 2500 Harbor Boulevard, Port Charlotte
Distance: approximately 4.2 miles to the southeast 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	225 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated water needs
16,100,000	10,280,000	1,584

Table 4

- 2. *Analysis:* If the Board approves this rezoning application, it will allow the property owner to have a maximum of 15,838 square feet of professional office uses. The estimated water usage would be 1,584 gallons per day. Charlotte County Utilities (CCU) retains enough capacity to serve the proposed professional office uses.
- c. **Sanitary Sewage Level of Service:**
 - 1. *Provider's Name:* Charlotte County Utilities (CCU)

Permitted Facility Capacity	190 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated sewer needs

6,000,000	3,529,000	1,346
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Table 5

2. *Analysis:* If the Board approves this rezoning application, it will allow the property owner to have a maximum of 15,838 square feet of professional office uses. The estimated sewer generation would be 1,346 gallons per day. Charlotte County Utilities (CCU) retains enough capacity to serve the proposed professional office uses.

d. Park and Recreation Level of Service:

1. *Level of Service*

Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations

2. *Analysis:*

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

e. Schools: N/A

f. Solid Waste:

1. *Refuse Collector:* Waste Management Inc. of Florida

2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management

3. *Level of Service*

- Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
- Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
- Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

g. Drainage:

1. *Level of Service*

New arterials – flood free in the 100-year rainfall event

New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall

Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.

2. *Analysis:*

The Southwest Florida Water Management District and the Community Development Department review stormwater management plans on a project specific basis.

17. Capital Improvements Program

a. **Are any updates to the CIP required as a result of this petition?** No.

18. Intergovernmental Coordination

- a. Does this amendment require comments from or coordination with adjacent governments or other governmental agencies? No.

19. Has a public hearing been held on this property within the last year? No

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

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.

U.S. 41 OVERLAY DISTRICT (41OD)

Charlotte County recognizes that U.S. 41 is a major thoroughfare in the County and it is critically important. In an effort to establish meaningful, specific development standards such as commercial design standards and signage requirements, and to implement the 41MU FLUM designation for the future development and redevelopment within this area, the County established the U.S. 41 Overlay District, which is depicted on FLUM Series Map #8. The County may adopt land development regulations for this area to enhance the aesthetics and visual environment of the Corridor and property values, and to create a more attractive economic and business climate which is in the best interests of Charlotte County and its citizens.

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 U.S. 41 Mixed Use (41MU) on the 2030 Future Land Use Map. The proposed rezoning to Office, Medical, and Institutional (OMI) would not be contrary to the Comprehensive Plan. Specifically, the existing 41MU category promotes a mixture of commercial, institutional, office and residential uses. Therefore, the

proposed uses are consistent with the intent of the Overlay Code in the County's Land Development Regulations and the U.S. 41 Overlay District as set forth in the Smart Charlotte 2050 Comprehensive Plan.

b. The existing land use pattern in adjacent areas:

Finding: The majority of the property in the adjacent areas is designated or used for single-family residential. Within a 1,500 foot proximity there are CG and OMI uses, in the form of an ACLF, a hair salon, and a shopping center.

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

Finding: There would likely be an increased use of water and sewer services as well as increased traffic volumes. The proposed OMI rezoning involves no residential density and so student populations are not expected to change as a result of this petition. According to the County Transportation Planner's review, the proposed uses will not cause the Level-of-Service (LOS) of these County roadways (Cochran Blvd., Lake View Blvd. and U.S. 41) to fall below the adopted LOS of D. In addition, Charlotte County Utilities retains enough capacity to serve the proposed development. In addition, the area is served by sidewalks and street lighting, which promotes walking to the proposed doctor office from the adjoining residential neighborhoods. Therefore, the proposed change will not create any concurrency issues with regard to on schools, roads, or utilities.

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

Finding: Yes. The subject property is located in an area of the County that has become highly developed. The major roadways in the area, such as Cochran Blvd. and U.S. 41, are heavily traveled. The area is also served by urban infrastructure including water and sanitary sewer as well as sidewalks and street lights. In addition, the adoption of the U.S. 41 Overlay District and the Zoning District Overlay code has made this property appropriate for professional office development, which would create an attractive and viable economic area to support the residential community.

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

Finding: The proposed use would create a slight increase in the amount of noise and traffic volume on the subject site as compared to the current permitted residential use of the properties. The Zoning District Overlay code will supersede the proposed OMI zoning. The Zoning District Overlay code contains language to minimize the possible impacts to the adjacent residential neighborhood. The language includes such things as enhanced buffer,

sign and lighting requirements. Therefore, the proposed change would not adversely influence living conditions or property values in adjacent areas.

f. Would the proposed change affect public safety?

Finding: 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 OMI zoning within the U.S 41 Overlay are similar with the development standards of the current RSF-3.5 zoning. As such, the rezoning will not reduce light and air to adjacent areas that are zoned RSF-3.5.

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 residential zoning. However, the applicant wishes to use the subject parcel for a chiropractic office. The proposed use is permitted under OMI zoning, but not under the current RSF-3.5 zoning.

**Application for Rezoning
Petition Number: Z -13-05-09**

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

FROM: Venkat Vattikuti

DATE: July 11, 2013

REQUESTED ACTION:

APPLICANT: DeFilippis Land Holdings of Florida, LLC, 2136 Oyster Creek Drive, Englewood, FL 34224

OWNER: David Roy Dupuis, Sr. and Linda Lee Dupuis, 19076 Cochran Blvd, Port Charlotte, FL 33948

GENERAL LOCATION: At the intersection of Cochran Blvd and Lake View Blvd.

ACCOUNT NUMBER: 402208357015 in Section 08, Township 40 and Range 22, with a total approximate area of 0.303 +/- 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 (mainly Cochran Blvd and Lake View
4 Blvd) which are currently operating at acceptable levels of service would continue
5 to operate at acceptable levels of service to the year 2013 (which is the estimated
6 built-out year). There wouldn't be any roadway concurrency failures with the
7 proposed re-zoning. No modifications would be required for the adopted FDOT
8 Transportation Improvement Program, 2035 Long range Transportation Plan and
9 County's Capital Improvements Program.

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

¹ Requesting from the existing land use designation of Single Family Residential (RSF 3.5) to Office Medical (OMI)



MEMORANDUM

Date: July 8, 2013
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: Z-13-05-09
Dupuis Chiropractic Office
19076 Cochran Blvd.

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

- The applicant is proposing to amend the current zoning designation from Residential Single Family 3.5 (RSF 3.5) to Office Medical Institute (OMI) to allow the property to be used as a chiropractic office.
- The site consists of a fully developed residential property fronting two busy roads (Cochran Blvd & Lake View Blvd). No environmental issues are 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: MAY 20, 2013	Time Received:
Date of Log-in: MAY 20, 2013	Petition #: Z-13-05-09 Accela #: R2-13-00005
Receipt #: 113486	Amount Paid: \$ 2,490.00

1. PARTIES TO THE APPLICATION

Name of Applicant: DeFilippis Land Holdings of Florida, LLC

Mailing Address: 2136 Oyster Creek Drive

City: Englewood

State: FL

Zip Code: 34224

Phone Number:

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: All Service Land Surveying, Inc.

Mailing Address: 17840 Toledo Blade Boulevard, Suite B

City: Port Charlotte

State: FL

Zip Code: 33948

Phone Number: (941)629-6801

Fax Number: (941)627-5168

Email Address: allservicelandsurveying@comcast.net

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

David Roy Dupuis, Sr. and Linda Lee Dupuis

Mailing Address: 19076 Cochran Boulevard

City: Port Charlotte

State: FL

Zip Code: 33952

Phone Number: 941-979-7402

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 #: 402208357015		
Section: 08	Township: 40	Range: 22
Parcel/Lot #: 17	Block #: 4856	Subdivision: PCH091
Total acreage or square feet of the property: .303 +/- 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
US 41 Mixed Use	.303 +/- Acres
Zoning District(s)	Acreage
RSF 3.5	.303 +/- Acres

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: OMI

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):

To allow the property to be used for a chiropractic office.

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

Single Family Home.

11. SURROUNDING LAND USES:

North: RSF 3.5

South: RSF 3.5

East: RSF 3.5

West: RSF 3.5

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):

Cochran Boulevard, Lake View Boulevard.

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional

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 DeFilippis Land Holdings of FLORIDA, LLC to be the applicant for this REZONING.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 16th day of MAY, 2013, by

who is personally known to me or has/have produced FL DRIVER LICENSE

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

Katrina Rydzenski
Notary Public Signature

David R Dupuis Sr.
Signature of Owner

KATRINA RYDZENSKI
Notary Printed Signature

DAVID R DUPUIS SR.
Printed Signature of Owner



KATRINA RYDZENSKI
Title

19076 COCHRAN BLVD.
Address

EE 876668
Commission Code

PORT CHARLOTTE FL, 33948
City, State, Zip

941 380 0370
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 De Filippis Land Holdings of Florida, LLC to be the applicant for this REZONING.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 16th day of MAY, 2013, by

who is personally known to me or has/have produced FL DRIVER'S LICENSE,

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

Katrina Rydzenski | Linda L. Dupuis
Notary Public Signature | Signature of Owner

KATRINA RYDZENSKI | Linda L. Dupuis
Notary Printed Signature | Printed Signature of Owner

Title |  | 19076 Cochran Blvd.
Address

Commission Code | Port Charlotte, FL 33948
City, State, Zip

941-380-0370
Telephone Number

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 Robert H. Berntsson to be my agent for this application.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

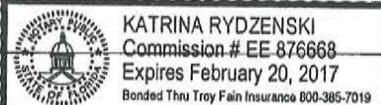
The foregoing instrument was acknowledged before me this 16th day of MAY, 2013, by

who is personally known to me or has/have produced

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

Katrina Rydzenski | [Signature]
Notary Public Signature | Signature of Applicant

KATRINA RYDZENSKI | MATTHEW L. DEFILIPPIS
Notary Printed Signature | Printed Signature of Applicant

 KATRINA RYDZENSKI
Commission # EE 876668
Expires February 20, 2017
Bonded thru Troy Fain Insurance 800-385-7019

Title |
Commission Code

2136 OYSTER CREEK DR.
Address

Englewood, FL 33948
City, State, Zip

941-979-7402
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 FLORIDA, COUNTY OF CHARLOTTE

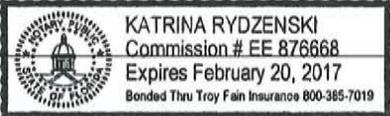
The foregoing instrument was acknowledged before me this 16th day of MAY, 2013, by

who is personally known to me or has/have produced

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

Katrina Rydzenski | [Signature]
Notary Public Signature | Signature of Applicant or Agent

Katrina Rydzenski | Robert H. Bernatsson
Notary Printed Signature | Printed Signature of Applicant or Agent

 | 18401 MURDOCK CIRCLE, STE C
Title | Address

Commission Code | PORT CHARLOTTE, FL 33948
City, State, Zip

941.627.1000
Telephone Number

**NARRATIVE TO THE
DeFilippis Land Holdings of Florida, LLC
REZONING FROM RSF 3.5 TO OMI**

The Applicant is applying to amend the zoning atlas from RSF 3.5 to OMI. The subject property is approximately one third of an acre located on Cochran Boulevard, at the intersection with Lakeview Boulevard. It has a land use designation of US 41 Mixed Use on the FLUM.

The property is currently developed as a single family home. The applicant intends to use the property as a chiropractic office. The Applicant has an agreement with Edgewater United Methodist Church to allow for parking at their site, which is just down the block.

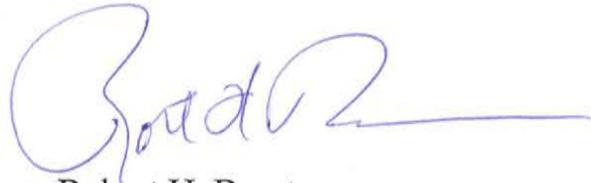
The site is completely developed and has no environmental issues or species on site. In addition, the future land use map contemplates commercial uses on the subject property, so no additional traffic impacts will be generated by the rezoning.

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 US 41 Mixed Use land use designation.
- B. The application is consistent with existing land use patterns of adjacent areas; two other properties on the street have already been rezoned to commercial general zoning.
- C. The population density pattern and load on public facilities such as schools, utilities and streets, would not likely be affected in any negative way.
- D. Changed conditions make the passage of the proposed amendment appropriate. The Future Land Use designation under the comprehensive plan contemplated a transition of this neighborhood from residential to commercial.
- E. The proposed change will not adversely influence living conditions or property values in the adjacent area. This change was previously contemplated by the adoption of the most recent comprehensive plan.
- 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 comprehensive plan contemplated the conversion of property from residential to commercial uses.

Based on the foregoing, it is respectfully requested that the property be rezoned to OMI. Respectfully submitted, this 20th day of May, 2013.



Robert H. Berntsson



Katrina Rydzenski <katrinar@bigwlaw.com>

Availability - 19076 Cochran Blvd

1 message

Hunter, Judy <Judy.Hunter@charlottefl.com>
To: katrinar@bigwlaw.com

Wed, May 15, 2013 at 8:36 AM

The subject address has both an active water and sewer account and is being billed for water and sewer.

Judy Hunter, AA

Engineering Services

Charlotte County Utilities

941.764.4539

Judy.hunter@charlottefl.com

www.charlottecountyfl.gov



19076 Cochran Blvd.pdf
36K

Hunter, Judy

From: katrinar@bigwlaw.com
Posted At: Tuesday, May 14, 2013 12:09 PM
Conversation: Online Water & Sewer Availability Inquiry
Posted To: Administrative Assistants

Subject: Online Water & Sewer Availability Inquiry

Online Water & Sewer Availability Inquiry
FORM submitted at 5/14/2013 12:08:36 PM

Contact Name: Robert Berntsson

Organization: BIGW LAW FIRM

Contact E-mail: katrinar@bigwlaw.com

Contact Phone Number: 941-627-1000

Property Street Address: 19076 Cochran Blvd

Short Legal Description: PCH - 091 - 4856 - 0017