

Application No.

Z-14-08-11

(Rezoning)

Applicant

**Kendall V. & Tracie A. Baird /
RSF-3.5 to RE-1, Harbour Heights**

Quasi-Judicial

Commission Dist. I



Community Development

CHARLOTTE COUNTY

Location Map for Z-14-08-11

Charlotte County Government

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10/40/23 Mid-County

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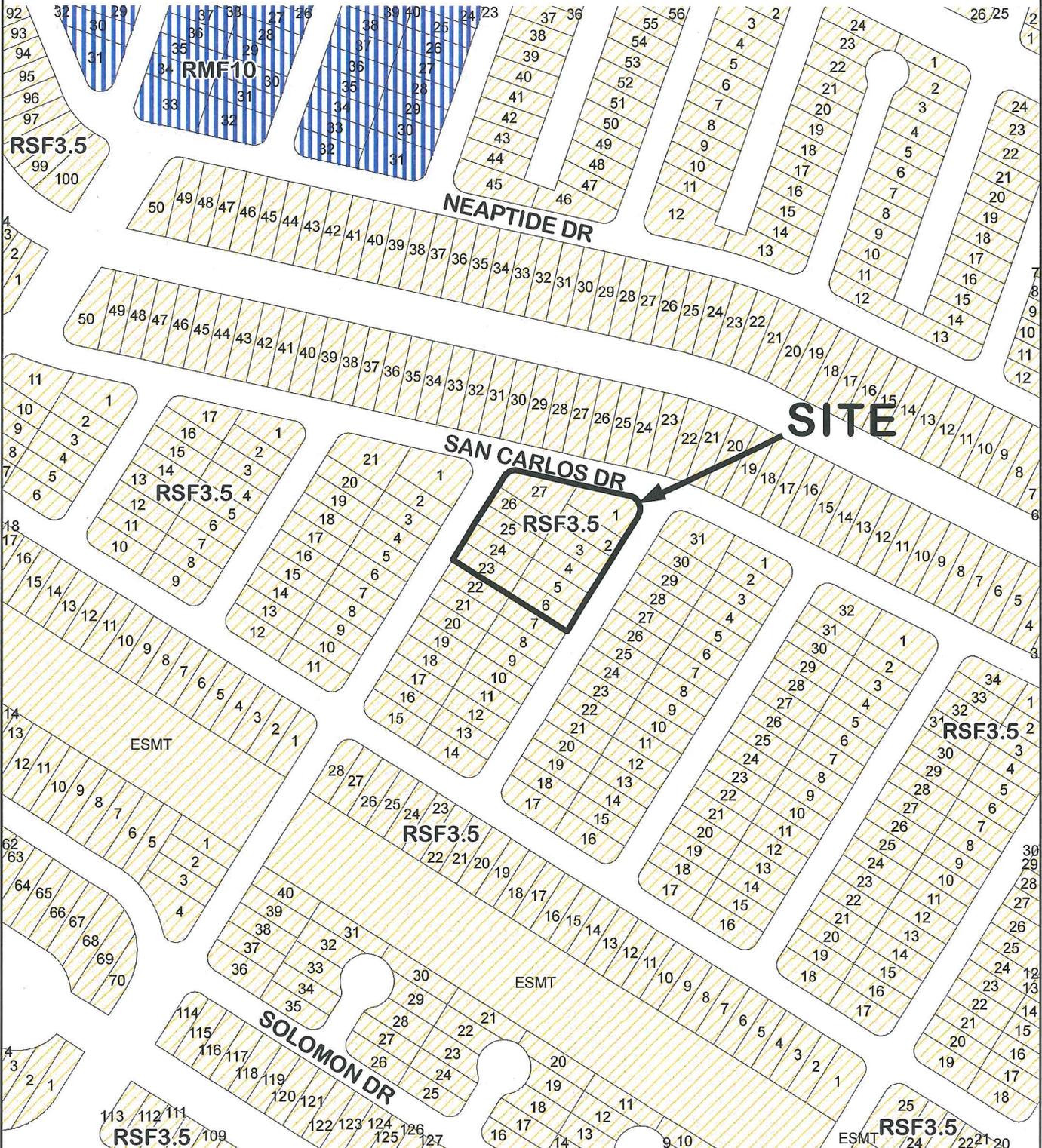
Community Development

CHARLOTTE COUNTY Zoning Map for Z-14-08-11

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Community Development

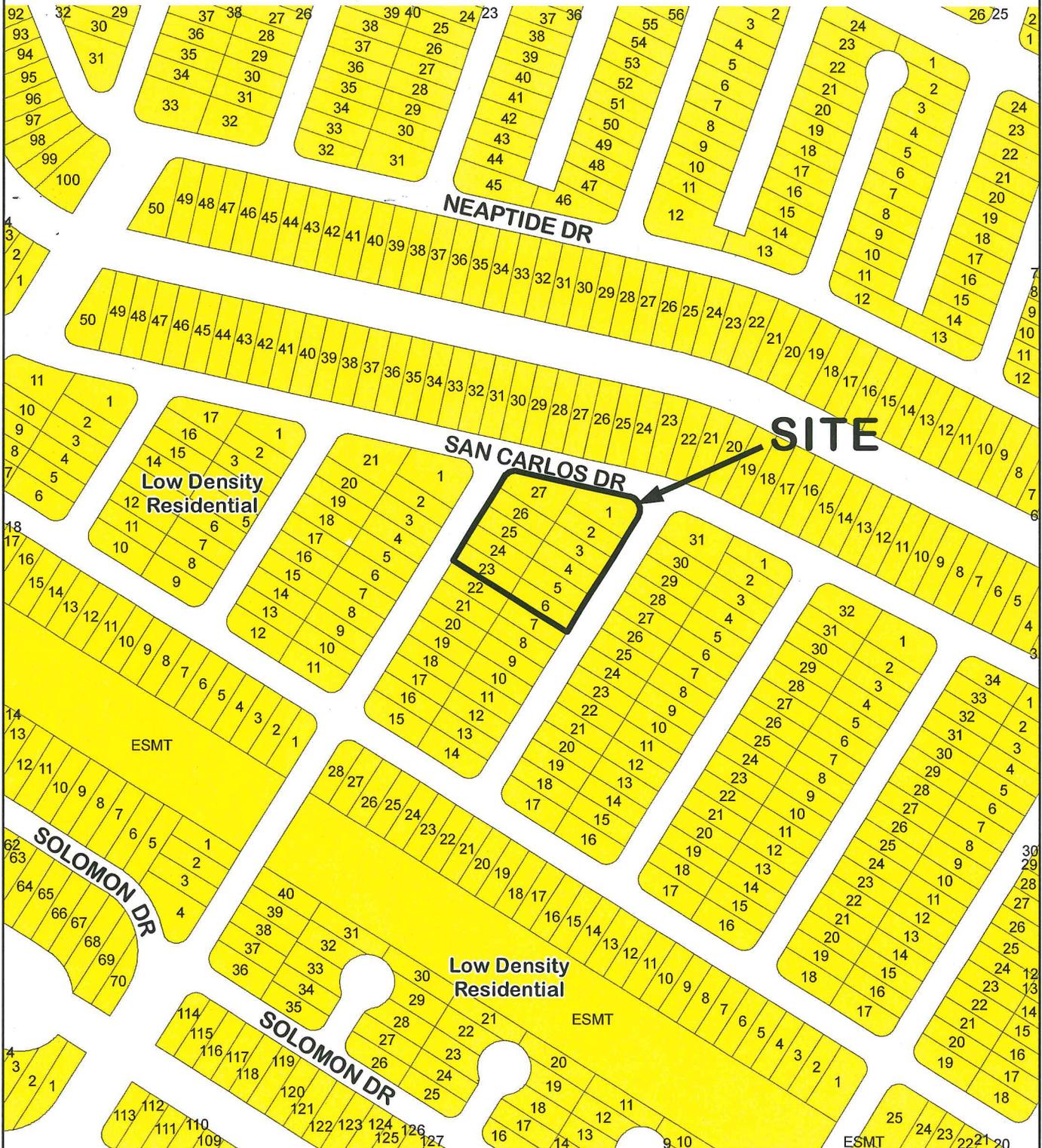
CHARLOTTE COUNTY

Flu Map for Z-14-08-11

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Community Development Department Staff Report for Z-14-08-12

DATE: September 25, 2014

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Matthew T. Trepal, Principal Planner

REQUESTED

ACTION(S): A privately initiated request to amend the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Residential Estate 1 (RE-1).

PART I

Applicant(s): Kendall V. and Tracie A. Baird
27347 San Carlos Drive
Punta Gorda, FL 33983

Owner(s): Same as applicant

General Location

and Acreage: 1.46± acres generally located at 1374 Blanot Drive and 27347 San Carlos Drive in the Harbour Heights area.

Account Number(s): 402310337001 & 402310337002

Analysis:

The applicant is requesting a rezoning from Residential Single-family 3.5 (RSF-3.5) to Residential Estate 1 (RE-1). The subject site is located on San Carlos Drive, east of Sulstone Drive and near Bay Harbor. The site is entirely within the Rural Service Area. The stated purpose of this petition is to allow the applicant, who lives in a house on an adjacent parcel to the north, to keep a horse on the property.

Compatibility and Impacts to Adjacent Uses

The subject site is located immediately adjacent to other property owned by the applicant, on which they own a house. Property to the south and west of the subject site is vacant, and there is a single single-family house located to the east. Other property to the east is also vacant. All surrounding

property is designated as Low Density Residential on the 2030 Future Land Use Map and is zoned RSF-3.5. The placement of a horse and horse barn on the subject site would have minimal impacts upon surrounding properties.

Consistency with Smart Charlotte 2050

The subject site is designated Agricultural/Rural on the 2050 Framework Map, and is located completely within the Rural Service Area. Lower densities, such as what would result from the approval of the proposed rezoning, are appropriate within the Rural Service Area and consistent with Smart Charlotte 2050.

Concurrency Issues

- **Water and Sewer:** The lower density of the proposed RE-1 zoning would result in a lower demand on potable water and sanitary sewer services than from the existing RSF-3.5 zoning.
- **Traffic:** After reviewing the application, the County Transportation Planner has concluded that the proposed change would not cause the Level of Service (LOS) of the County's roadways to drop below the adopted LOS of D.

Plat Vacation

The minimum lot size for the RE-1 zoning is one acre. Although the total area of subject site exceeds this, the site currently consists of 11 platted lots. These lots must be consolidated through a plat vacation prior to the approval of this proposed rezoning.

STAFF RECOMMENDATION:

"Approve adoption of Petition No. Z-14-08-12 based on the findings and analysis in the Comprehensive Planning Division staff report dated September 25, 2014 and any evidence presented at the public hearing."

Conclusion:

Staff recommends approval of this rezoning to RE-1 because it is consistent with Smart Charlotte 2050. The proposed use of a horse barn is consistent with the existing uses and with the location of the site within the Rural Service Area, and will not create any detrimental impacts to the surrounding properties.

The Planning and Zoning Board proposed recommendations:

"Motion to forward application No. Z-14-08-12 to the Board of County Commissioners with a recommendation of Approval/Denial, based on the findings and analysis in the staff report dated September 25, 2014 and the evidence presented at the public hearing on the application."

PART II: RESEARCH AND FINDINGS

1. 2050 Framework Designation: The subject site is designated as Agricultural/Rural.

2. **2030 Service Area Delineation:** The subject site is located entirely within the Rural Service Area.

3. **Existing Land Use on the Site:** The subject site is vacant residential land.

4. **Existing Designation(s):**

FLUM	Development Standard
<p>Low Density Residential (LDR)</p>	<p>General Range of Uses Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicles, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p>Minimum and Maximum Density Low Density Residential lands may be developed at a density of one dwelling unit per acre up to Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p> <p>Special Provisions for Recreational Vehicle use</p> <ol style="list-style-type: none"> 1. Recreational vehicles shall be located on properties with a minimum of 15 acres. The entire site does not have to be dedicated to recreational use; the property may contain a mixture of mobile homes and recreational vehicles. 2. A minimum of ten percent of the site must be set aside for recreational amenities, which may include but not be limited to passive recreational trails, central community clubhouse facilities, pools, and tennis courts. 3. Recreational vehicles shall not be located directly adjacent to single-family lots unless an adequate buffer consisting of wall or berm and vegetative plantings with a minimum width of ten feet is provided in order to protect adjacent single-family uses from adverse impacts. 4. Recreational vehicles shall not be granted access to or egress from a development site through local, residential roadways unless a traffic study is submitted and the County determines that the use of the road(s) by the proposed development does not create a traffic safety hazard; any necessary developer-funded improvements to the existing rights-of-way will not receive any impact fee credits.

Zoning	Development Standard
<p>Residential Single-family 3.5 (RSF-3.5)</p>	<p>The residential, single-family (RSF) districts are intended to be used for single-family residential dwellings and other uses normally associated therewith.</p> <p>The following development standards shall apply in this district:</p> <ul style="list-style-type: none"> • Minimum lot area is 10,000 square feet. • Minimum lot width is 80 feet. • Minimum lot coverage by all buildings is 35 percent. • Maximum building height is 38 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front yard, 25 feet

	<ul style="list-style-type: none"> ○ Side yard: <ul style="list-style-type: none"> ▪ Interior: 7.5 feet ▪ Abutting a road: 15 feet ▪ Abutting water: 20 feet ○ Rear yard: <ul style="list-style-type: none"> ▪ Abutting a lot: 20 feet ▪ Abutting a road: 25 feet ▪ Abutting a greenbelt: 15 feet ▪ Abutting water: 20 feet
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Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A

Zoning	Development Standard
Residential Estate 1 (RE-1)	<p>The residential, estate (RE) district is intended to require low-density, highly restricted, large lot developments using a small percentage of the lot are for buildings.</p> <p>The following development standards shall apply in this district:</p> <ul style="list-style-type: none"> • Minimum lot area is 1 acre. • Minimum lot width is 125 feet. • Minimum lot coverage by all buildings is 20 percent. • Maximum building height is 38 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front yard, 40 feet ○ Side yard: <ul style="list-style-type: none"> ▪ Interior: 20 feet ▪ Abutting a road: 20 feet ▪ Abutting water: 20 feet ○ Rear yard: <ul style="list-style-type: none"> ▪ Abutting a lot: 20 feet ▪ Abutting a road: 20 feet ▪ Abutting water: 20 feet

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 residence	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
East	Single-family residence	Low Density Residential(LDR)	Residential Single-family 3.5 (RSF-3.5)
South	Vacant residential	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
West	Vacant residential	Low Density	Residential Single-family

		Residential (LDR)	3.5 (RSF-3.5)
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Table 3

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

If the Board of County Commissioners approves the proposed rezoning to RE-1, the maximum allowable residential density would be reduced from 3.5 units per acre to one unit per acre. At a size of 1.46± acres, the subject site can only have one residential density unit.

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

The subject 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 site is not located adjacent to any 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 site is located outside the boundary of the Charlotte Harbor Aquatic Preserves.

b. Lemon Bay Aquatic Preserve Management Plan? The subject site 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: According to the environmental assessment submitted with the application and a Community Development Department memorandum prepared by Environmental Specialist Jamie Scudera and dated September 12, 2014, the subject site is located within the U.S. Fish and Wildlife Service Florida scrub jay review area. According to the environmental assessment, no scrub jays were observed on the subject site. No other listed species were observed on the site. The subject site does contain several heritage trees.

b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: None.

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 subject 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 subject site is located within Flood Zone X, which is an area determined to be outside the 0.2% annual chance floodplain.
- e. **Storm Surge Evacuation Zone:** The subject site is located within Evacuation Zone B.
- f. **Coastal High Hazard Area?** The subject site is not located within the Coastal High Hazard Area.
- g. **Could the proposed changes impact evacuation times?** No.

15. Charlotte County Facilities and Services**a. Nearest Park:**

Name: Harbour Heights Park

Classification: Neighborhood Park

Address: 27420 Voyageur Drive, Punta Gorda

Distance: Approximately 1.2 miles to the southeast

b. Nearest Police Station:

Name: District 4

Address: 3280 Tamiami Trail, Port Charlotte

Distance: Approximately 6.3 miles to the southwest

c. Nearest Fire/EMS Station:

Name: Charlotte County Station No. 11

Address: 27055 Rushmore Avenue, Punta Gorda

Response Time: 4-6 minutes

d. Nearest Library:

Name: Port Charlotte Library

Address: 2280 Aaron Street, Port Charlotte

Distance: Approximately 6.3 miles to the southwest

e. Nearest Hospital:

Name: Bayfront Health Punta Gorda (formerly Charlotte Regional Medical Center)

Address: 809 East Marion Avenue, Punta Gorda

Distance: Approximately 4.8 miles to the southwest

f. Nearest Potential Emergency Shelter:

Name: Pilgrim United Methodist Church

Address: 24515 Rampart Boulevard, Port Charlotte

Distance: Approximately 2.3 miles to the southwest

g. Nearest Public Schools:**1. Elementary:**

Name: Deep Creek Elementary School

Address: 26900 Harborview Road, Port Charlotte

Distance: Approximately 1.3 miles to the southwest

2. **Middle:**

Name: Punta Gorda Middle School
Address: 1001 Education Avenue, Punta Gorda
Distance: Approximately 5.4 miles to the southwest

3. **High:**

Name: Charlotte High School
Address: 1250 Cooper Street, Punta Gorda
Distance: Approximately 5.4 miles to the southwest

16. Concurrency

a. **Roads Level of Service:** The proposed rezoning will have no impact upon the County’s road system.

b. **Potable Water Level of Service:**

1. *Provider’s Name:* Charlotte Harbor Water Association

	225 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated water needs
750,000	315,000	225

Table 4

2. *Analysis:*

If the Board of County Commissioners approves this proposed rezoning, it would allow the property owners to build a single single-family house on the subject site. The estimated water usage would be 225 gallons per day. The Charlotte Harbor Water Association retains enough capacity to serve the potential development. Furthermore, although the subject site is located within the certificated area of the Charlotte Harbor Water Association, it is also located completely within the Rural Service Area, and is currently served by an on-site well. **WSW Policy 2.1.4, Utility Extensions through the Rural Service Area** states that “*The County shall only allow transmission lines for potable water or sanitary sewer service to be extended through the Rural Service Area if it is to provide service to lands located within the Urban Service Area. The County shall not allow distribution or connection lines to expand from a transmission line extended through the Rural Service Area.*” Accordingly, the subject site should not be permitted to connect to a centralized potable water system, and would require an on-site well to provide potable water, resulting in no impact upon the capacity of the Charlotte Harbor Water Association.

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

1. *Provider’s Name:* Charlotte County Utilities – Eastport Facility

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

6,000,000	4,186,000	190
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Table 5

2. *Analysis:*

If the Board of County Commissioners approves this proposed rezoning, it would allow the property owners to build a single single-family house on the subject site. The estimated sewage generation would be 190 gallons per day. The Charlotte County Utilities Eastport facility retains enough capacity to serve the potential development. Furthermore, although the subject site is located within the certificated area of Charlotte County Utilities, it is also located completely within the Rural Service Area, and currently served by an on-site septic system. **WSW Policy 2.1.4, Utility Extensions through the Rural Service Area** states that *“The County shall only allow transmission lines for potable water or sanitary sewer service to be extended through the Rural Service Area if it is to provide service to lands located within the Urban Service Area. The County shall not allow distribution or connection lines to expand from a transmission line extended through the Rural Service Area.”* Accordingly, the subject site should not be permitted to connect to a centralized potable water system, and would require an on-site septic system to provide sewage disposal, resulting in no impact upon the capacity of the Eastport facility.

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:

Analysis: Although student generation rates are calculated by the Charlotte County School Board, the proposed rezoning would reduce the allowable residential density on the subject site from 3.5 units per acre to one unit per acre. With an area of 1.46± acres, the subject site would be reduced from 11 potential units to one. This will result in a reduction in the potential demand upon the public school system.

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 ELEMENT

FLU GOAL 3: SMART GROWTH CONCEPT PLAN IMPLEMENTATION - AGRICULTURAL/RURAL

Manage the form, pattern and timing of future growth and development through a clear and predictable land use strategy that:

- **Preserves and enhances the rural character and lifestyle for rural residents.**
- **Respects the agricultural lands and landowners.**
- **Values and preserves open spaces.**
- **Facilitates the transition of land uses over time into sustainable, livable places (communities).**

FLU Objective 3.1: Agricultural Lands

To establish a Framework for the future of agricultural lands in Charlotte County that will encourage the preservation of agriculture as a viable short- and long-term use of land and as an asset of Charlotte County's economy as well as provide clear, fair and consistent standards for the review and evaluation of future development proposals.

FLU Policy 3.1.1: 2050 Framework – Agricultural/Rural

The County hereby depicts as Agricultural/Rural on the 2050 Framework (FLUM Series Map #2) those lands that are located in the Rural Service Area.

FLU GOAL 4: SMART GROWTH CONCEPT PLAN IMPLEMENTATION – NEIGHBORHOOD PROTECTION AND ENHANCEMENT

Enhance the livability and viability of neighborhoods through the implementation of a coordinated strategy that discourages urban sprawl and:

- **Preserves and protects existing viable neighborhoods and subdivisions.**
- **Promotes revitalization and infill development in neighborhoods that are aging.**
- **Redefines existing under-developed platted subdivisions by promoting alternatives that create walkable places which integrate commercial uses and introduces a mixture of housing types.**
- **Establishes limitations and constraints for areas of platted lots that are sparsely developed, lack urban services, or are encroaching into sensitive environmental lands.**

FLU Objective 4.1: Discourage Urban Sprawl

To transform the character, function, and form of the planned residential land uses within Charlotte County into functional, sustainable neighborhoods as part of the Smart Growth approach to redefining the County's platted lands. The County shall continue to reduce the total number of vacant lots. Reducing the number of vacant lots is not necessarily intended to result in reduced overall buildout but is intended to ensure that buildout occurs in a sustainable fashion.

FLU Policy 4.1.2: Overall Reduction in Platted Lands

The County shall continue to pursue the objective of reducing the total number of vacant lots by a minimum of one percent per year during the planning period (2010-2030) of this Plan, through the following actions:

1. Implementation of the Neighborhood Framework.
2. Implementation of a graduated impact fee schedule that encourages development within Revitalizing Neighborhoods.
3. Continued public acquisition of lots for preservation, restoration, recreation, viable habitat for listed species, or outdoor education using public funds as appropriate and available.
4. Creating incentives for plat vacations or re-platting lots within targeted areas through an administrative plat vacation or re-platting process where the cost is borne by the County if a density reduction occurs as a result of the plat vacation or re-platting.
5. Creating incentives for the assembly and re-platting of lots by private interests for redevelopment or other purposes.
6. Selective acquisition of lots by the County for use in property assembly, lot swaps, or transfers of density units where such action satisfies a public need, such as the provision of infrastructure or urban services.
7. Facilitation of the re-assembling of lots.

INFRASTRUCTURE ELEMENT

WSW GOAL 2: SMART GROWTH FRAMEWORK

Provide potable water and sanitary sewer services to new and existing development through the use of Smart Growth Principles as outlined in FLU Goal 1.

WSW Objective 2.1: Direction of Infrastructure Investment

To direct investment in potable water and sanitary sewer utility systems to those areas of the County where those investments will achieve the greatest benefit to the largest number of residents and businesses.

WSW Policy 2.1.4: Utility Extensions through the Rural Service Area

The County shall only allow transmission lines for potable water or sanitary sewer service to be extended through the Rural Service Area if it is to provide service to lands located within the Urban Service Area. The County shall not allow distribution or connection lines to expand from a transmission line extended through the Rural Service Area.

21. Standards for Rezoning Approval:

For the rezoning of land, the final action of the Board shall be made after giving due consideration to:

a. Would the proposed change be contrary to the Comprehensive Plan?

Finding: The subject site is designated as Low Density Residential on the 2030 Future Land Use Map. It is located within the Rural Service Area, and the proposed rezoning to Residential Estate 1 (RE-1) would reduce the allowed residential density to levels more appropriate for rural areas. The proposed rezoning is consistent with the comprehensive plan.

b. The existing land use pattern in adjacent areas:

Finding: All the adjacent areas are designated as Low Density Residential on the 2030 FLUM and zoned Residential Single-family 3.5 (RSF-3.5). All adjacent areas are also located within the Rural Service Area. The existing land use pattern for the adjacent areas is a mixture of single-family homes and vacant single-family residential land.

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

Finding: There will be a decrease in potential use of water and sewer services, as well as a potential decrease in traffic volumes. The proposed RE-1 zoning involves a decrease in the allowable residential density from 3.5 units per acre to one unit per acre. Therefore, the proposed change will not create any concurrency issues.

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

Finding: Yes. The subject site and surrounding area are all located outside the Rural Service Area, for which lower residential densities are appropriate.

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

Finding: The proposed use of a horse barn should not adversely affect living conditions 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 for the proposed RE-1 zoning are the same as or more restrictive than those for the existing RSF-3.5 zoning. Therefore, the proposed change would not reduce light and air to adjacent areas.

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

Finding: There are no substantial reasons the subject site cannot be used in accordance with the existing zoning. However, the applicant wishes to use the property to keep a horse, which is not permitted in the RSF-3.5 zoning district.



MEMORANDUM

Date: September 12, 2014
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: Z-14-08-11
Baird Rezoning
1374 Blanot Drive, lots 5, 6, 23 & 24

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 Residential Estates 1 (RE 1).

The property is undeveloped and is located in the U.S. Fish and Wildlife Service (FWS) Scrub Jay review area. Per the environmental report provided, no listed species were identified utilizing the site and no vegetation is proposed to be cleared for the placement of a horse.

If this petition is approved, the following conditions will be reviewed for compliance prior to final Site Plan Review Committee approval and the issuance of any county permits or land improvement activities.

- 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.

- If any development is proposed on these lots in the future, the county-wide Scrub Jay Habitat Conservation Plan (HCP) will apply.

COMMUNITY DEVELOPMENT DEPARTMENT

Zoning Division

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598

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
18400 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1290 | Fax: 941.743.1598



CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for REZONING

Date Received: 7/30/2014	Time Received:
Date of Log-in: 8/25/14	Petition #: 2.14.08.11 Accela #: 2.14.48.21
Receipt #: 151756	Amount Paid: \$2,490.00

1. PARTIES TO THE APPLICATION

Name of Applicant: Kendall V. Baird & Tracie A. Baird

Mailing Address: 27347 San Carlos Drive

City: Punta Gorda State: FL Zip Code: 33983

Phone Number: 941.764.3411 Fax Number:

Email Address: Ktomb1@embargmail.com

Name of Agent:

Mailing Address:

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

Name of Engineer/Surveyor:

Mailing Address:

City: State: Zip Code:

Phone Number: Fax Number:

Email Address:

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

Mailing Address: 27347 San Carlos Drive

City: Punta Gorda State: FL Zip Code: 33983

Phone Number: 941-764-3411 Fax Number:

Email Address: Ktomb1@embargmail.com

ADDITIONAL PROPERTY OWNER:

Tracie A. Baird
27347 San Carlos Drive
Punta Gorda, FL. 33983

Phone Number: 941.764.3411
Cell Phone Number: 941.286.4836

Email Address: ktcmb1@embarqmail.com

2. PROPERTY INFORMATION

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

Property Account #: <u>402310337002</u>		
Section: <u>11</u>	Township:	Range:
Parcel/Lot #: <u>5, 6, 23, 24</u>	Block #: <u>177</u>	Subdivision: <u>HBH</u>
Total acreage or square feet of the property: <u>.46</u>		

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>RSF 3.5</u>	<u>.46 Approx</u>
<u>RSF 3.5</u>	<u>1. Approx</u>
Zoning District(s)	Acreage

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: RE 1 Residential Estates -
1 unit per acre

ADDITIONAL PROPERTY INFORMATION:

Property Account #: 402310337001

Section: 11 Township: Range:

Parcel/Lot #: 1, 2, 3, 4, 25, 26, 27

Block #: 177 Subdivision: HBH

Total Acreage or square feet of the property: 1. Acre approximately

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):

Property is currently zoned RSF 3.5 which does not allow a horse. Proposed change to RE1 Residential Estates would allow us to have a horse on our property.

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

Rural residential land with a house

11. SURROUNDING LAND USES:

North: Rural residential

South: Rural residential

East: Rural residential

West: Rural residential

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):

San Carlos Drive - dirt Road

- 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

Environmental Assessment 4/19/14

1374 Blanot Drive (San Carlos Drive) Port Charlotte, Florida

PID # 402310337002

12 call stations were played for the Florida Scrub-jay (*Aphelocoma coerulescens*). No Scrub-jays were heard or observed and the call stations were conducted along San Carlos Drive and around the residence. In 2011, surveys conducted have scrub-jays within 400 feet of the residence.

Several heritage trees were observed and no vegetation will be removed. No jurisdictional wetlands were observed on said property. Also the FLUCCS map is consistent with upland vegetative structure. The upland vegetative structure does provide foraging opportunities for various non-listed bird species. No listed species were observed.

Conclusion:

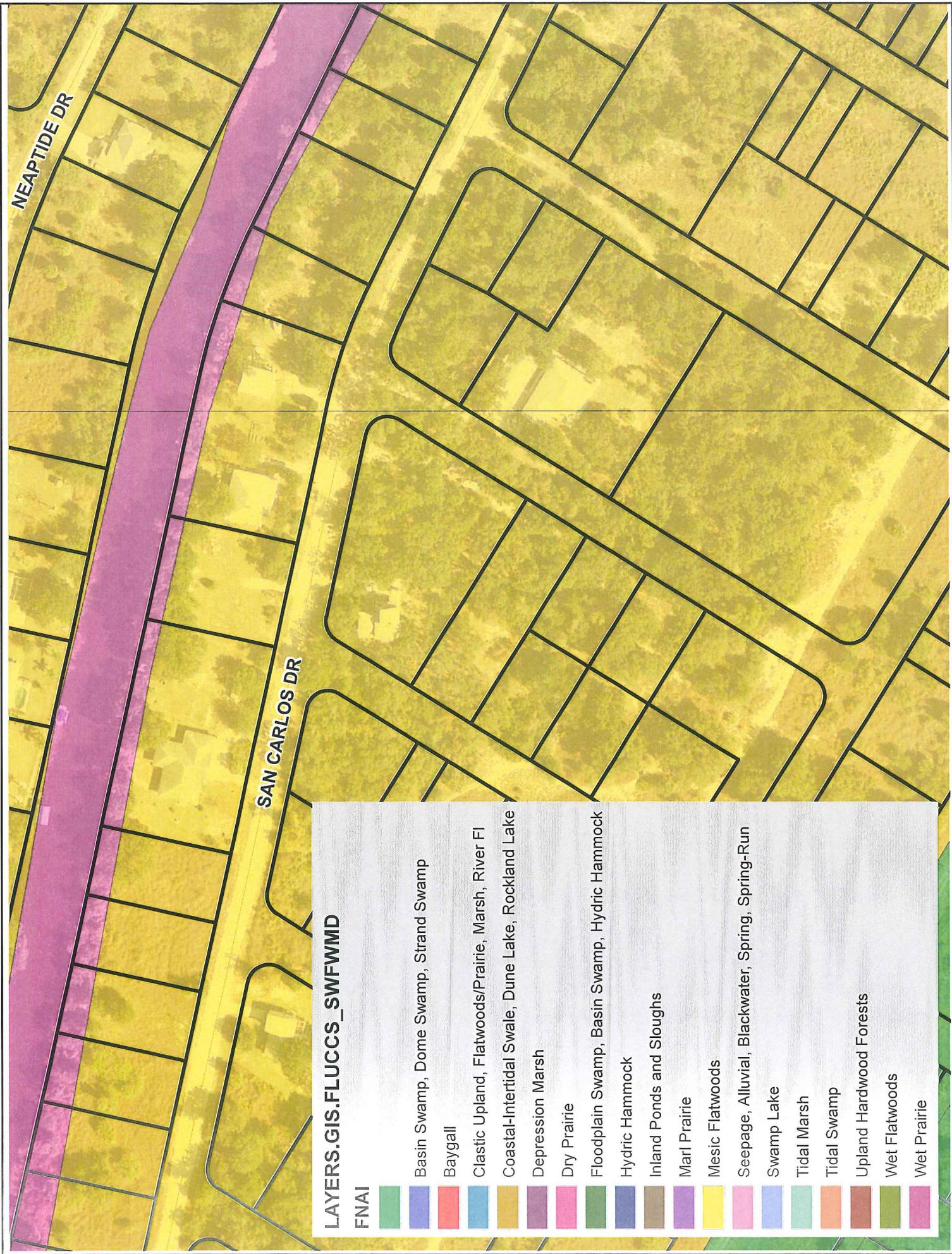
A single horse occupying and/or small barn construction will not have a negative impact to the upland habitat. There is currently a precedent through the United States Fish and Wildlife Service for allowing this usage in a Scrub-jay Review area with no detrimental effects to the habitat. Again, no upland vegetation will be removed. Fencing for the horse is already in place and seems extremely adequate for allowing equestrian housing.



LAYERS.GIS.FLUCCS_SWFWMD

FNAI

- Basin Swamp, Dome Swamp, Strand Swamp
- Baygall
- Clastic Upland, Flatwoods/Prairie, Marsh, River FI
- Coastal-Intertidal Swale, Dune Lake, Rockland Lake
- Depression Marsh
- Dry Prairie
- Floodplain Swamp, Basin Swamp, Hydric Hammock
- Hydric Hammock
- Inland Ponds and Sloughs
- Marl Prairie
- Mesic Flatwoods
- Seepage, Alluvial, Blackwater, Spring, Spring-Run
- Swamp Lake
- Tidal Marsh
- Tidal Swamp
- Upland Hardwood Forests
- Wet Flatwoods
- Wet Prairie



LAYERS.GIS.FLUCCS_SWFWMD

FNAI

- Basin Swamp, Dome Swamp, Strand Swamp
- Baygall
- Clastic Upland, Flatwoods/Prairie, Marsh, River FI
- Coastal-Intertidal Swale, Dune Lake, Rockland Lake
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- Marl Prairie
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- Seepage, Alluvial, Blackwater, Spring, Spring-Run
- Swamp Lake
- Tidal Marsh
- Tidal Swamp
- Upland Hardwood Forests
- Wet Flatwoods
- Wet Prairie



United States Department of the Interior



FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

September 13, 2010

Andy Stevens
Community Services Department Manager
2050 Forrest Nelson Boulevard
Port Charlotte, Florida 33952-2128

Service Log Number: 41420-2008-TA-0935
Date Received: May 14, 2008
County: Charlotte

Dear Mr. Stevens:

Thank you for your May 14, 2008, letter requesting technical assistance from the Fish and Wildlife Service (Service). Your request concerns projects to improve existing single family homes located on quarter acre lots which occur within Florida scrub-jay (*Aphelocoma coerulescens*) (scrub-jay) review areas. We understand single-family homeowners are seeking building permits to improve their existing residences or construct ancillary structures. The proposed improvements include: (1) constructing room additions or expansions; (2) razing and reconstructing within the previous structure's footprint; (3) razing and constructing a larger structure; (4) constructing ancillary structures such as pools, decks, sheds, and detached non-commercial garages; and (5) constructing detached non-commercial garages or sheds on an adjacently owned undeveloped lot. The County is seeking guidance as to which projects, if any, can be exempt from Service review as described in our revised procedure letter dated March 12, 2007.

The Service appreciates Charlotte County's efforts to improve the permitting process in balance with scrub-jay conservation. In the urban landscape, scrub-jays are subject to numerous threats as a result of development activities in occupied habitat. Primarily, impacts to scrub-jays occur as a result of habitat fragmentation, degradation, and loss, as well as, increased mortality due to car strikes and predation by domestic cats. Typically, significant impacts to habitat occur during the initial construction of the single family home.

We believe the proposed improvements to existing single family homes will not significantly increase risk to scrub-jays above the baseline (existing) conditions and, therefore, do not require further Service review provided: (1) no woody vegetation is removed including saw palmettos (*Serenoa repens*) and surrogate scrub-jay habitat such as exotic vegetation; (2) construction activities occur outside of the scrub-jay nesting season (March 1 through June 30); and (3) scrub oaks are incorporated into the landscape design, if possible. If criteria 1 or 2 cannot be met, please forward those projects to the Service for review.

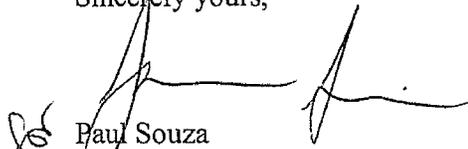
Please note, the exemption of Service review of projects listed in the first paragraph of this letter in no way implies compliance with other Federal, State, County, or municipal regulations. It is

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the Applicants' responsibility to ensure their projects meet all applicable regulations. If project modifications are made that are not in compliance with items 1 and 2 in the immediately preceding paragraph, if additional information involving potential effects to listed species becomes available, if a new species is listed, or if designated critical habitat may be adversely affected by any project, additional coordination with this office will be necessary.

Thank you for your cooperation in the effort to conserve fish and wildlife resources. If you have any questions, please contact Elizabeth Landrum at 772-562-3909, extension 304.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Paul Souza', with a stylized flourish at the end.

Paul Souza
Field Supervisor
South Florida Ecological Services Office

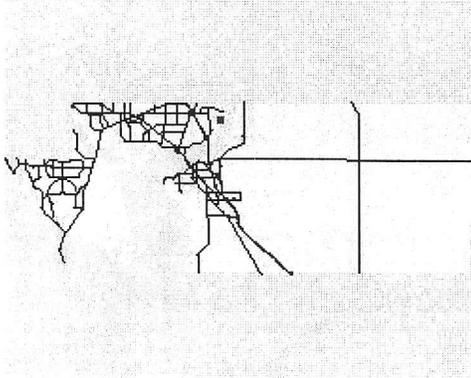
cc: electronic only
Charlotte County, Port Charlotte, Florida (Jamie Scudera)
FWC, Ocala, Florida (Robin Boughton)

Charlotte County GIS Map



Charlotte County GIS Department Copyright (C) 2014

0 150ft



Copyright 2014
 Charlotte County GIS
 18500 Murdock Circle
 Port Charlotte, FL 33948

- Legend**
- Highlighted_Fea
 - Selected_Featu
 - Accounts
 - Lots
 - Waterway Name

DISCLAIMER : This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise to the accuracy or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. C.C.G.I.S. maintains a record regarding the methods used to produce this map and can be furnished upon request.

15. REZONING NARRATIVE:

- A. The proposed change would be consistent with the Comprehensive Plan
- B. Existing land use pattern in adjacent areas is rural, vacant residential with few houses in the area
- C. Population density has stayed consistent over the last decade with no new structures built around the subject property. No increased traffic or facilities/utilities with the proposed change from residential to residential estates 1 unit per acre. This would have a decreased impact on future use of facilities/utilities.
- D. Changed conditions for the proposed amendment would be appropriate
- E. The proposed change would not adversely influence living conditions or property values in adjacent areas. No existing homes are close enough to subject property. Rural area with no paved roads surrounds the subject property. This change could possibly increase property value due to limited areas of the county zoned for horses.
- F. There are no public safety or health concerns for current area property owners.
- G. No reduction in light, air or current quality of life would be effected.
- H. Property cannot be used under existing zoning RSF 3.5 which currently only allows single family 3.5 units per acre – which would not allow for a property owner to have a horse.

200 St.

"Account", "Legal", "Owners_Name", "Mailing_Address", "Unit", "City", "State", "Zipcode", "Country"
 "402310415002", "HHB 011 0176 0001", "EXINTEDEKAS LINDA BADIMITSIOS", "Kentucky", "USA"
 "402310415003", "HHB 011 0176 0003", "VISCONTI DOROTHY", "Kentucky", "USA"
 "402310415004", "HHB 011 0176 0005", "DICKENSHIED SUSAN A", "Kentucky", "USA"
 "402310384001", "HHB 011 0176 0009", "PRESTIGE BUILDERS 1 CORP", "Kentucky", "USA"
 "402310415001", "HHB 011 0176 0030", "ZIMMERMANN ROGER & MYRLAM", "Kentucky", "USA"
 "402310337001", "HHB 011 0177 0001", "Confidentiality Requested", "Kentucky", "USA"
 "402310337002", "HHB 011 0177 0005", "BAIRD KENDALL V & TRACIE A", "Kentucky", "USA"
 "402310337005", "HHB 011 0177 0007", "CHILDS FRANCIS A & ALICE M", "Kentucky", "USA"
 "402310337006", "HHB 011 0177 0009", "DUELL DONALD E JR", "Kentucky", "USA"
 "402310383001", "HHB 011 0177 0011", "CGH 14 LLC", "Kentucky", "USA"
 "402310337003", "HHB 011 0177 0021", "DRUM DONALD ANTHONY & MARY F", "Kentucky", "USA"
 "402310414003", "HHB 011 0180 0017", "KRETSCHMER STEPHEN & KATHRYN", "Kentucky", "USA"
 "402310414002", "HHB 011 0180 0020", "BULLOCK MICHAEL", "Kentucky", "USA"
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 "402310332008", "HHB 011 0180 0031", "SMITH DAVID L TRUSTEE", "Kentucky", "USA"
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 "402310336013", "HHB 011 183A 0006", "CHARLOTTE COUNTY", "Kentucky", "USA"
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 "402310336001", "HHB 011 183A 0021", "ZIMMERMANN ROGER & MYRLAM", "Kentucky", "USA"

"933 HENDERSOVILLE RD", "Kentucky", "USA"
 "86 KENTUCKY AVE", "Kentucky", "USA"
 "1382 MARICAL TER", "Kentucky", "USA"
 "1405 SE 36 TER", "Kentucky", "USA"
 "AVENUE DES ROSSIGNOLS 64", "Kentucky", "USA"
 "27347 SAN CARLOS", "Kentucky", "USA"
 "4107 169 ST", "Kentucky", "USA"
 "18305 BISCAYNE BLVD", "Kentucky", "USA"
 "5535 CORD GRASS LN", "Kentucky", "USA"
 "6720 7TH ST SW", "Kentucky", "USA"
 "1611 NW 91ST AVE", "Kentucky", "USA"
 "27350 SAN CARLOS DR", "Kentucky", "USA"
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 "27300 SAN CARLOS DR", "Kentucky", "USA"
 "AVENUE DES ROSSIGNOLS 64", "Kentucky", "USA"
 "93 SE 5TH ST", "Kentucky", "USA"
 "15 HASTINGS DR", "Kentucky", "USA"
 "18500 MURDOCK CIR", "Kentucky", "USA"
 "33 SE 5TH ST", "Kentucky", "USA"
 "AVENUE DES ROSSIGNOLS 64", "Kentucky", "USA"
 "AVENUE DE ROSSIGNOLS 64", "Kentucky", "USA"

250 ft.

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 "402310337004", "HHH 011 0177 0016", "GGH 14 LLC
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 "402310414003", "HHH 011 0180 0017", "KRETSCHMER STEPHEN & KATHRYN
 "402310414002", "HHH 011 0180 0020", "BULLOCK MICHAEL
 "402310414001", "HHH 011 0180 0022", "BIRCHFIELD ROGER D & AMY J
 "402310332009", "HHH 011 0180 0028", "JOSLIN HARRY A & JEAN S
 "402310332008", "HHH 011 0180 0031", "SMITH DAVID L TRUSTEE
 "402310336010", "HHH 011 183A 0001", "ZIMMERMANN ROGER & MYRIAM
 "402310336011", "HHH 011 183A 0003", "KSEBOB HOLDINGS LLC
 "402310336012", "HHH 011 183A 0004", "ROHR WILLIAM A & HELEN
 "402310336013", "HHH 011 183A 0006", "CHARLOTTE COUNTY
 "402310336005", "HHH 011 183A 0016", "DENUE ROBERT F & ELLEN M
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"", "933 HENDERSOINVILLE RD
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 ", "4 MONIKA CT
 ", "33 SE 5TH ST
 ", "33 SE 5TH ST
 ", "AVENUE DES ROSSIGNOLS 64
 ", "AVENUE DE ROSSIGNOLS 64
 ", "

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 Kendall V. Baird to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 25th day of July, 2014, by

Kendall Baird who is personally known to me or has/have produced

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

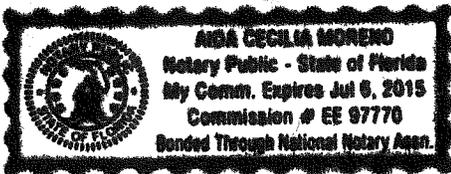
Aida C. Moreno | [Signature]
Notary Public Signature | Signature of Owner

Aida C. Moreno | BAIRD, KENDALL V.
Notary Printed Signature | Printed Signature of Owner

Notary Public | 27347 San Carlos Drive
Title | Address

EE 97770 | Punta Gorda, FL 33983
Commission Code | City, State, Zip

941.764.3411 & 941.286.4836
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 Tracie A. Baird to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 25th day of July, 2014, by

Tracie A Baird who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Aida C Moreno | Tracie A. Baird
Notary Public Signature | Signature of Owner

Aida C. Moreno | Tracie A. Baird
Notary Printed Signature | Printed Signature of Owner

Notary Public | 27347 San Carlos Drive
Title | Address

EE 97770 | Punta Gorda, Fl. 33983
Commission Code | City, State, Zip

941.764.3411 & 941.286.4836
Telephone Number

