



CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT
DEPARTMENT

REZONING*

Application Information

*Do not use this form if submitting a Planned Development rezoning, use the Planned Development Rezoning application form.

Application Submittal Requirements

- **Supply one unbound copy of the Application Materials (see checklist below).** Staff will have up to 5 working days following the application deadline day to review the application for completeness. If incomplete, the application will be returned with a description of the reasons why the application is incomplete. The applicant may resubmit the application any time prior to the next application deadline day.
- **Once deemed complete, the applicant will be notified that the application has been logged-in. The applicant is then required to supply one electronic copy, in PDF format, of all documents.** Additional copies of certain items will be required prior to the public hearing dates. *Do not* submit the additional copies to the Building and Growth Management Department until requested by a staff member of the department.
- **If deemed complete, the application will be logged in and assigned to a P&Z and BCC hearing cycle (see attached Application Schedule).** Staff will commence review.
 - The applicant is responsible for promptly providing any information that needs to be updated, modified, or newly submitted as part of the review; otherwise the petition may be continued to a later cycle or a recommendation of denial will be necessary.
- **No additional changes may be made to any information in an application subsequent to one week before the hearing packet is due to be compiled for the Planning and Zoning Board members or the NOVUS Agenda item deadline for the Board of County Commissioners.** The planner in charge of the petition will be able to inform the applicant of the drop-dead date.

Consistency with the Comprehensive Plan

The changes proposed by this application will be reviewed with regard to consistency with the Goals, Objectives, and Policies (GOPs) of the Smart Charlotte 2050 comprehensive plan. Inconsistency with Smart Charlotte will be a basis for a recommendation of denial by Staff.

The review will also be concerned with impacts to infrastructure (i.e. roads, water and sewer facilities, libraries, public buildings, parks, and schools), services (i.e. garbage collection, police protection, and fire/EMS service), the environment (i.e. impact to listed plant and animals species, soil content, erosion, generation of hazardous waste, water quality), and the potential for natural disasters (i.e. hurricanes and flooding).

Application Materials Checklist

- ☒ Completed Application form
- ☒ Survey and accurate legal description (including acreage), signed and sealed by a registered land surveyor
 - For unplatted property, one original boundary survey -- *one hard copy and one copy in AutoCAD format*
 - For platted land, provide one original surveyor's sketch
- ☒ Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property
- N/A ☐ Notarized authorization from each owner, as applicable (Form A)
- ☒ Notarized authorization for agent to submit petition, as applicable (Form B)
- N/A ☐ A copy of any covenants, easements or restrictions that have been recorded for the subject site
- ☒ *Environmental Assessment Report*
- ☒ *Traffic Impact Report*
- N/A ☐ Letters of availability of utility service from water and sewer utilities that would provide service to the site and *Estimated Potable Water and Sanitary Sewer Usage Report*
- ☒ *Archeological/Historical Memo* indicating whether or not listed objects are located on the subject site
 - *Archeological/Historical Survey*, as applicable
- ☒ Narrative addressing rezoning standards of approval
- N/A ☐ Adjacent property owners map and an electronic copy of the adjacent property owners list in text format (txt file) provided on disc.
- ☒ Affidavits A & B, signed and notarized
- ☒ Filing fee: **\$2,490.00** with check made payable to the Charlotte County Board of County Commissioners, or CCBCC.

Additional Copies for Board Packet

10 copies each of the following when requested by department staff:

- any bound items
- any maps or other graphics sized larger than 11 X 17 (except surveys)
- any items in color

ATTENTION

If you are submitting an application that, if approved, will increase the amount of density allowed to be developed on your property, read this notice.

FLU Policy 1.2.7 of Smart Charlotte County outlines those situations wherein the Transfer of Density Units program is applicable.

“The TDU program shall be used during the review and approval process for all plan amendments and rezonings that propose to increase the base density on land and street vacations that would result in an accumulation of acreage allowing development of new units of density; this requirement shall continue to apply to lands that have been annexed by the City of Punta Gorda.”

Property may be exempted from the TDU program if located within a Revitalizing Neighborhood with an adopted Revitalization Plan. The exemption would need to be consistent with policies adopted into Smart Charlotte.

If not exempted, property must meet one of these requirements in order to be an acceptable Receiving Zone:

FLU Policy 1.2.10 TDU Receiving Zones

Receiving zones inside the Urban Service Area include lands within the following designations of FLUM Series Map #2: 2050 Framework:

1. Emerging Neighborhoods.
2. Maturing Neighborhoods.
3. Economic Corridors and Centers.
4. CRAs
5. Revitalizing Neighborhoods prior to adoption of a Revitalization Plan and also what may be required in accordance with a Revitalization Plan.

Receiving Zones within the Rural Service Area include lands within:

1. Rural Community Mixed Use areas.
2. The Rural Settlement Area Overlay District.

AND

Must not be in a prohibited Receiving Zone:

FLU Policy 1.2.11 Prohibited Receiving Zones

Density shall not be transferred into:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Resource Conservation and Preservation FLUM categories.
3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; when a portion of a property contains resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical structure that is to be integrated into a development will not need to be buffered.
4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).
7. Land on a barrier island.



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

APPLICATION for REZONING

Date Received:	Time Received:
Date of Log-in:	Petition #: Accela #:
Receipt #:	Amount Paid:

1. PARTIES TO THE APPLICATION

Name of Applicant: Bluegrass Land & Mine

Mailing Address: 3300 State Road 31

City: Punta Gorda	State: FL	Zip Code: 33982
Phone Number: 863-444-8041	Fax Number:	

Email Address: toddharris67@yahoo.com

Name of Agent: Robert H. Berntsson

Mailing Address: 3195 S. Access Road

City: Englewood	State: FL	Zip Code: 34224
Phone Number: 941-627-1000 x5	Fax Number:	

Email Address: rberntsson@bigwlaw.com

Name of Engineer/Surveyor: Southwest Engineering & Design

Mailing Address: 252450 Airport Road, Suite 8

City: Punta Gorda	State: FL	Zip Code: 33980
Phone Number: 941-637-9655	Fax Number:	

Email Address: gbayne@sedfl.com

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

Mailing Address:

City:	State:	Zip Code:
Phone Number:	Fax Number:	

Email Address:

2. PROPERTY INFORMATION

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

Property Account #: 402619200002, 402619200001, 402619100002, 402619100003, 402613100004		
Section: 19	Township: 40	Range: 26
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 308.01 +/- 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
Agriculture	308.01 +/- acres
Zoning District(s)	Acreage
Agriculture (AG)	308.01 +/- acres

8. APPLICANT'S PROPOSED CHANGE(S):

Amending Zoning designation(s) to: Excavation and Mining (EM) for 308.01 +/- acres.

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?

N/A

9. REASON FOR PROPOSED CHANGE(S):

To allow for excavation on site.

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

Prior excavation and sludge composting.

11. SURROUNDING LAND USES:

North: Vacant Grazeland and homes on acreage.

South: Wright Farms Excavation

East: Vacant Grazeland

West: Vacant Grazeland

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

SR 31 and Neal Road

- ii. *Traffic Impact Report*: This narrative does not need to be authored by a registered professional engineer. Address the potential impact to the surrounding road network that would result from 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 3-9-10(h) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan.
- B. The existing land use pattern in adjacent areas.
- C. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and stormwater drainage facilities.
- D. Whether the proposed change will adversely influence living conditions or property values in adjacent areas.
- E. Whether the proposed change will affect public safety.

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 A. PROPERTY OWNER AUTHORIZATION TO APPLICANT N/A

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 Bluegrass Land & Mine to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 14th day of October, 2024, by

_____ who is personally known to me or has/have produced

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

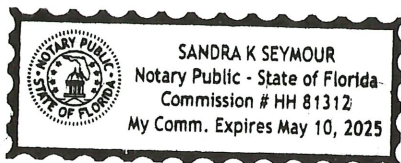
Sandra K Seymour | Rebecca Dinemiller
Notary Public Signature | Signature of Owner

Sandra K Seymour | Rebecca Dinemiller
Notary Printed Signature | Printed Signature of Owner

Notary | 6140 Dovecote Ln.
Title | Address

81312 | Memphis, TN 38120
Commission Code | City, State, Zip

901-683-4653
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 14th day of October, 2024, by

Todd Harris who is personally known to me or has/has produced

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

Sandra K Seymour
Notary Public Signature

Todd Harris
Signature of Applicant

Sandra K Seymour
Notary Printed Signature

Todd Harris
Printed Signature of Applicant

Notary
Title

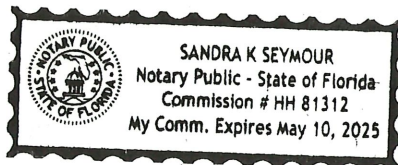
3300 State Road 31
Address

81312
Commission Code

Punta Gorda, FL 33982
City, State, Zip

863-444-8041

Telephone Number



AFFIDAVIT B

The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 15th day of October, 2024, by

Robert H. Berntsson who is personally known to me or has/have produced
_____ as identification and who did/did not take an oath.



Notary Public Signature



Signature of Applicant or Agent

Notary Printed Signature

Robert H. Berntsson

Printed Signature of Applicant or Agent

Title

3195 S. Access Road

Address

Commission Code

Englewood, FL 34224

City, State, Zip

941-627-1000 x5

Telephone Number

