

MEMORANDUM

Date:

7-20-20

To:

Charlotte County Board of County Commissioners.

Planning and Zoning Board

From:

Maryann Franks, Zoning Coordinator

Community Development/Zoning

Subject: SV-20-06-03, Street Vacation – Portion of Parada Street

Applicant: Tracie L. York.

Tracie L. York is requesting to vacate a portion of Parada Street, within Parada Del Sol Subdivision which is located north of Bermont Road and south of Washington Loop Road. The segment is 0.43 acres, more or less, lying East of Lot 4 & Lot 5 and lying West of Lot 12 & Lot 13 as recorded in Plat Book 15, Page 57, of the Public Records of Charlotte County, in Section 31, Township 40, Range 24, in Commission District I.

The subject right-of-way (ROW) lies outside the Urban Service Area. The underlying Future Land Use Map (FLUM) designation is Agricultural (AG). The underlying Zoning District is Residential Single-family 3.5 (RSF-3.5). It lies within Flood Zone X and within Storm Surge Evacuation Zone C.

The applicant seeks to vacate a portion of Parada Road running between Bermont Rd. and Pine Cone St. The applicant owns Lots 4 & 5 of the property abutting the ROW. The 1979 recorded plat of Parada Del Sol shows all "streets, alleys, thoroughfares, parks, canals, and drainage easements" as dedicated to the general public.

The applicant would gain possession of the half of the vacated segment. As this road has been minimally developed (shell/gravel), vehicular traffic may be affected, though no residents will be denied access to their property as a result.

All pertinent departments have reviewed the petition, resulting in a total of five (5) conditions. The conditions are as follows:

1) The Applicant has offered to restore the drainage swales on each side of the unimproved road, and to provide drainage easements over the swales along the Right-of-Way to be vacated. The



easements should be provided prior to or concurrent with the vacation. In addition, the applicant will be responsible for maintaining the drainage swales to assure continued flow of runoff from the south to the north along the vacated right-of-way.

- 2) Parada Street is dedicated but not accepted for county maintenance. This means the county is not responsible for maintaining the road, but it is open for public access. The property owners who abut this roadway are responsible for the maintenance of this road.
- 3) At this time, this is the Utility's certificated area for water & sewer. This is a 60' wide roadway. There are 10' platted easements on the lots on either side of the road. The easement is not in the roadway and is for public utilities. The Utility can't do anything with a 10' wide easement. In the future, when water & sewer is installed, the road will then be brought up to county standards & accepted for maintenance and the county/utility would own the roadway and we'd have plenty of room with the platted width of the roadway along with the 10' easements on either side.

In staff's opinion the application should not be approved even though this is a street vacation and does not include the platted utility easement.

If approved by the County, the Utility Department will require an easement the full width and length of the vacated roadway for utility services in the future.

- 4) The Planning and Zoning Division objects to the proposed partial street vacation, because the requested vacation would create two dead-end streets, eliminate access to lots 12 and 13, reduce access to other lots in this subdivision, and reduce traffic circulation in emergency situations.
- 5) After review, the Survey Dept. highly recommends denial of this vacation due to blockage of historic access to properties north of the proposed vacation. This appears to be the used access for the house north of the York's.

RECOMMENDATION

Community Development recommends denial of Petition #SV-20-06-03.



MEMORANDUM

Date:

June 15, 2020

To:

Maryann Franks, Zoning Coordinator

From:

Ken Quillen, AICP, Senior Planner

Subject:

Review of a proposed street vacation: SV-20-06-03

Below are comments from the Planning and Zoning Divisions regarding the proposed partial street vacation located in the recorded subdivision plat of **Parada Del-Sol**, located in Section 31, Township 40 South, Range 24 East. This vacation is requested by one adjacent property owner to the west, Tracie York, owner of 5945 Parada Street (Lots 4 and 5).

<u>Future Land Use Map (FLUM)</u>: All of Parada Del-Sol subdivision has a FLUM designation of <u>Agriculture</u>. If this street vacation is approved the FLUM designation of the adjacent lots will extend to the centerline of Parada Street.

Zoning: All of Parada Del-Sol subdivision, as well as the street right-of-way, has a zoning classification of *Residential Single-family-3.5* (RSF-3.5). The surrounding land uses consist of existing single-family residences or vacant residential lots to the north, south and east. Lands to the west are zoned Agriculture.

<u>Flood Zone</u>: The existing street, subject property, and adjacent lots are located in flood zone "X", which are areas determined to be outside the 0.2 percent (500-year) annual chance floodplain. Lands in this area are also located in the Storm Serge Evacuation Zone "C".

<u>Comments</u>: The portion of Parada Street proposed to be vacated consist of a dedicated 60-foot right-of-way. However, this street was never improved to County standards and was not accepted for County maintenance; therefore, it is privately maintained by the lot owners. Parada Street is the only street in this subdivision, which provides primary access to all 15 lots in this 1982 subdivision plat. The vacation of a portion of this street, right in the middle of this subdivision, will create two dead-end streets and will create access issues for all the lots in this subdivision and will eliminate any access to two lots (Lots 12 and 13). If this portion of the street is vacated the land area will return to the owner of the four adjacent lots and all future maintenance of this land will continue to be their responsibility.

<u>Finding</u>: The Planning and Zoning Division objects to the proposed partial street vacation, because the requested vacation would create two dead-end streets, eliminate access to lots 12 and 13, reduce access to other lots in this subdivision, and reduce traffic circulation in emergency situations.

cc: Shaun Cullinan, Zoning Official

File: SV-20-06-03

From:

Danielson, Kelly

Sent:

Wednesday, July 22, 2020 3:17 PM

To:

Franks, Maryann

Subject:

FW: SV 20-06-03: 5945 Parada St

Attachments:

SV-20-06-03.pdf

Maryann,

Please see the below revised comments from the utilities in regards to the attached Street Vacation.

Utility staff held a meeting with the applicants via TEAMS on July 16, 2020 at 8:30 a.m. The applicants described their reasons for wanting the street vacated in front of their lots 4 and 5, i.e. ATVs and maintenance of the roadway. By Plat this is a public roadway unaccepted for county maintenance and any illegal activities should be referred to the Sheriff's dept. The applicant did state that deputies have been on-site and stated that the Sheriff is soft on enforcement for this alleged issue. The applicant's reasoning for doing this may not be realistic due to the geographic area, type of land and land use and expected activity in rural areas of this county.

The applicants do not own lots 12 & 13 across the street to be vacated which would cause that property owner of lots 12 and 13 to no longer have access to his/her property. If approved, staff could possibly see legal action taken against the County by those landowners because we approved landlocking their property without their permission. And why would they permit it? If you look at the check sheet on the application - page 7, box 3 it's not checked off. A "No Objection" letter has not been received by the County from those landowners which is required. County staff did provide emails between staff and the applicant inferring that conversations had taken place with the landowners of lots 12 & 13. No written communication between the applicant and the landowners of lots 12 & 13 have been received by the County. When reviewing the Plat along with GIS it is evident that other landowners along this roadway (lots 6,7, 8, 9, 10, and 11) would also be impacted by the vacation and would no longer have access off Parada Street.

There is also concern referencing a former employees suggestion that the whole width of the street could be vacated by the applicant, leaving no road frontage at all for lots 12 & 13, including installing a gate to block the roadway – assuming both ends of the vacated section. This would ultimately cause undue cost to the Utility when lines are installed.

At this time, this is the Utility's certificated area for water & sewer. This is a 60' wide roadway. There are 10' platted easements on the lots on either side of the road. The easement is not in the roadway and is for public utilities. The Utility can't do anything with a 10' wide easement. In the future, when water & sewer is installed, the road will then be brought up to county standards & accepted for maintenance and the county/utility would own the roadway and we'd have plenty of room with the platted width of the roadway along with the 10' easements on either side.

In staff's opinion the application should not be approved even though this is a street vacation and does not include the platted utility easement.

If approved by the County, the Utility Department will require an easement the full width and length of the vacated roadway for utility services in the future.

Kelly Danielson, Engineering Coordinator

The Utilities - Engineering Dept 25550 Harbor View Rd, #1 Port Charlotte, FL 33980 Phone: 941.764.4300 Opt 3

From: Danielson, Kelly

Sent: Friday, June 12, 2020 3:45 PM

To: Franks, Maryann < Maryann. Franks@charlottecountyfl.gov>

Subject: FW: SV 20-06-03

Maryann,

CCU does not approve the street vacation. Below is our reasoning.

As to Utilities, this is CCUs certificated area for water and sewer. This is a 60' wide roadway. There is a 10' platted easement on the lots on either side of the road. The easement is not in the roadway and is for public utilities. 10' easement is not sufficient. In the future when water and sewer is installed, we expect the road will then be brought up to county standards and accepted for maintenance and the county/utility would own the roadway and CCU would have plenty of room.

In CCU's opinion the application should not be approved even though this is a street vacation and does not include the platted easement. The Utility will have a hard time with whoever the property owner is at that time when trying to install utilities clear across their front yard.

Kelly Danielson, Engineering Coordinator

The Utilities - Engineering Dept 25550 Harbor View Rd, #1 Port Charlotte, FL 33980 Phone: 941.764.4300 Opt 3

From: Franks, Maryann

Sent: Tuesday, June 9, 2020 2:06 PM

To: Prince, Tara < <u>Tara.Prince@charlottecountyfl.gov</u>>; Parkman, Matthew V. < <u>Matthew.Parkman@charlottecountyfl.gov</u>>; Kamarajugadda, Ravi Shankar

<Ravi.Kamarajugadda@charlottecountyfl.gov>; Pieper, Ryan <Ryan.Pieper@charlottecountyfl.gov>; Stefan, Patricia

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Subject: FW: SV 20-06-03

The previous attachment had some pages missing. Please the revised attachment.

Thank you.

Maryann Franks | Zoning Coordinator Charlotte County Community Development 18400 Murdock Circle | Port Charlotte, FL. 33948 941.743.1208

Maryann.Franks@charlottecountyfl.gov

Delivering Exceptional Service



From: Franks, Maryann

Sent: Tuesday, June 9, 2020 12:18 PM

To: Prince, Tara < <u>Tara.Prince@charlottecountyfl.gov</u>>; Parkman, Matthew V. < <u>Matthew.Parkman@charlottecountyfl.gov</u>>; Kamarajugadda, Ravi Shankar

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Subject: SV 20-06-03

Good Afternoon,

I have attached a copy of the application for SV -20-06-03 for your review. Please send all comments to me by June 15,2020.

Thank you.

Maryann Franks | Zoning Coordinator Charlotte County Community Development 18400 Murdock Circle | Port Charlotte, FL. 33948 941.743.1208

Maryann.Franks@charlottecountyfl.gov

Delivering Exceptional Service



From:

Aiuto, Phil

Sent:

Tuesday, June 9, 2020 2:11 PM

To:

Franks, Maryann

Cc:

Vernon, Joanne; Ouimet, Jason

Subject:

RE: SV 20-06-03

Miss Maryann,

Although the Parada right-of-way has not been accepted by the County for maintenance, there is, nevertheless, believed to be drainage from the southerly properties and the substandard road of the subdivision Parada Del Sol that flows north along the right-of-way that is requested to be vacated.

Vacating this portion of the right-of-way would remove the "right" established by plat of the existing drainage system to traverse this portion of land, or for anyone to go onto this portion to maintain it.

If the vacation is approved, it could become a civil legal issue should the petitioner block or alter this drainage. It would become the upstream property owners' responsibility to use the courts for remedy.

Therefore, the Public Works Engineering Department, Stormwater Division, does not recommend approval of the subject vacation.

Should you have any questions or need additional information, please let me know.

Thanks,

R. Phil Aiuto, P.E. Stormwater Projects Engineer Public Works - Engineering Phone: 941.575.3650 CharlotteCountyFL.gov Delivering Exceptional Service

From: Franks, Maryann

Sent: Tuesday, June 09, 2020 12:18 PM

To: Prince, Tara < Tara. Prince@charlottecountyfl.gov>; Parkman, Matthew V. < Matthew. Parkman@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar

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From:

Silver, Jordan

Sent:

Wednesday, June 10, 2020 11:09 AM

To: Subject: Franks, Maryann RE: SV 20-06-03

SV 20-06-03- Applicant: Tracie York

I have no comments on this application.

Jordan Silver
Design Technician
Charlotte County
Community Development

From: Horton, Maggie

Sent: Wednesday, June 10, 2020 10:15 AM

To: Silver, Jordan < Jordan. Silver@charlottecountyfl.gov>

Subject: FW: SV 20-06-03

Maggie Horton

Business Services Manager
Community Development Department
(PH) 941-743-1923



From: Franks, Maryann < Maryann. Franks@charlottecountyfl.gov >

Sent: Tuesday, June 9, 2020 12:18 PM

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From:

Pederzolli, Gary

Sent:

Thursday, June 11, 2020 3:28 PM

To:

Franks, Maryann

Subject:

RE: SV 20-06-03

Maryann,

Reviewed SV-06-03 Parada Street and found no issues. The survey matches Parada Del-Sol Plat, Plat Book 15, Page 57 dimensions.

Gary Pederzolli GIS Specialist

Charlotte County BOCC 18500 Murdock Circle, #229 Port Charlotte, FL 33948

Phone: 941-764-5512 Fax: 941-743-1957

Gary.Pederzolli@charlottecountyfl.gov

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Maryann Franks | Zoning Coordinator Charlotte County Community Development 18400 Murdock Circle | Port Charlotte, FL. 33948 941.743.1208

Maryann.Franks@charlottecountyfl.gov

From:

Benjamin, Roy

Sent:

Tuesday, June 9, 2020 12:32 PM

To:

Franks, Maryann

Cc: Subject: Benjamin, Roy RE: SV 20-06-03

No comments or concerns or objections.

From: Franks, Maryann

Sent: Tuesday, June 9, 2020 12:18 PM

To: Prince, Tara < Tara. Prince@charlottecountyfl.gov>; Parkman, Matthew V. < Matthew. Parkman@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar

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Thank you.

Maryann Franks | Zoning Coordinator Charlotte County Community Development 18400 Murdock Circle | Port Charlotte, FL. 33948 941.743.1208 Maryann.Franks@charlottecountyfl.gov Delivering Exceptional Service





MEMORANDUM

Date:

June 11th, 2020

To:

Maryann Franks

From:

Ryan Pieper, Environmental Specialist

Subject:

SV 20-06-03 5945 Parada St

The Zoning Environmental Review Section has conducted a cursory review (additional wildlife or environmental reviews may be required by state or federal agencies) of the above referenced petition for compliance with Environmental, Tree and Landscaping codes or ordinances and offers the following comments.

A GIS aerial review was conducted by staff. As this proposal moves forward, the Environmental Review Section has no issues which need to be addressed.

If there are any questions pertaining to this review, please feel free contact me in the Community Development Department at 941.743.1290.

RP

From:

Aiuto, Phil

Sent:

Thursday, July 16, 2020 3:45 PM

To:

Franks, Maryann

Cc: Subject: Vernon, Joanne RE: SV 20-06-03

Miss Maryann,

Public Works Dept. Engineering Division Stormwater Unit would like to revise our recommendation of 6/9/2020.

The Applicant has offered to restore the drainage swales on each side of the unimproved road, and to provide drainage easements over the swales along the Right-of-Way to be vacated. The easements should be provided prior to or concurrent with the vacation.

In addition, the applicant will be responsible for maintaining the drainage swales to assure continued flow of runoff from the south to the north along the vacated right-of-way.

These conditions would be stipulations for our consent to the requested vacation.

Should you have any questions or need additional information, please let me know.

Thanks,

R. Phil Aiuto, P.E. Stormwater Projects Engineer Public Works - Engineering Phone: 941.575.3650 CharlotteCountyFL.gov Delivering Exceptional Service



March 24, 2020

Carl York 5945 Parada St Punta Gorda, FL 33982

Subject: Parada Street Dedicated Not Accepted Roadway

Dear Mr. York,

Parada Street is dedicated but not accepted for county maintenance. This means the county is not responsible for maintaining the road, but it is open for public access. The property owners who abut this roadway are responsible for the maintenance of this road.

Sincerely,

Jason Ouimet
Maintenance & Operations Manager
Charlotte County Public Works
Maintenance & Operations
Ph 941-575-3600
jason.ouimet@charlottecountyfl.gov
http://www.charlottecountyfl.gov
"Delivering Exceptional Service"

From:

Danielson, Kelly

Sent:

Friday, June 12, 2020 3:45 PM

To: Subject: Franks, Maryann FW: SV 20-06-03

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Kelly Danielson, Engineering Coordinator

The Utilities - Engineering Dept 25550 Harbor View Rd, #1 Port Charlotte, FL 33980 Phone: 941.764.4300 Opt 3

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<Travis.Mortimer@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>; Hunter, Judy

<Judy.Hunter@charlottecountyfl.gov>; Danielson, Kelly <Kelly.Danielson@charlottecountyfl.gov>; Quillen, Ken

<Ken.Quillen@charlottecountyfl.gov>; Anspach, Dawn <Dawn.Anspach@charlottecountyfl.gov>; Benak, Karen

From:

Ford, Steven

Sent:

Monday, June 15, 2020 2:30 PM

To:

Franks, Maryann

Subject:

RE: SV 20-06-03

After review, the Survey Dept. highly recommends denial of this vacation due to blockage of historic access to properties north of the proposed vacation. This appears to be the used acess for the house north of the Yorks.

Steven Ford, PSM -County Surveyor 410 Taylor St., Suite #104 Punta Gorda, FL 33950

941-575-3616 Office 941-628-5308 Cell

From: Franks, Maryann

Sent: Tuesday, June 9, 2020 12:18 PM

To: Prince, Tara < Tara. Prince@charlottecountyfl.gov>; Parkman, Matthew V. < Matthew. Parkman@charlottecountyfl.gov>; Kamarajugadda, Ravi Shankar

- <Ravi.Kamarajugadda@charlottecountyfl.gov>; Pieper, Ryan <Ryan.Pieper@charlottecountyfl.gov>; Stefan, Patricia
- <Patricia.Stefan@charlottecountyfl.gov>; Kalev, Stefan <Stefan.Kalev@charlottecountyfl.gov>; Pederzolli, Gary
- <Gary.Pederzolli@charlottecountyfl.gov>; Conrado, Maria <Maria.Conrado@charlottecountyfl.gov>; Vernon, Joanne
- <Joanne.Vernon@charlottecountyfl.gov>; Ford, Steven <Steven.Ford@charlottecountyfl.gov>; Benjamin, Roy
- <Roy.Benjamin@charlottecountyfl.gov>; Aiuto, Phil <Phil.Aiuto@charlottecountyfl.gov>; Powell, Rob
- <Rob.Powell@charlottecountyfl.gov>; Ouimet, Jason <Jason.Ouimet@charlottecountyfl.gov>; Greene, Karly
- <Karly.Greene@charlottecountyfl.gov>; Vance, David <David.Vance@charlottecountyfl.gov>; Horton, Maggie
- <Maggie.Horton@charlottecountyfl.gov>; Lee, Robert <Robert.Lee@charlottecountyfl.gov>; Mortimer, Travis
- <Travis.Mortimer@charlottecountyfl.gov>; Weaver, Sandra <Sandra.Weaver@charlottecountyfl.gov>; Hunter, Judy
- <Judy.Hunter@charlottecountyfl.gov>; Danielson, Kelly <Kelly.Danielson@charlottecountyfl.gov>; Quillen, Ken
- <Ken.Quillen@charlottecountyfl.gov>; Anspach, Dawn <Dawn.Anspach@charlottecountyfl.gov>; Benak, Karen
- <Karen.Benak@charlottecountyfl.gov>

Subject: SV 20-06-03

Good Afternoon,

I have attached a copy of the application for SV -20-06-03 for your review. Please send all comments to me by June 15,2020.

Thank you.

Maryann Franks | Zoning Coordinator Charlotte County Community Development 18400 Murdock Circle | Port Charlotte, FL. 33948 941.743.1208

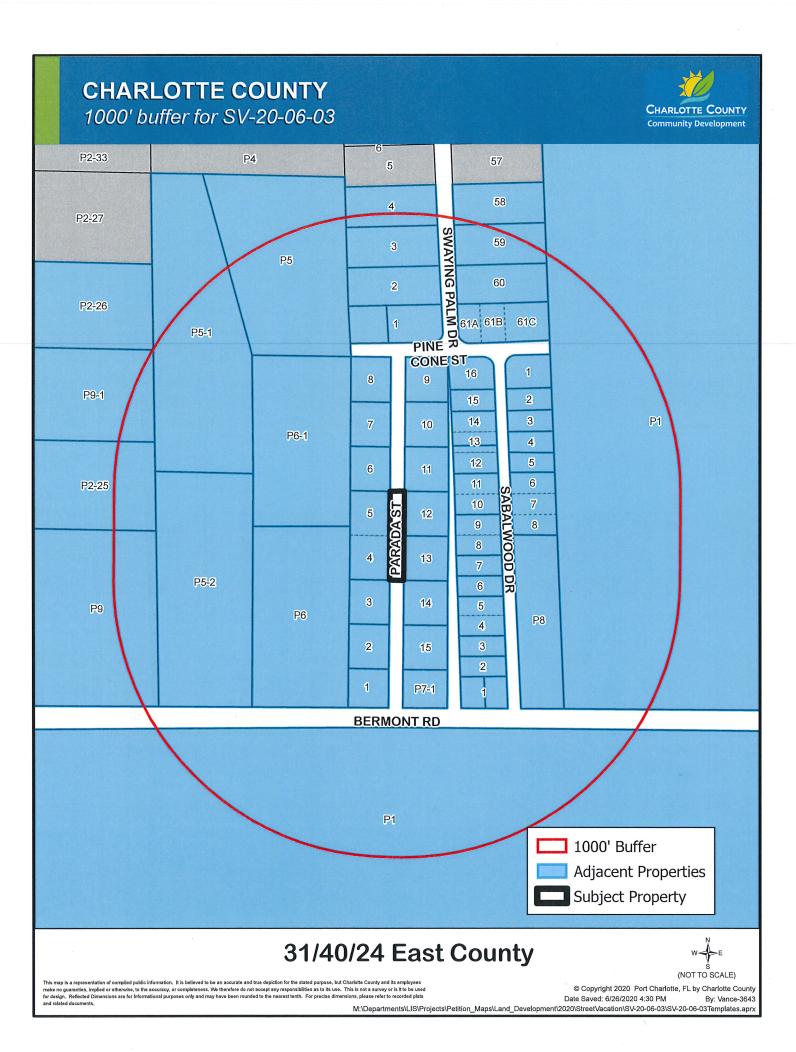


Qualifications of Maryann Franks Position: Zoning Coordinator

Years with Charlotte County: 21

Position Summary & Experience:

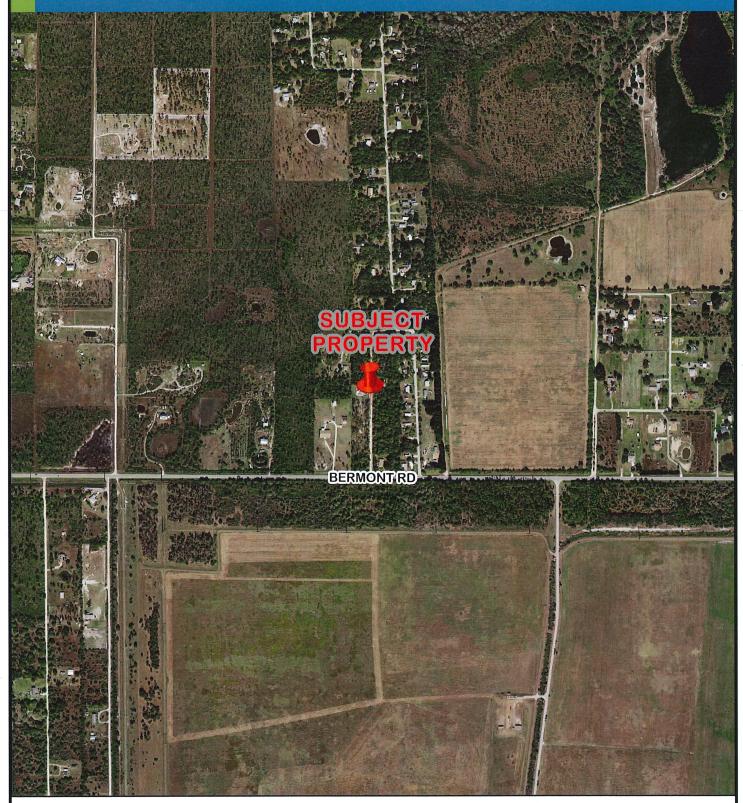
I have worked as a Zoning Tech I, Zoning Tech II, Permitting, Licensing & Zoning Supervisor and Zoning Coordinator for Charlotte County Community Development Department for 21 years. My duties include reviewing and making recommendations of compliance with Charlotte County zoning regulations on preliminary and final detail site plans to the Board of County Commissioners. I also coordinate and compile the recommendations and conditions of the reviewing departments and agencies into the final recommendation to the Board of County Commissioners.



CHARLOTTE COUNTY

Location Map for SV-20-06-03





31/40/24 East County



(NOT TO SCALE)

CHARLOTTE COUNTY FLUM Designations for SV-20-06-03 CHARLOTTE COUNTY **Community Development** P6-1 SUBJECT PROPERTY SABALWOOD DR PARADA ST **Agriculture** Low Density Residential P8 P6 P7-1 31/40/24 East County

red to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees ness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used S (NOT TO SCALE)

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CHARLOTTE COUNTY CHARLOTTE COUNTY Zoning Designations for SV-20-06-03 **Community Development RSF3.5** P6=1 MHC SUBJECT PROPERTY SABALWOOD DR PARADA ST AG P8 **P**6 P7-1 31/40/24 East County

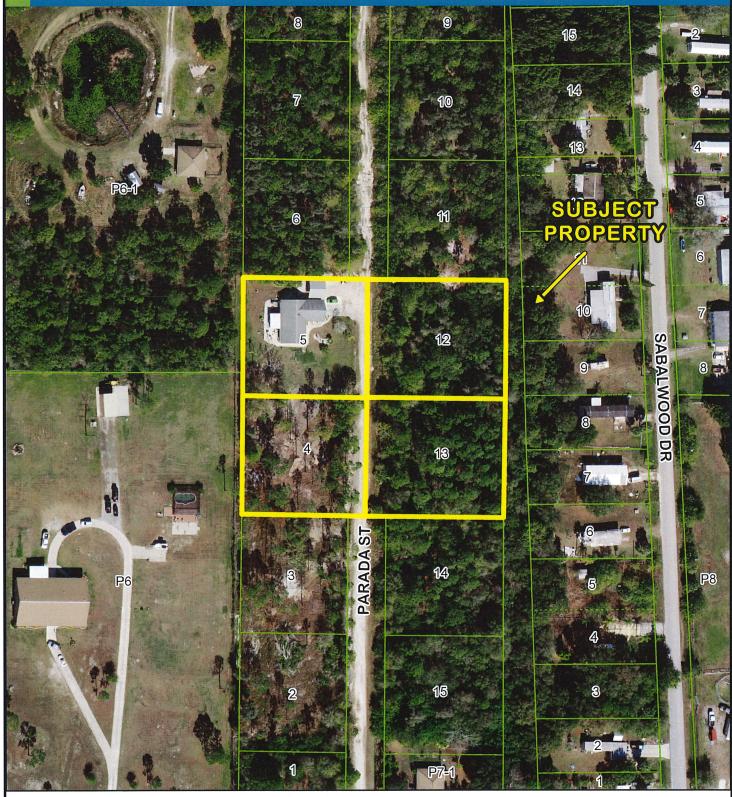
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CHARLOTTE COUNTY

Proposed Changes for SV-20-06-03





31/40/24 East County



(NOT TO SCALE)