



CHARLOTTE COUNTY

Community Development

Unified Staff Report for: PAS-20-00006 and Z-20-28-20

Hearing Date: September 14, 2020 October 13, 2020
To: Planning and Zoning Board Board of County Commissioners
From: Elizabeth Nocheck, AICP, Senior Planner (see Exhibit 1 for professional qualifications)
Regarding: A request to amend the Future Land Use Map and Zoning Atlas

Part 1 – General Information

Applicant: Paladin Land Management, LLC., c/o Derek Newcomer, 404 N Osprey Avenue, Sarasota, FL 34236
Agent: Derek Newcomer, 2562 Commerce Parkway #3, North Port, FL 34289
Owner: Paladin Land Management, LLC., c/o Derek Newcomer, 404 N Osprey Avenue, Sarasota, FL 34236
Request: A privately initiated request to:

- Amend the Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Office and Institutional (OI); and
- Amend the Charlotte County Zoning Atlas from Residential Single-family-3.5 (RSF-3.5) to Office Medical Institutional (OMI).

Location: Subject property is located at **16890 Toledo Blade Boulevard**.
Area: Subject property consists of approximately 0.689-acres (\pm 30,004 square feet).
Public Notice: Public Notice has been given as required by Charlotte County Code, Section 3-9-10; subsections (d) Published Notice; (e) Mailed Notice (1000-foot Buffer); and (f) Posted Notice.

Part 2 – Recommendation

Staff Recommendation of July 31, 2020:

Recommend approval of petition number **PAS-20-00006** based on the findings and analysis in the Comprehensive Planning Division staff report dated July 31, 2020.

Recommend approval of petition number **Z-20-28-20** based on the findings and analysis in the Comprehensive Planning Division staff report dated July 31, 2020.

Planning and Zoning Board proposed recommendation for September 14, 2020:

A motion to forward application **PAS-20-00006** to the Board of County Commissioners with a recommendation of **Approval / Denial**, based on the findings and analysis in the staff report dated July 31, 2020, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

A motion to forward application **Z-20-28-20** to the Board of County Commissioners with a recommendation of **Approval / Denial**, based on the findings and analysis in the staff report dated July 31, 2020, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.

At the September 14, 2020, Charlotte County Planning and Zoning Board meeting, the Planning and Zoning Board voted to forward this unified petition to the Board of County Commissioners with a unanimous recommendation for approval.

Part 3 – Analysis and Conclusion

Analysis:

The applicant, as stated in their Narrative, is requesting this unified petition to amend the Future Land Use Map (FLUM) designation from Low Density Residential (LDR) to Office and Institutional (OI), and to rezone the property from Residential Single-family-3.5 (RSF-3.5) to Office Medical Institutional (OMI), so that the property may be used as a professional office. Subject property consists of approximately 0.689 acres, or 30,004-square feet, and is currently developed with a 2,350-square foot model single-family home and related infrastructure. Subject property is located on the east side of Toledo Blade Boulevard, less than a quarter-mile south of Hillsborough Boulevard, and is part of Section 16 of the Port Charlotte Subdivision.

Compatibility and Impacts on Adjacent Land Uses:

The surrounding land uses consist primarily of single-family homes and vacant lots, which are zoned Residential Single-family-3.5 (RSF-3.5) and have a FLUM designation of Low Density Residential. Roughly a quarter-mile south of subject property at the intersection of Toledo Blade Boulevard and Vallybrook Avenue is a property zoned OMI, which underwent a similar rezoning and FLUM amendment in 2010 and is now used as a chiropractor's office (PA-10-08-22, Z-10-08-23).

Subject property is currently developed with a single-family model home and associated infrastructure improvements. The applicant intends to convert the model home into an office for a structural engineering firm. Because this structure was built as a model home, it has a residential appearance and blends into the surrounding neighborhood. The applicant has stated they intend to remodel the interior of the structure, but the outside appearance is to remain residential in nature. Subject property consists of three consolidated lots, which provides the property owner with sufficient space to add additional parking or other site improvements, as needed. Section 3-9-100 of the Charlotte County Code of Laws and Ordinances establishes buffer requirements for different zoning districts and land uses to help mitigate any potential impacts. A Type C buffer is required where an OMI-zoned property abuts RSF-zoned property. Any parking, landscaping buffers, stormwater, or other site requirements will be determined at the time of Site Plan Review or permitting, as applicable.

Planning staff agrees that the proposed land use change and rezoning may be permitted, and can be supported, by the 2050 Comprehensive Plan. Subject property and the surrounding area are classified as an Emerging Neighborhood on the Framework Map and this request is consistent with this designation. The Land Development Regulations were specifically crafted to allow office, medical, and institutional uses near or adjacent to residential areas, with required landscape buffers to minimize or eliminate potential impacts; therefore, the proposed amendments for subject property should have minimal impacts on the surrounding residential area.

Consistency with the County's Comprehensive Plan:

The Framework designation for subject property is Emerging Neighborhood (see Framework Map). FLU Policy 4.1.5: Adequate Support Services states: "The County shall support plan amendments to the sub-neighborhood Commercial category or the Office and Institutional category, when appropriate, within Maturing Neighborhoods, Revitalizing Neighborhoods, or Emerging Neighborhoods as one method to ensure that there are adequate commercial neighborhood support services in close proximity to these predominantly residential areas." Staff has identified in Part 4, Research and Findings (pages 3-14), this and several other Goals, Objectives and Policies from the Comprehensive Plan that support the proposed small-scale Future Land Use Map amendment and companion rezoning.

Part 3 – Analysis and Conclusion (continued)

Concurrency Issues:

- Potable Water and Sanitary Sewer: (SPAM Maps #83 and #86) Subject property is in the Charlotte County Utilities certificated service area for potable water and sanitary sewer; however, lines have not yet been extended south into this neighborhood. Subject property and adjacent properties are serviced by private potable water wells and septic systems. Should the utility lines be extended in the future to this area, subject property will be required to be in compliance with the standards established in Section 3-8, Division 4: Mandatory Connection to Available Water and Sewer Systems and Section 3-8, Division 5: Utility Extension Standards.
- Student Generation: The proposed professional office use will not generate any new students.
- Traffic: After reviewing the applicant's Traffic Impact Statement the County Transportation Engineer has concluded that there will be no change in the existing Level of Service (LOS) of County roadways. A revised up-to-date Traffic Impact Statement may be required at the time of Preliminary or Final Site Plan Review for any proposed future construction, as applicable. The applicant will be responsible for any site related improvements required to mitigate impacts resulting from the proposed development.

Based on these facts, it is staff's professional opinion that the proposed FLUM amendment and rezoning will not raise any concurrency issues.

Conclusion:

This request is generally consistent with the County's Comprehensive Plan. Because extensive landscape buffers and screening are required for adjacent residential properties, the limited traffic impact of the proposed professional office use, and the residential character of the structure, the proposed change in use from a model home to a professional office is not expected to create any detrimental impacts on the surrounding residential properties. Additionally, development standards such as setbacks, lot coverage, stormwater, and parking limit the types of potential OMI uses on a site of this size. As such, staff recommends approval of this unified application.

Part 4: Research and Findings

1. **2050 Framework Map Designation:**..... **Emerging Neighborhood (FLUM Map #2)**
2. **2030 Service Area Delineation:**..... **within the Urban Service Area**
3. **Existing Land Use on the Site:**..... **Model single-family home**
4. **Existing Future Land Use and Zoning Designations:**

FLUM	Development Standards:
Low Density Residential (LDR)	<u>General Range of Uses</u> : Single-family residential, multi-family residential, manufactured residential dwelling units, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities. <u>Maximum Density/Intensity</u> : Density: Residential densities shall not exceed five dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres. Intensity: The maximum floor area ratio is 0.6

	<p><u>Special Provisions:</u></p> <ol style="list-style-type: none"> 1. Recreational vehicle parks shall be located on properties with a minimum of 15 acres. The entire site does not have to be dedicated to recreational vehicle 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 vehicle parks 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 vehicle parks 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 Standards:
<p>Residential Single-family-3.5</p> <p>(RSF-3.5)</p>	<p>The purpose and intent of this district is to allow single-family dwellings and other uses normally associated therewith on individual platted lots.</p> <ul style="list-style-type: none"> • Minimum lot area is 10,000 square feet. • Minimum width is 80 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 7.5 feet. ○ Rear setback is 20 feet. ○ Rear setback for all accessory buildings is 10 feet. ○ Setback abutting water is 20 feet. • Maximum lot coverage by all buildings is 40 percent. • Maximum building height is 38 feet. • The maximum density is 3.5 units per acre.

Table 1

5. Proposed Future Land Use and Zoning Designations:

FLUM:	Development Standards:
<p>Office and Institutional (OI)</p>	<p><u>General Range of Uses.</u> This category provides for professional and business offices, museums, theatres and play houses, hospitals, clinics, nursing homes, group homes, assisted living facilities, studios, schools, funeral homes, and public services and facilities.</p> <p><u>Maximum Intensity.</u> Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.</p> <p><u>Special Provisions.</u></p> <ol style="list-style-type: none"> 1. The zoning district consistent with this FLUM designation is Office Medical Institutional (OMI), Charlotte County Code of Laws and Ordinances, as may be amended. 2. <i>Neighborhood Office and Institutional:</i> Within residential neighborhoods, the minimum acreage for a map amendment to this category is 0.5 acres. Separate amendments may be approved for adjacent lands up to an aggregate acreage of 2 acres. An amendment of this type is expected to allow a development that serves 3,000 to 4,000 persons. The maximum intensity of development under these circumstances is 0.4 FAR.

	<p>3. <i>Development of Residential Uses:</i> A single residential dwelling unit may be incorporated into an office or institutional structure for use by a property owner, business owner, or manager or other employee of a business. The County shall allow only one dwelling unit per structure, not per business. The residential dwelling unit can only account for up to 2,000 square feet or 25 percent of the structure, whichever is less.</p>
Zoning:	Development Standards:
Office Medical Institutional (OMI)	<p>The purpose and intent of this district is to allow professional and business offices, as well as institutional and cultural activities.</p> <ul style="list-style-type: none"> • Minimum lot area is 7,500 square feet. • Minimum lot width is 80 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front.....10 feet ○ Side (interior) for multifamily or nonresidential development... half the building height, but not less than 7.5 feet ○ Side (interior) for single-family development...7.5 feet ○ Side (street).....10 feet ○ Rear (interior).....10 feet ○ Rear (street).....10 feet ○ Abutting water.....20 feet • Maximum lot coverage of all buildings is 40 percent. • Maximum building height for nonresidential uses or residential uses with a special exception is 60 feet. Maximum building height for residential uses is 38 feet. • Maximum density is 10 units per acre.

Table 2

6. Surrounding Land Uses and their Future Land Use and Zoning Designations:

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	Single-family residences, vacant residential lots	Low Density Residential (LDR)	Residential Single-family-3.5 (RSF-3.5)
East	Single-family residences, vacant residential lots	Low Density Residential (LDR)	Residential Single-family-3.5 (RSF-3.5)
South	Single-family residences, vacant residential lots	Low Density Residential (LDR)	Residential Single-family-3.5 (RSF-3.5)
West	Single-family residences, vacant residential lots	Low Density Residential (LDR)	Residential Single-family-3.5 (RSF-3.5)

Table 3

7. Buildout Calculations (square footage or density):

The applicant stated in their narrative that they intend to convert the existing model single-family home into a professional office. Development details are not required to be submitted with this application; however, the Comprehensive Plan allows for a Floor Area Ratio (FAR) of 0.6 for the Office and Institutional FLUM designation. The Land Development Regulations allow for a maximum lot coverage of 40 percent. The existing model home is 2,350-square feet in size, which equals approximately 7.8 percent of the total lot area of ±30,004 square feet.

Part 4: Research and Findings (continued)

8. **Is subject property in a Community, Special Planning Area or Overlay District?** **No**
Subject property is not in a special planning area. (FLUM Maps #8, #9, #10 or #11)
9. **Is subject property located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?** **No**
Subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #52, #92 and #93)
10. **Is the proposed land use designation consistent with the provisions of the:**
a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #53)
Subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #53)
Subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.
11. **Does subject property contain archaeological or historic resources?** (SPAM Map #3 and #44)
The applicant received a review letter from the State Division of Historic Resources, dated May 5, 2020, stating that the Florida Master Site File (FMSF) lists no specific Archeological Sites on subject property (see FMSF Letter). Four Linear Resources were identified, which are Flamingo Waterway, Como Waterway, Auburn Waterway, and Tamiami Trail. This research does not constitute a detailed review. If any archeological or historical resources are found state laws require that the applicant contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333. This proposed unified petition does appear to comply with Future Land Use Policy 6.2.13, Archeological Resource Protection.
12. **Are there wetlands on the property?** **No**, wetlands are not located on subject property.
a. Number of acres of Category I: None
b. Number of acres of Category II: None
13. **Natural Resources:**
a. **Significant natural resources or critical habitat for endangered species:**
Charlotte County's Environmental Specialist performed a cursory review and provided comments on the attached Memorandum, dated June 10, 2020 (see Environmental Memo).
b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources:
None have been identified.
c. Is subject property in the **Watershed Overlay District?** (FLUM Map #4) **No**
d. Is subject property in the **Surface Water Protection Overlay District?** (FLUM Map #5) **No**
e. Is subject property in the **Prime Aquifer Recharge Area?** (FLUM Map #6) **No**
f. Is subject property in a 1,500' **Wellhead Protection Area?** (FLUM Map #7) **No**
14. **Coastal Planning:**
g. Is the subject site within the **Coastal Planning Area?** (FLUM Map #13) **No**
h. Could the proposed changes impact beach accessibility? **No**
i. Could the proposed change affect other waterfront access? **No**
j. Flood Zone: The entire site is located within **Flood Zone "X"**.
k. Storm Surge Evacuation Zone: **The site is located within Evacuation Zone "B"**.
l. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14) **No**
m. Could the proposed changes impact evacuation times? **No**

Part 4: Research and Findings (continued)

15. Charlotte County Facilities and Services:

- a. Nearest Park: **Centennial Park**, 1185 O Donnell Blvd., Port Charlotte (Map #92)
Distance: approximately 2.1 miles to the south of subject property
- b. Nearest Police Station:..... **District 2 Charlotte County Sheriff's Office** (SPAM Map #42)
Address:..... 992 Tamiami Trail, Suite A, Port Charlotte
Distance: approximately 1.3 miles to the south of subject property
- c. Nearest Fire/EMS Station:..... **Charlotte County Fire Station No. 2** (SPAM Map #38)
Address:..... 1493 Collingswood Boulevard, Port Charlotte
Distance: approximately 2.3 miles to the south of subject property
Response Time:..... approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Library: **Mid-County Regional Library** (SPAM Map #91)
Address:..... 2050 Forrest Nelson Boulevard, Port Charlotte
Distance: approximately 3.7 miles to the southeast of subject property
- e. Nearest Hospital: **Fawcett Memorial Hospital** (SPAM Map #41)
Address:..... 21298 Olean Boulevard, Port Charlotte
Distance: approximately 5.7 miles to the southeast of subject property
- f. Nearest Emergency Shelter: ... **Murdock Middle School** (SPAM Map #38)
Address:..... 17325 Mariner Way, Port Charlotte
Distance: approximately 1.9 miles to the south of subject property
- g. Public School Attendance Boundary:
1. Elementary School:..... **Liberty Elementary School** (SFAM Map #1)
Address: 370 Atwater Street, Port Charlotte
Distance: approximately 4.3 miles to the east of subject property
 2. Middle School:..... **Murdock Middle School** (SFAM Map #2)
Address: 17325 Mariner Way, Port Charlotte
Distance: approximately 1.9 miles to the east of subject property
 3. High School:..... **Port Charlotte High School** (SFAM Map #3)
Address: 18200 Cochran Boulevard, Port Charlotte
Distance: approximately 2.7 miles to the south of subject property

16. Concurrency:

- a. Roads Level of Service:..... **No impact.**
See attached Transportation Memo, dated July 21, 2020.
- b. Potable Water Level of Service:
1. *Provider's Name:* **Charlotte County Utilities**, (SPAM Map #83)

Permitted Facility Capacity	225 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use Estimated water needs
16,100,000 gallons per day	12,105,000 gallons per day	194 gallons

Table 4

Part 4: Research and Findings (continued)

2. *Analysis:* As stated in the applicant's narrative, subject property is serviced by a private well and has adequate potable water service. Subject property is located inside the Charlotte County Utilities service area; however, utility lines have not yet been extended into this area. Should the utility lines be extended in the future to this area, subject property will be required to be in compliance with the standards established in Section 3-8, Division 4: Mandatory Connection to Available Water and Sewer Systems and Section 3-8, Division 5: Utility Extension Standards. See attached Utility Availability Letter, dated May 27, 2020.

c. Sanitary Sewage Level of Service:

1. *Provider's Name:***Charlotte County Utilities, (SPAM Map #86)**

Permitted Facility Capacity	190 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use Estimated sewer needs
6,000,000 gallons per day	3,935,000 gallons per day	240 gallons per day

Table 5

2. *Analysis:* As stated in the applicant's narrative, subject property is currently serviced by a septic system. The installed system has a capacity of 500 gallons per day. Residential uses require 300 gallons per day, and commercial uses 240 gallons per day, so the current septic system is adequately sized for both the current and proposed future use. Subject property is located inside the Charlotte County Utilities service area; however, utility lines have not yet been extended into this area. Should the utility lines be extended in the future to this area, subject property will be required to be in compliance with the standards established in Section 3-8, Division 4: Mandatory Connection to Available Water and Sewer Systems and Section 3-8, Division 5: Utility Extension Standards. See attached Utility Availability Letter, dated May 27, 2020.

d. Park and Recreation Level of Service:

1. *Level of Service:***Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**

2. *Analysis:***A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**

e. Schools:.....**There will not be any impact on school concurrency.**

f. Solid Waste:

1. *Refuse Collector:*.....**Waste Management Inc. of Florida or another provider**

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

3. *Level of Service:* Zemel Road 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 estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

- Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
- Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

Part 4: Research and Findings (continued)

g. Drainage: 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.
- *Storm-water management facilities:* in all new subdivisions manage a 25-year, 24-hour rainfall.
- *New parking facilities:* maximum temporary detention depth of nine inches (9") resulting from a 5-year, 24-hour rainfall.
- *New development on existing platted lots (except single-family, duplex, and triplex dwellings):* on-site storm-water management for a 25-year, 24-hour rainfall.

Analysis: The SW Florida Water Management District and the Community Development Department review storm-water management plans on a project specific basis.

17. Capital Improvements Program:

Are any updates to the CIP required because of this petition? **No**

18. Intergovernmental Coordination:

Does this amendment require comments from, or coordination with, adjacent governments or other governmental agencies? **No**

This application does not require comments from any other government or agency.

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 - Goals, Objectives and Policies:

FLU GOAL 1: 2050 FRAMEWORK

Implement a land use and development framework based upon Smart Growth Principles that will:

- Preserve and protect natural resources.
- Preserve and support agricultural uses.
- Protect and enhance residential neighborhoods.
- Promote a compact, efficient, and environmentally sensitive pattern of development.
- Promote economic development.
- Discourage urban sprawl pursuant to Section 163.3177 Florida Statutes (F.S.).
- Encourage and support energy efficient land use forms.
- Ensure adequate services and facilities to serve new and existing development.
- Protect private property rights.

FLU Objective 1.1: Planning Strategy Implementation

To create a planning framework and implementation strategy that will enhance the livability of Charlotte County; preserve or enhance its natural, cultural, and physical resources; discourage urban sprawl pursuant to Section 163.3177 F.S. (2015); promote sustainable and energy-efficient land use patterns.

Part 4: Research and Findings (continued)

FLU Policy 1.1.1: Planning Principles

These Planning Principles shall guide the creation of land use policy and development regulations within Charlotte County and shall be implemented through the policies contained in this Charlotte 2050 Comprehensive Plan. These principles shall include:

- Preserving open space, farmland, natural beauty and critical environmental areas.
- Promoting urban development and redevelopment.
- Taking advantage of compact building design.
- Encouraging distinctive, attractive, mixed use communities with a strong sense of place.
- Encouraging the creation of walkable neighborhoods in population centers that can support compact development.
- Creating a range of housing opportunities and choices.
- Providing a variety of transportation choices.
- Encouraging community and stakeholder collaboration.
- Making development decisions predictable, fair and cost effective.

FLU Objective 1.2: Future Land Use Map (FLUM)

To direct the timing, location, density, and intensity of development and redevelopment throughout Charlotte County consistent with the Planning Principles in the 2050 Framework Report and Concept Plan.

FLU Policy 1.2.4: Urban Service Area

For lands within the Urban Service Area, this Plan:

1. Promotes infill redevelopment and compact new development that will minimize the conversion of agricultural and rural lands for urban use.
2. Maximizes the efficient use of available urban infrastructure.
3. Establishes the priority locations for the extension of that infrastructure.
4. Prohibits the expansion of Urban Service Area land use designations, identified in FLU Table A-1 of FLU Appendix I, outside the Urban Service Area.

FLU Objective 1.3: Protection of Historic Resources

To ensure that natural, historic, archaeological and cultural resources are protected for the enjoyment of all citizens through provisions of the Charlotte County Code of Laws and Ordinances and this Plan.

FLU Policy 1.3.3: Archaeological Predictive Model

The County shall determine the location of potential historic resources using the Archaeological Predictive Model (SPAM Series Map #3) prepared by Environmental Services, Inc. for the Phase II Survey of Historic Resources for Charlotte County in 2009. The model will be used to evaluate requests for any Future Land Use Map amendments and rezonings.

FLU Objective 1.4: Protection of Private Property Rights

To recognize and respect private property rights, including the right to farm, and to respect such rights and the impact upon them when preparing recommendations for land use decisions.

FLU Policy 1.4.2: Notice of Property Owners and Neighboring Lands

The County shall provide appropriate notice to the property owner(s), the general public and owners of neighboring lands of all applications for amendments to the Comprehensive Plan, Zoning Atlas, and Land Development Regulations.

Part 4: Research and Findings (continued)

FLU GOAL 4: PLANNING 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 pursuant to Section 163.3177 F.S. (2015) 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 planning approach to redefining the County's platted lands. The County shall continue to encourage reduction of the total number of vacant lots. Reducing the number of vacant lots is not necessarily intended to reduce overall buildout but is intended to ensure sustainable buildout occurs.

FLU Policy 4.1.1: 2050 Framework – Neighborhoods

2. *“Emerging” Neighborhoods.* These neighborhoods include large areas of undeveloped lots or other undeveloped lands in locations that are appropriate for residential and mixed-use development. Emerging Neighborhoods are generally near regional transportation corridors, typically have central water and sewer infrastructure, and are in the path of future urban development. These neighborhoods have the opportunity to create a sense of identity for the community and to introduce planning principles supporting more sustainable neighborhoods prior to further development. Emerging Neighborhoods will be encouraged to create Emerging Area Plans to help guide anticipated development.

FLU Policy 4.1.5: Adequate Support Services

The County shall support plan amendments to the sub-neighborhood Commercial category or the Office and Institutional category, when appropriate, within Maturing Neighborhoods, Revitalizing Neighborhoods, or Emerging Neighborhoods as one method to ensure that there are adequate commercial neighborhood support services in close proximity to these predominantly residential areas.

FLU Policy 4.1.6: Neighborhood Compatibility

The County shall protect the quality and integrity of established neighborhoods from adjacent incompatible development and shall include specific review criteria for rezoning actions to address residential compatibility. The following shall be considered:

1. A method for determining compatibility between residential zoning classifications.
2. Buffer or transition requirements necessary to develop or achieve compatibility where appropriate. The purpose of such criteria is to provide standard and predictable measures for establishing and creating compatibility through landscaping, buffers, natural areas or transitional development practices in an effort to:

Part 4: Research and Findings (continued)

- a. Lessen impacts and integrate development along the edges of properties where different zoning districts are present,
- b. Screen undesirable views,
- c. Preserve tree canopy and vegetation, and
- d. Facilitate the safe movement of traffic and pedestrians in vehicle use areas.

FLU Objective 4.4: Emerging Neighborhoods

To create incentives for the conversion of undeveloped, single use lots as well as other appropriately suited vacant lands to compact, mixed-use development.

FLU GOAL 5: PLANNING CONCEPT PLAN IMPLEMENTATION – ECONOMIC DEVELOPMENT

Provide an Economic Development Program and Strategy that:

- Focuses on business creation and expansion.
- Aligns public investments, incentives and Future Land Use element policies to encourage and protect economic development opportunities that leverage existing economic assets.

FLU Policy 5.1.1: Priority for the Provision of Urban Services

The County shall establish the priority for the extension of urban services and facilities in Economic areas as follows:

1. *First priority:* Economic Districts.
2. *Second priority:* Economic Centers with completed Special Area Plans, Community Redevelopment Areas (CRAs) and Economic Corridors.
3. *Third priority:* Economic Centers and Corridors supporting Emerging Neighborhoods with completed Special Area Plans.
4. *Fourth priority:* Economic Centers and Corridors supporting Emerging Neighborhoods without completed Special Area Plans.

FLU Objective 5.5: Support Business Creation and Future Economic Development Opportunities

To support and foster economic development activities that focus on business creation and expansion, and protection of future economic opportunities.

FLU Objective 5.7: General Standards for Non-Residential Development

To ensure that future commercial, office and industrial uses are consistent and compatible with the character of the area in which the uses are located.

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 or Building Permit 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.

Part 4: Research and Findings (continued)

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.

Part 5 – Approval Criteria

21. Standards for Rezoning Approval: For the rezoning of land, the final action of the Board shall be made after giving due consideration to the following criteria:

a. Would the proposed change be consistent with the Comprehensive Plan?

Finding: The proposed rezoning to Office Medical Institutional (OMI) would be consistent with many Goals, Objectives and Policies of the County's Comprehensive Plan if the Board of County Commissioners finds the requested Plan Amendment to Office and Institutional (OI) is appropriate. Most specifically FLU Objectives 4.1, 4.4, 5.5, 5.7 and FLU Policies 4.1.1, 4.1.5 and 4.1.6.

b. The existing land use pattern in adjacent areas:

Finding: Subject property is currently developed with a model single-family home and supporting infrastructure. The surrounding land uses consist primarily of single-family homes and vacant residential lots. Roughly a quarter-mile to the south of subject property is a property zoned OMI, which underwent a similar rezoning and FLUM amendment in 2010 (PA-10-08-22, Z-10-08-23), and is currently used as a chiropractor's office. As stated in the applicant's Traffic Impact Report, the proposed use of a professional office would generate a total of 38 daily weekday trips, with five trips during the AM peak hour and 6 trips during the PM peak hour. Toledo Blade Boulevard operates at an acceptable Level of Service (LOS) "C", and has an adopted LOS "D". The proposed rezoning and FLUM amendment would not create any adverse impacts on the servicing roadway and no additional roadway improvements are recommended at this time. The conversion of a model single-family home into a small professional office is unlikely to create any adverse impacts on the existing adjacent land use pattern, and this could be considered an appropriate location for office, medical, or institutional uses.

c. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and storm-water drainage facilities:

Finding: The proposed rezoning involves the conversion of a model single-family home into a small professional office, which would not impact schools. The County's Transportation Projects Manager does not anticipate any significant change in traffic patterns and the existing streets will continue to operate at an acceptable Level of Service at maximum build-out of subject property. No additional roadway capacity improvements are recommended. The proposed rezoning will not create additional demand for potable water or sanitary sewer service, as the site is currently serviced by a private potable water well and septic system. Subject property is located inside the Charlotte County Utilities service area; however, lines have not yet been extended into this neighborhood. Connections to any future line extensions will be addressed at that time.

Part 5 – Approval Criteria (continued)

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

Finding: Subject property was initially developed with a model single-family home. As the existing structure is to remain residential in appearance and additional development standards such as buffering may be required, it is unlikely that the proposed change would adversely influence living conditions or property values in adjacent areas.

If the Board approves this unified petition, the applicant intends to use the property as a professional office. This would require additional review of subject property, including but not limited to parking, landscaping, and stormwater, before the property would receive a certificate of occupancy for the new office. OMI properties require buffering when adjacent to RSF-zoned properties, which is intended to reduce any potential adverse impacts on adjacent properties.

Similar rezonings have been approved by the Board in past years, including one located at 16954 Toledo Blade, which is located seven lots, or roughly a quarter-mile, to the south of subject property. As this area of the County continues to grow and develop, sub-neighborhood office, medical, and institutional uses will be needed to support and be used by the surrounding residential community.

e. Would the proposed change affect public safety?

Finding: Public safety should not be affected by this proposed zoning change from Residential Single-family-5 (RSF-3.5) to Office Medical Institutional (OMI) to allow the conversion of a model single-family home into a professional office on subject property.