

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-12-011**

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**To:** Charlotte County Board of Zoning Appeals

**From:** Shaun Cullinan, Zoning Official 

**Prepared By:** Ken Quillen, AICP, Planner III

**Report Date:** July 31, 2012

**BZA meeting date: August 8, 2012**

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**Requested Action/General Information:**

David Pagliughi, agent for First Alliance Church of Port Charlotte, Inc., is requesting a modification of special exception number SE-90-39 to allow an expansion of the church buildings, property and uses. The property is located at 20444 Midway Boulevard in Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Residential Single-family-3.5 (RSF-3.5). This property has a Low Density Residential Future Land Use Map designation.

The property consists of an existing church and associated uses, which was originally constructed in 1964 prior to the adoption of the current Zoning Code in 1981. A special exception, file number SE-90-39, was approved by the Board of Zoning Appeals on August 8, 1990 to bring the existing church into conformity with the Zoning Code and allow an addition. A copy of the **Notice of Approval** (**Exhibit A**) for SE-90-39 is attached. The Zoning Official has determined that a modification of this special exception is necessary to allow the rather significant expansion of the church sanctuary, parking lot, and additional land area, consisting of six residential lots on the west side of Green Street. Two of the existing single-family residences located on these newly acquired lots are proposed to be used for church offices and the four other lots are to be used for parking and a new storage building.

The applicant has submitted the attached **Concept Plan** (**Exhibit B**), which shows the location of the existing 29,600 square foot church complex, as well as, the existing and proposed access drives, on-site parking and single-family residence on the original church property. The **Concept Plan** (**Exhibit B**) also shows the proposed new Worship Center, which will replace an existing wing of the church complex. This property consists of approximately six acres at the northeast corner of Midway Boulevard and Green Street. The applicant has also acquired six lots (lots 13 through 18) located on the west side of Green Street, and would like to convert these properties to church uses. The applicant would like to convert the two residences located closest to Midway Boulevard, on lots 13 and 14, into church offices and demolish the residence located at 2197 Green Street (lot 16). The applicant would also like to develop a parking lot and storage building on lots 15, 16, 17 and 18 located on the west side of Green Street.

Subsection 3-9-32(e) of the Zoning Code does allow a house of worship as a special exception in the Residential Single-family (RSF) zoning districts. As such the applicant has submitted this application for a special exception along with the attached **Narrative** (**Exhibit C**) explaining why the applicant believes this request for a special

exception should be granted. The Growth Management Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit D)** dated July 25, 2012.

One concern that staff has is whether it is appropriate for this church to construct a parking lot and storage building on lots 15 through 18 so close to residential uses and across the street from the principal church property. If this is permitted staff recommends that design standards for the storage building be required and adequate landscape buffers be provided to reduce the impact these uses may have on the adjacent residential properties.

**Findings: The six standards for approval for a Special Exception according to section 3-9-7(f) of the Charlotte County Zoning Code are as follows:**

1. The requested special exception is either explicitly permitted in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Houses of worship are allowed as a Special Exception in the Residential Single-family zoning district as per Section 3-9-32(e) of the Zoning Code.

2. The requested special exception is compatible with existing uses surrounding immediately adjacent and contiguous to the land on which the requested special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Single-family residences	RSF-3.5	Low Density Residential
South	Single-family residences	RSF-3.5	Low Density Residential
East	House of worship	RSF-3.5	Public Lands & Facilities
West	Single-family residences	RSF-3.5	Low Intensity Industrial

Finding: The existing house of worship and associated uses may be considered compatible with the surrounding residential uses.

3. Adequate access shall be provided for ingress and egress to the proposed use in a manner that minimizes hazards and congestion on streets and roads.

Finding: The proposed development will result in a number of changes to the existing vehicular traffic circulation. Site Plan review is required prior to construction of any new facilities for parking and traffic circulation in compliance with all codes.

4. Adequate provision has been made for buffers, landscaping, trees, open space, storm-water or other improvements associated with the proposed use.

Finding: All code requirements, including parking and landscaping, will be enforced during Site Plan review and the permitting process. The Board may require additional landscaping or buffers to screen any uses or structures from adjacent residences.

5. The requested Special Exception is consistent with the **Smart Charlotte 2050 Plan** (Charlotte County Comprehensive Plan) and **Land Development Regulations**.

Finding: The proposed uses would be consistent with the Smart Charlotte 2050 Plan, which plans for residential uses, including houses of worship, which are permitted by special exception according to the Land Development Regulations.

6. The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Finding: Staff believes that the house of worship and accessory uses would not be detrimental to, or endanger the public health, safety or general welfare of the surrounding residential properties provided the parking lots are adequately screened from the adjacent residential properties.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception staff believes that the proposed uses consisting of a house of worship do meet the six criteria for granting a special exception.

If the Board of Zoning Appeals decides to approve the requested special exception staff recommends the following conditions be adopted, as conditions of approval, to ensure the use is in compliance with the purpose and intent of the Zoning Code.

The conditions are as follows:

1. This special exception, as approved by the Board of Zoning Appeals, is to modify special exception SE-90-39 to allow the following: (1) expansion of the church property to 20464 Midway Boulevard and lots 13 through 18 of block 467 on the west side of Green Street; (2) expansion of the church building and parking lot to allow a new worship center; (3) church offices in the existing residences located at 2225 and 2217 Green Street; and (4) a storage building and parking lot on lots 15, 16, 17 and 18 of block 467 on the west side of Green Street.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes, including parking, landscaping, and tree preservation are applicable to the construction and operation of the existing church and proposed new buildings and parking lots.
3. No new construction or development activity may proceed until Final Site Plan approval has been obtained by the applicant.
4. The "storage garage" and any other accessory buildings for the church shall be designed and built in compliance with section 3-9-32(c) of the Zoning Code.
5. All new and existing parking lots shall be brought into compliance with all code requirements.
6. A type "B" Landscape Buffer shall be required where any parking lot is located "adjacent" to a residential property.
7. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

**Please be advised that the final decision regarding the petition rests with the Board of Zoning Appeals, and will be decided upon consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Concept Plan, Narrative, and Environmental Specialist Memorandum (2)



Community Development

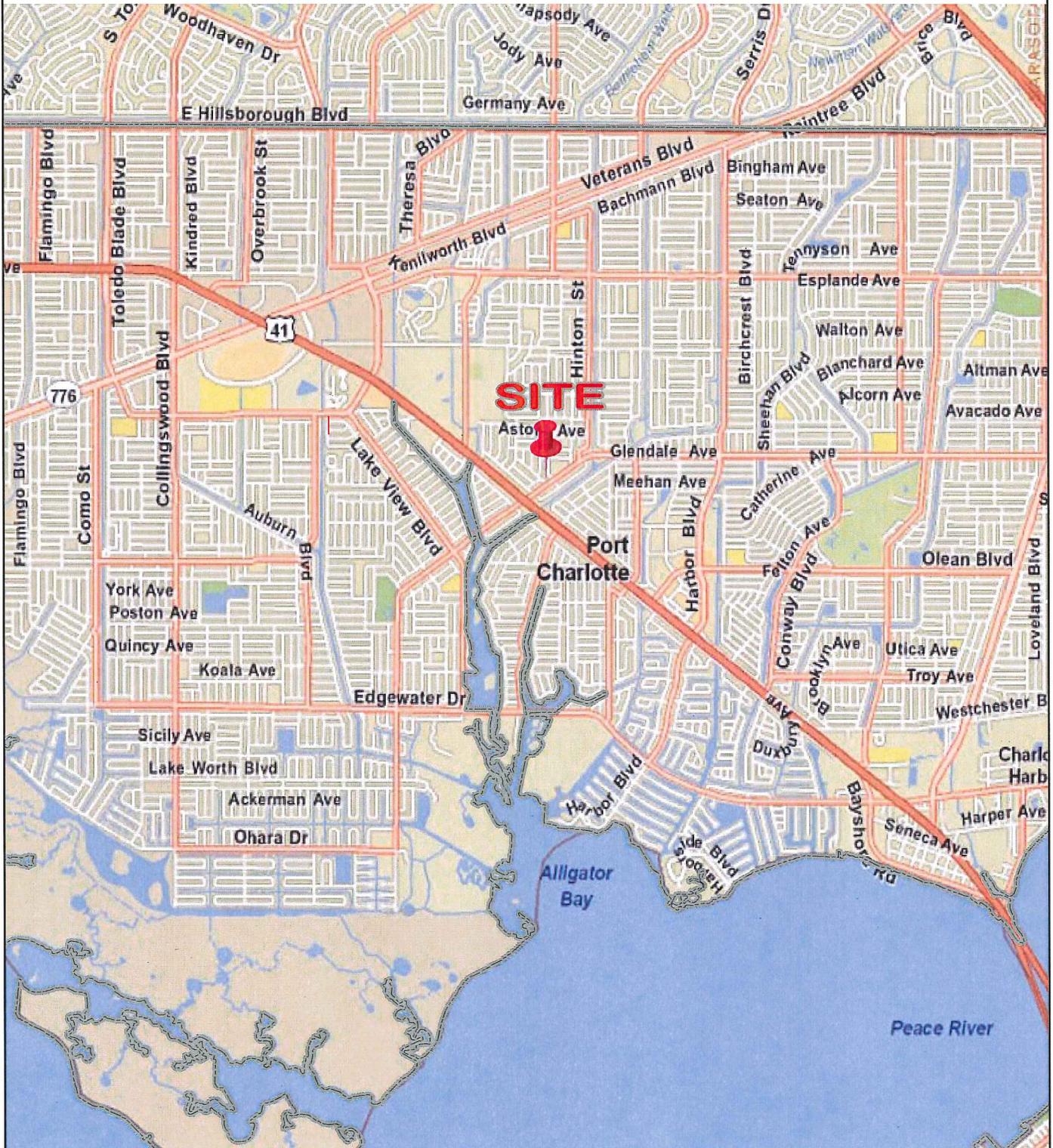
# CHARLOTTE COUNTY

## Location Map for SE-12-011

Charlotte County Government

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www.CharlotteCountyFL.com



### 16/40/22 Mid-County

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 guarantees, 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. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information--D. Vance Date Saved: 7/24/2012 10:21:15 AM

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Community Development

# CHARLOTTE COUNTY

## Zoning Map for SE-12-011

Charlotte County Government

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16/40/22 Mid-County

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Community Development

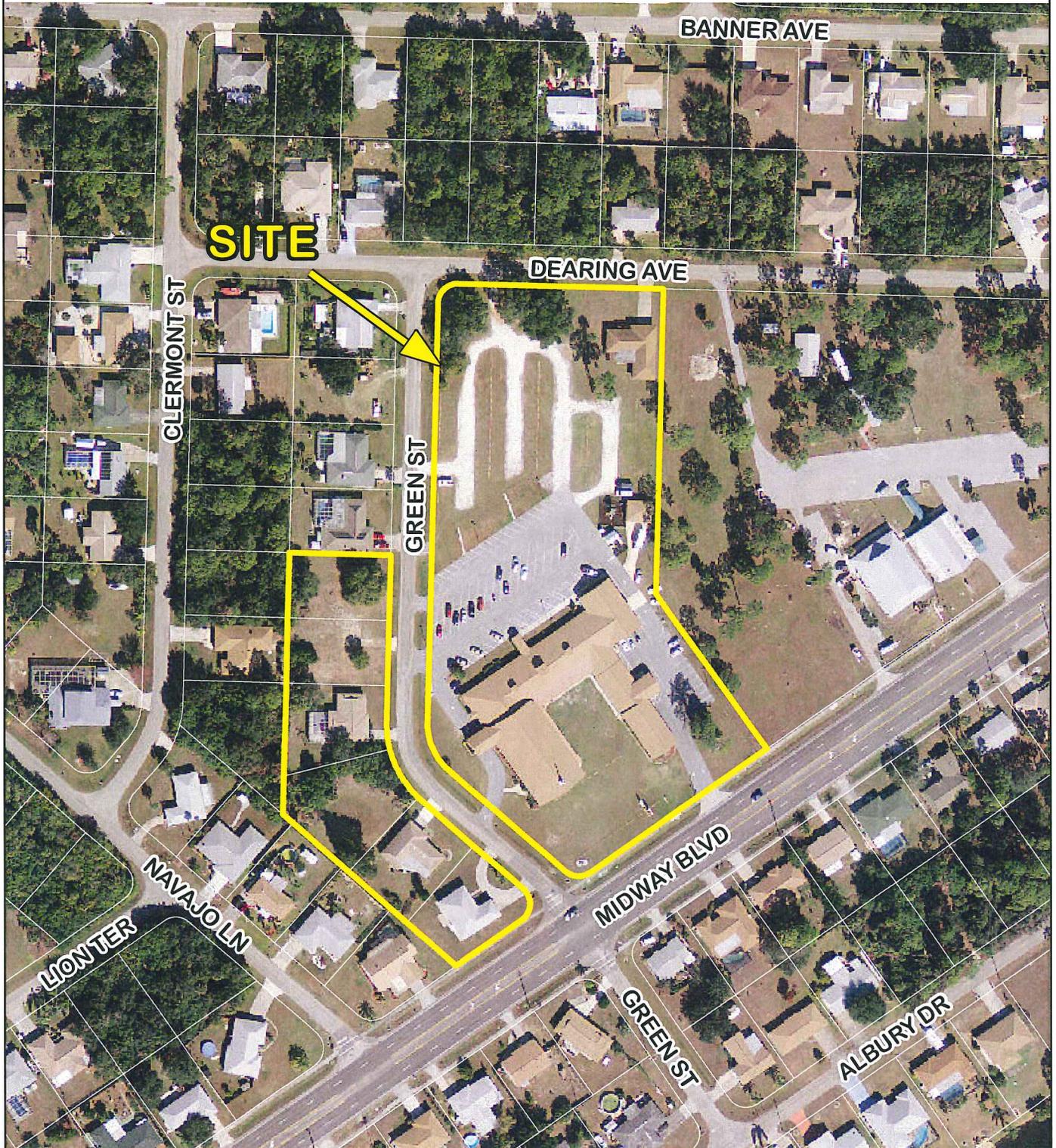
# CHARLOTTE COUNTY

Aerial View for SE-12-011

Charlotte County Government

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proo  
Charge  
Zoning BCC

NOTICE OF APPROVAL

FOR

SPECIAL EXCEPTION TO THE CHARLOTTE COUNTY ZONING CODE

Pursuant to Charlotte County Code Section 3-9-7(f), this is to acknowledge the approval of the special exception application which was heard by the Charlotte County Board of Zoning Appeals.

RECEIVED AT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FL  
30 AUG 17 AM 8:05

Property Owner: Southeastern District of the Christian and Missionary Alliance, 2044 Midway Boulevard, Port Charlotte, Florida 33952.

Applicant: First Alliance Church of Port Charlotte, 20444 Midway Boulevard, Port Charlotte, Florida 33952.

Legal Description: Block 466, Port Charlotte Subdivision Section 18 at 20444 Midway Boulevard, Port Charlotte, Florida.

Petition # SE-90-39 Approval Date: August 8, 1990

Requested Special Exception:

To allow a house of worship in the RSF-3.5 (Residential Single Family 3.5 units per acre) zoning district.

Conditions placed on the approval:

None.

Upon granting of this special exception by the Board of Zoning Appeals, a copy of this notice shall be filed in the Public Records of Charlotte County.

*James R. Kuzdas*

James R. Kuzdas  
Zoning Director  
Charlotte County Zoning Department  
18500 Murdock Circle  
Port Charlotte, Florida 33948

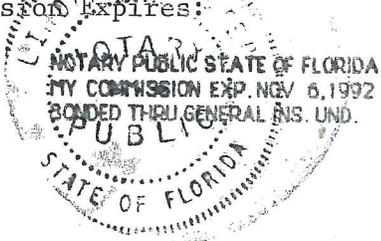


Sworn to and Subscribed before

me this 16th day of August  
19 90.

*Linda J. Keister*  
Notary Public  
My Commission Expires:

CCZD 7/89



RECORD VERIFIED-*Barbara Y. Scott*  
By RUTH BROWN *R.B.C.*

Notice of Approval  
( Exhibit A )

REC'D AUG 20 1990

Zoning

90 AUG 20 PM 3:50  
RECORDED  
CHARLOTTE COUNTY  
057431

001117  
OR BOOK  
PAGE  
001873

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**R**  
 JUL 25 2012  
 BY:



**Concept Plan  
 (Exhibit B)**

**SITE PLAN TOTAL**  
 PROJECT AREA: 8.15 AC  
 CURRENT ZONING: RSF 3.5  
 FLUM DESIGNATION: PUBLIC LANDS AND FACILITIES  
 LOW DENSITY RESIDENTIAL  
 PROPOSED USE: CHURCH  
 MAX BUILDING HEIGHT: 38'

DATE	PROJECT	DRAWING	DESIGN	CVR	RUE	CHECKED	SCALE	BHEET
6-22-12	3576							1

CONCEPT PLAN  
**FIRST ALLIANCE CHURCH**  
 PORT CHARLOTTE, FLORIDA

**BANKS**  
**ENGINEERING**  
 PROFESSIONAL ENGINEERING FIRM  
 1000 10TH AVENUE, SUITE 100  
 PORT CHARLOTTE, FLORIDA 33902  
 (813) 941-1100  
 WWW.BANKSENG.COM

PREPARED FOR:  
**FIRST ALLIANCE CHURCH**  
 2444 MIDWAY BLVD.  
 PORT CHARLOTTE, FLORIDA 33902

**FIRST ALLIANCE**  
 Port Charlotte & Punta Gorda, Florida  
*Central*

**First Alliance Church**  
**Charlotte County Special Exception Application**  
**#12, Narrative**

First Alliance Church has been active in the Port Charlotte community for over 50 years, drawing members from Port Charlotte, Punta Gorda, Englewood and North Port. Throughout the years it has been necessary to expand its facilities at 20444 Midway Boulevard as its attendance grew to the point where it was not able to expand further due to its limited amount of property to accommodate further growth. Rather than relocate to another area of Charlotte, Sarasota or DeSoto County, additional properties adjacent to the current facility have been acquired over the last several years which will permit the required expansion to allow further growth.

The current plan calls for this expansion to take place in several phases over the next couple of years. Phase 1 will involve converting the houses at 2225 and 2217 Green Street to offices in preparation for Phase 2. The modifications will be minimal, that is, interior walls may be relocated but the exterior appearance of the houses will remain intact.

The second phase will entail converting the now vacated office area of the main facility to a Youth Activity area (Middle School through High School) and remodeling the existing Children's Area to better utilize the space of that area. In Phase 3, a new storage building will be constructed on the double lot at 2189 Green Street (now vacant). The existing garage, the "Kid Zone" area and the house at 2197 Green Street will be demolished and the properties at 2207 and 2197 Green Street may be landscaped to provide for additional parking.

Now that the preparations have been made, Phase 4 can move forward with the construction of the new Worship Center with the necessary site improvements (parking and rainwater retention). Once the new Worship Center is complete, the final phase will involve conversion of the current Worship Center to a multipurpose room.



**( Exhibit C )**



## MEMORANDUM

**Date:** July 25, 2012  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-12-011  
First Alliance Church  
20444 Midway Boulevard

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

- ❖ A GIS aerial review was conducted by staff. The properties consist of a developed church facility, three single family homes and two vacant lots.
- ❖ Several of the properties may contain heritage trees as defined by Charlotte County Code Chapter 3-2, Article IX, Section 3-2-190. Staff highly encourages that ALL native trees remain preserved on site. A listed species assessment may need to be completed during the development review process and/or prior to any site improvements.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review (if required) and the issuance of any county permit or land improvement activities:

- ❖ All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.

**( Exhibit D-1 )**

- ❖ 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.

Chapter 3-5:

Article IV *CLEARING, FILLING AND SOIL CONSERVATION\**,

Article XV. *SURFACE WATER AND WETLAND PROTECTION\**

Article XVI *OPEN SPACE/HABITAT RESERVATION\**,

Article XVIII, *LANDSCAPING AND BUFFERS\**

- ❖ The project must also comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan.

If there are any questions pertaining to this review please feel free to contact me at (941) 743-1290.

JS

**( Exhibit D-2 )**



Aerial Photograph (Jan. 2011)

20444 Midway Boulevard

**( Exhibit E )**