

STAFF REPORT
Community Development Department
Petition Number: SE-12-017

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: December 4, 2012 **BZA meeting date:** December 12, 2012

Requested Action/General Information:

Robert Berntsson, agent for Placida Road Church of God, is requesting a special exception to allow accessory church related uses for an existing house of worship, located at 5225 Placida Road. Subject property is located at 9148 Short Street in Englewood (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Agriculture Estate (AE). This property has a Low Density Residential Future Land Use Map (FLUM) designation.

Placida Road Church of God is located directly across the street, to the west from subject property (5225 Placida Road) on a 28,000 square foot parcel. This church was granted a special exception (file #SE-10-21) on January 12, 2011, to bring the existing church into conformity with the Zoning Code and allow the addition of a fellowship hall. A copy of the **Notice of Approval** (**Exhibit A**) for this special exception is attached.

Subsection 3-9-30(e) of the Zoning Code does allow a house of worship as a special exception in the AE zoning district provided the standards of **Section 3-9-80.1** (**Exhibit B**) are met. Approval of a special exception by the Board of Zoning Appeals may also include reasonable conditions in order to prevent or minimize adverse effects on other property in the surrounding neighborhood.

Subject property consists of a 15,200 square foot lot, which does not meet the minimum two-acre lot size requirement of section 3-9-80.1(2). However, Placida Road Church of God also owns the vacant two-acre parcel located adjacent to the east of subject property. This application does not include this two-acre parcel, but, a condition could be adopted by the Board of Zoning Appeals that requires the church to combine these two adjacent parcels into one parcel, once the church obtains ownership of subject property, which would meet the minimum lot size requirement.

This church would like to use the residence on subject property for other church related uses, including Sunday School and a day care. As such, the applicant has submitted this application along with the attached **Site Plan** (**Exhibit C**), which shows the location of the existing 2,596 square foot single-family residence on subject property. There is an existing 18' wide driveway and two-car garage, which does provide space for up to six on-site parking spaces. The applicant has stated that they do not wish to construct any new facilities on the property or additions to the building at this time. They only intend to use the property "as is" for various church related uses.

The applicant has submitted the attached **Narrative** (Exhibit D) explaining why the applicant believes this request for a special exception should be granted. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit E) dated November 29, 2012.

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, along with related accessory uses, are allowed with a Special Exception in the AE zoning district as per Section 3-9-30(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	MHC	Low Density Residential
South	House of worship	AE	Low Density Residential
East	Vacant land	AE	Low Density Residential
West	House of worship	MHC	Low Density Residential

Finding: The existing house of worship and associated fellowship hall are considered compatible with the surrounding residences and other institutional 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: There is one existing driveway to the residence from Short Street. No changes are proposed, at this time, to the residence or the existing driveway.

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

Finding: All applicable code requirements, including on-site parking, tree and landscaping requirements will be maintained according to code.

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

Finding: The existing house of worship and proposed new accessory uses would be consistent with the **Smart Charlotte 2050 Plan**, which plans for residential uses, including houses of worship and the proposed associated uses, 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 proposed accessory uses, for the existing house of worship, would not be detrimental to, or endanger the public health, safety or general welfare of the surrounding residential properties or other institutional uses.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed accessory uses for 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 is to allow only limited accessory church uses consisting of Sunday school and day care and occasional small meetings at 9148 Short Street, only by Placida Road Church of God.
2. 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, Notice of Approval, Section 3-9-80.1, Site Plan, Narrative and Environmental Specialist Memorandum



Community Development

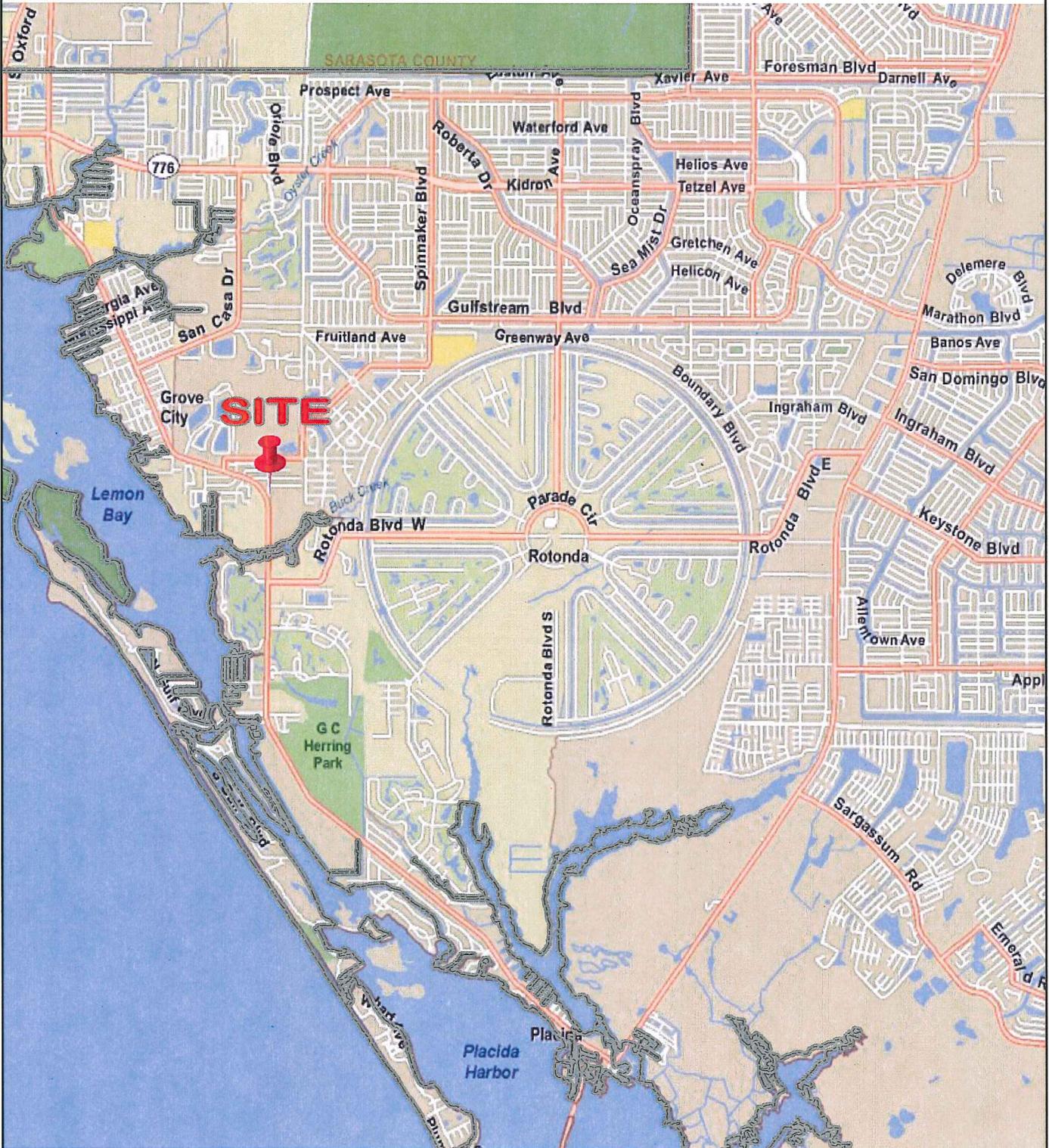
CHARLOTTE COUNTY

Location Map for SE-12-017

Charlotte County Government

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Community Development

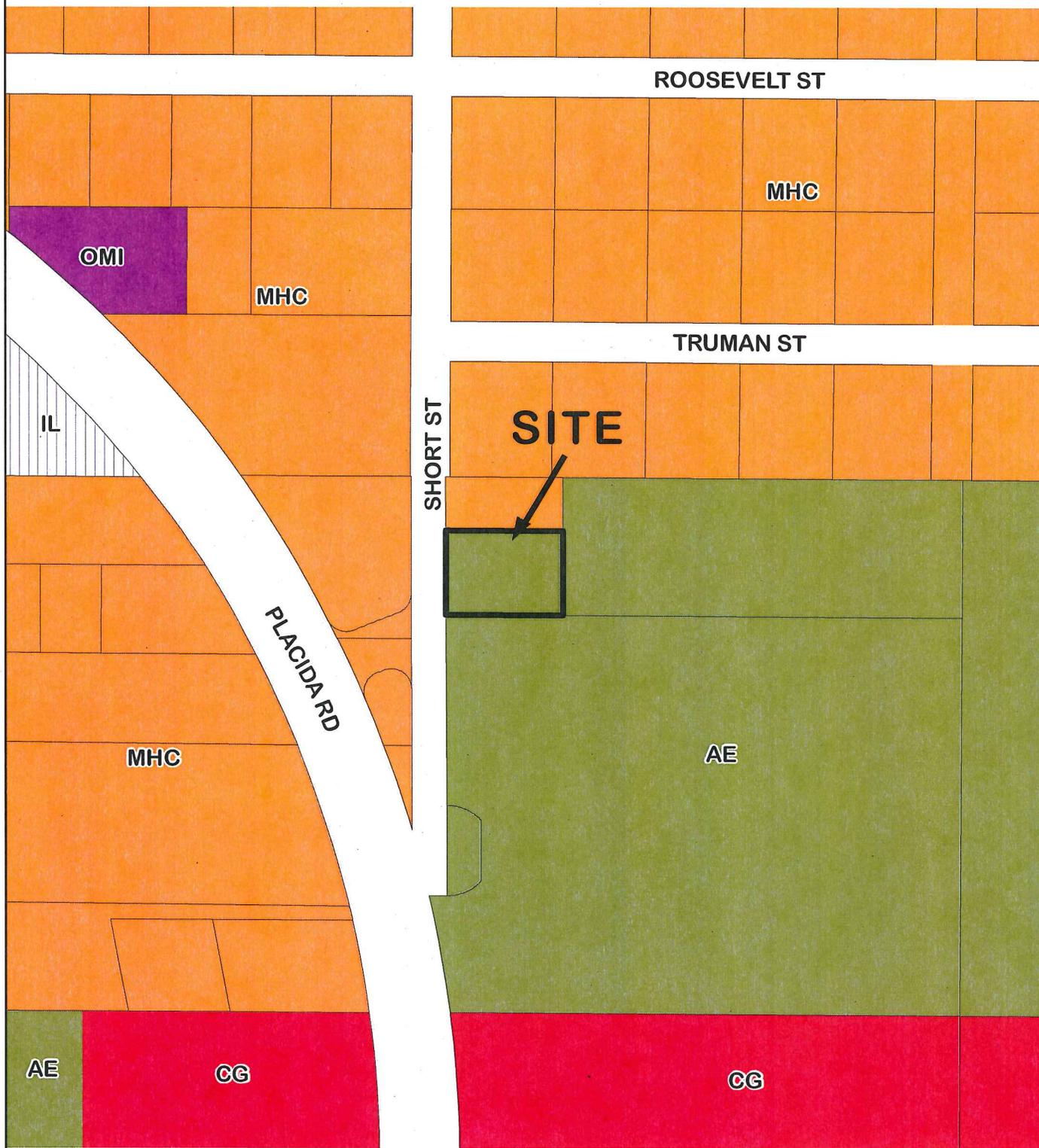
CHARLOTTE COUNTY

Zoning Map for SE-12-017

Charlotte County Government

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Community Development

CHARLOTTE COUNTY

Aerial View for SE-12-017

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CLG
#116

Notice of Approval

for a Special Exception to the Charlotte County Zoning Code

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

Applicant: Pastor Bryan Walton, P.O. Box 560, Placida, FL 33946

Owner: Placida Road Church of God, 5225 Placida Road, Placida, FL

Location: 5225 Placida Road, Placida, Florida and is described as part of Lot 7 of Grove City Land Company Subdivision, located in the Southwest Quarter of the Northeast Quarter of Section 21, Township 41 South, Range 20 East.

File number: SE-10-21

Approval Date: January 12, 2011

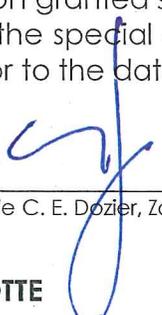
Requested Special Exception:

A Special Exception to allow a house of worship and associated uses, including a fellowship hall and classrooms, in a Mobile Home Conventional (MHC) zoning district.

Conditions Placed on the Approval:

1. This special exception is to bring the existing house of worship into conformity with the Zoning Code and to allow the construction of a new building for a fellowship hall and classrooms.
2. The site plan presented by the applicant as part of the petition is for illustrative purposes only. All permitting procedures and codes are applicable to the construction and operation of the proposed new building.
3. 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.

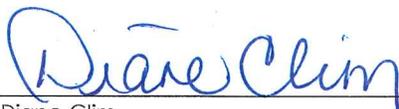
Any special exception granted shall expire three years after the date of approval unless the use allowed by the special exception is in existence and actively occurring on the subject property prior to the date of expiration.

Prepared by: 
Nicole C. E. Dozier, Zoning Official

(Exhibit A)

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 12th day of January, 2011 by Nicole Dozier, who is personally known to me, and who did not take an oath.


Diane Clim,

 DIANE CLIM
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD0930399
Expires 10/21/2013



**Return to Growth Management,
Zoning Division / Ken Quillen**

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3541, PGS 74-74 1 pg(s)
INSTR # 1991165
Doc Type NOT, Recorded 01/18/2011 at 08:29 AM
Rec. Fee: \$10.00
Cashiered By: MARGEC Doc. #:2

Sec. 3-9-80.1. Houses of worship.

The purpose of this section is to provide regulations for the establishment of houses of worship within certain zoning districts. Unless specifically stated in other sections of this Code, the following regulations shall apply:

- (1) Any house of worship, regardless of size, shall be subject to site plan approval through the development review committee. Those houses of worship located in an existing building having parking in accordance with section 3-9-90 are exempt from this requirement.
- (2) The minimum property size for houses of worship is located in RSF and RMF zoning districts shall be two (2) acres. No variance from this requirement shall be allowed.
- (3) The 1,000-foot distance separation between a house of worship located in a CG or CI zoning district, and an establishment with on-premises consumption of alcoholic beverages shall not apply.
- (4) Parking shall be in accordance with section 3-9-90.
- (5) Houses of worship shall be allowed as principal permitted uses in accordance with all development standards in the OMI, CG, COP, CN, CI, CH and CT zoning districts.
- (6) Houses of worship shall be allowed by special exception in the following zoning districts: AC, AE, AE-10, RE, RSF, RMF, MHC, MHP and MHS.
- (7) Houses of worship shall be prohibited in the ES, AC, RMF-T, IOP, IL and IG zoning districts.

(Ord. No. 89-47, § 11, 6-22-89; Ord. No. 91-06, § 4, 2-26-91; Ord. No. 92-66, § 1, 8-8-92; Ord. No. 92-81, § 1, 10-20-92; Ord. No. 92-81, § 1, 10-20-92)

Sec. 3-9-81. Industrial performance standards.

(a) *Generally.* In addition to standards imposed by other governmental authorities, including the state department of environmental regulation, the standards in this section shall apply to the permitting of industrial uses.

(b) *Radioactive emission.* There shall be no radiation emitted from materials or byproducts that creates a dangerous level of radioactivity at any point. Radiation emission shall not exceed those levels established as safe by the United States Bureau of Standards. Radioactive material storage or disposal of radioactive waste is prohibited.

(c) *Electromagnetic interference.* Electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than sources of electromagnetic energy, which disturbances interfere with the operation of electromagnetic receptors. It shall be unlawful for any person to operate or cause to be operated any source of electromagnetic radiation for any purpose unless such source shall comply with then applicable regulations of the Federal Communications Commission. Further, operations in compliance with Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other elec-



SITE PLAN – (Aerial Photo, January, 2011)

9148 Short Street

(Exhibit C)

Narrative Special Exception for Placida Road Church of God

The applicant seeks a Special Exception to allow an existing house across the street from the Placida Road Church of God to be used for Sunday School, day care and other church related activities in the AE zoning district. The Church also owns the parcel of land immediately behind the subject parcel. The request is consistent with the conditions for the granting of the Special Exception as follows:

- A. The requested Special Exception is explicitly permitted in the AE zoning district.
- B. The requested Special Exception is compatible with existing uses surrounding the land on which the requested Special Exception would exist. The subject property lies immediately adjacent to a church, and across the street from the Church that this property will be used in conjunction with. In addition, the Placida Road Church of God owns the adjacent acreage to the rear of the subject property.
- C. Adequate access will be provided for ingress and egress in a manner that minimizes hazards or congestion on streets and roads.
- D. Adequate provisions will be made for buffers landscaping, trees, open space, stormwater and other improvements associated with proposed use. No site improvements are anticipated to use the subject property for the uses intended.
- E. Request for Special Exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations. The applicant finds no section in the Comprehensive Plan or the Land Development Regulations that are contrary to this request.
- F. The establishment, maintenance and operation of the proposed use will not be detrimental to or endanger the public health, safety or general welfare, but will offer additional services to the parishioners of the Placida Road Church of God.

Based on the foregoing it is respectfully requested that the Special Exception be approved.

Respectfully submitted this 31 day of October, 2012



Robert H. Berntsson, Agent

Narrative
(Exhibit D)



MEMORANDUM

Date: November 29, 2012
To: Ken Quillen, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: SE-12-017
Placida Road Church of God
9148 Short Street

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 property consists of a developed single family residence located behind an existing church. The request is for a special exception to allow the church to utilize the home for Sunday school, day care and other church related uses.

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.
- ❖ 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 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 E)

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COMMUNITY DEVELOPMENT DEPARTMENT - Zoning Division

18400 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598