

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-13-009**

---

**To:** Charlotte County Board of Zoning Appeals  
**From:** Shaun Cullinan, Zoning Official  
**Prepared By:** Ken Quillen, AICP, Planner III  
**Report Date:** August 6, 2013 **BZA meeting date: August 14, 2013**

---

**Requested Action/General Information:**

William Frazer, agent for Beecher Brewing Company, is requesting a special exception to allow a micro-brewery in the Commercial Intensive (CI) zoning district. Subject property consists of an existing manufacturing facility located at **611 Charlotte Street** near Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial Intensive (CI). This property has a Commercial Future Land Use Map (FLUM) designation.

The applicant is proposing a micro-brewery in the existing vacant building located on the west side of Charlotte Street, for the production of craft beers. **Section 3-9-43(e) (Exhibit A)**, of the Zoning Code, subsection (6), allows "Light manufacturing and assembly in a completely enclosed building" as a special exception in the CI zoning district. As such the applicant has filed this application for a special exception.

A special exception (SE-01-16) was granted by the Board of Zoning Appeals on August 11, 2001, to allow a carpentry and cabinet shop on this property, which was constructed in 2003. The attached **Notice of Approval**, labeled **Exhibit B**, recorded this approval by the BZA. The attached **Survey**, labeled **Exhibit C**, shows the existing 11,540 square foot building and related improvements on this 1.6-acre parcel.

The applicant has submitted the attached **Floor Plan (Exhibit D)**, which shows the existing layout of the facility. The existing building includes a large production area with six large overhead doors for vehicular access, a show room and office space.

The applicant has also submitted the attached **Narrative (Exhibit E)** explaining how they believe this request meets the criteria for granting a special exception. The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached **Memorandum (Exhibit F)** dated July 31, 2013.

Subject property is also located in the Charlotte County Enterprise Zone, which is an area, designated by the State of Florida targeted for economic development incentives. This program offers tax incentives to businesses for the purchase of machinery or equipment and the hiring of employees who live within the Enterprise Zone.

**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: A micro-brewery may be allowed by special exception in the Commercial Intensive (CI) zoning district, based on Sections 3-9-43(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 home, Vacant commercial lot	Commercial Intensive (CI)	Commercial
South	Building contractor offices	Commercial Intensive (CI)	Commercial
East	Dry cleaners, warehouse and distribution	Commercial Intensive (CI)	Commercial
West	Vacant commercial	Office, Medical, Institutional (OMI)	Commercial

Finding: The surrounding land uses consist of one single-family residence, commercial intensive land uses and vacant commercial lots. Staff believes that the proposed micro-brewery would be compatible with the surrounding land 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: One existing access drive off of Charlotte Street provides access to this property. This development and access drive received Final Site Plan approval in January of 2002 and completed construction in February of 2003.

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

Finding: A Certificate of Occupancy was issued in May of 2003, which indicates that all code requirements, including setbacks and landscaping, were being met at that time. Continued occupancy of this building requires continued compliance with all applicable County codes, including maintenance of all required landscaping.

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

Finding: Subject property is located within the Charlotte County Enterprise Zone and the proposed use is in compliance with the **Smart Charlotte 2050 Plan**, which allows commercial retail sales and service uses, and the Land Development Regulations, which allows a special exception to allow a micro-brewery.

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 micro-brewery would not be detrimental to or endanger the public health, safety or general welfare of the surrounding properties because all production activities will take place within an enclosed building and only water and natural ingredients are used in the production process.

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception staff believes that the proposed micro-brewery does 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. The special exception as approved by the Board of Zoning Appeals is to allow a micro-brewery for the production of craft beer.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. Outdoor storage of materials or equipment shall not be permitted.
4. 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 application 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, Section 3-9-42, Site Plan, Notice of Approval, Survey, Floor Plan, Narrative and Environmental Specialist Memorandum



Community Development

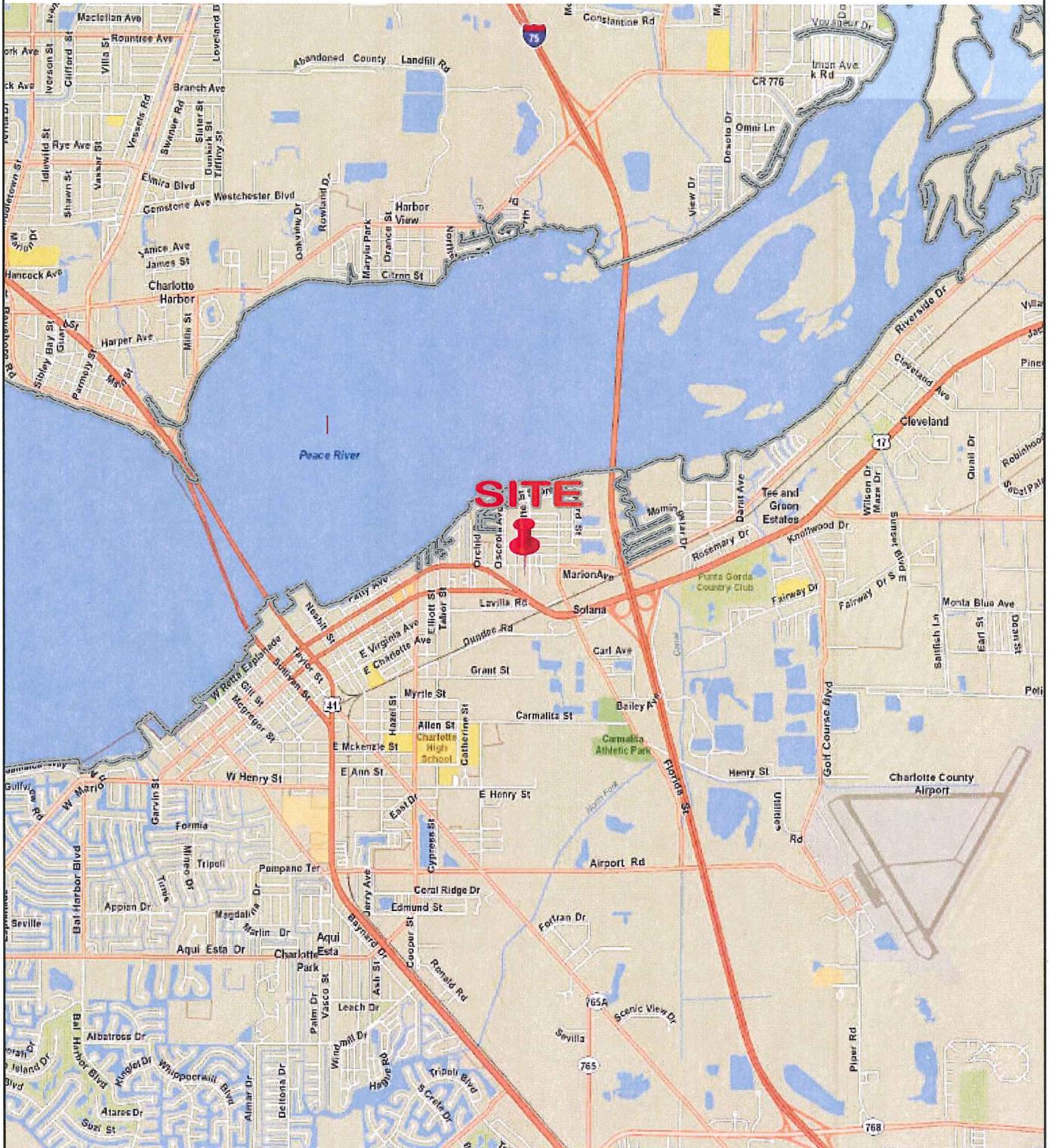
# CHARLOTTE COUNTY

## Location Map for SE-13-009

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



### 05/41/23 East 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 guaranties, 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: 7/19/2013 11:21:01 AM

Path: M:\Departments\LIS\Projects\Petition\_Maps\Current\_Planning\2013\SpecialExceptions\SE-13-009\PKTLocation MapSE-13-009.mxd



NOT TO SCALE

© Copyright 2013 Port Charlotte, FL by Charlotte County



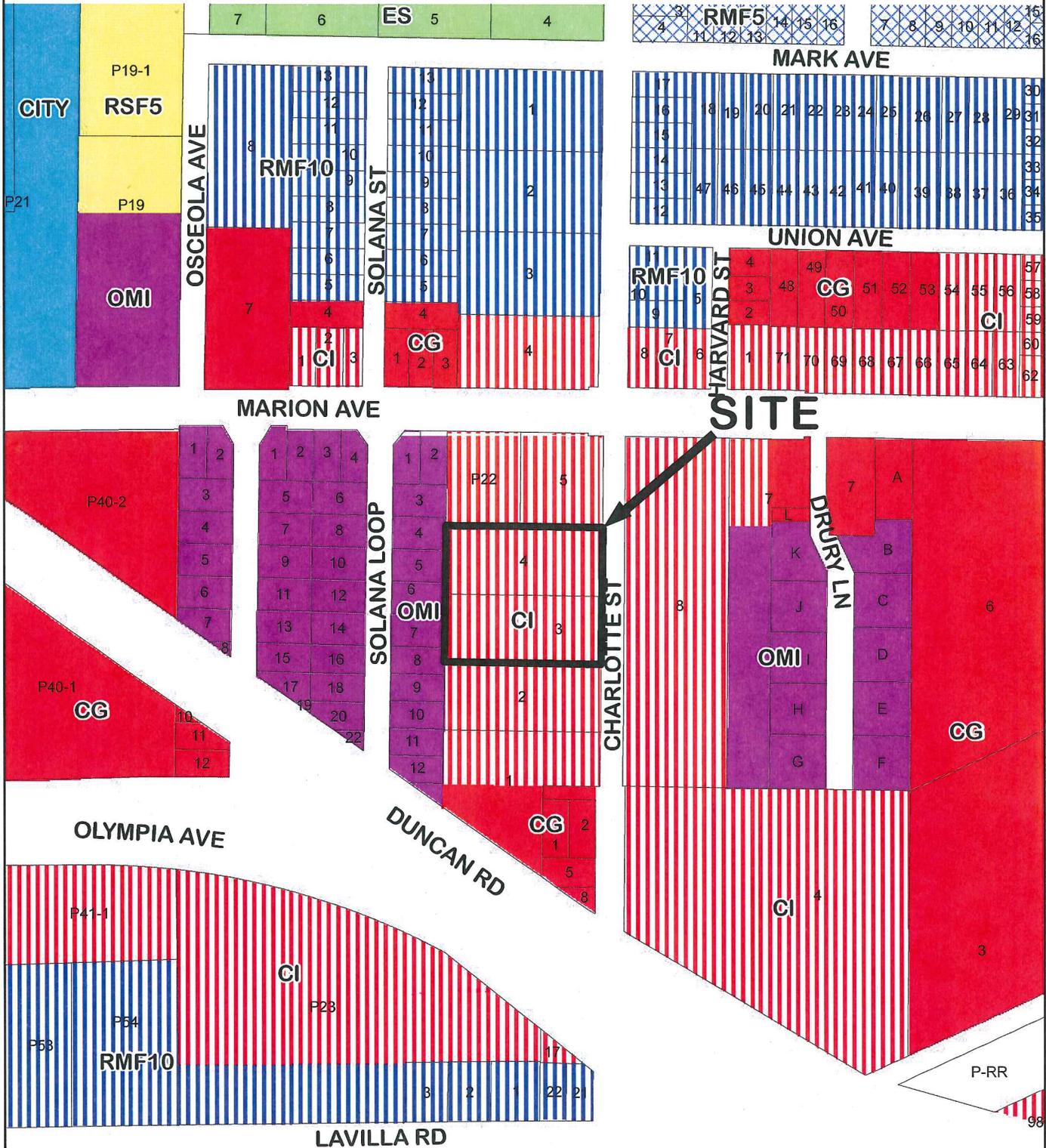
Community Development

# CHARLOTTE COUNTY Zoning Map for SE-13-009

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



05/41/23 East 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 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: 7/19/2013 12:41:32 PM

Path: M:\Departments\GIS\Projects\Petition\_Maps\Current\_Planning\2013\SpecialExceptions\SE-13-009\PCKTZoningMapSE-13-009.mxd



NOT TO SCALE

© Copyright 2013 Port Charlotte, FL by Charlotte County



Community Development

# CHARLOTTE COUNTY

Aerial View for SE-13-009

Charlotte County Government

"To exceed expectations in the delivery of public services."

www.CharlotteCountyFL.com



05/41/23 East 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 guaranties, 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: 7/19/2013 1:56:55 PM

Path: M:\Departments\GIS\Projects\Petition\_Maps\Current\_Planning\2013\SpecialExceptions\SE-13-009\PKCAerialSE-13-009.mxd



© Copyright 2013 Port Charlotte, FL by Charlotte County

(e) *Special exceptions.* (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:

- (1) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages within one thousand (1,000) feet from a church or school, subject to the provisions of section 3-9-66 of this Code.
- (2) Sale and display in other than completely enclosed building of any merchandise otherwise allowed as a permitted use in this district.
- (3) Warehouses or storage facilities for flammable liquids.
- (4) Building trades contractor with storage yard for materials and equipment on premises.
- (5) Television and radio transmitter towers.
- (6) Light manufacturing and assembly in a completely enclosed building.
- (7) Heliports and helistops.
- (8) Outdoor markets.
- (9) Carpentry, cabinet and machine shops.
- (10) Laboratories, class 2, provided central sewer is available.
- (11) Such other uses as determined by the zoning official or his/her designee to be:
  - a. Appropriate by reasonable implication and intent of the district.
  - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
  - c. Not specifically prohibited in that district.

The board of zoning appeals shall review a favorable determination of the zoning official under this provision at the time the special exception application is presented to it. An unfavorable determination of the zoning official or his/her designee shall be appealable pursuant to section 3-9-6 of these regulations.

(f) *Development standards.* The following development standards shall apply in this district:

Minimum lot requirements:

Area, square feet .....	12,000
Width, feet.....	100

Minimum yard requirements:

Front yard, feet .....	25
------------------------	----

Side yard:

Interior .....	None
Abutting a road, feet.....	20
Abutting water, feet.....	20



*Zoning change #16- 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.

**Applicant:** The Fiduciaries, 645 Charlotte Street, Punta Gorda, Florida 33950

**Owner:** Same as above

**Location:** Lots 3 and 4 Pineapple Commons Subdivision, Section 5, Township 41S, and Range 23E, also known as 611 & 595 Charlotte Street, Punta Gorda, Florida 33950. The property contains +/- 1.66 acres more or less

**Petition # SE-01-16**

**Approval Date: August 11, 2001**

**Requested Special Exception:**

Special exception to allow a Carpentry/Cabinet shop in the Commercial Intensive (CI) zoning district.

**Condition (s) Placed on the Approval:**

Please be advised that any special exception granted *shall expire three (3) 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.* Any such special exception which, ceases to exist and actively occur on the subject property **shall expire three years from the effective date of this regulation** unless good faith commencement of the special exception has begun prior to expiration. Prior to expiration, the applicant or property owner may request an extension from the Board of Zoning Appeals. Such extension may be granted to the applicant or owner upon showing of good cause. Any non-conforming special exception shall be subject to the requirements of Section 3-9-10 of the Zoning Regulations with regard to non-conforming uses.

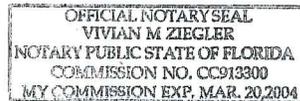
Upon granting of this special exception by the Board of Zoning Appeals, a copy of this notice shall be filed in the Public Records of Charlotte County.

**Prepared by:** *Thomas C. Smith*  
Thomas C. Smith Zoning Official

The foregoing instrument was acknowledged before me this 13th day of August 2001 by Thomas C. Smith, who is personally known to me and who did not take an oath.

*Vivian M. Ziegler* Notary Public Signature  
Vivian M. Ziegler Notary Printed Signature  
Secretary Title  
CC 913300 Commission Number

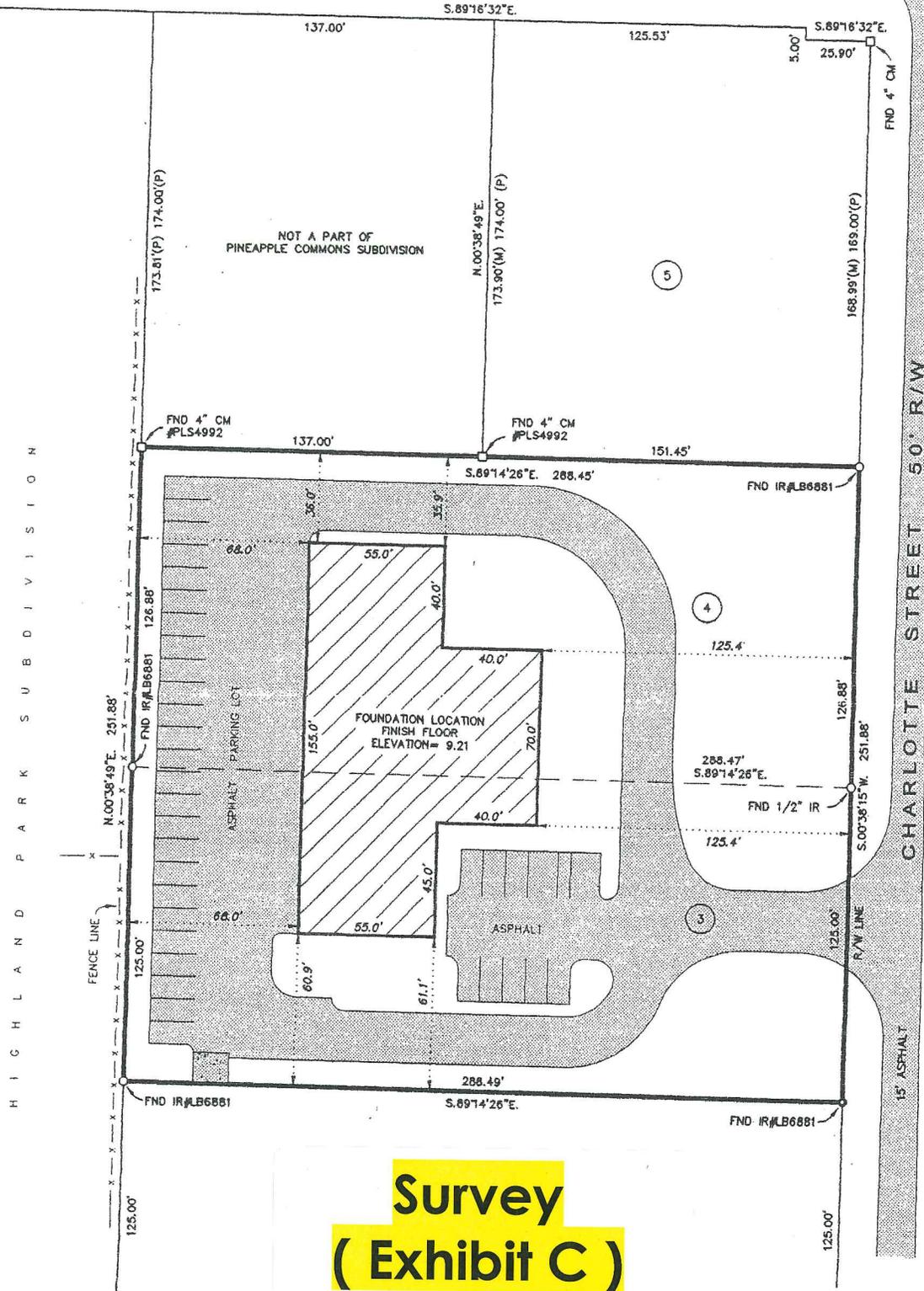
TCS/vmz/C-01-089



**Notice of Approval  
( Exhibit B )**

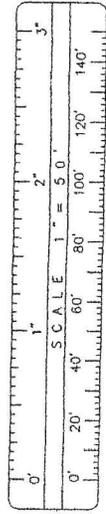
BARBARA T. SCOTT, CLERK  
CHARLOTTE COUNTY  
OR BOOK 1929 PAGE 2195  
RECORDED 08/15/01 @ 02:46 PM  
FILE NUMBER 837158  
RECORDING FEE 6.00

*Zoning*  
★ #16  
IMAGED  
KB



**LEGEND**  
 FND = FOUND  
 IR = IRON ROD  
 IP = IRON PIPE  
 CM = CONCRETE MONUMENT  
 R/W = RIGHT OF WAY

**FLOOD ZONE**  
 COMMUNITY PANEL 120061  
 PAGE 0041, SUFFIX D  
 FLOOD ZONE "A10"  
 DATED MAY 1, 1984  
 ELEVATION 9'



**Survey  
(Exhibit C)**

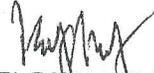
A SURVEY OF (AS FURNISHED BY CLIENT)  
 LOTS 3 AND 4, OF PINEAPPLE COMMONS SUBDIVISION, AS RECORDED IN PLAT BOOK 18,  
 PAGES 22A AND 22B, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

**SURVEYORS' NOTES**

1. NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF THIS LAND SURVEYOR.
2. UNDERGROUND IMPROVEMENTS & UTILITIES WERE NOT LOCATED.
3. SURVEY MADE WITHOUT THE BENEFIT OF TITLE SEARCH & SUBJECT TO EASEMENTS OF RECORD & DESCRIPTION DEFECTS, IF ANY.
4. MEASUREMENTS ARE IN FEET, ON A HORIZONTAL PLANE AND PER U. S. STANDARDS.
5. DISTANCES & BEARINGS ARE IN COMPLETE ACCORDANCE WITH PLAT.
6. BEARINGS BASED ON ASSUMING S.00°38'15"W. ALONG CHARLOTTE STREET.

**CERTIFIED TO**  
 CHARLOTTE STATE BANK  
 JAMES H. FRY & JAMES E. FRY  
 OLMSTED & WILSON, PA  
 ATTORNEYS TITLE INSURANCE FUND



BY   
 ROBERT ORREN SOUTH, FLORIDA LAND SURVEYOR & MAPPER 2668  
 2000 BAL HARBOR BLVD., PUNTA GORDA, FLORIDA, 33951-0602  
 941-639-4123 FIELD 941-380-9123 FAX 941-575-8857

FINAL CONSTRUCTION SURVEY 2/26/03  
 FOUNDATION LOCATION 10/7/02  
 ORIGINAL BOUNDARY SURVEY 9/19/01

**ASBUILT SURVEY**  
 PINEAPPLE COMMONS SUBDIVISION  
 CHARLOTTE COUNTY, FLORIDA



Special Exception – Application (611 Charlotte St., Punta Gorda, FL 33950)

12. Narrative

**Overview**

Beecher Brewing, a microbrewery, is pursuing a Special Exception for a facility located at 611 Charlotte St., Punta Gorda, FL 33950, which is currently zoned CI. Since there is no specific designation for breweries in the municipal code, the use that most aligns with the daily operations of this business is Sec. 3-9-43.e.6, "Light manufacturing and assembly in a completely enclosed building". Per petition #SE-01-16, a Special Exception was previously granted to a cabinetry company on August 11, 2001 at this location. Beecher Brewing is compatible with the surrounding tenants, and would not cause any disruptions in the Pineapple Commons Subdivision.

**Daily Operations**

Work schedules will be a typical 8am – 5pm five-day workweek, consisting of light manufacturing. Production equipment will include a 15bbl (1bbl = 31.5gal) brew house with five 30bbl ferments, capable of producing 300bbbls of beer per month. There are no harmful chemicals or byproducts created during the brewing process that would cause any duress to the environment or nearby tenants.

The brewing process consists of three major steps. The first step is the boil where all the ingredients are added to the wort, or unfermented beer. Malted barley, hops, and water make up the wort. This process takes approximately three hours. The next step is transferring the wort to the fermenters and adding the yeast. The beer will remain in the fermenters for two weeks allowing the yeast to consume the sugars and turn it into alcohol. The final step is packaging the beer into kegs and cans or bottles, and at this time the distributor will come pick up the finished product.

There is not much active process to making beer. Waiting and cleaning take up most of day-to-day operations at the facility. Planning and inventory control are the critical processes to a successful brew day.

Additional traffic to the facility will be minimal. This will include three to five employees on a daily basis, and weekly visits from our suppliers and distributor. There is adequate ingress and egress to the property for deliveries and visitors as well as abundant parking if needed.

**Narrative  
( Exhibit E )**



## MEMORANDUM

**Date:** July 31, 2013  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-13-009  
Beecher Brewing Company, 611 Charlotte 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 and ordinances and offers the following comments:

- ❖ A GIS aerial review was conducted by staff. The property consists of a developed commercially zoned parcel which contains an existing manufacturing building with offices, a warehouse, loading docks and subsequent parking.

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 or 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. If any trees need to be trimmed in order to accommodate the new business all tree pruning shall be conducted according to the latest edition of the National Arborist Association standards.

**( Exhibit F-1 )**

Jamie Scudera review memo continued  
Page 2 of 2  
July 31, 2013

Chapter 3-5:

Article XVIII, *LANDSCAPING AND BUFFERS*.

- ❖ The project must 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 F-2 )**

P:\animal\Specexcep\_Variances\2013\SE-13-009(BeecherBrewingCompany).doc