

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-14-010**

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

**From:** Shaun Cullinan, Planning and Zoning Official

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

**Report Date:** September 2, 2015

**BZA meeting date:** September 9, 2015

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**Requested Action/General Information:**

Michael Haymans, attorney for S&S Money Auto Repair, is requesting a special exception to allow "expansion of a lawfully existing conforming use to property which is abutting the existing use" in the Coastal Residential-3.5 (CR-3.5) zoning district. The existing business is addressed **23371 Harborview Road**, which is located in the Charlotte Harbor CRA (see attached **Location Map**). The attached **Zoning Map** shows the zoning of subject property, which is Coastal Residential-3.5. However, this property now has a Charlotte Harbor Commercial Future Land Use Map (FLUM) designation. The property owner would like to expand the existing S&S Money Auto Repair business south onto the abutting five lots (lots 6, 7, 8, 9 and 10) along Homewood Street (see attached **Aerial View**).

This proposal is the result of a zoning violation consisting of outdoor storage of rental trucks, trailers and vehicles on residentially zoned property. This application was submitted on July 1, 2014 and therefore must be processed and reviewed according to the previous Zoning Code. **Section 3-9-7(b)(3) (Exhibit A)** of the previous Zoning Code states that a special exception may be used to allow "Expansion of a lawfully existing conforming use to property which is abutting the existing use." As such this application must go through a more complicated review process, which requires the Charlotte Harbor CRA Advisory Committee (CHCRAAC) and the Planning & Zoning Board to make non-binding recommendations to the Board of Zoning Appeals.

The applicant submitted the attached **Original Site Plan (Exhibit B)** with their application on July 1, 2014, which shows the original proposed outdoor storage yards in relation to the surrounding properties, as well as, a typical type "D" landscape buffer, which is required by code to screen outdoor storage yards. It should be noted that this request originally included the vacated street right-of-way and lot "1" of block "D" located to the south of lot 10.

On September 8, 2014 Mr. Haymans informally went before the Charlotte Harbor CRA Advisory Committee (see **September CHCRAAC Minutes Exhibit C**) in an attempt to get some feedback regarding the applicant's proposal. Issues that were identified and discussed included the property's FLUM designation, which was Coastal Residential, and the amount of land area included in the application. Staff indicated that the proposed use would need a Commercial FLUM designation and Committee members expressed concern that too much land area was proposed for the intended use. In response attorney Haymans submitted a written request to the CHCRAAC to include a portion of the applicant's property (Lots 6, 7, 8, 9 and 10 of Block A) in a proposed FLUM amendment, since the CHCRAAC was already in the process of revising the FLUM for various properties in the CHCRA (see **September Letter (Exhibit D)**). On October 6, 2014 the Charlotte Harbor CRA Advisory Committee met but did not take up this special exception application (under Old Business) because attorney Haymans was unable to attend this meeting (see **October CHCRAAC Minutes Exhibit E**). However, (under New Business) the Committee did address Mr. Haymans' request that subject property be included in the proposed FLUM amendments. The Committee decided not to include subject property at that time.

On November 3, 2014 the Charlotte Harbor CRA Advisory Committee met and addressed this special exception application as well as the possibility of including subject property in the proposed FLUM amendments (under Old Business, see **November CHCRAAC Minutes** Exhibit F). The Committee did approve a motion to include lots 6-10 of block "A" in the proposed FLUM amendment and to recommend a change from Coastal Residential to Commercial by a unanimous vote of 5-0. The Committee also approved a motion to recommend approval of the requested special exception on lots 6-10 of block "A" by a unanimous vote of 5-0. The Committee also recommended that a condition be included to allow the postponement of the required landscape buffer along the easterly property line until such time as the adjacent property owner, at 4311 Mills Street, requests the landscape buffer be installed.

On November 7, 2014 attorney Haymans submitted a **Letter of Amendment** (Exhibit G) to officially reduce the land area included in this application and withdrew lot "1" of Block "D" and the vacated street from the request, making lots 6, 7, 8, 9 and 10 of Block A the only property included in this application.

On December 8, 2014, the Planning and Zoning Board met and held a public hearing and decided to recommend denial of the request special exception by a vote of 5-0. The attached **December P&Z Minutes** (Exhibit H) and **Memorandum** (Exhibit H-6) from Zoning Official, Shaun Cullinan, documents this recommendation.

On June 23, 2015, the BCC approved **Ordinance No. 2015-032** (Exhibit I), which made revisions to the Charlotte Harbor FLUM designation for a number of properties, including a change from Coastal Residential to Commercial for subject property. This change is shown graphically on the attached **New FLUM Map** (Exhibit I-8).

On August 20, 2015, the applicant submitted **Revised Site Plans** (Exhibit J-1) showing the proposed changes to the development plans. These plans include removing the access drive on Homewood Street and relocating it so access to the proposed storage yard is provided from the adjacent parent parcel (lot 5). The **Revised Site Plans** (Exhibit J-2) also provide a Landscape Plan to show in greater detail how the applicant proposes to meet the type "D" Landscape Buffer requirements of code. The applicant has also submitted the attached **Narrative** (Exhibit K) explaining why they believe a special exception should be granted for subject property.

If this special exception is approved, the final details of this development, including the design of the parking or storage lot, access, paving, traffic circulation, landscaping and storm water systems must be reviewed and approved according to the Site Plan Review process. A type "D" landscape buffer is required by code along the front (west), side (south) and rear (east) of subject property where it abuts the Coastal Residential-3.5 (CR-3.5) zoning district.

The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum** (Exhibit L) dated November 19, 2014. Finally, staff would like to make the BZA aware of some issues with the existing six-foot high wood privacy fence located on subject property. Elegant Homes Construction submitted an application for a residential fence permit on November 9, 2009. A residential fence permit was issued (petition number 2009070172) on November 20, 2009, because this property is zoned residential (CR-3.5). However, a residential fence permit is only reviewed by zoning for height and location on subject property. There is no Building or Fire review for a "residential fence permit" like there is for a "commercial fence permit". As such the existing fence was not reviewed by the Building or Fire Departments for compliance with commercial codes. The existing zoning violation was found during the fence inspection on January 20, 2010, and a Code Case (COD-10-00490) was initiated. If the BZA decides to approve the requested special exception then staff is recommending that the BZA adopt a condition to require a commercial fence permit for the existing fence.

**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 by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.

Finding: Sections 3-9-7(b)(3) and 3-9-7(m) (**Exhibit A**) of the Zoning Code explicitly states that "expansion of a lawfully existing conforming use to property which is abutting the existing use" may be allowed by special exception.

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.

Finding: The proposed **Revised Site Plans** (**Exhibit J**), which includes a type "D" Landscape Buffer to screen the outdoor storage yard from surrounding properties and the public right-of-way, has been submitted showing that the proposed outdoor storage yard could be screened from surrounding residential uses. Staff recommends that approval be subject to compliance with all applicable County Codes including a fence within the type "D" Landscape Buffer.

Direction	Existing Land Uses	Existing Zoning	Future Land Use Map Designation
North	S&S Auto Repair	PD	Charlotte Harbor Commercial
South	Vacant lots	CR-3.5	Charlotte Harbor Coastal Residential
East	Single-family residences	CR-3.5	Charlotte Harbor Coastal Residential
West	Single-family residences	CR-3.5	Charlotte Harbor Coastal Residential

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 previously proposed access to the proposed storage yard was from Homewood Street. This has been eliminated and access is now proposed from the adjacent commercial property (lot 5), which must be approved during the Site Plan Review process and constructed according to County standards and prior to use of subject property for parking or storage.

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 layout, paving, landscaping and storm water systems must be approved through the Site Plan Review process and constructed or installed prior to use of subject property for parking or storage.

5. The requested Special Exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.

Finding: The original FLUM designation for subject property was Charlotte Harbor Coastal Residential; however, the BCC changed the FLUM designation to Commercial on June 23, 2015, therefore the proposed use does comply with the Comprehensive Plan. The proposed storage yard could be constructed and operated in compliance with the Land Development Regulations, if the special exception is approved by the Board of Zoning Appeals.

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: The proposed storage yard would not be detrimental to or endanger the public health, safety or general welfare of the surrounding area if the property is developed according to all applicable County Codes, the Land Development Regulations, and any conditions required by the Board of Zoning Appeals.

### **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception staff believes that the requested special exception, to allow an outdoor storage yard, does meet all six standards for approval.

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 Land Development Regulations and is compatible with surrounding residential uses. The conditions are as follows:

1. The special exception, as approved by the Board of Zoning Appeals, is to allow an accessory use consisting of an outdoor storage yard to be developed only on lots 6, 7, 8, 9 and 10 of block A according to all applicable County Codes, Land Development Regulations and any additional conditions required by the Board of Zoning Appeals.
2. This outdoor storage yard shall only be used as an accessory use to the owner and operator of S&S Money Auto Repair or his successors or assigns. If subject property is ever sold separately from the business or the use discontinued for more than 365 days then this Special Exception shall expire.
3. An independent outdoor storage yard may not be operated on subject property unless a commercial building is constructed on subject property, in compliance with all County Codes, and the appropriate zoning is obtained.
4. 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 storage yard including Site Plan Review. Site Plan Review approval must be obtained within six months of approval of the Special Exception, and construction or installation of all required improvements must be completed within one year or prior to establishment of the use on subject property, whichever occurs first.
5. There shall be no access to the outdoor storage yard from Homewood Street.
6. A commercial fence permit must be obtained for the proposed six-foot fence from the Building Department. If the existing fence is to be used it must be modified or reconstructed, if necessary, to comply with any commercial fence design requirements.
7. Signs shall not be permitted on subject property (lots 6, 7, 8, 9 and 10).
8. Only licensed and operable rental trucks and trailers and customer's licensed passenger vehicles awaiting repair or pick-up may be stored or parked on subject property. Storage or parking of unlicensed vehicles, boats, recreational vehicles or any parts of vehicles is prohibited.
9. 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 after consideration of all the evidence introduced at the hearing.**

Attachments: Staff Report (4), Location Map, Zoning Map, Aerial View, Section 3-9-7 (4), Site Plan, September CHCRAAC Minutes (3), September Letter, October CHCRAAC Minutes (3), November CHCRAAC Minutes (3), Letter of Amendment, December P&Z Board Minutes (5), Zoning Official Memo, Ordinance No. 2015-032 (7), New FLUM Map, Revised Site Plan (2), Narrative (2), and Environmental Specialist Memorandum



Community Development

# CHARLOTTE COUNTY

## Location Map for SE-14-010

Charlotte County Government

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### 25/40/22 Mid-County

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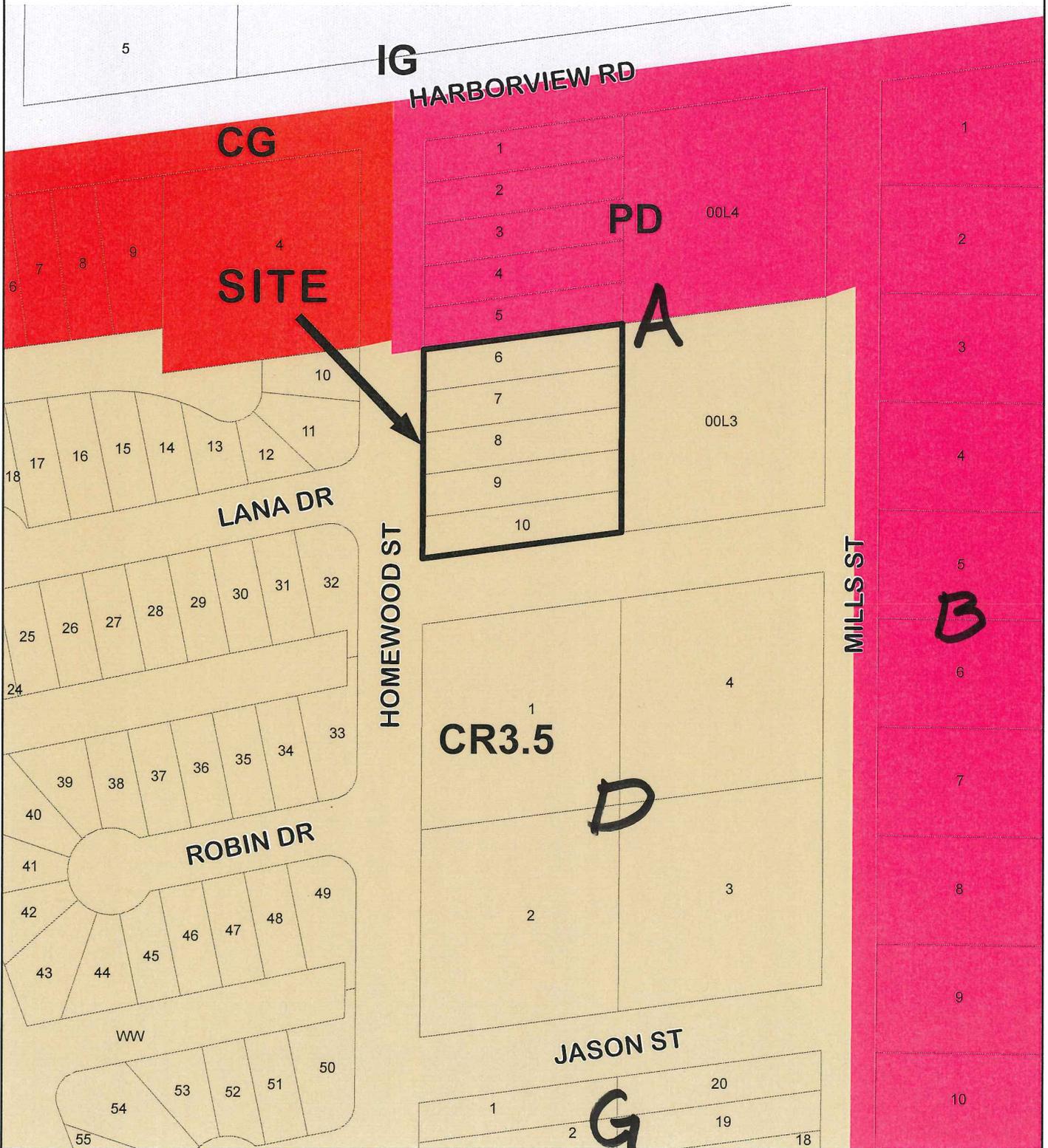


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# CHARLOTTE COUNTY Zoning Map for SE-14-010



### 25/40/22 Mid-County

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Community Development

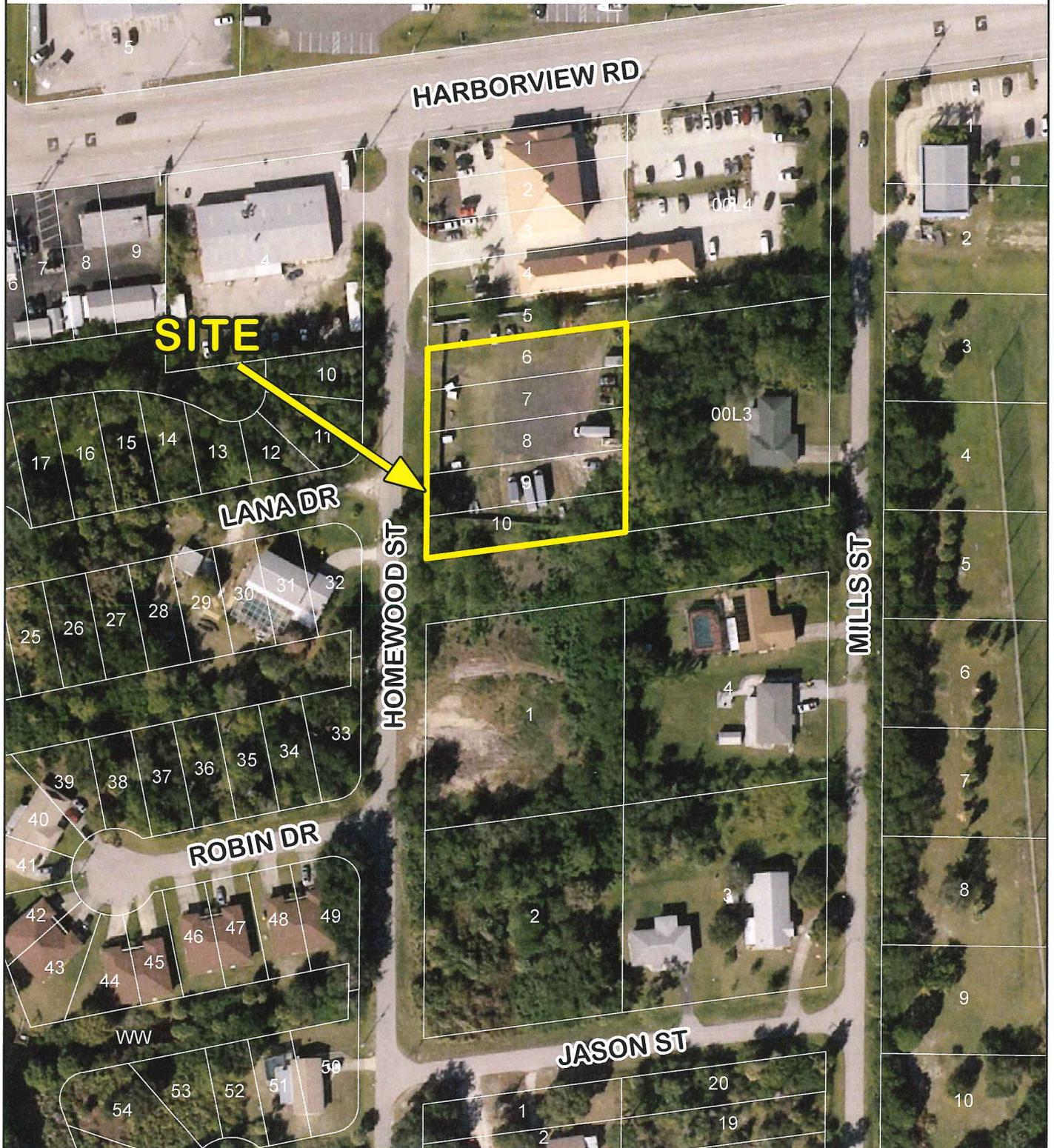
# CHARLOTTE COUNTY

## Aerial View for SE-14-010

Charlotte County Government

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**Sec. 3-9-7. - Special exceptions.**

- (a) *Generally.* A special exception is permission for a use that would not be permissible generally or without restriction throughout a zoning district but which, if controlled as to area, location, relation to the neighborhood and other such restrictions as may be deemed appropriate in each case, would be compatible with surrounding land uses and found to be consistent with the Comprehensive Plan for Charlotte County.
- (b) *Application.* Special exceptions are established to allow the approval of specific uses in addition to the permitted uses in each zoning district. Uses eligible for a special exception shall be limited to:
- (1) The uses listed as special exceptions in each zoning district.
  - (2) Uses allowed by special exception upon a determination by the zoning official.
  - (3) Expansion of a lawfully existing conforming use to property which is abutting the existing use.
- (c) *Written petition.* Applications for special exceptions shall be obtained from and filed with the zoning official and shall be accompanied by the applicable fee to be established by resolution of the board of county commissioners. The zoning official shall review the application for sufficiency, which includes completeness of the application. If additional data is required, the zoning official shall advise the applicant within ten (10) working days after receipt of the application. Upon finding the application to be correct and complete, it shall be scheduled for a public hearing before the next available board of zoning appeals meeting, except in the case of an application for a special exception for the purpose listed in subsection (b)(3), which shall be scheduled for public hearings before the next available planning and zoning board meeting and the next available board of zoning appeals meeting following such planning and zoning board meeting, in accordance with the process for such special exceptions contained in subsection (m). Should an error in the application be discovered, the zoning official shall have the discretion to require the applicant to reapply or submit revised or additional information. Special exception applications shall include but not be limited to the following where applicable:
- (1) Site plans of an appropriate scale showing proposed placement of structures on the property, provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas and required yards and other spaces.
  - (2) Plans showing proposed locations for utilities hookups.
  - (3) Plans for screening and buffers, with references to type, dimensions and character.
  - (4) Proposed landscaping.
  - (5) Proposed signs and lighting, including type, dimension and character.
  - (6) A legal description of the entire property encompassing the special exception.
  - (7) A narrative description of the total project in sufficient detail to provide an understanding of the nature of the development proposal and a statement describing how the requested special exception meets the standards for approval as set forth below.
  - (8) A notarized affidavit which lists the names and addresses of property owners within two hundred (200) feet of the subject property (excluding rights-of-way) with corresponding address labels. This information shall be based upon the latest available property records of the property appraiser's office. The applicant shall also provide a map showing the subject property and all of the other proper

**Section 3-9-7**  
**( Exhibit A-1 )**

- (d) *Public hearing.* Following the public hearing, the board of zoning appeals may grant or deny the special exception or may grant approval subject to compliance with certain conditions, restrictions or requirements as the board of zoning appeals may deem necessary to protect the interest of the public health, safety, morals and welfare appropriate to be in accordance with the land development regulations established to implement the comprehensive plan. Approval of a special exception, with or without conditions, shall be considered permanent to the extent that it may only be revoked following the procedure for a new special exception unless a time limit or ownership condition is provided in the approval of the use, in which case, the approval shall become void and the use shall be terminated at the end of the time specified in the approval. Notwithstanding this provision, any unused or abandoned special exception shall expire pursuant to subsection (h) of the zoning regulations.
- (e) *Notice of public hearing.* Upon the receipt of an application for a special exception, the zoning official shall establish a date, time and place for the public hearing before the board of zoning appeals or, in the case of an application for a special exception for the purpose listed in section 3-9-7(b)(3), the zoning official shall establish dates, times and places for the public hearings before the planning and zoning board and the board of zoning appeals. Public notice shall be given at least fifteen (15) calendar days prior to the date of any public hearing hereunder by publication in a newspaper of general circulation in the county. The notice shall contain a description of the request, a brief description of the property involved (subject property), and the time, date and place of the hearing, or the times, dates and places of the hearings, whichever is applicable, and shall invite all interested persons to appear and be heard. When a special exception is requested, the owners of property situated within two hundred (200) feet of the subject property shall be mailed written notice of the proposed request at least fifteen (15) days prior to the initial public hearing on the special exception before either the board of zoning appeals or the planning and zoning board, whichever is applicable. The notice shall contain the time, date and place of the public hearing, or the times, dates, and places of the public hearings, whichever is applicable, for the request and a brief description of the property involved (subject property). Notice by mail shall be addressed to the property owner at the address shown on the latest available records of the property appraiser. Such notice shall be considered effective when placed in the United States mail, postage paid; and failure to receive notice shall not invalidate any appeals proceeding. In addition, a sign shall be posted conspicuously on the subject property. The sign shall contain the time, date and place of the public hearing, or the times, dates and places of the public hearings, whichever is applicable, and shall state the action being considered. The sign shall be placed on the property at least ten (10) calendar days prior to the initial public hearing on the special exception before the board of zoning appeals or planning and zoning board, whichever is applicable. Failure to comply strictly with these notice requirements shall constitute grounds for dismissal of the proceedings. The zoning official shall investigate the conditions and submit a report to the board or boards that is or are hearing giving the facts involved. The parties in interest shall appear at by agent or attorney.
- (f) *Standards for approval.* A special exception shall be granted by the board of zoning appeals only if all of the following requirements are satisfied:
- (1) The requested special exception is either explicitly permitted by the regulations in the zoning district for which it is requested or is permitted by reasonable implication within that district.
  - (2) The requested special exception is compatible with existing uses surrounding immediately

**Section 3-9-7**  
**( Exhibit A-2 )**

adjacent and contiguous to the land on which the requested special exception would exist.

- (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.
  - (4) Adequate provision has been made for buffers, landscaping, trees, open space, stormwater or other improvements associated with the proposed use.
  - (5) The requested special exception is consistent with the Charlotte County Comprehensive Plan and 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.
- (g) *Denial.* If the board of zoning appeals should deny an application for a special exception, it shall state fully in its record its reasons for so doing. Such reasons shall take into account the standards for approval stated in this section as they may be applicable to the denial.
- (h) *Conditions and safeguards.* Should the board of zoning appeals approve a special exception, the BZA may impose reasonable conditions in order to prevent or minimize adverse effects on other property in the surrounding neighborhood. Any violation of the conditions and safeguards that may be imposed on any special exception by the board of zoning appeals when made a part of the terms under which the special exception is granted shall be deemed a violation of this Code. 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 (3) years after the date the activity permitted by the special exception ceased. Further, any previously granted special exception or special approval which has not been utilized shall, unless otherwise provided in said approval, expire three (3) 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 nonconforming special exception shall be subject to requirements of section 3-9-10 of the zoning regulations with regard to nonconforming uses.
- (i) *Lot and building requirements.* Lots and buildings shall comply with the lot and building requirements of the district in which the special exception is to be located, or shall comply with more stringent requirements as may be imposed by the board of zoning appeals upon approval of the special exception.
- (j) *Signs permitted.* Signs shall comply with the district requirements for the district in which the special exception is located, or such requirements as may be imposed by the Board of Zoning Appeals upon approval of the special exception.
- (k) *Modifications.* Expansion, alteration or modification of any special exception shall require reapplication for a modification to the original special exception.
- (l) *Limitations of applications for special exception.* Whenever the board of zoning appeals has denied an application for a special exception, the board of zoning appeals shall not thereafter consider an identical application for special exception concerning all or any part of the same property for a period of six (6) months from the date of such action, except that this requirement may be waived by the positive votes of a majority of the members of the board of zoning appeals when such action is deemed necessary. This section modification of a previously approved special ex

**Section 3-9-7**  
**( Exhibit A-3 )**

a

(m) *Procedure for expanded use special exception application.* A special exception application submitted for the purpose listed in section 3-9-7(b)(3) hereof shall be reviewed and considered at a public hearing by the planning and zoning board prior to being submitted to the board of zoning appeals for consideration and disposition at a public hearing. The planning and zoning board shall review and make recommendations to the board of zoning appeals regarding approval, denial, or conditions, restrictions or requirements for any special exception application submitted for the purpose listed in section 3-9-7(b)(3). The planning and zoning board's recommendations shall be advisory only and not binding on the board of zoning appeals. Public hearings before the planning and zoning board and board of zoning appeals, and notices therefor, concerning any special exception application submitted for the purpose listed in section 3-9-7(b)(3) shall be subject to the requirements contained in section 3-9-7(f), and shall be subject to all other requirements of this section 3-9-7.

(Minutes of 12-8-81, § 11; Res. No. 85-112, § 2, 6-18-85; Res. No. 87-78, § 4, 5-19-87; Res. No. 87-256, § 5, 10-20-87; Res. No. 87-257, § 4, 10-20-87; Ord. No. 89-50, § 2, 6-22-89; Ord. No. 94-50, § 1, 11-3-94; Ord. No. 2000-013, §§ 1—4, 4-25-00)

**Section 3-9-7**  
**( Exhibit A-4 )**

DR

Charlotte Engineering & Surveying, Inc.  
 700 El Jobean Road  
 Charlotte, Florida 33848  
 Phone No. 352-252-2552  
 Fax No. 352-252-2552  
 E-mail: ces@cep-ces.com  
 License No. 12126  
 State of Florida

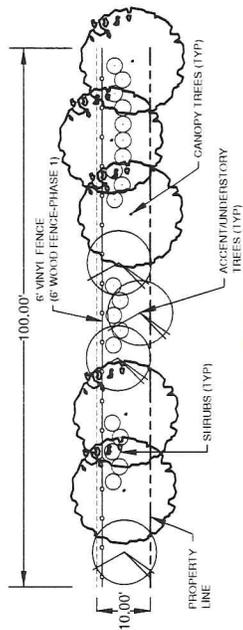
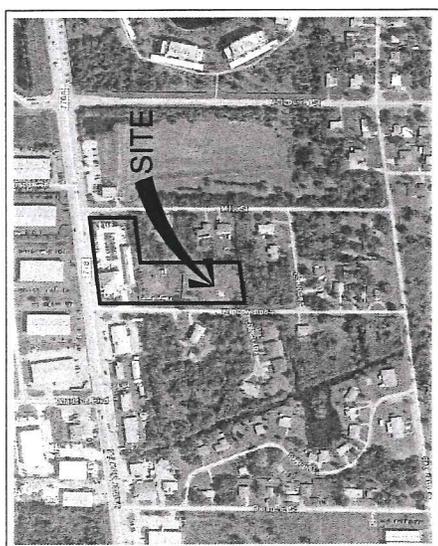
CES/American  
 CIVIL ENGINEERS AND SURVEYORS  
 LICENSE NO. 12126  
 LANDSCAPE ARCHITECTS

Site Plan  
 Special Exception  
 Charlotte Harbor, Florida

S&S Money Auto Repair  
 FOR  
 2377 Harborview Road  
 Charlotte Harbor, Florida 33908

Author	Joseph S. Moore, P.E.
Drawn By	JTS
Scale	1" = 40'
Date	06/09/2011
Revised By	JSM
Project #	12126

SHEET C1

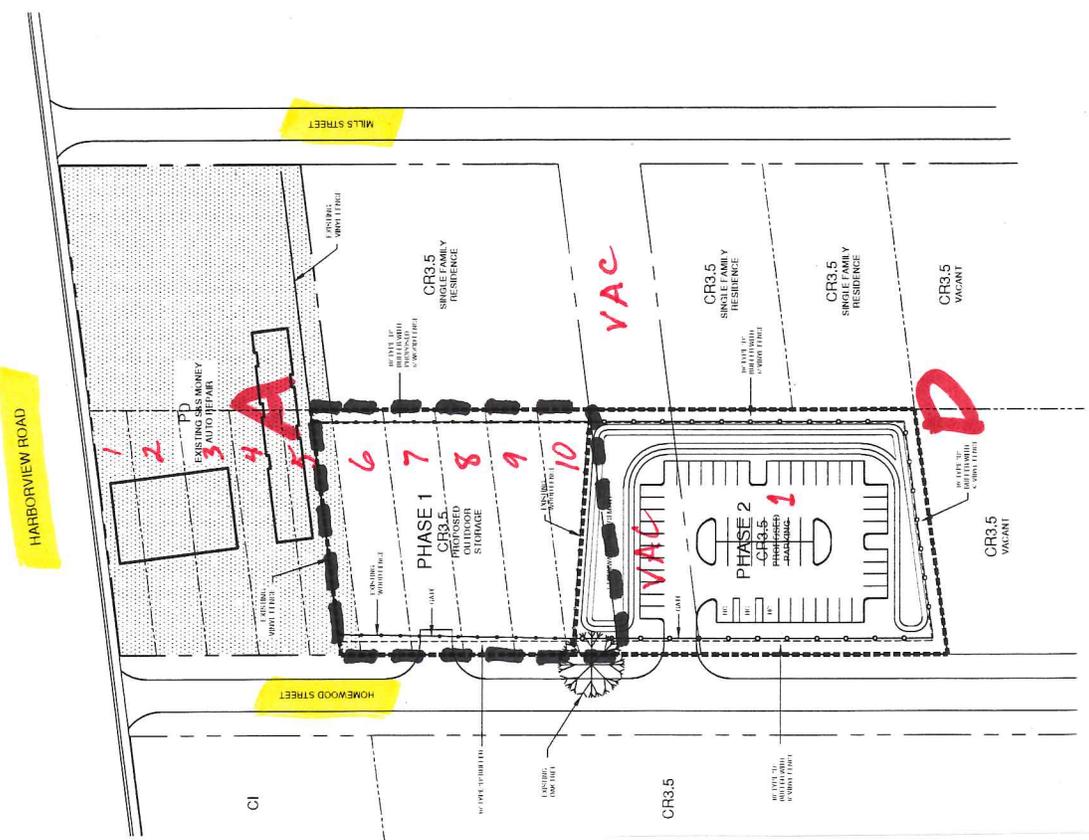


10' TYPE "D" LANDSCAPE BUFFER  
 (TYPICAL 100' SECTION)

SCALE: 1" = 10'

CANOPY TREES REQUIRED PER 100 LF = 5  
 SHRUBS REQUIRED PER 100 LF = 4  
 FENCE/WALL REQUIRED = YES

NOTE: REFER TO CHARLOTTE COUNTY LANDSCAPE ORDINANCE NUMBER 2009-017 FOR APPROVED LANDSCAPE MATERIALS AND ADDITIONAL REQUIREMENTS.



Original Site Plan  
 ( Exhibit B )

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**MINUTES**  
REGULAR MEETING  
CHARLOTTE HARBOR  
COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE  
**Monday, September 8, 2014 – 10:30 a.m.**  
County Administration Building – Room 119  
18500 Murdock Circle, Port Charlotte, FL 33948

**Members Present**

James Herston, *Chairman*  
Garland Wilson, *Vice Chairman*  
Michael Haymans  
Delmar Wooden

**Staff Present**

Debrah Forester, Redevelopment Manager  
Commissioner Kenneth Doherty  
Shaun Cullinan, Community Development  
Matt Trepal, Community Development  
Ken Quillen, Zoning  
Chris Beers, Johnson Engineering  
Kathy M. Knee, Recorder

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**Members Absent**

Charlotte Ventola, *Secretary*

- I. **Call to Order**  
Chairman Herston called the September 8, 2014 meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee to order at 10:30 a.m. in Room 119 of the Charlotte County Administration Building.
- II. **Pledge of Allegiance**  
Chairman Herston led the members and the audience in reciting the Pledge of Allegiance.
- III. **Roll Call/Determination of Quorum**  
Roll call was taken by Kathy Knee. A quorum was present.
- IV. **Additions/Deletions to Agenda** – Debrah Forester asked that a Harborwalk Update be included as Item “F” under Old Business.
- V. **Approval of Minutes**  
**A Motion was presented by Garland Wilson, seconded by Delmar Wooden and unanimously approved to accept the Minutes of the July 21, 2014 Regular Meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee as written.**  
  
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- VI. **Commissioner Comments**  
Commissioner Doherty noted that at the September 9 BCC meeting, the BCC will be selecting two members to fill the vacant Charlotte Harbor CRA Advisory Committee seats.
- VII. **Public Comments** – Vanessa Oliver, General Counsel for Ambitrans, introduced herself and advised that she has applied for a seat on the Charlotte Harbor Advisory Committee and will be happy to answer any questions the Committee members might have. Ms. Oliver grew up in Charlotte County and attended elementary through high school here. She and her family recently moved back.
- VIII. **Development Review Report**  
**Special Exception – 23371 Harborview Road** – information was included with the meeting packet. Debrah Forester noted that this item can be discussed but formal recommendations cannot be made until the October meeting. Michael Haymans will not be able to vote on this matter because he represents the applicant. Mr. Haymans noted this request is a bit out of the norm so he hoped he could get some feedback from the Committee. Debrah Forester noted that this property is located in the Melbourne Neighborhood District and according to the redevelopment plan the goal is to preserve and enhance the neighborhood. Shaun Cullinan noted that this request is called an Expanded Use Special Exception and a search of County records does not show it as ever being used. It seems to have been created prior to future land use and the comp plan so that people could expand a lawfully existing use. As such it is still currently on the books and will be brought forward

**September**  
**CHCRAAC Minutes**  
**( Exhibit C-1 )**

although potentially it will be changed in the new code. This is a Special Exception which is typically heard by the Board of Zoning Appeals. Because the property is located in the Charlotte Harbor CRA it is being brought to this Committee to get comments and/or recommendation. In this case, Planning & Zoning will review prior to it going before the Board of Zoning Appeals, which has the final say. The current owner has a PD that was lawfully approved and wants to expand the existing use onto some residential lots located behind his property.

Ken Quillen, Charlotte County Planner, explained that S&S Money Auto Repair is located on Harborview Road and owns the lots behind their business which they would like to use for the storage of U-Haul rental vehicles and automobiles they are being worked on at the shop. Existing property was rezoned PD to allow this use. The properties in question are currently zoned Coastal Residential 3.5. Mr. Quillen presentation included maps showing the location of the properties. Mr. Quillen was asked if he was recommending approval. His response: Because the proposed use does not comply with the comprehensive plan because the properties are zoned residential, staff feels it would have to recommend denial. If, however, the Board of Zoning Appeals approves this request, staff would recommend a condition to make an amendment to the comp plan to bring it into conformity with this proposed use.

Michael Haymans noted that this provision has been on the books for a long time and he believes it was Charlotte County's attempt to address the strip commercial problem along 41 and other arterials. Platting and planning created narrow strips along the main arterial roadways that promote strip development rather than promoting an efficient, effective use of property. Most of the commercial properties on the arterial roadway are too shallow. This was seen as a problem and the County provided this expanded use special exception to allow expansion to conforming business that want to expand immediately behind or adjacent to their property so the owner did not need to go through a rezoning. S&S has been at this location for 5 or 6 years and the business is successful. S&S needed to expand and began parking on property it owned behind the business location. A building permit was obtained for the fence they erected around the additional property to shield it from neighbors. Only one residential homeowner is in this area and has not complained. There is a Code Enforcement action pending because there was concern and identification that the use that the property was being put to was not appropriately permitted with regard to zoning. Mr. Haymans has met with County staff and asked if the expanded use special exception could work to remedy this issue. The initial response was yes but once the application was reviewed there was concern about a very specific provision for criteria for special exception which asks if use is consistent with the comp plan. Special exceptions cost \$800 for the application fee; amendments to the comp plan and rezoning is \$2,400. Using special exception instead of comp plan change is an immediate fix that doesn't necessarily create long term forever changes to the property. Mr. Haymans asked if this is an unacceptable intrusion of commercial use in a residential area. The property can be adequately buffered with fencing to allow the storage for U-hauls and cars waiting to be worked on. Having this storage area will keep the front of the business looking good. Mr. Haymans asked the Committee for their input in finding a solution for this successful Charlotte Harbor CRA business.

Jim Herston noted he has his car serviced by S&S. Shaun Cullinan noted that staff will look to see if this is a conflict of interest. Mr. Cullinan noted that staff is not in disagreement with Mr. Haymans. Lots fronting Charlotte County's major roadways are not deep enough for good quality development and we do need to have a way to address it. Staff is interested in hearing comments and feedback from the Committee today. At a future date, this issue will be brought back to the Committee for a formal recommendation.

Debrah Forester asked if this request was for only outdoor storage and not for auto repair. Mr. Cullinan believes only outdoor storage is being requested. Special exceptions go with the land and not owner unless specifically stated differently.

Garland Wilson asked why the big lot to the south is being added. Can't it just stop where the existing interior fence is located? Mr. Haymans noted the intention was to do it in phases so the

front area which is partially fenced would remain as is. Phase 2 would be future use of the additional space for outside storage, if needed. The area for Phase 1 has significant vegetation so a fence is not necessary at this time. Phase 2 was included to minimize costs. Delmar Wooden asked if there would be a possibility for a property exchange; other nearby property looks less intrusive. Mr. Haymans was not sure but thought the property would have the same issues. Mr. Haymans noted that as a vision is planned for the future, remember we are also trying to redevelop and provide economic growth with the CRA. This is a project happening right now. The company has had economic success in the CRA and needs this expansion project to continue. Is this kind of relief something you can support? Garland Wilson noted his issue was the inclusion of the larger lot. Mr. Wooden and Mr. Herston agreed a smaller scale would be better. Ms. Forester mentioned that S&S has received sign grant funds and has met building standards of CRA.

**IX. Old Business**

- a. Advisory Committee Appointments – Debrah Forester advised that the BCC will be voting by ballot tomorrow to fill the two vacant seats - a Business Owner and an At-Large Member.
- b. Parmely Street Design – Chris Beers distributed copies of the 60% plans and an exhibit to the committee members. Comments from Public Works have been incorporated to include red brick stamped asphalt, which the County is able to maintain. The County cannot maintain the pavers so this is a change from the 30% to the 60% plans. To bring everyone into the CRA a monument sign can be used as a gateway feature – introduce them at Parmely Street and they can proceed down to Bayshore Park. Potential complications came to light when title research was done. McDonough Plumbing’s property protrudes out to Parmely to the location of the proposed monument sign. A legal opinion is needed to determine if an easement or acquisition is needed since a hardened structure is being erected. A monument sign cannot be put on US 41 due to complications with FDOT. There is also a lighting issue. Public Works standard is FDOT lighting, which is very bright with 25 foot poles. Decorative poles are going to be used similar to those at Bayshore Road so Mr. Beers is working with Public Works to come to an agreement on the illumination with the decorative pole. Jim Herston questioned the proposed location of the monument sign because the plumbing business parks its vehicles in that location. Funds for construction will come from the FDOT enhancement funds; if approved, a second tier project with sales tax; and may fall under Parks & Rec/Community Services as tier one project to create pathways to parks.

Garland Wilson asked if storm drainage plans were reviewed to avoid future problems. Mr. Beer confirmed they were. Mr. Wilson stated he is not in favor of the monument sign since the current entry sign is costing about \$40,000 a year for maintenance. Debrah Forester mentioned that the \$40,000 includes landscaping and its maintenance as well. Ms. Forester asked if there is an opportunity to do banners on the street light poles similar to those at the Dick Loftus Bridge, which have had no maintenance to date. Michael Haymans noted his support for the banners. Mr. Beers was asked to provide a better map showing the location of the proposed sign. Flexi-Pave, which is made from recycled tires was displayed and is recommended for use by the oak tree. The next submittal to SWFWMD will be within the next 2 weeks. SWFWMD seems to be favorable to accepting this project as exempt, but an application needs to be processed in order to obtain the exempt permit. Chris Beers will prepare to talk about the lighting issue and banners vs. gateway sign in either October or November.

- c. Historical Center Update – Debrah Forester noted that a Committee member requested an update and Tommy Scott will come to the October 6 meeting and present recommendations that are tentatively going to the BCC on October 14. Michael Haymans noted he is on the Historical Committee. The Charlotte Harbor CRA Advisory Committee would like to see the Historical Center stay in Charlotte Harbor. The Historical Center is currently in its temporary quarters on Ann Street in Punta Gorda. If the extension of the sale tax passes, a new library will be built in Punta Gorda just to the north of History Park on Shreve Street. If a new library is built, the museum would move in to existing library on Henry Street in Punta Gorda. The Historical

# Michael P. Haymans

====ATTORNEY AT LAW, P. A. ====

September 16, 2014

James W. Herston, Chairman

via email: [jherston@herstonengineering.com](mailto:jherston@herstonengineering.com)

Charlotte Harbor Community Redevelopment Agency Advisory Committee  
c/o Charlotte County Economic Development Office  
18501 Murdock Circle, Suite 302  
Port Charlotte, FL 33948

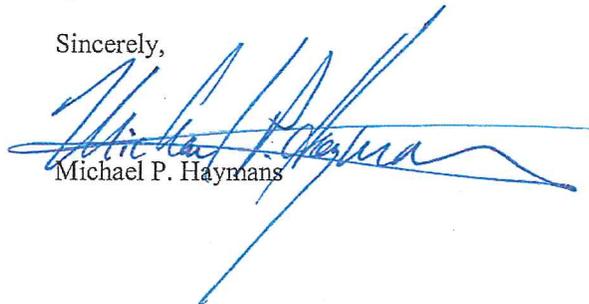
Reference: Future Land Use Map, Plan Amendment/Lots 6, 7, 8, 9, and 10, Block A, Shelton's Addition to Hickory Bluff, Plat Book 1, Page 12, Public Records of Charlotte County, Florida

Dear Mr. Herston,

This letter follows up the September meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee. At that meeting the Advisory Committee without a quorum heard a presentation about expanding an existing business's operation by way of a Special Exception. Charlotte County Zoning staff and Planning staff stated that the concept has merit, but the otherwise appropriate use would not be consistent with the existing Future Land Use Map. During the presentation, and during the give and take discussion of the matter, it appeared that joining a portion of the property into the Charlotte Harbor Community Redevelopment Agency pending map amendments to the Future Land Use Plan might be appropriate.

Please accept this letter as a request to include the above referenced property into the proposed Map amendments as a request of the Charlotte Harbor Community Redevelopment Agency. The request is only for the front portion of the property submitted for Special Exception, and it is shown on the enclosed graphic. The inclusion in the County's Map Amendment proposal will allow the matter to be considered without further delay for the business owner, allows relief from the shallow depth of existing commercial property in this location, and is an efficient use of staff and applicant resources. The resulting Plan designation for the property should be the least intensive that allows outdoor parking of vehicles. Leaving the underlying zoning for a future change allows the proposed Special Exception to be conditioned as the Board of Zoning Appeals finds appropriate, and will allow the area to mature until the right zoning becomes apparent.

Sincerely,



Michael P. Haymans

MPH/lsc  
Cc: Client

MICHAEL P. HAYMANS ATTORNEY AT LAW, P. A.

215 West Olympia Avenue

Punta Gorda, FL 33950

Phone: (941) 575-0007

Fax: 575-9177

[www.mphaymans.com](http://www.mphaymans.com)

[michael@mphaymans.com](mailto:michael@mphaymans.com)

September Letter  
( Exhibit D )

**Corrected MINUTES**  
**REGULAR MEETING**  
**CHARLOTTE HARBOR**  
**COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE**  
**Monday, October 6, 2014 – 10:30 a.m.**  
County Administration Building – Room 119  
18500 Murdock Circle, Port Charlotte, FL 33948

**Members Present**

James Herston, *Chairman*  
Garland Wilson, *Vice Chairman*  
Charlotte Ventola, *Secretary*  
Denise Garbacq  
Delmar Wooden

**Staff Present**

Debrah Forester, *Redevelopment Manager*  
Commissioner Kenneth Doherty  
Shaun Cullinan, *Community Development*  
Tommy Scott, *Community Services*  
Matt Trepal, *Community Development*  
Kathy M. Knee, *Recorder*

**Members Absent**

Michael Haymans  
Vanessa Oliver

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**I. Call to Order**

Chairman Herston called the October 6, 2014 meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee to order at 10:33 a.m. in Room 119 of the Charlotte County Administration Building.

**II. Pledge of Allegiance**

Chairman Herston led the members and the audience in reciting the Pledge of Allegiance.

**III. Roll Call/Determination of Quorum**

Roll call was taken by Charlotte Ventola. A quorum was present.

Debrah Forester introduced Denise Garbacq and noted Vanessa Oliver is also a new member but Ms. Oliver was unable to attend today. Ms. Garbacq met with Ms. Forester last week for an overview of the Committee's activities. Ms. Garbacq noted she is eager to be a part of the Committee and looks forward to working with the Committee.

**IV. Additions/Deletions to Agenda –**

Ms. Forester requested that two items be added to the Agenda under New Business: Bridge Sweeping and an Update on Tax Increments. Mr. Herston confirmed they would be added as Items b and c respectively.

**V. Approval of Minutes**

Notes from the July 30, 2014 Whidden Park Community Meeting were presented to the Committee for informational purposes.

**A Motion was presented by Delmar Wooden, seconded by Garland Wilson and unanimously approved to accept the Minutes of the September 8, 2014 Regular Meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee as written.**

**VI. Commissioner Comments**

Commissioner Doherty welcomed Denise Garbacq, the new Committee member, and thanked all the members for volunteering their time.

**VII. Public Comments**

Cassandra Wooden, a CRA property owner, asked the Committee to consider offering the Peace River Wildlife Center the opportunity to relocate to Charlotte Harbor. The current building they are using is in bad shape. They are thinking about rebuilding but could relocate. The Center would need about 2 acres. There are several sites that might be usable in Charlotte Harbor but the one Ms. Wooden had in mind includes Sibley Bay Creek east of Central and the adjacent lots extending to Ganyard, along with Sibley Bay to Seneca. Some of this land is a wetlands area.

**October**  
**CHCRAAC Minutes**  
**( Exhibit E-1 )**

Bill Schmitz thought Mrs. Wooden's proposal was a good idea. He mentioned that the Wildlife Center could go where the Historical Center is located if the Center is not going to return. Mr. Schmitz recommended that the comp plan changes be pushed through as is and he appreciates the Committee staying focused.

**VIII. Development Review Report**

Jim Herston noted that Mattress Firm received its CO and there are still no tenants at the Coral Rock Café.

**IX. Old Business**

- a. Tax Presentation – Tommy Scott, Director of Community Services, presented information on the extension of the penny sales tax. Mr. Scott gave a brief history of projects completed over the years with sales tax funds and the proposed sales tax projects if the extension is approved. Additional information can be found on the Charlotte County website.
- b. Historical Center Update – Tommy Scott reported that the Historical Center structure was identified to be in need of renovations which were postponed due to budget constraints. The estimated cost to do the renovations is \$585,000. There has been two BCC Workshops to discuss the Historical Center. There are some concerns about spending such a large amount of money at the site because the building is about 2 – 2½ feet below flood elevation. Building code requires that if you spend 50% of the value of the property on renovations you will need to raise the building to meet current flood elevations. The current value of the property and building is \$800,000. The proposal renovations would exceed the 50% rule and then additional costs would be incurred to raise the structure. The BCC asked for options. One option would be to demolish the current building and relocate the historical functions. A concern which was raised is that money was given to the project from the Florida Community Trust. The entire park is included in two grants. Research was done to determine if removing the building from the park property would be detrimental to the grant and it was determined that it would not be. The educational component, 24 environmental or historical programs a year, needs to be there and the park amenity needs to be there. The historical center does not necessarily have to be there and the center itself is not tied to the grant. If demolished, the site can be rehabbed to make it parklike. A park amenity, such as a pavilion or cover for the amphitheater to make it more useable for special events or to house the educational components, is being considered as well as picnic tables. The cost to demolish the center and relocate its functions, approximately \$400,000, is significantly less than doing the renovations and staff is looking at ways to lower that cost. Staff believes this is the best course of action and the best use of taxpayer dollars. Staff will continue to explore the use of the building by the CRA or other non-profits but then renovations would have to be kept under the 50% allowance. In anticipation for the renovation or relocation, some displays have already been moved to the libraries; some classes are being held at the schools. The Gray Street Annex can be a short term housing solution; a long term housing solution for the Historical Center has not been determined. Ms. Forester asked Mr. Scott to come back with an update as more information becomes available.
- c. Bayshore Park Update and Introductions – Tommy Scott introduced Marc Solomon, the Recreation Supervisor, and Trish Sturgess, the Recreation Specialist and Event Programmer. Ms. Sturgess helped with this year's Beer & Wine Festival which will be held this coming weekend.
- d. Hands Across the Harbor Update – Debrah Forester announced that the 2015 Hands Across the Harbor event will be starting off at Bayshore Live Oak Park. Sponsors and volunteers are needed.
- e. Special Exception – 23371 Harborview Road – Debrah Forester noted that this item is being postponed until November because Michael Haymans was unable to attend today's meeting.

- f. Revitalization Plan – Matt Trepal reported that a public workshop is scheduled for November 5 at the Charlotte Harbor Event Center to discuss the Charlotte Harbor CRA comp plan changes, amendments to the future land use map and the revitalization plan. The creation of the Charlotte Harbor CRA Revitalization Plan resulted in a need to move some policies around. Debrah Forester noted that a few clean up changes were made and they were included in the meeting packet. Ms. Forester reviewed those changes. Discussion followed regarding changing the word “will” to “may” when granting density units. Staff noted the County needed to have the ability to grant or not to grant density units because there is a finite number of density units and therefore they cannot be in a position to always say yes. Comments from Committee members included: developers may not even submit a plan if there is not definite assurance; use “will” with first come, first served language; and have a pre-approval process to see if density is available. Staff will look into what options might be available to address this issue. It was pointed out that non-certified energy efficiency is listed under the Riverwalk and should be included in the NBR section. It was suggested that the height increase language in Riverwalk and Gateway should be clarified. All Charlotte Harbor CRA property owners will receive an invitation to attend the meeting being held on November 5.

**X. New Business**

- a. Letter Requesting Future Land Use Map Amendment – Debrah Forester noted a letter was received from Mr. Haymans regarding a future land use map amendment. If the Committee were to support this request the current timelines for submissions to appropriate boards and the public would need to be revised. The Committee could proceed as planned and the applicant can do a small scale amendment on their own. Shaun Cullinan explained the expanded use special exception for those Committee members who were not present last month. The applicant has a few options available to move forward. The Committee was asked if they would like to address this issue now and delay the approval process for their proposed amendments or address this issue at a later date. A brief discussion followed and it was the consensus of the Committee to move forward on the current schedule - a Community Meeting will be held on Wednesday, November 5 at 5:30 p.m.; the proposed amendment changes will go to the P&Z in December and the BCC in January. This special exception will be address at the November meeting.
- b. Bridge Sweeping – Debrah Forester noted that she received an email from the City of Punta Gorda. The City maintains the sweeping of the bridge and they would like to do it on a more regular basis. Currently they sweep monthly, 12 times a year, but because the bridge is used by bicyclists and walkers the City wants to do the sweeping on a weekly basis. The City is asking if the Charlotte Harbor CRA would like to share the cost which is currently \$2,200 annually. Ms. Forester has forwarded this request to Administration to determine if there was another funding source available. Charlotte Harbor TIF dollars are limited and the Harborwalk project is coming up next year. Ms. Forester will let the Committee know if there are other options when she hears back from Administration. Charlotte Ventola asked to see an updated budget report.
- c. Tax Increment Notice – Debrah Forester advised that she has received the certified tax roll amount for Charlotte Harbor. Overall property values went up. Tax increment for this year is \$62,187, an increase of about \$11,000 from last year. Numbers are going up but slowly, in part due to changes in homestead exemptions and also the limits on how much commercial property can increase.

**XI. Correspondence/Communications - The Minutes of the Punta Gorda CRA meeting of September 3, 2014 were included in the meeting packet.**

Jim Herston advised Matt Trepal that the waterfront overlay is in conflict with what is trying to be done with the revitalization plan. Mr. Trepal advised that ultimately, following the adoption of the revitalization plan and the revisions to the comp plan and zoning code, Charlotte Harbor CRA will be exempt from the waterfront overlay.

**MINUTES**  
**REGULAR MEETING**  
**CHARLOTTE HARBOR**  
**COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE**  
**Monday, November 3, 2014 – 10:30 a.m.**  
County Administration Building – Room 119  
18500 Murdock Circle, Port Charlotte, FL 33948

**Members Present**

James Herston, *Chairman*  
Garland Wilson, *Vice Chairman*  
Charlotte Ventola, *Secretary*  
Denise Garbacq  
Michael Haymans  
Vanessa Oliver

**Staff Present**

Debrah Forester, *Redevelopment Manager*  
Commissioner Kenneth Doherty  
Shaun Cullinan, *Community Development*  
Tommy Scott, *Community Services*  
Matt Trepal, *Community Development*  
Kathy M. Knee, *Recorder*

**Members Absent**

Delmar Wooden

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**I. Call to Order**

Chairman Herston called the November 3, 2014 meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee to order at 10:33 a.m. in Room 119 of the Charlotte County Administration Building.

**II. Pledge of Allegiance**

Chairman Herston led the members and the audience in reciting the Pledge of Allegiance.

**III. Roll Call/Determination of Quorum**

Roll call was taken by Charlotte Ventola. A quorum was present.

**IV. Additions/Deletions to Agenda**

Ms. Forester requested that an item "f" be added to the Agenda under Old Business to discuss the Harbor Walk. Ms. Forester also requested that the Farmers Market item listed as "a" under New Business be moved up on the Agenda and be heard after the Development Review Report.

**V. Approval of Minutes**

Charlotte Ventola noted that at Page 4 under Member Comments at Delmar Wooden's third bullet point Seneca and Oakley should be changed to Central and Oakley. ***A Motion was presented by Charlotte Ventola, seconded by Denise Garbacq and unanimously approved to accept the Minutes of the October 6, 2014 Regular Meeting of the Charlotte Harbor Community Redevelopment Agency Advisory Committee as corrected and noted above.***

**VI. Commissioner Comments**

Commissioner Doherty welcomed Vanessa Oliver to the Committee. The Commissioner is looking forward to the November 5 Community Meeting but noted he would not be attending the December 1 Committee Meeting as he will be on vacation. The Commissioner wished everyone happy holidays.

**VII. Public Comments – None.**

**VIII. Development Review Report**

Jim Herston noted there was nothing to report.

Moved from New Business -

- a. Charlotte Harbor Farmers Market – Louie Desquin talked about plans to bring a farmers market to Dotzler Park year round on Sundays from 9 a.m. – 2 p.m. He has been working with Gena Sauer. Mr. Desquin started the Shreve Street Market. Dotzler Park, which was once the paintball park, is a great location. He has been working with County departments to determine sign usage. The YMCA has a dumpster on site for trash but he will also talk with Waste Management to obtain trashcans. There is one restroom in the area but port-a-johns will also be placed on site. Mr. Desquin asked the Committee for their guidance with any Charlotte Harbor CRA requirements.

Sean Cullinan of Community Development advised Mr. Desquin to check with Zoning, specifically Maryann Franks. Mr. Desquin noted he visited Zoning this morning and was referred to Ms. Franks but she was not available.

Committee members were in favor of the farmers market idea. Mike Haymans stated he liked the idea of activity in the CRA but thought it might be an issue getting people to the location because CRA signage may be too restrictive.

#### **IX. Old Business**

- a. Parmely Street – 60% Plans - Chris Beers noted the plans are about 50 pages long and will send them to staff electronically for distribution by email. The 60% plans have been sent to SWFWMD. Suggestions from the last meeting have been implemented. The Charlotte Harbor sign can work well on the KFC corner, which is Charlotte County property. The sidewalk by McDonough Plumbing has been realigned to weave around power poles and an existing tree that is trying to be saved. The sidewalks have been fully developed to extend to the curb returns. Mr. Beers distributed copies of suggested sign designs. These designs were reviewed by staff, who recommended larger lettering for the words Bayshore Live Oak Park and a larger logo which will be relocated to the left hand column. This sign would look similar to the existing sign at the bridge entry. Discussion followed regarding size, cost and location of sign. Mr. Beers estimated the cost of the new sign would be around \$30,000; it was the consensus of the Committee that this amount was too high. Debrah Forester suggested that banners could be used, the sign could be done in phases or a smaller sign could be designed. Using the logo as a branding option could reduce cost. Banners could be put on the light poles. The consensus of the Committee was to shelve the sign for now.
  
- b. Special Exception – 23371 Harborview Road – Ms. Forester noted that Michael Haymans is representing the applicant and therefore will be leaving the dais. Ken Quillen, Planner for Charlotte County and staff person assigned to the Board of Zoning Appeals gave an overview of this item. S&S Money Auto Repair submitted an application for a special exception to allow expansion of a lawfully existing conforming use to property which is abutting the existing use in a Coastal Residential Zoning District in the Charlotte Harbor CRA. Mr. Quillen noted the location of the property and showed the specific property, which included Lots 6, 7, 8, 9 and 10, part of a vacated right-of-way and Lot 1 from another block. U-Haul vehicles and customer vehicles will be stored on the property. There is a zoning violation at this time that they are trying to remedy. Mr. Quillen stated staff would like a recommendation from the CRA Advisory Committee to the Board of Zoning Appeals as to what should be done with this special exception application, which can be approved or denied or approved with conditions or restrictions.

Michael Haymans mentioned the primary problem with this application is the underlying comprehensive land use plan is Coastal Residential. This item was addressed at an earlier meeting but because he had to step down there was not a quorum and the item could not move forward. At that time, the Committee suggested that the expansion be reduced. Mr. Haymans sent a letter to the Committee on September 16 which stated that the special exception application no longer included Lot 1 of Phase 2 or the vacated alleyway. The application was revised to include only Lots 6, 7, 8, 9, and 10. Mr. Haymans had recommended that Lots 6, 7, 8, 9 and 10 be included in the CRA plan changes that will be discussed at the Community Meeting on November 5. The Committee considered this inclusion last month but voted to decline the inclusion. Mr. Haymans asked why the Committee decided not to allow this item to coattail on plan revision. Ms. Forester noted the Committee thought it needed to be addressed but more broadly. Mr. Cullinan noted the County doesn't usually pay to remedy something that will benefit a private property owner. Mr. Haymans stated that other NBR changes were for the benefit of individual property owners. Mr. Haymans advised that he made the revision to delete lots under the Committee's advisement; he and his client are trying to work with County staff and the Committee. A planned

amendment and a special exception continue until a time the BCC might change it. Area residents, within 200 feet of the subject property, will get a direct mailing of a request to change. All other resident would be notified by public notice in the newspaper or the County's website. Discussion followed regarding the commercial area on Harborview. Garland Wilson noted his support to include Lots 6-10 now. Vanessa Oliver noted her support. Charlotte Ventola noted staff said it would jeopardize the entire submission to State but if including Lots 6-10 does not slow down the process, she approves. Denise Garbacq also supports including Lots 6-10.

The special exception is for the storage of U-Haul vehicles and overflow parking for customer vehicles. There will be no repair work done of these lots. The existing fence will stay in place and the special exception should include a condition that states that a buffer will be put in place immediately upon the request of adjoining property owner on Mill Street.

***A Motion was presented by Garland Wilson, seconded by Charlotte Ventola and unanimously approved to include Lots 6-10 in the Charlotte Harbor Comp Plan submission to the State of Florida.***

***A Motion was presented by Garland Wilson, seconded by Charlotte Ventola and unanimously approved to support the special exception presented today with the condition that a buffer will be put in place immediately upon the request of the adjoining property owner on Mill Street.***

Michael Haymans return to his chair.

- c. Revitalization Plan/Community Meeting – November 5. Debrah Forester reported the postcards inviting regional property owners to the Community Meeting were mailed out. Our region includes from Manasota County to Collier County. Letters were sent to all other property owners. A link to the Community Development site can be found on the Charlotte Harbor CRA webpage.

Charlotte Ventola advised that some of the requested changes were not made. At Page 5 of Revitalization Plan #2, it does not say restaurant as it did in October but now says plaza. Ms. Forester will talk with Mr. Trepal when he returns to the office. Ms. Forester noted that she will open the Community Meeting and then turn it over to Matt Trepal. Ms. Forester asked the Committee Members to be in attendance at the Community Meeting to support changes. Ms. Forester reviewed the material that would be presented at the Community Meeting.

- d. Bayshore Park Update – Debrah Forester advised she sent Mr. Wooden's concerns, mentioned during last month's meeting, to the County's Community Services Department and all issues have been handled.
- e. Hands Across the Harbor Event – Ms. Forester noted that sponsors for the event are still needed. The registration form will be posted online next week.
- f. Harbor Walk Update – Debrah Forester reported the BCC will consider approving DM Smith for work on the Harbor Walk project at its November 12 meeting. Because there is Federal funding, additional paperwork needs to be done and Public Works thought it best to get a consultant who is familiar with the process.

FDOT has confirmed that all the plans and paperwork were submitted correctly and they will now get authorization from USDOT to let this go to bid. The right of entry agreement is due to expire on January 15; this allows access to the project site. There is also a separate maintenance agreement to secure dock and control trespassers. We are now being asked to have the lot mowed to avoid code violations. These extensions will be brought to BCC in December.

# Michael P. Haymans

====ATTORNEY AT LAW, P. A. ====

November 7, 2014

Ken Quillen  
Planner III  
Charlotte County Community Development Department  
18400 Murdock Circle  
Port Charlotte, FL 33948



Reference: Special Exception SE-14-010/  
Lots 6, 7, 8, 9, and 10, Block A, Shelton's Addition to Hickory Bluff, Plat Book 1, Page 12,  
Public Records of Charlotte County, Florida

Dear Mr. Quillen,

Please accept this letter as a request to amend the Special Exception application so that the only property included are Lots 6, 7, 8, 9, and 10.

Sincerely,

A handwritten signature in black ink that appears to read "Michael P. Haymans". The signature is written in a cursive style with a long, sweeping tail that extends downwards and to the right.

Michael P. Haymans

MPH/lsc  
Cc: Client  
Rebecca Eliassen  
Suzanne Bloomingdale

MICHAEL P. HAYMANS ATTORNEY AT LAW, P. A.

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[michael@mphaymans.com](mailto:michael@mphaymans.com)

**Letter of  
Amendment  
( Exhibit G )**

**CHARLOTTE COUNTY PLANNING AND ZONING BOARD**  
**Administration Center, 18500 Murdock Circle, Room 119,**  
**Port Charlotte, Florida**  
**Minutes of Regular Meeting**  
**December 8, 2014 @ 1:30 p.m.**

**Call to Order**

**Chair Hess** called the meeting to order at 1:30 p.m. and upon the Secretary calling the roll, it was noted a quorum was present.

**Roll Call**

**PRESENT**

Paula Hess  
Michael Gravesen  
Ken Chandler  
Stephen Vieira  
Paul Bigness

**ABSENT**

**ATTENDING**

Joshua Moye, Assistant County Attorney  
Gayle Moore, Recording Secretary

**APPROVAL OF MINUTES**

The minutes of November 10, 2014 were approved as circulated.

**ANNOUNCEMENTS**

Upon the oath being administered, and the Chair polling Board members as to any ex parte communications to declare (there were none) the meeting commenced.

PETITIONS:

**SE-14-010**

**Quasi-Judicial**

**Commission District I**

Michael Haymans, agent for S&S Money Auto Repair, is requesting a special exception, according to section 3-9-7(b)(3) and 3-9-7(m) of the Zoning Code, to allow the expansion of a lawfully existing conforming use to property which is abutting the existing use. This special exception is intended to allow expansion of an auto repair and U-Haul rental business in the Charlotte Harbor Coastal Residential-3.5 (CR-3.5) zoning district. The property address is **23371 Harborview Road**, Charlotte Harbor, and is described as **Lots 6, 7, 8, 9 and 10 of Block "A"**, all being a part of Shelton's Addition to Hickory Bluff Subdivision, located in Section 25, Township 40 South, Range 22 East.

**Staff Presentation**

**Ken Quillen, Planner III**, presented the findings and analysis of the petition and of the staff report dated November 21, 2014, giving brief details regarding the request, and noting that one part of the property originally included in the petition has been withdrawn based on a recommendation by the Charlotte Harbor CRA (CHCRA). He noted that the petition was the result of a zoning code violation concerning the outdoor storage of rental trucks, trailers and vehicles on residential property; the current proposal is the result of a meeting with staff, which staff is now endorsing based on a proposed FLUE amendment that would change the property FLUM be changed from Coastal Residential to Commercial, which the CHCRA is endorsing. **Mr. Quillen**

**December**  
**P&Z Board Minutes**  
**( Exhibit H-1 )**

***Minutes of Regular Meeting*** Continued

***December 8, 2014 @ 1:30 P.M.***

These minutes have been approved by the Charlotte County Planning and Zoning Board.

noted this amendment would be presented to the Board in January. He described the site plan submitted by the applicant, and noted that the plan and its elements of access, paving, traffic circulation, landscaping, stormwater systems, as well as the design for the parking, must be reviewed and approved according to the Site Plan Review process. A type D landscape buffer is required by Code, along three of the property lines which abut the Coastal Residential zoning district and along Homewood St. He also noted that there were six standards that must be met for the Board of Zoning Appeals to approve a Special Exception, which are enumerated in the staff report. Staff is recommending approval of the petition, subject to four criteria also listed in the staff report.

**Questions for Staff**

*None*

**Applicant's Presentation**

**Michael P. Haymans, Esq.** agent for the Petitioner, stating that he has been sworn, gave brief description of the conditions leading to the request. The applicant's garage which was located at the base of the bridge in Punta Gorda was damaged in Hurricane Charley, leading the business to relocate to Charlotte Harbor, where the Comp Plan and Zoning regulations had indicated would be appropriate; they went through the Planned Development process on their property, and now have a nice building and site where a number of businesses operate. However, it eventually was determined that the property was too narrow for the uses they intended, and for five years they cobbled together a solution for their U-Haul rental business that impinged on their neighbor's property, and this now needs to be corrected.

Mr. Haymans provided details regarding issues with the underlying land use which were resolved due changes to the Comp Plan which allowed the applicant to consider options for increasing the depth of the property; he emphasized that the CHCRA felt this change was appropriate. He noted that until the actual Comp Plan change has been adopted, there are elements of the Petitioner's proposal that can't be achieved, and so any approval on this matter would need to include reference to the anticipated Comp Plan change.

Mr. Haymans also commented on the position of the neighbor whose property is most impacted by the conditions on the Petitioner's property; he handed out graphic materials showing the view from this neighbor's windows to demonstrate the issues, and also a graphic of the Type D buffer which would be imposed on the property. Further details were discussed about potential lot and building design elements that would accommodate both the petitioner and his neighbor and more detail was offered regarding how the changes will be consistent with the neighborhood, based on buffering that will be put into place; there will be no lights, just storage for the existing businesses, not a junkyard.

**Mr. Bigness** asked about the business there; **Mr. Haymans** responded that it was a U-Haul and repair shop, just as it was when it was in Punta Gorda, and he noted that there are other businesses that are tenants on the Planned Development part of the property. Mr. Bigness asked if the U-Haul business was new since the business relocated to Charlotte Harbor, and Mr. Haymans said that it was a continuation of the U-Haul business the petitioner had in Punta Gorda; the neighbor of the petitioner objected, saying the U-Haul business was only running at this location within the last couple of years. At the Chair's request, Mr. Bigness repeated his question regarding the scope of the business prior to the move to Charlotte Harbor and whether it has been expanded. Mr. Haymans responded with additional clarification: that there was a U-Haul business in Punta Gorda, it was intended to continue as a business after the move to Charlotte Harbor. The business

*Minutes of Regular Meeting* Continued

**December 8, 2014 @ 1:30 P.M.**

These minutes have been approved by the Charlotte County Planning and Zoning Board.

has been running without the proper approvals, however, and this petition seeks to get those approvals.

**Mr. Quillen** indicated he had labeled the handout from Mr. Haymans as Exhibit "G". **Chair Hess** consulted with Assistant County Attorney Josh Moye regarding the status of written submittals to a quasi-judicial hearing; **Mr. Moye** noted that such material can be read into the record.

**Public Input**

**Mr. Dan Eliassen**, resident of the property adjacent to petitioner's. He said that he was aware of the light industrial section on Harborview Rd. and felt he could live with that. The petitioner's business came there in about 2004, receiving a Commercial Intensive zoning for the property, which **Mr. Eliassen** said he was also OK with. He said that he had a cordial relationship with the petitioner, including a business relationship (e.g., use of the petitioner's business services.) However, **Mr. Eliassen** said, he now feels the petitioner is breaking the zoning badly and is only now asking permission to do so. In particular, the business is now encroaching on Block A behind his business, storing wrecked vehicles and boats, as well as dumpsters containing trash.

**Mr. Eliassen** stated that there was no U-Haul business on the property until about three years ago; for the last two or three years, the petitioner had been storing for U-Haul up to 15 30-foot trucks and 15 to 20 U-Haul trailers and car haulers. He is seeking the special exception to continue with this.

**Mr. Eliassen** said that he wanted to speak specifically to the six standards required for granting of a Special Exception:

1. He asked if the County intended to allow a Special Exception based on the prior Special Exception already awarded; especially since petitioner is well aware that this is residentially zoned, and the use is not compatible.
2. Petitioner's intended use of the property is not compatible with the neighborhood and every resident adjacent to the subject property is opposed to this change; they object to the noise, dirt, and depreciation of property values. Petitioner leaves heavy vehicles parked on Homewood St., on the verge, and more will come.
3. No buffer of any kind exists (**Mr. Eliassen** noted that Mr. Haymans had addressed this issue with him directly, but wanted to include it anyway.) He also noted that there is no provision for dirt, oil or water run-off. There is nothing to mitigate the effect of the storage yard but what he characterized as a broken-down wooden fence which is an eyesore.
4. **Mr. Eliassen** noted that his house overlooks Block A and that is the view from his second story. He feels that the presence of the business devalues his property, and would discourage potential buyers.
5. He said he did not believe the Planning Committee intended changes such as this; if so, they would have changed the neighborhood zoning earlier.
6. The 24/7 commercial use of Homewood St. would be detrimental to the health and welfare of the neighborhood. It would endanger residents, pets and kids.

In conclusion, **Mr. Eliassen** said, petitioner has consistently ignored the regulations, and there has been no code enforcement ever. He also indicated that this situation had impacted his previous good relations with the Petitioner after years in which he displayed tolerance for the business.

**Chair Hess** asked whether he felt the buffer would improve matters; **Mr. Eliassen** answered that a fence would have to be 30 ft. high or there's no impact on the view from his second story.

**Mr. Moyer** commented on the materials that Mr. Eliason had handed out; **Mr. Quillen** indicated he had labeled these materials as Exhibit "H-1" through "H-9"

Another gentleman, also a neighbor, (who did not state his name for the record) stated he supported all of the details Mr. Eliassen had offered, and spoke at some length about how upset he was about the change that the business had wrought on the neighborhood, the visual degradation and the safety issues. He expressed concern about the other property, Lot 1, Block D, where a load of dirt was dumped by heavy vehicles, and also mentioned loud music late at night.

- **Mr. Gravesen** moved to close the public hearing, second by **Mr. Chandler** with a unanimous vote.

### **Mr. Haymans' Rebuttal**

**Mr. Haymans** returned to the podium to clarify some points. Mr. Eliassen had said that the petitioner had already had a Special Exception on the property; **Mr. Haymans** stated that is incorrect, it was a Planned Development, which is a very rigorous zoning process he went through. He also stated that petitioner is not planning to intrude any further into the neighborhood, he is just getting the permissions straight for activity already accomplished. Responding to Chair Hess, Mr. Haymans clarified petitioner is not seeking to change the zoning. **Mr. Haymans** also offered an explanation for the noise and dumping of dirt, which were characterized as errors, not on-going issues.

**Mr. Haymans** indicated that he objected to Mr. Eliassen's complaint of a ruined view because the "focus is all in their backyard" - all the Eliassen family activities take place in their back yard where they have a pool and other amenities. Further discussion ensued on the agent's representation that the petitioner's activities on the subject property are simply for storage purposes.

**Mr. Vieira** asked if the existing fence was going to remain; **Mr. Haymans** replied that the fence will remain plus there will be the required buffering. In response to further questions about additional buffering **Mr. Haymans** indicated that petition will provided it if required to do so.

**Chair Hess** asked staff whether the BZA can be sure that the use won't change in future, and asked how that can be controlled. **Mr. Quillen** stated that a Special Exception can be conditioned by the BZA; petitioner would have to follow those conditions as well as the zoning requirements, and this includes the BZA establishing the "one and only use" that can be held on this property.

**Mr. Moyer** confirmed that the Special Exception can have conditions, and if there is a problem, then it is Code Enforcement matter.

**Chair Hess** asked for Mr. Vieira's input, since he is a member of the BZA also. **Mr. Vieira** responded that he felt the BZA was the proper venue for this matter; that the conditions attached and any others that the BZA wanted to attach would probably serve the neighborhood and the applicant best. **Chair Hess** asked if he had visited the site, which he indicated he had done; he stated his opinion that while it is cleaned up now, he has seen it in less desirable conditions in the past. **Chair Hess** said that she thinks the use was an intrusion into a residential area.

**Mr. Gravesen** gave his opinion next, stating that he agreed that it was an intrusion into the residential zone; he also said that when the applicant originally came in for the PD, all that should have been planned for if they already had the U-Haul business in Punta Gorda and knowing the storage requirements for that. He also agreed that the neighborhood streets are not good for this kind of traffic, just light residential traffic. He stated he was not in favor of the petition.

*Minutes of Regular Meeting* Continued

**December 8, 2014 @ 1:30 P.M.**

These minutes have been approved by the Charlotte County Planning and Zoning Board.

**Chair Hess** also noted that this type of business is not CG, it's CI. **Mr. Chandler** asked about a set of photos that had been turned in; **Mr. Eliason** identified them as being from the opposite of the lot. **Mr. Haymans** conceded that the pictures show a dumpster, wrecked cars, and other junk. **Mr. Chandler** gave his opinion that this is a nightmare in the making; it is the owner's responsibility to clean it up or the mess draws more trash onto it. **Mr. Chandler** stated also that he's not comfortable with a 15-ft. wide street where kids are playing, having this kind of traffic on it; it's a recipe for disaster.

**Mr. Bigness** indicated he wanted to question **Mr. Eliassen** again; **Mr. Eliassen** returned to the podium and first clarified that the pictures he distributed were taken yesterday afternoon. Mr. Bigness asked about the assertion that vehicles were being test-driven on the roads, and asked how he knew that as a fact; **Mr. Eliassen** stated that he can see the entire shop, including the bay doors on the west side of the building, so he can see the cars going in and out. He continued, saying that he knew the guys at the shop and how they work; they never go out on Harborview Rd. to test drive cars, they stay on Homewood Street.

**Mr. Haymans** said that he just wanted to point out that Mr. Eliassen is complaining about the garage activities; the requested change will not affect that business, it will just make the situation better with the buffering. In closing, he reiterated that the CHCRA has considered this request and is in favor of expanding that use.

**Discussion**

**Chair Hess** noted the vote will be a recommendation to the BZA, and they will make the final decision; she then requested Mr. Vieira to make the motion;

**Recommendation**

**Mr. Vieira** moved that petition SE-14-010 be forwarded to the Board of Zoning Appeals with all of the conditions which had been applied, with a recommendation of *Disapproval*, based on the findings and analysis in the staff report dated November 21, 2014, along with the evidence presented at today's meeting, second by **Mr. Gravesen** and carried by a unanimous vote.

**Mr. Bigness** commented that he felt the decision balanced that with Charlotte County's model of "Open for Business" and that while he personally supports small business, he thinks it is also necessary to factor in homeowners who have been present since before those conditions came into being.

**PV-14-10-01**

**Legislative**

**Commission District I**

Kendall and Tracie Baird are requesting a Plat Vacation for a portion of the plat of Harbour Heights Section Eleven Subdivision as recorded in Plat Book 6, Pages 13A-13D, of the Official Records of Charlotte County, Florida. The property is 1.38 acres, more or less, and is located east of Blanot Drive, north of Amsterdam Drive, west of Marical Terrace, and south of San Carlos Drive, in Section 10, Township 40, Range 23, in Commission District I.

**Staff Presentation**

**Steven Ellis, Planner II**, presented the findings and analysis of the petition with a recommendation of *Approval*, based on the reasons stated in the staff report dated November 17, 2014, giving brief details regarding the request. This vacation is necessary in order to complete the conditions of the rezoning recently approved by this Board, and awaiting approval by the Commission at their meeting tomorrow.



# Charlotte County Government

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

www.CharlotteCountyFL.com

## MEMORANDUM

**Date:** December 8, 2014  
**To:** Board of Zoning Appeals  
**From:** Shaun Cullinan, Zoning Official  
**Subject:** Planning and Zoning Board recommendation for a special exception to allow an outdoor storage yard for customer vehicles and rental trucks and trailers

Dear BZA Members,

At their regularly scheduled meeting on Monday, December 8, 2014, the Planning and Zoning Board met, held a public hearing, and took the following action regarding an application by S&S Money Auto Repair requesting a special exception to allow expansion of an existing outdoor storage yard for customer vehicles and rental trucks and trailers in the Coastal Residential-3.5 (CR-3.5) zoning district at 23371 Harborview Road.

**A motion was presented by Stephen Vieira and seconded by Michael Gravesen that the application for a special exception to the Board of Zoning Appeals, file number SE-14-010, requesting a special exception to allow an outdoor storage yard for customer vehicles and rental trucks and trailers be DENIED based on the application submitted on July 1, 2014, the evidence and testimony presented at the meeting, and finding that the proposed commercial intensive use is an intrusion into the residential neighborhood.**

*Motion was approved with a unanimous vote of 5-0.*

cc: File: SE-14-010

**( Exhibit H-6 )**

**Community Development Department – Zoning Division**

18400 Murdock Circle, Port Charlotte, FL 33948-1068

Phone: 941.743.1964 | Fax: 941.743.1598

PHG  
BCC

FILED WITH THE DEPARTMENT OF STATE : June 24, 2015

**ORDINANCE  
NUMBER 2015 - 032**

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, **AMENDING CHARLOTTE COUNTY FLUM SERIES MAP #1:** 2030 FUTURE LAND USE, FROM 1) CHARLOTTE HARBOR TOURIST (CHT) TO CHARLOTTE HARBOR MIXED USE (CHMU) (30.34± ACRES) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP TO LIMIT THE BASE DENSITY TO 15 UNITS PER ACRE, UNLESS DENSITY IS TRANSFERRED TO THE PROPERTY; 2) CHT TO PARKS AND RECREATION (PKR) (0.96± ACRES); 3) CHARLOTTE HARBOR NEIGHBORHOOD BUSINESS/RESIDENTIAL (CHNBR) TO CHMU (21.62± ACRES) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP TO LIMIT THE BASE DENSITY TO 10 UNITS PER ACRE, UNLESS DENSITY IS TRANSFERRED TO THE PROPERTY; 4) CHARLOTTE HARBOR COASTAL RESIDENTIAL (CHCR) TO CHMU (2.75± ACRES) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP TO LIMIT THE BASE DENSITY TO 3.5 UNITS PER ACRE, UNLESS DENSITY IS TRANSFERRED TO THE PROPERTY; **5) CHCR TO CHARLOTTE HARBOR COMMERCIAL (CHC) (0.81± ACRES);** 6) CHC TO CHMU (1.78± ACRES) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP TO LIMIT THE BASE DENSITY TO 0 UNITS PER ACRE, UNLESS DENSITY IS TRANSFERRED TO THE PROPERTY; AND 7) MEDIUM DENSITY RESIDENTIAL (MDR) TO CHMU (14.9± ACRES) WITH AN ANNOTATION TO THE 2030 FUTURE LAND USE MAP TO LIMIT THE BASE DENSITY TO 10 UNITS PER ACRE, UNLESS DENSITY IS TRANSFERRED TO THE PROPERTY; AN ANNOTATION IS ALSO ADDED TO THE 2030 FUTURE LAND USE MAP FOR ALL PROPERTIES WHICH ARE CURRENTLY DESIGNATED AS CHARLOTTE HARBOR MIXED USE (CHMU) AND LOCATED WITHIN THE RIVERWALK SUB-DISTRICT (10.76± ACRES), AND THE ANNOTATION IS TO LIMIT THE BASE DENSITY TO 15 UNITS PER ACRE UNLESS DENSITY IS TRANSFERRED TO THE PROPERTY; ALL PROPERTIES ARE LOCATED IN THE CHARLOTTE HARBOR COMMUNITY REDEVELOPMENT AREA; COMMISSION DISTRICT I; CONTAINING A TOTAL OF 83.92± ACRES; PETITION NUMBER PA-14-04-04-LS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

**Ordinance  
No. 2015-032  
( Exhibit I-1 )**

12  
M/M



1 Future Land Use Map to limit the base density to 10 units per acre, unless density is  
2 transferred to the property; 4) Charlotte Harbor Coastal Residential (CHCR) to CHMU  
3 (2.75± acres) with an annotation to the 2030 Future Land Use Map to limit the base density  
4 to 3.5 units per acre, unless density is transferred to the property; 5) CHCR to Charlotte  
5 Harbor Commercial (CHC) (0.81± acres); 6) CHC to CHMU (1.78± acres) with an  
6 annotation to the 2030 Future Land Use Map to limit the base density to 0 units per acre,  
7 unless density is transferred to the property; and 7) Medium Density Residential (MDR) to  
8 CHMU (14.9± acres) with an annotation to the 2030 Future Land Use Map to limit the base  
9 density to 10 units per acre, unless density is transferred to the property; an annotation is  
10 also added to the 2030 Future Land Use Map for all properties which are currently  
11 designated as Charlotte Harbor Mixed Use (CHMU) and located within the Riverwalk Sub-  
12 district (10.76± acres), and the annotation is to limit the base density to 15 units per acre  
13 unless density is transferred to the property.

14 WHEREAS, all properties affected by the amendments listed in the previous  
15 paragraph are located in the Charlotte Harbor CRA, Commission District I, Charlotte  
16 County, Florida, containing a total of 83.92 acres more or less, and more particularly  
17 described in Exhibit "A" attached hereto and by this reference provided herein; and

18 WHEREAS, on January 12, 2015, Petition PA-14-04-04-LS was heard before  
19 the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings  
20 and analysis provided by County Staff regarding the amendments and the evidence  
21 presented to the P&Z Board, Petition PA-14-04-04 was found to be consistent with the  
22 County's Comprehensive Plan and the P&Z Board recommended approval for transmittal

1 of Petition PA-14-04-04-LS to the Department of Economic Opportunity (“DEO”) for review  
2 and comments; and

3 WHEREAS, in a public hearing held on Tuesday, February 24, 2015, the Board  
4 reviewed plan amendment Petition PA-14-04-04-LS and, based on the findings and  
5 analysis provided by County Staff regarding the amendments and the evidence presented  
6 to the Board, approved transmittal of Petition PA-14-04-04-LS to the DEO for review and  
7 comments; and

8 WHEREAS, on April 8, 2015, the DEO issued a letter stating that it had no  
9 comments regarding Petition PA-14-04-04; and

10 WHEREAS, other relevant state agencies also reviewed Petition PA-14-04-04 and  
11 had no comments; and

12 WHEREAS, after due consideration, and based on the findings and analysis  
13 provided by County Staff regarding the amendments and the evidence presented to the  
14 Board, the Board has determined that the proposed changes will promote development  
15 and redevelopment within the Charlotte Harbor CRA, will implement the vision established  
16 in the Charlotte Harbor CRA Redevelopment Plan, and that the requirements and  
17 conditions of Chapter 163, Florida Statutes, as they relate to this Petition have been met,  
18 and that it is in the best interests of the County to approve Petition PA-14-04-04-LS with  
19 annotations to the 2030 Future Land Use Map to limit base densities on the sites.

20 NOW, THEREFORE, BE IT ORDAINED by the Board of County  
21 Commissioners of Charlotte County, Florida:

**Ordinance  
No. 2015-032  
( Exhibit I-4 )**

1            Section 1. Approval. The following petition for amendment to the Charlotte

2 County FLUM Series Map #1: 2030 Future Land Use be and hereby is approved with

3 annotations to the 2030 Future Land Use Map to limit base densities on the sites:

4            Petition PA-14-04-04-LS requesting a large scale plan  
5 amendment to the Charlotte County FLUM Series Map #1:  
6 2030 Future Land Use, from 1) Charlotte Harbor Tourist (CHT)  
7 to Charlotte Harbor Mixed Use (CHMU) (30.34± acres) with an  
8 annotation to the 2030 Future Land Use Map to limit the base  
9 density to 15 units per acre, unless density is transferred to the  
10 property; 2) CHT to Parks and Recreation (PKR) (0.96± acres);  
11 3) Charlotte Harbor Neighborhood Business/Residential  
12 (CHNBR) to CHMU (21.62± acres) with an annotation to the  
13 2030 Future Land Use Map to limit the base density to 10 units  
14 per acre, unless density is transferred to the property; 4)  
15 Charlotte Harbor Coastal Residential (CHCR) to CHMU (2.75±  
16 acres) with an annotation to the 2030 Future Land Use Map to  
17 limit the base density to 3.5 units per acre, unless density is  
18 transferred to the property; 5) CHCR to Charlotte Harbor  
19 Commercial (CHC) (0.81± acres); 6) CHC to CHMU (1.78±  
20 acres) with an annotation to the 2030 Future Land Use Map to  
21 limit the base density to 0 units per acre, unless density is  
22 transferred to the property; and 7) Medium Density Residential  
23 (MDR) to CHMU (14.9± acres) with an annotation to the 2030  
24 Future Land Use Map to limit the base density to 10 units per  
25 acre, unless density is transferred to the property; an  
26 annotation is also added to the 2030 Future Land Use Map for  
27 all properties which are currently designated as Charlotte  
28 Harbor Mixed Use (CHMU) and located within the Riverwalk  
29 Sub-district (10.76± acres), and the annotation is to limit the  
30 base density to 15 units per acre unless density is transferred  
31 to the property; all properties are located in the Charlotte  
32 Harbor Community Redevelopment Area; District I; Charlotte  
33 County; containing a total of 83.92± acres; and more  
34 particularly described in Exhibit "A" attached hereto and by this  
35 reference provided herein.

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38            Section 2. Severability. If any section, subsection, clause,

39 phrase, or provision of this ordinance is for any reason held invalid or

1 unconstitutional by any court or body of competent jurisdiction, such holding  
2 shall not be construed to render the remaining provisions of this ordinance  
3 invalid or unconstitutional.

4  
5 Section 3. Effective date. The effective date of this plan amendment, if the  
6 amendment is not timely challenged, shall be 31 days after the state land planning agency  
7 notifies the local government that the plan amendment package is complete. If timely  
8 challenged, this amendment shall become effective on the date the state land planning  
9 agency or the Administration Commission enters a final order determining this adopted  
10 amendment to be in compliance. No development orders, development permits, or land  
11 uses dependent on this amendment may be issued or commence before it has become  
12 effective. If a final order of noncompliance is issued by the Administration Commission,  
13 this amendment may nevertheless be made effective by adoption of a resolution affirming  
14 its effective status, a copy of which resolution shall be sent to the state land planning  
15 agency.

16 Section 4. Adoption. County staff is hereby directed to forward a copy of  
17 this ordinance and its attachments to the Department of Economic Opportunity, 107 East  
18 Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director, Southwest  
19 Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

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**Ordinance  
No. 2015-032  
( Exhibit I-6 )**

1 PASSED AND DULY ADOPTED this 23<sup>rd</sup> day of January, 2015.

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3 BOARD OF COUNTY COMMISSIONERS  
4 OF CHARLOTTE COUNTY, FLORIDA  
5  
6 By: William G. Truex  
7 William G. Truex, Chairman  
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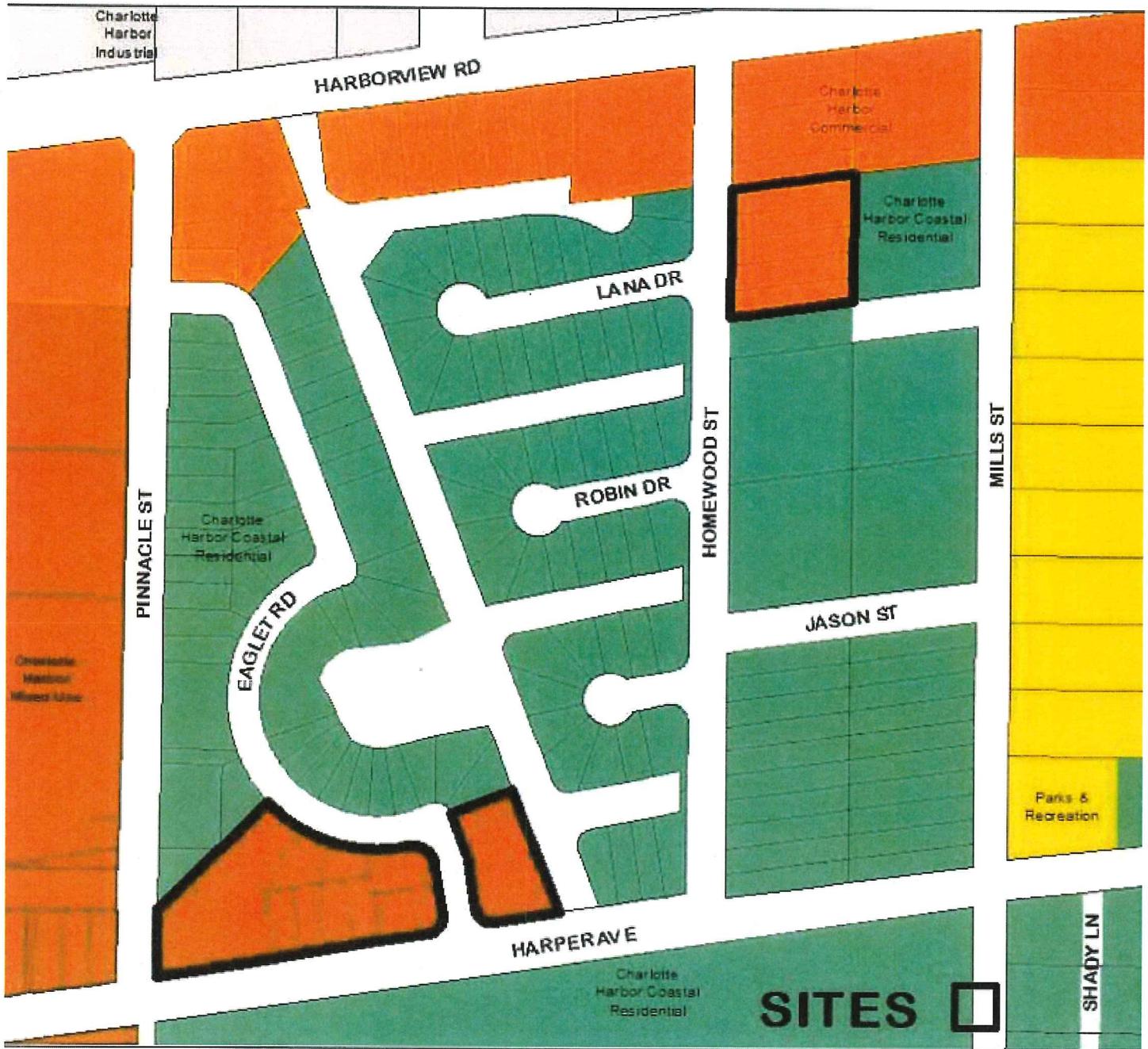
10 ATTEST:  
11 Barbara T. Scott, Clerk of Circuit  
12 Court and Ex-officio Clerk to the  
13 Board of County Commissioners

14 By: Michelle D. Bernardino  
15 Deputy Clerk  
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20 APPROVED AS TO FORM  
21 AND LEGAL SUFFICIENCY:

22  
23 By: Janette S. Knowlton  
24 Janette S. Knowlton, County Attorney  
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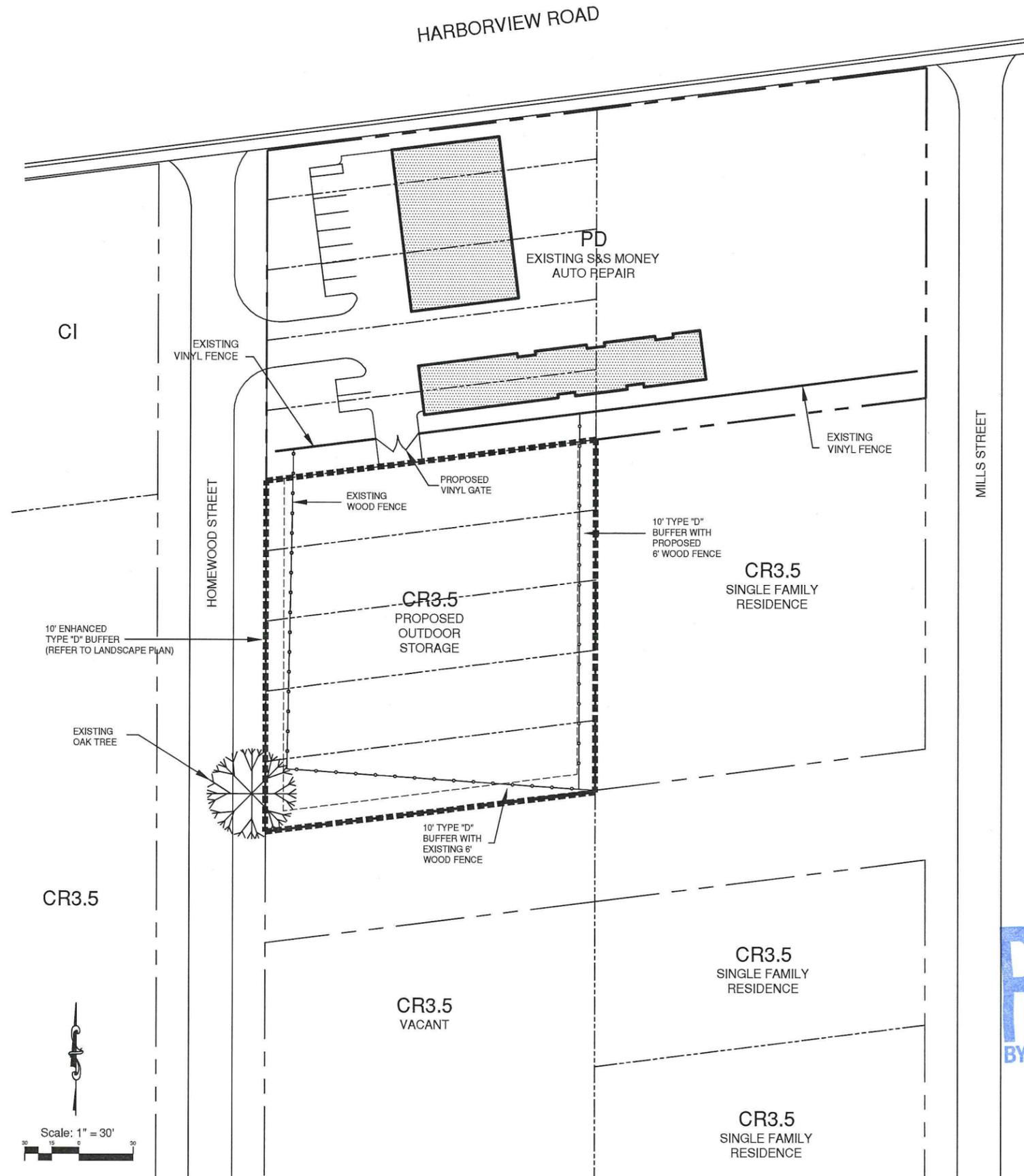
**Ordinance  
No. 2015-032  
( Exhibit I-7 )**



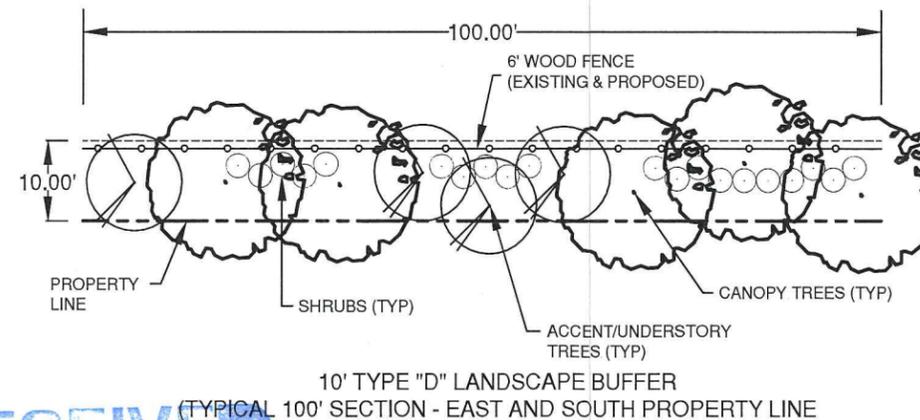
New Future Land Use Map

(23371 Harborview Road)

( Exhibit I-8 )



LOCATION MAP



10' TYPE "D" LANDSCAPE BUFFER  
(TYPICAL 100' SECTION - EAST AND SOUTH PROPERTY LINE)

SCALE: 1"=10'

CANOPY TREES REQUIRED PER 100 LF = 6  
ACCENT/UNDERSTORY TREES REQUIRED PER 100 LF = 4  
SHRUBS REQUIRED PER 100 LF = 25  
6' FENCE/WALL REQUIRED = YES  
(PLANT UNIT MULTIPLIER - 0.8)

NOTE: REFER TO CHARLOTTE COUNTY LANDSCAPE  
ORDINANCE NUMBER 2009-017 FOR APPROVED LANDSCAPE  
MATERIALS AND ADDITIONAL REQUIREMENTS.

RECEIVED  
AUG 20 2015  
BY:

**Revised Site Plan  
(Exhibit J-1)**

Charlotte Engineering & Surveying, Inc.  
1700 El Jobean Road  
Port Charlotte, Florida 33948  
Telephone No.: (941) 629-2552  
Fax No.: (941) 743-8288  
E-mail: ces@cep-ces.com  
LC No. 371  
FL No. 44715  
EB No. 2804



CIVIL ENGINEERS-LAND DEVELOPMENT  
CONSULTANTS  
LAND SURVEYORS  
LANDSCAPE ARCHITECTS

Site Plan

Special Exception  
Charlotte Harbor, Florida

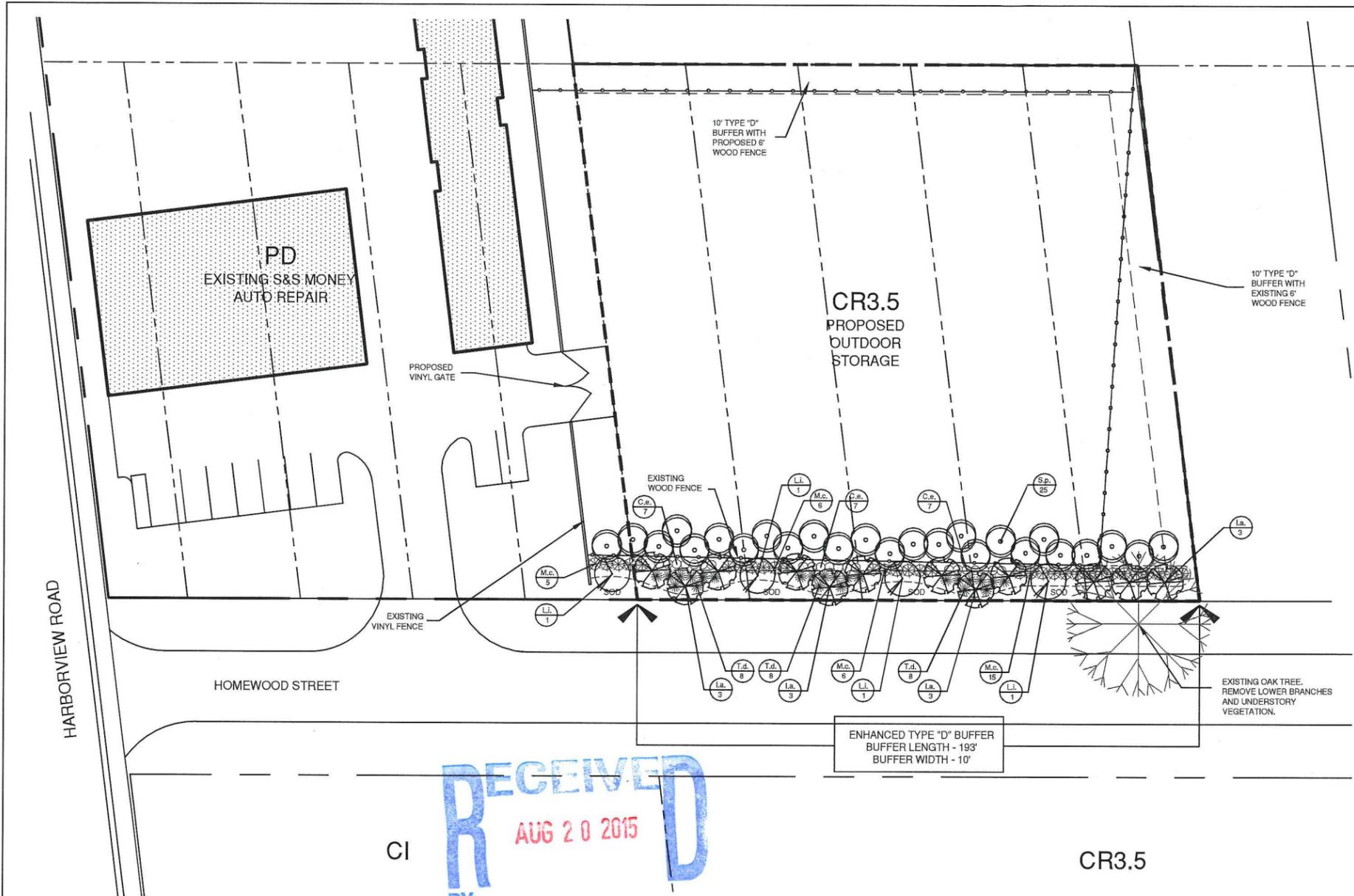
FOR  
S&S Money Auto Repair  
23371 Harborview Road  
Charlotte Harbor, Florida 33980

Revisions:


Joseph S. Menen, P.E.  
P.E. No. 44715  
State of Florida  
Charlotte Engineering & Surveying, Inc.  
Corporation No. 2904

Date:	01/12/2015
Scale:	1"=30'
Drawn By:	JTS
Checked By:	JSM
Project #:	12726

SHEET C1



SYMBOL	BOTANICAL/COMMON NAME	PLANT LIST DESCRIPTION	QUANTITY	COMMENTS
<b>TREES</b>				
L.a.	Ilex alternata (East Palatka) (East Palatka Holly)	10-12H x 4-6Spr., 3" Cal., 5' C.T.	12	N / FF
L.L.	Lagerstroemia indica (Tuscarora) (Crape Myrtle)	10-12H x 4-6Spr., 3" Cal., Multi-Trunk, Red	4	FF
<b>PALMS</b>				
S.p.	Sabal palmetto (Cabbage Palm)	10-12HCT., Remove Buds and Fronds, Staggered Heights	25	N / FF
<b>SHRUBS</b>				
C.a.	Coccoloba erecta (Silver Buttonwood)	35H x 24Spr., 7 gal., 36" OC, Full	21	N / FF
M.c.	Myrica carolinensis (Wax Myrtle)	45H x 36Spr., 15 gal., 48" OC, Full	32	N / FF
T.d.	Tripsacum dactyloides (Fakahatchee Grass)	30-35H x 8 Spr., 3 gal., 48" OC, Full	24	N / FF
<b>MISCELLANEOUS</b>				
	Melaleuca Mutch Florimulch	3" Depth Min.		PROVIDE ESTIMATE
	Paspalum notatum Bahai Sod	Weed Free, Sand Green		PROVIDE ESTIMATE
	Staking and Guying	Per Details		16 Trees / 25 Palms

**LANDSCAPE REQUIREMENTS**

**PERIMETER LANDSCAPE BUFFER REQUIREMENTS**

HOMEWOOD STREET (Type 'D' Buffer) - Buffer Length - 193 LF, Buffer Width - 10'  
 Canopy Trees Required - 5 per 100 LF = 193 / 100 = 1.93 x 6 = 11.58 x .80 = 10  
 Canopy Trees Provided - 25  
 Accent Trees Required - 4 per 100 LF = 193 / 100 = 1.93 x 4 = 7.72 x .80 = 7  
 Accent Trees Provided - 16  
 Shrubs Required - 25 per 100 LF = 193 / 100 = 1.93 x 25 = 48.25 x .80 = 39  
 Shrubs Provided - 77  
 Wall/Fence Required - Yes  
 Wall/Fence Provided - Yes

**GENERAL NOTES**

All plant materials shall be Florida Grade No. 1 or better, as specified in GRADES AND STANDARDS FOR NURSERY PLANTS, Parts I and II, by the Division of Plant Industry, Florida Department of Agriculture and Consumer Services, and shall conform to current American Association of Nurseryman STANDARDS FOR NURSERY STOCK, unless otherwise specified on the plans and plant list.

All plant materials shall be guaranteed for a period of one year (365 days) after final acceptance. All replacement materials shall be guaranteed for an additional 365 days.

All planting beds shall be mulched with Melaleuca Mutch 'Florimulch', to a depth of three (3) inches. All trees in sod areas shall have a 30" min. radius mulched tree ring. Sod shall be Paspalum notatum 'Bahai' sod.

Xeriscape principles shall be utilized as outlined by the Southwest Florida Water Management District.

All plantings shall receive soil amendments consisting of fifty (50) percent native excavated soil and fifty (50) percent planting mix. Planting mix shall consist of sixty (60) percent Florida Fibrous Peat, twenty (20) percent Compost, and twenty (20) percent Sand in the amounts specified below:

- Trees 3.5" cal. & greater = 1 CY each
- Trees 1"-3" cal./30 gal. = 1/2 CY each
- 10 gal. container size = 1/4 CY each
- 5 gal. container size = 35 plants per CY
- 1 gal. container size = 65 plants per CY
- Rooted cuttings/4" = 6" depth of annual bed mix

The Contractor shall identify each tree with a plastic tree tag, identifying its species, and retained until the Certificate of Occupancy is granted.

Australian Pine, Brazilian Pepper, Melaleuca, and Downy Rose Myrtle located on the property shall be removed during site preparation.

Multi-trunk trees required to be 2" Cal., shall have a minimum of (1) 2" Cal. trunk.

The quantities indicated on the plant list are intended as a guide for comparison bidding and does not relieve the CONTRACTOR from providing a comprehensive material take off. In the event that a discrepancy occurs between the quantities listed in the plant list and the quantities indicated on the plan, the quantities indicated on the plan shall govern, and the contractor shall notify the LANDSCAPE ARCHITECT of the discrepancy.

Any alterations to this landscape plan will require prior written permission of the Growth Management Department of Charlotte County.

**IRRIGATION**

All required landscaping and buffers may be served by an automatic irrigation system designed to eliminate the application of water to impervious areas and reduce impacts to existing native vegetation. All Required landscaping and buffers shall be irrigated during the establishment period. The applicant may use a temporary irrigation system or hand watering if the applicant can demonstrate that such an approach will provide adequate water for plant survival. All alternative plans of irrigation must be approved by the Zoning Official.

Irrigation design standards. The following standards shall apply to the design installation and maintenance of the irrigation systems.

Automatic rain and soil moisture sensing devices shall be installed with irrigation systems in accordance with industry standards.

Drip or micro-jet irrigation should be used where possible.

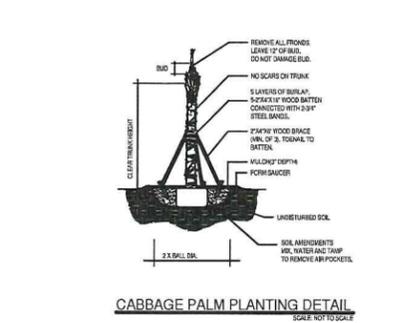
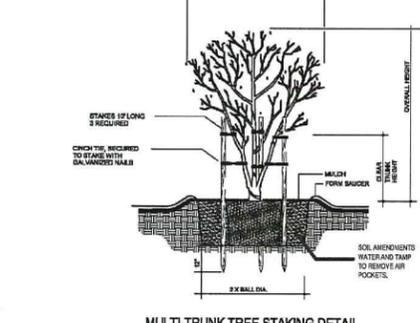
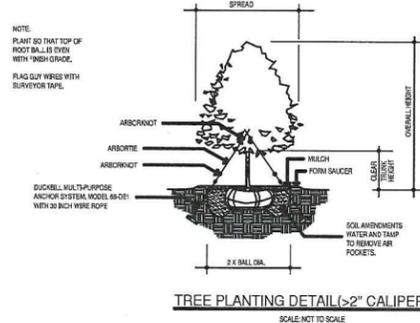
No trajectory spray nozzles are encouraged.

No above ground impact heads are permitted.

Irrigation systems shall use the lowest quality water available which will adequately and safely meet the water needs of the landscaping.

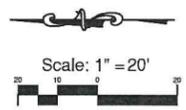
Planted detention areas and undisturbed natural areas do not require irrigation systems, provided however that the property owner is responsible for providing irrigation for supplemental plants within natural areas and plants within detention areas.

Irrigation systems must be properly maintained and operated in a manner consistent with watering restrictions established by the applicable water management district or local authority, whichever are stricter.

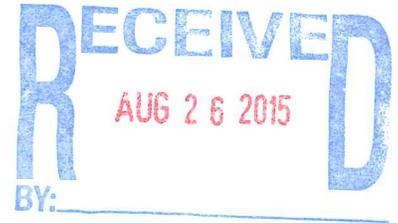


**Revised Site Plan (Exhibit J-2)**

Date:	01/12/2015
Scale:	1"=20'
Drawn By:	JTS
Checked By:	JTS
Project #:	12726
SHEET L1	



**S&S MONEY AUTO REPAIR, INC.**  
**SPECIAL EXCEPTION APPLICATION**  
**UPDATED NARRATIVE**



This narrative is being updated in anticipation of the hearing scheduled for September 9, 2015. Since the application was submitted in 2014 the proposal has been modified, changing the access for the storage yard to an internal access to and from the existing auto repair business complex on Harborview, increasing the proposed enhanced landscape buffering adjacent to Homewood Street, and eliminating the property originally proposed as Phase II. Since the application was initially filed the Comprehensive Plan Future Land Use Map designation has been amended to change the subject property from Coastal Residential to Commercial.

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

S&S Money Auto Repair is an existing auto repair service provider and an U-Haul rental facility, with a principal address of 23371 Harborview Road, Punta Gorda, FL 33980. The existing S&S Money businesses and other tenants' businesses are on property Zoned PD (with a Commercial Comprehensive Land Use Plan designation), which explicitly allows the parking and display of U-Haul vehicles and the temporary parking of vehicles to be and just worked on at the S&S Money garage. S&S Money Auto Repair's request is to allow the expansion of a lawfully existing, conforming use to the subject property, which is abutting the existing use. This special exception is explicitly permitted by Section 3-9-7 (b) (3) of the Charlotte County Zoning Regulations.

- 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.**

The subject property is bounded to the north by the S&S Money Auto Repair garage and U-Haul rental business. It is bounded to the south by vacant property owned by S&S Money Auto Repair, Inc. The property is bounded on the west by Homewood Street, which intersects with Lana Drive near the southern end of the subject property; one single family residence is across the street catty-corner to the southern end of the subject property; and an Electro Bake business with warehousing, distribution terminals, trucking terminals, van and storage warehousing is across Homewood Street catty-corner to the north west corner of the subject property. The property is bounded on the east by a heavily vegetated single family residential lot with a vacant house.

Access to and from the proposed storage yard will be only to the north through the existing S&S Money garage property, which fronts on Harborview Road. There will be

**Narrative**  
**( Exhibit K-1 )**

no new access to Homewood Street, which will minimize commercial traffic impacts on Homewood Street and the existing single family residential home at the south and west corner of the subject property.

The entire subject property will be fenced with a six foot wooden fence. An enhanced landscape buffer will be planted outside of the fence on Homewood Street, including palms with adequate maturity and height at planting to obstruct the view of the fence itself and obstruct the view into the yard from the second floor rooms of the existing residence on the corner of Homewood and Lana Drive.

The configuration of the access to the property, and the fencing and buffering allows the proposed use to be compatible with existing uses surrounding and adjacent to the subject property. Further, there will be only passive storage of vehicles, and there will be no lighting.

**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.**

Access is only through the existing S&S Auto garage and U-Haul rental business property. That property has direct access onto Harborview Road and a previously approved access onto Homewood Street directly across the street from the Electro Bake property within 100 feet of Homewood's intersection with Harborview.

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

The entire subject property will be fenced with a six foot wooden fence. An enhanced landscape buffer will be planted outside of the fence on Homewood Street, including palms with adequate maturity and height at planting to obstruct the view of the fence itself and obstruct the view into the yard from the second floor rooms of the existing residence on the corner of Homewood and Lana Drive. The property will be developed in accordance with Charlotte County and Water Management District requirements, and will significantly exceed buffer requirements along Homewood Street.

**5. The requested special exception is consistent with the Charlotte County Comprehensive Plan and Land Development Regulations.**

The subject property is within the Urban Service Area, and is ripe for infill development. The Charlotte County Board of County Commissioners changed the land use designation of the subject property from Coastal Residential to Commercial in the summer of 2015. Residential use is no longer allowed on the subject property. Allowing this special exception is one of the uses of the property that will allow the property use to be consistent with the Charlotte County Comprehensive Plan. Allowing additional depth to the existing commercial use along Harborview Road is consistent with good planning practice, and helps to alleviate the confines of too shallow Commercial parcels along County arterial roads.



**Narrative  
( Exhibit K-2 )**

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

Expanding the existing use onto the subject property supports the general welfare in a safe and efficient manner.

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BY: \_\_\_\_\_

**Narrative**  
**( Exhibit K-3 )**



## MEMORANDUM

**Date:** November 19, 2014  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-14-010, S&S Money Auto Repair, 23371 Harborview Road

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

- ❖ The subject property is partially undeveloped (primarily in Phase II) and is located adjacent to an existing fenced overflow parking lot and commercial auto repair building.

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.
  - Chapter 3-5:
    - Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,
    - Article XVI, *OPEN SPACE/HABITAT RESERVATION TRUST*,
    - Article XVIII, *LANDSCAPING AND BUFFERS*.

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

JS

**( Exhibit L )**

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