

**STAFF REPORT**  
**Community Development Department**  
**Petition Number: SE-14-021**

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**To:** Charlotte County Board of Zoning Appeals  
**From:** Shaun Cullinan, Zoning Official  
**Prepared By:** Ken Quillen, AICP, Planner III  
**Report Date:** January 5, 2015 **BZA meeting date: January 14, 2015**

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**Requested Action/General Information:**

Margarita Voss, agent for Voss Enterprises, is requesting a special exception to allow a micro-distillery in the Commercial Intensive (CI) zoning district. Subject property consists of an existing warehouse and office building located at **25522 Marion Avenue** near Punta Gorda (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial Intensive (CI). This property has a Commercial Future Land Use Map (FLUM) designation.

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

The applicant has submitted the attached **Boundary Survey, Exhibit B**, which shows the existing 768 square foot (24' by 32') office, 3,200 square foot (40' by 80') warehouse and related improvements on this one-acre lot (156' by 293' = 45,817 square feet).

The applicant has also submitted the attached **Narrative (Exhibit C)** explaining some of the equipment and processes used in the distilling process. This narrative stated that initially there will be three employees working 8:00 AM to 5:00 PM five days per week. Some of the production equipment will include four 500 gallon stainless steel tanks, a 400 gallon pot-still and a 100 gallon finishing still, capable of producing 1,080 liters of rum per month.

The Community Development Department's Environmental Specialist has performed a cursory review and their comments are in the attached **Memorandum (Exhibit D)** dated December 9, 2014.

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

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

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

Finding: A micro-distillery may be allowed by special exception in the Commercial Intensive (CI) zoning district, based on Sections 3-9-43(e)(6) of the Zoning Code.

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

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Vacant residential lots	RMF-5	Low Density Residential
South	Single-family residences and mini-warehouses	Commercial Intensive (CI) and Light Industrial (IL)	Commercial and Low Intensity Industrial
East	Vacant commercial lots	Commercial Intensive (CI)	Commercial
West	Vacant commercial and single-family residences	Commercial Intensive (CI)	Commercial

Finding: The surrounding land uses consist of single-family residences, commercial intensive land uses and vacant commercial lots. Staff believes that the proposed micro-distillery would be compatible with the surrounding land uses.

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

Finding: One existing access drive off of Marion Avenue provides access to this property. This development and access drive received Final Site Plan approval in 1998.

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

Finding: Staff believes that a Certificate of Occupancy has been issued for past uses, which indicates that all code requirements, including setbacks and landscaping, were being met at that time. Future occupancy of this building by this applicant requires continued compliance with all applicable County codes, including maintenance of all required landscaping.

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

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

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

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

## **ANALYSIS AND CONCLUSIONS:**

After review of the site and the application requesting this special exception staff believes that the proposed micro-distillery does meet the six criteria for granting a special exception.

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

1. The special exception as approved by the Board of Zoning Appeals is to allow a micro-distillery for the production of craft rum.
2. This special exception extends only to the land included in the Site Plan and legal description submitted with this application.
3. Outdoor storage of materials or equipment shall not be permitted.
4. Retail sales or on-site consumption of alcoholic beverages shall not be permitted.
5. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

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

Attachments: Staff Report (3), Location Map, Zoning Map, Aerial Photo, Section 3-9-43 (3), Boundary Survey, Narrative and Environmental Specialist Memorandum



Community Development

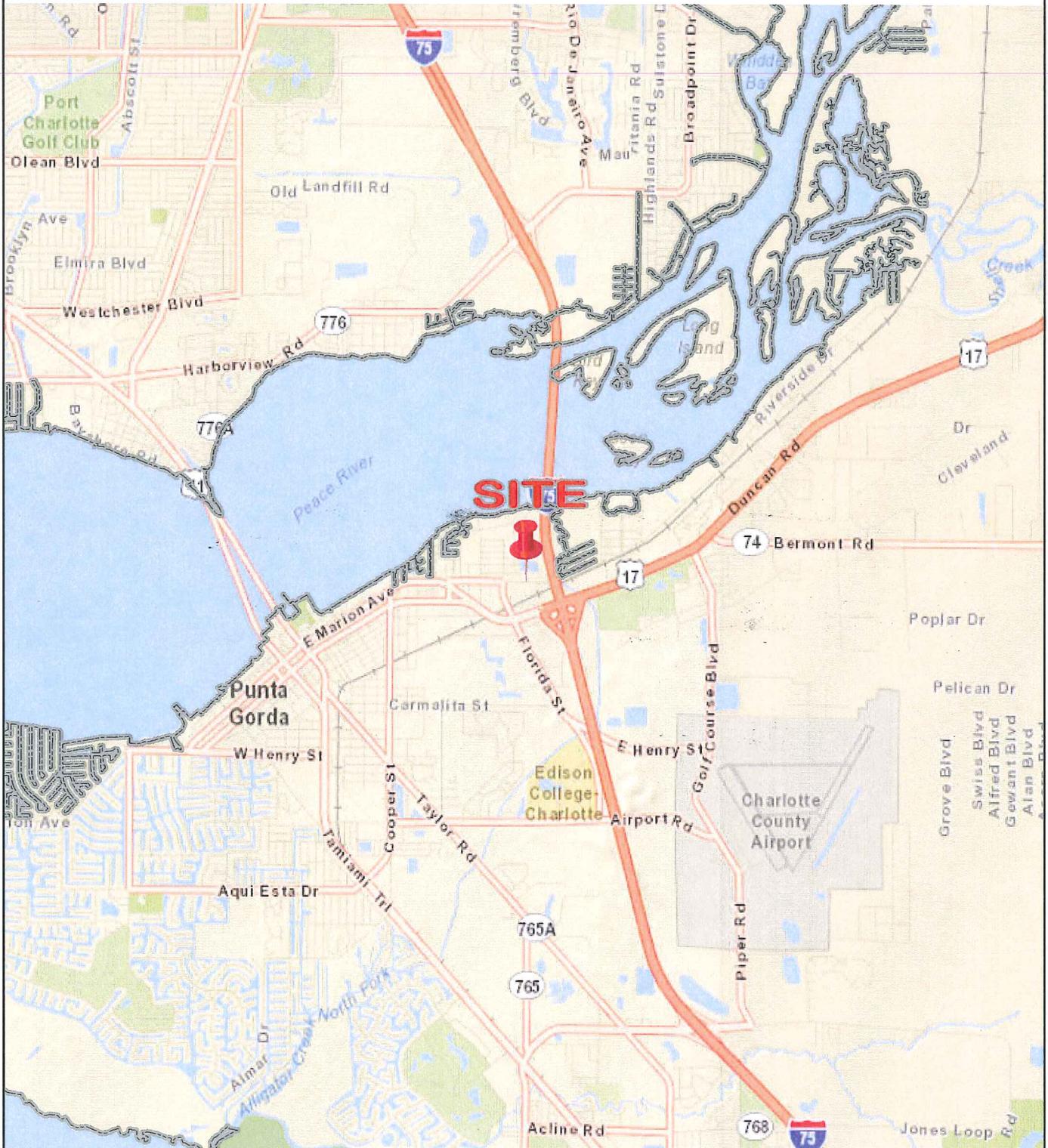
# CHARLOTTE COUNTY

## Location Map for SE-14-021

Charlotte County Government

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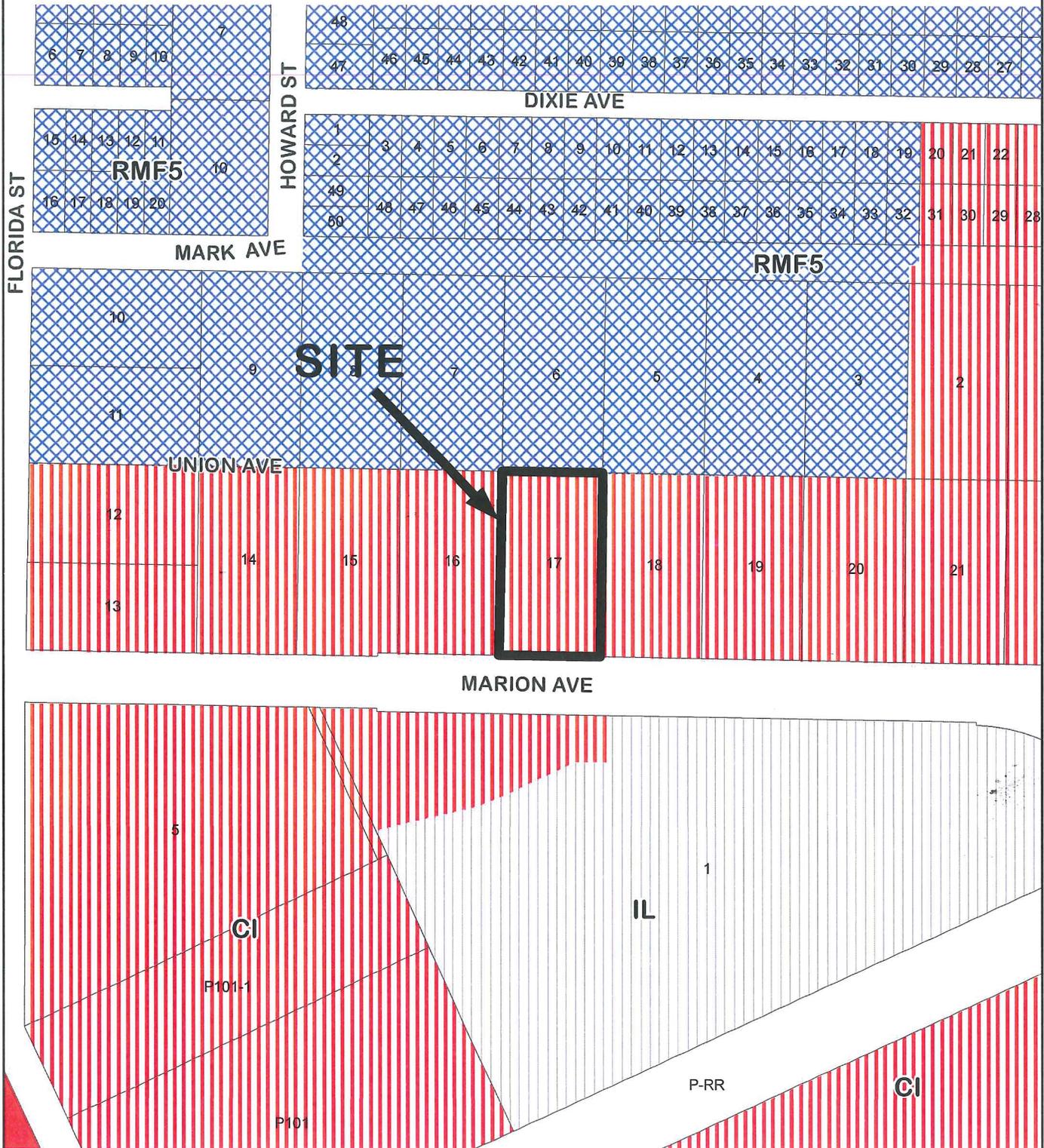
# CHARLOTTE COUNTY

## Zoning Map for SE-14-021

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Community Development

# CHARLOTTE COUNTY

## 2014 Aerial View for SE-14-021

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**Sec. 3-9-43. - Commercial, intensive (CI).**

- (a) *Intent.* The purpose and intent of the commercial, intensive (CI) district is to permit the designation of suitable locations for and to facilitate the proper development and use of land for those commercial activities which are like or which have many of the same needs as industrial land uses. Such uses often rely on large ground areas for storage or display of goods, are relatively insensitive to the impacts of adjacent land uses, while generating substantial impacts on their neighbors. Commercial, intensive land uses are generally services, particularly warehousing, distribution and compatible businesses oriented to the sale and service of automobiles and boats. The CI district is and is intended to be intermediate between consumer-oriented commercial and light industrial uses.
- (b) Permitted principal uses and structures. The following uses and structures are permitted in this district:
- (1) All uses and structures permitted in the CG district except adult congregate living facilities.
  - (2) Automotive sales and service, provided major mechanical and body overhaul and repair are conducted within a fully enclosed building.
  - (3) Boat, trailer and motor sales and services.
  - (4) Service stations and truck stops.
  - (5) Lumber and building supply establishments, except ready-mixed concrete asphalt plants and concrete product manufacturing plants.
  - (6) Sale and storage of mobile homes, travel trailers and campers.
  - (7) Heavy machinery and equipment sales and service provided repair is conducted within a fully enclosed building.
  - (8) Equipment rental.
  - (9) Drive-in theaters, golf driving ranges, par-3 golf courses and outdoor commercial recreational facilities.
  - (10) Railroad sidings.
  - (11) Auditorium and conventional centers.
  - (12) Wholesale sales.
  - (13) Mass transit terminals and yards.
  - (14) Car wash.
  - (15) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
  - (16) Laboratories, class 3, provided central sewer is available.
  - (17) Automobile rental agencies.

**Section 3-9-43  
( Exhibit A-1 )**

- (c) Permitted accessory uses and structures. Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are also permitted in this district, including a residential dwelling unit within the same structure as the principal use for occupancy by owners or employees of permitted uses.
- (d) Prohibited uses and structures. Any use or structure not expressly, or by reasonable implication, permitted herein or permitted by special exception shall be unlawful in this district.
- (e) **Special exceptions.** (For procedure see section 3-9-7, "Special exceptions.") The following are special exceptions in this district:
- (1) Bars, cocktail lounges, nightclubs and taverns for on-premises consumption of alcoholic beverages within one thousand (1,000) feet from a church or school, subject to the provisions of section 3-9-66 of this Code.
  - (2) Sale and display in other than completely enclosed building of any merchandise otherwise allowed as a permitted use in this district.
  - (3) Warehouses or storage facilities for flammable liquids.
  - (4) Building trades contractor with storage yard for materials and equipment on premises.
  - (5) Television and radio transmitter towers.
  - (6) **Light manufacturing and assembly in a completely enclosed building.**
  - (7) Heliports and heli-stops.
  - (8) Outdoor markets.
  - (9) Carpentry, cabinet and machine shops.
  - (10) Laboratories, class 2, provided central sewer is available.
  - (11) Such other uses as determined by the zoning official or his/her designee to be:
    - a. Appropriate by reasonable implication and intent of the district.
    - b. Similar to another use either explicitly permitted in that district or allowed by special exception.
    - c. Not specifically prohibited in that district.

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

**Section 3-9-43**  
**( Exhibit A-2 )**

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

Minimum lot requirements:

Area, square feet .....12,000

Width, feet .....100

Minimum yard requirements:

Front yard, feet .....25

Side yard:

Interior .....None

Abutting a road, feet .....20

Abutting water, feet .....20

Rear yard:

Abutting a lot, feet .....10

Abutting a road, feet .....25

Abutting water, feet .....20

Maximum lot coverage, percent .....50

Maximum height of structures, feet .....60

Landscape buffers and screening shall be required in this district in accordance with the provisions of article XXII, chapter 3-5, of the Code, as the same may be amended.

If the CI district abuts a residential district, no structure other than screening required pursuant to article XXII, chapter 3-5, of the Code, shall be erected closer to the abutting residentially zoned property than twenty-five (25) feet or the building height, whichever is greater.

Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with section 3-9-98.

(g) Signs. Signs shall be in accordance with section 3-9-9.

(h) Off-street parking. Off-street parking shall be in accordance with section 3-9-90.

(Minutes of 12-8-81, § 7; Res. No. 87-254, § 23, 10-20-87; Res. No. 87-255, § 7, 10-20-87; Res. No. 87-258, § 3, 10-20-87; Ord. No. 89-34, § 17, 5-31-89; Ord. No. 94-59, §§ 1—3, 11-3-94; Ord. No. 2001-031, § 1(n), 6-12-01; Ord. No. 2002-008, § 1, 1-28-02)

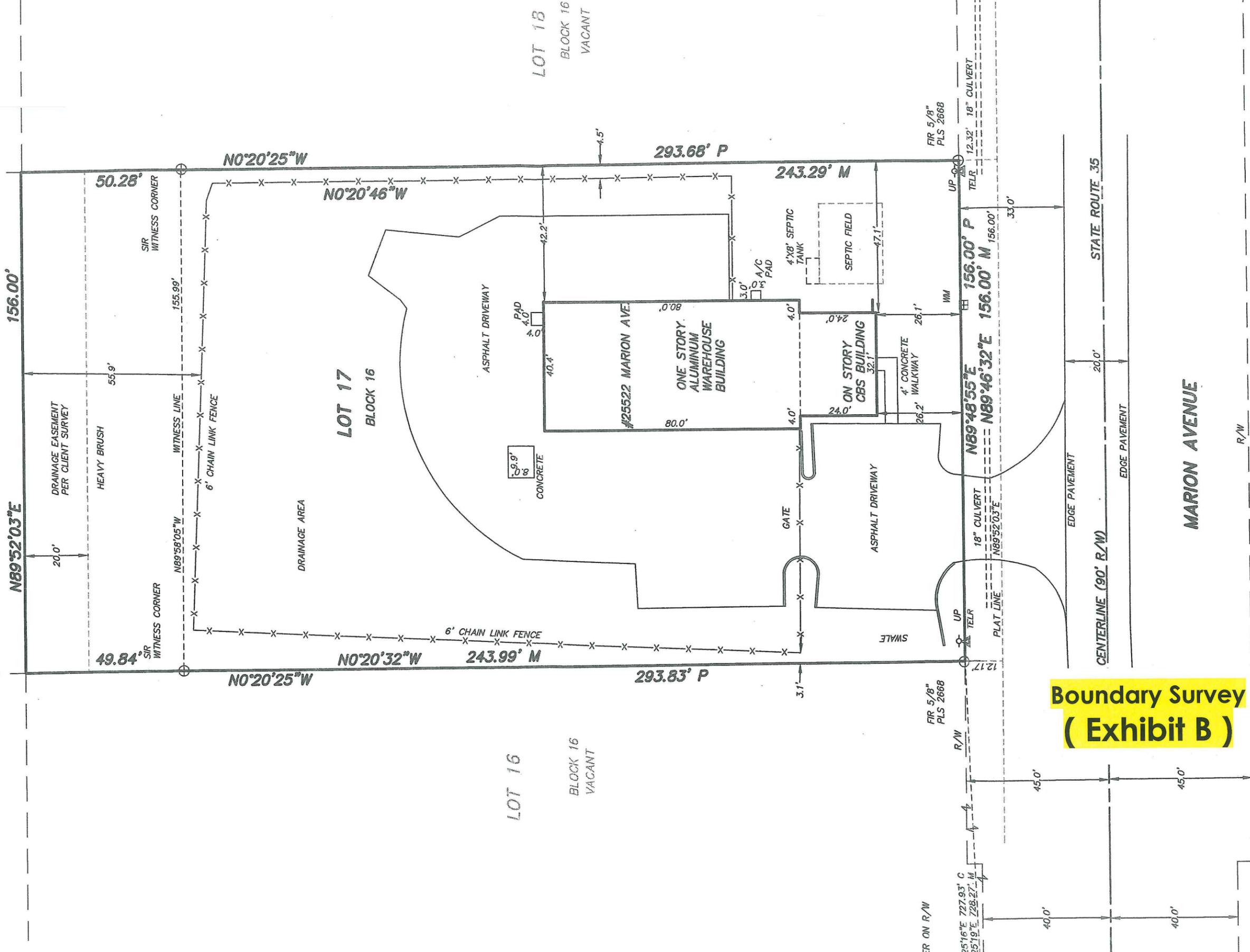
**Editor's note—**

These provisions were formerly found in § 3-9-39. The provisions of former § 3-9-43 are now found in § 3-9-48.

**Section 3-9-43**  
**( Exhibit A-3 )**

LOT 6

BLOCK 16  
VACANT



**Boundary Survey  
( Exhibit B )**

Special Exception – Application (25522 Marion Ave, Punta Gorda, FL 33950-4644)

## 12. Narrative

### Overview

Alligator Bay Distillers, a craft rum distillery, is pursuing a Special Exception for a facility located at 25522 Marion Ave, Punta Gorda, FL 33950-4644, which is currently zoned CI. Since there is no specific designation for distilleries in the municipal code, the use that most aligns with the daily operations of this business is Section 3-9-43(e)(6), to allow "Light manufacturing and assembly in a completely enclosed building" Alligator Bay Distillers is compatible with the surrounding tenants, and would not cause any disruptions.

### Daily Operations

Work schedules will be a typical 8am – 5pm five-day workweek, consisting of light manufacturing. Production equipment will include 4 – 500gal stainless steel tanks, a 400gal pot still and a 100gal finishing still, capable of producing 1,080 liters of rum. There are no harmful chemicals or byproducts created during the distillation process that would cause any duress to the environment or nearby tenants.

The distilling process consists of four major steps. The first step is to ferment the molasses. Transferring 250 gallons of diluted molasses into the fermentation tank does this. 150 gallons of water and yeast are added to the diluted molasses where it will remain in the tank for 3 days to allow for the yeast to consume the sugars and turn it into alcohol. The next step is transferring the fermented molasses into the 400gal pot still where the fermented molasses is cooked and alcohol is extracted. The third step is to transfer the extracted alcohol into the 100gal finishing still where it is refined. The final step is to bottle, label, and package for pick up by the distributor.

Distilling does not take much active process. Cooking and cleaning take up most of the day-to-day operations at the facility. Bottling and pick up for distribution are biweekly operations.

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

**Narrative  
( Exhibit C )**



## MEMORANDUM

**Date:** December 9, 2014  
**To:** Ken Quillen, Planner III  
**From:** Jamie Scudera, Environmental Specialist  
**Subject:** SE-14-021, Voss Enterprises LLC, 25522 Marion Avenue

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

- ❖ A GIS aerial review was conducted by staff. The property consists of a developed commercial parcel with an existing building and subsequent parking.

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

- ❖ All applicable county, state and federal authorization or permits, and mitigation (if necessary) will be required.
- ❖ If this proposal moves forward, it will be reviewed for compliance with:

### **Chapter 3-2:**

#### Article IX. TREE REQUIREMENTS

\*\*All heritage trees (per Section 3-2-190) must remain preserved. If any trees need to be trimmed in order to accommodate the new business all tree pruning shall be conducted according to the latest edition of the National Arborist Association standards.

### **Chapter 3-5:**

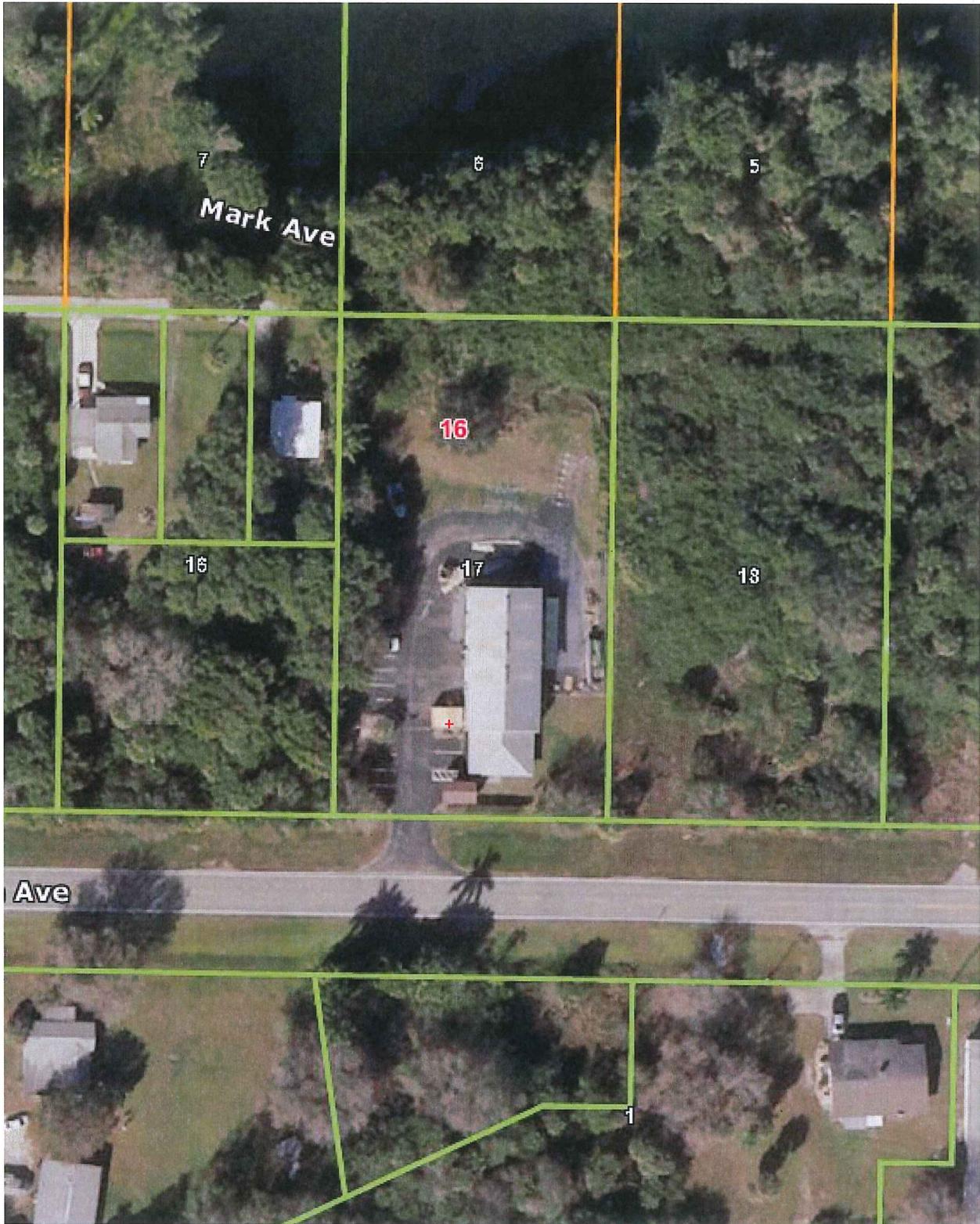
#### Article XVIII. LANDSCAPING AND BUFFERS

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

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

JS

**( Exhibit D )**



**Aerial Photograph of Site**

**(25522 Marion Avenue)**

**( Exhibit E )**