

STAFF REPORT
Community Development Department
Petition Number: SE-15-010

To: Charlotte County Board of Zoning Appeals
From: Shaun Cullinan, Planning and Zoning Official
Prepared By: Ken Quillen, AICP, Planner III
Report Date: January 6, 2016

BZA meeting date: January 13, 2016

Requested Action/General Information:

Mr. Phil Erdman is requesting a special exception to allow an outdoor storage yard, for storing carnival related vehicles and equipment, in the Commercial General (CG) zoning district. Subject property is located at **13380 Marathon Boulevard**, Port Charlotte (see attached **Location Map**). The attached **Zoning Map** shows the zoning of this property, which is Commercial General (CG). This property has a Commercial Future Land Use Map (FLUM) designation. The attached **Aerial View** shows this 25,000 square foot lot (lot 2) in 2014 as an undeveloped vacant lot located on the north side of Marathon Boulevard.

Subject property was purchased by Mr. Erdman in February of 2003. In 2014 Mr. Erdman cleared, fenced and paved subject property, with a gravel surface, without any permits. In January of 2015 Code Enforcement received a complaint and performed an inspection which found violations of Charlotte County's zoning and building codes. According to his **Letter** (**Exhibit A**), dated July 15, 2015, Mr. Erdman would like to use subject property for outdoor storage of trucks, trailers and equipment for his traveling carnival business.

The Land Development Regulations for the Commercial General (CG) zoning district **Section 3-9-42(f)(16)** (**Exhibit B-2**) does allow "Storage of boat, travel trailer and motor vehicles, including recreational vehicles and campers." if approved as a special exception use by the Board of Zoning Appeals. The Zoning Official has determined that the Storage of boat, travel trailer and motor vehicles is similar to the proposed use and may be allowed as a special exception, provided the applicant complies with all development standards as well as any conditions imposed by the Board of Zoning Appeals "to protect the interest of the public health, safety, and general welfare, and prevent or minimize adverse effects on other property in the surrounding neighborhood" [section 3-9-6.2(h)(2)]. **Section 3-9-42(g)** (**Exhibits B-2 and B-3**) of the CG district regulations also requires "Landscape buffers and screening ... in accordance with the provisions of this Code, as the same may be amended."

As such, the applicant has submitted this application for a special exception to allow the proposed outdoor storage yard. The **Site Plan** (**Exhibit C**), submitted by the applicant, shows how he intends to develop the proposed outdoor storage yard and what will be stored there. The sheet labeled **Site Plan Exhibit C-1** shows the existing conditions of subject property, which has been cleared, except for a few trees, paved

with gravel and enclosed with a six-foot chain-link fence. It should be noted that the existing fence encroaches over four feet into the public right-of-way and will have to be relocated onto subject property. The sheet labeled **Site Plan Exhibit C-2** shows the proposed development of the outdoor storage yard. The applicant proposes to install a ten-foot wide type "D" landscape buffer with a fence around the perimeter of the storage yard, as required by code. This **Exhibit C-2** also shows a photo of the Rock Climbing Wall and a drawing of a typical 20-foot Box Truck, which are proposed to be stored on this site. Also, the paved storage area will be reduced, as indicated, and a storm water retention area will be constructed and grass installed.

Staff has some concerns regarding the gravel paving and the view of the storage yard from the public right-of-way along Marathon Boulevard, which is a major collector street providing access to the adjacent residential area to the west. Staff recommends that the paved storage or parking area for vehicles not be paved with gravel, but rather, with a hard surface, such as asphalt, as required by code. Staff also recommends that an eight-foot high architectural screen wall be constructed along the property's frontage along with the required landscape plantings. A 25-foot opening for an access drive and an opaque gate would be allowed. This screen wall should be setback from the front lot line a minimum of 15 feet, which is the front yard setback required in the CG zoning district. Together, the architectural screen wall and landscaping would provide a more aesthetic view of the property from the public street.

The applicant has submitted the attached **Narrative (Exhibit D-1)** explaining how they intend to use subject property and addressing the criteria for granting a special exception for this proposed outdoor storage yard. The Community Development Department's Environmental Specialist has performed a cursory environmental review and their comments are in the attached **Memorandum (Exhibit E)** dated December 22, 2015.

Findings: The standards for approval for a Special Exception according to Section 3-9-6.2(i) of the Charlotte County Zoning Code are as follows:

1. The proposed special exception is consistent with the Comprehensive Plan.

Finding: Subject property is located in the Urban Service Area; however, the proposed storage yard is not a use that falls under the general range of uses in the Future Land Use classification for Commercial properties. The **Land Use Guide** (Exhibit F) of the Comprehensive Plan states that: "These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities." The proposed use as an outdoor storage yard for a carnival business' equipment and vehicles is inconsistent with this general range of uses for commercial properties in the **Smart Charlotte 2050 Plan**.

2. The proposed special exception is compatible with existing and permitted uses surrounding the land on which the proposed special exception would exist.

Direction	Existing Land Uses	Existing Zoning	FLUM Designation
North	Office, warehouse	Industrial General	Low intensity industrial
South	Vacant lots	Commercial General	Commercial
East	Vacant lots	Commercial General	Commercial
West	Vacant lots	Commercial General	Commercial

Finding: The proposed outdoor storage yard may appear to be compatible with surrounding land uses because an industrial use is located to the north and there is an existing outdoor storage yard located to the east. However, this outdoor storage yard is an illegal use, which has not obtained any permits or approvals for this use to be located in this commercial district.

Therefore all of the surrounding commercial area is technically vacant and we must consider the potential future permitted uses that could be located in this commercial district. A look at the Zoning Map shows that this commercial district was purposefully located between two industrial zones and along Marathon Boulevard at an access point to hundreds of residential properties located to the west. This was good planning because commercial uses are intended to provide products and services to the residents and businesses in the surrounding community. The proposed outdoor storage yard for a carnival business will not serve the public or other local business needs in the surrounding community. This is not a traditional commercial use, but an industrial type use, which should be located in an industrial zoning district.

Considering all of the potential commercial uses mentioned above in the **Land Use Guide** (Exhibit F) would these potential future uses choose to locate nearby if an outdoor storage yard is located here? Staff believes that the proposed outdoor storage yard would not be compatible with future permitted commercial uses in the surrounding commercial district.

3. 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 use, as an outdoor storage yard, could be developed with paving, screening and landscaping so as not to be detrimental to or endanger the public health, safety or general welfare of the surrounding properties. The improvements proposed by the applicant are an improvement over the existing conditions at subject property, but are far short of the Commercial Design Standards adopted by Charlotte County for development of commercial properties.

If this special exception is approved by the Board of Zoning Appeals staff recommends that hard paving be required for the storage area and that an eight-foot high architectural screen wall be required along the front property line to better screen the outdoor storage yard from Marathon Boulevard, which is a major collector street for the residential area to the west.

ANALYSIS AND CONCLUSIONS:

After review of the site and the application requesting this special exception staff believes that the proposed outdoor storage yard does not meet all three criteria for a special exception. Specifically standards numbered 1 and 2 have not been met.

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

1. This special exception is to allow an outdoor storage yard, in conjunction with the owner's carnival business only and extends only to this owner's business use and the land included in the site plan and legal description submitted with this application.
2. The area allowed to be used for outdoor storage shall be only that area indicated on the **Site Plan (Exhibit C-2)**. Storage or parking of vehicles or equipment shall not be allowed on the storm-water management area or landscape buffer areas.
3. The storage or parking area shall be paved with an approved hard surface such as asphalt.
4. The applicant shall obtain proper permitting, which may include Site Plan Review, for subject property to facilitate compliance with the Land Development Regulations and these conditions of approval of the special exception.
5. Within one month of approval of this special exception the owner shall submit architectural plans for the screen wall to the Zoning Official for approval. These plans must be modified, if need be, as required by the Zoning Official so as to obtain approval for the wall permit within two months of approval of this special exception. Within four months of approval of this special exception the owner shall construct the required opaque architectural wall eight feet in height with a minimum setback of 15 feet from the front lot line. This wall may have one 25-foot wide opening with an opaque gate for ingress and egress to the site
6. The landscaping required for a type "D" buffer shall be planted between the required screen wall and the front lot line.
7. The north, east and west sides of the storage yard shall be screened with a type "D" landscape buffer and a minimum six-foot high opaque fence.
8. Only company vehicles and equipment shall be stored on trailers or inside box trucks, which must be parked or stored only on the paved area identified on the **Site Plan (Exhibit C-2)** or a plan approved through the Site Plan Review process.
9. The applicant shall obtain all necessary permits and approvals, as applicable to this development, including but not limited to, paving, commercial wall permit, storm water management, landscaping, and invasive plant species removal.
10. Any major changes or additions to this special exception shall require a modification of the special exception. Minor changes or additions such as accessory uses or structures may be approved by the Zoning Official.

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

Attachments: Staff Report (4), Location Map, Zoning Map, Arial View, Applicant Letter, Section 3-9-42 (3), Site Plan (2), Narrative (3), Environmental Specialist Memorandum and Land Use Guide (3)



Community Development

CHARLOTTE COUNTY

Location Map for SE-15-010



08/41/21 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents. Created By: Land Information-S. Yancey 7493 Date Saved: 12/21/2015 9:29:19 AM

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(NOT TO SCALE)



Community Development

CHARLOTTE COUNTY

2014 Aerial View for SE-15-010



08/41/21 West County

This map is a representation of compiled public information. It is believed to be an accurate and true depiction for the stated purpose, but Charlotte County and its employees make no guaranties, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for Informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plans and related documents. Created By: Land Information-S. Yancey 7493 Date Saved: 12/21/2015 11:01:24 AM Path: M:\Departments\LIS\Projects\Petition_Maps\Current_Planning\2015\Special Exception\SE-15-010\PKT\Aerial_SE-15-010.mxd



(NOT TO SCALE)

Phil Erdman
13380 Marathon Blvd
Port Charlotte, FL 33981
(941)468-5713

Charlotte County Code Enforcement
18500 Murdock Circle
Port Charlotte, FL 33948

7/15/15

Charlotte County Code Enforcement,

My intent for property at 13380 Marathon Blvd, Port Charlotte, FL is to store my business equipment when I am in town. Equipment consists of (1) Ford Box Truck, (1) Chevy Box Truck, (1) GMC Box Truck, (1) Box Trailer, (1) Trailer with Rock Climbing Wall. ^{20'} ^{20'} ^{20'}
^{20'} ^{23'} ^{25'}

If you have any questions, please contact me at 941-468-5713.

Thank You

Phil Erdman



Letter of July 15, 2015
(Exhibit A)

Section 3-9-42

Commercial General (CG).

- (a) *Intent.* The purpose and intent of this district is to allow general commercial activity.
- (b) *Permitted Uses and Structures (P):*
 - (1) Animal hospital, boarding facility.
 - (2) Art, dance, music, photo studio or gallery.
 - (3) Assisted living facility or day care center, adult, six or less. (see [section 3-9-62 Assisted Living Facility](#))
 - (4) Auditorium, convention center, performing arts center.
 - (5) Bank, financial services.
 - (6) Bar, cocktail lounge, nightclub, tavern.
 - (7) Business services.
 - (8) Clubhouse, community center.
 - (9) Day care center, child.
 - (10) Drug store, pharmacy.
 - (11) Dry cleaner.
 - (12) Elementary, middle, or high school.
 - (13) Emergency services.
 - (14) Essential services. (see [section 3-9-71 Essential Services](#))
 - (15) Funeral homes, crematoria.
 - (16) Gas station.
 - (17) General offices.
 - (18) General retail sales and services. (see [section 3-9-61. Accessory Outdoor Retail Sales, Display, and Storage](#))
 - (19) Government uses and facilities.
 - (20) Homeless shelter.
 - (21) Hospital.
 - (22) Hotel, motel, inn.
 - (23) Laundromat.
 - (24) Liquor, package store.
 - (25) Mass transit station.
 - (26) Medical or dental office, clinic.
 - (27) Mini-warehouses or storage facilities, but not bulk storage of flammable liquids.
 - (28) Model home. (see [section 3-9-78 Model Homes](#))
 - (29) Motor vehicle wash.
 - (30) Nursing home.
 - (31) Paid or public parking lot, garage, structure.
 - (32) Park, public or not-for-profit.
 - (33) Personal services.
 - (34) Place of Worship. (see [section 3-9-82 Places of Worship](#))
 - (35) Post office.
 - (36) Printing facilities.
 - (37) Private clubs.
 - (38) Professional services.
 - (39) Recreation, indoor.
 - (40) Recreation, outdoor.
 - (41) Restaurant.
 - (42) Sexually oriented business. (see [section 3-9-84 Sexually Oriented Businesses](#))
 - (43) Telecommunications facility, 50 feet or less in height. (see [section 3-9-68 Communication Towers](#))
 - (44) University or college.
 - (45) Vocational, trade, or business school.
 - (46) Wholesale sales.
- (c) *Permitted Accessory Uses and Structures:* Uses and structures which are customarily accessory and clearly incidental to permitted and conditional 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, and also including, but not limited to:
 - (1) Fences or walls which may be permitted prior to the principal uses and structures.

Section 3-9-42
(Exhibit B-1)

Section 3-9-42 Commercial General (CG). (continued)

- (d) *Conditional Uses and Structures (C)*: (For rules and regulations for any use designated as a Conditional Use, see section 3-9-69 Conditional Uses and Structures)
 - (1) Assisted living facility or day care center, adult, seven or more. (see section 3-9-62 Assisted Living Facility)
 - (2) Boat, travel trailer and motor vehicle sales, including recreational vehicles and campers.
 - (3) Boat, travel trailer and motor vehicle repair, services, including recreational vehicles and campers.
 - (4) Building trades contractor's office.
 - (5) Farm equipment sales and service.
 - (6) Laboratories, Class 1, 2 and 3.
 - (7) Marina.
 - (8) Noncommercial vehicle rental.
 - (9) Private off-site parking.
- (e) *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.
- (f) *Special Exceptions (S)*: (For procedure see section 3-9-6.2 Special Exceptions)
 - (1) All conditional uses and structures that cannot meet all conditions set forth in this Code.
 - (2) Amphitheater.
 - (3) Animal sanctuary.
 - (4) Biofuel production, less than 5,000 gallons per day.
 - (5) Building trades contractor's office with storage yard on-premises, or with more than ten service vehicles and with heavy equipment.
 - (6) Commercial laundry.
 - (7) Commercial vehicle rental.
 - (8) Heavy machinery, equipment rental, sales, service.
 - (9) Heliport, helistop.
 - (10) Industrial marina.
 - (11) Leisure vehicle rental.
 - (12) Light manufacturing and assembly in a completely enclosed building.
 - (13) Lumberyard.
 - (14) Outdoor market or exhibition space.
 - (15) Railroad sidings.
 - (16) Storage of boat, travel trailer and motor vehicle, including recreational vehicles and campers.
 - (17) Telecommunications facility, greater than 50 feet in height. (see section 3-9-68 Communication Towers)
 - (18) Truck stop.
 - (19) 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 BZA 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 Board of Zoning Appeals.

(g) *Development Standards:*

		CG
Lot (minimum)		---
Area (square feet)		12,000
Width (feet)		100
Setbacks (minimum feet)		
Front		15
Side (interior)		0
Side (street)		10
Rear (interior)		10
Rear (street)		10
Abutting water		20
Bulk (maximum)		
Lot coverage of all buildings		55%
Height (feet)		60

Section 3-9-42 (g) Commercial General (CG). (continued)

Landscape buffers and screening shall be required in this district in accordance with the provisions of this Code, as the same may be amended.

Where properties lie anywhere on a barrier island or within 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 3-9-88, Waterfront Property.

(h) *Signs.* Signs shall be in accordance with section 3-9-85.

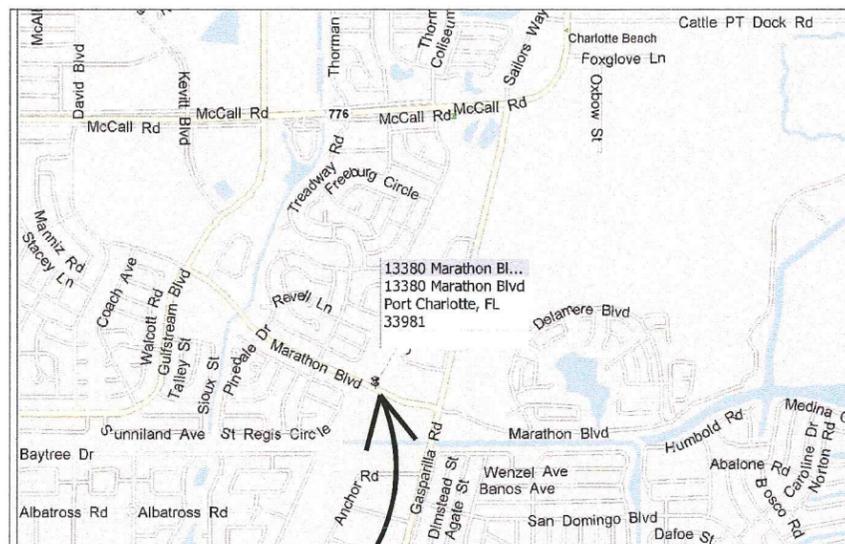
(i) *Off-street parking.* Off-street parking shall be in accordance with section 3-9-79.

(Minutes of 12-08-1981; Res. No. 83-11, § 1, 02-15-1983; Res. No. 83-18, § 1, 03-22-1983; Res. No. 85-105, § 1, 06-11-1985; Res. No. 87-254, § 22, 10-20-1987; Res. No. 87-255, § 6, 10-20-1987; Res. No. 87-258, §§ 1, 2, 10-20-1987; Ord. No. 89-34, § 16, 05-31-1989; Ord. No. 92-44, §§ 1-3, 06-02-1992; Ord. No. 94-55, §§ 28, 29, 11-03-1994; Ord. No. 2001-031, § 1(m), 06-12-2001; Ord. No. 2002-008, § 1, 01-28-2002; Ord. No. 2003-061, § 8, 08-26-2003; Ord. No. 2014-063, § 1, 11-25-2014)

**Section 3-9-42
(Exhibit B-3)**



PROJECT COUNTY LOCATION



PROJECT SITE AREA
PROJECT VICINITY MAP



PROJECT SITE
PROJECT AERIAL VIEW

LEGEND

P.I. = POINT OF INTERSECTION
 P.C. = POINT OF CURVE
 P.T. = POINT OF TANGENCY
 P.M. = PERMANENT REFERENCE MONUMENT
 P.C.P. = PERMANENT CONTROL POINT
 P. = PLAT
 M = MEASURED
 D = DESCRIPTION
 C = CALCULATED
 R/W = RIGHT OF WAY
 C/L = CENTERLINE
 O.U.L. = OVERHEAD UTILITY LINES
 U.L. = UTILITY & DRAINAGE
 W.M. = WATER METER
 C.T.V. = CABLE TELEVISION BOX
 P.L.B. = PHONE LINE BOX
 S.C. = SEWER CLEANOUT
 C.C. = CONCRETE
 T.B.M. = TEMPORARY BENCHMARK
 F.F. = FINISH FLOOR
 N/A = NOT AVAILABLE
 R.C.P. = REINFORCED CONCRETE PIPE
 C.M.P. = CORRUGATED METAL PIPE
 C.P.P. = CORRUGATED PLASTIC PIPE
 E. = EXISTING ELEVATION

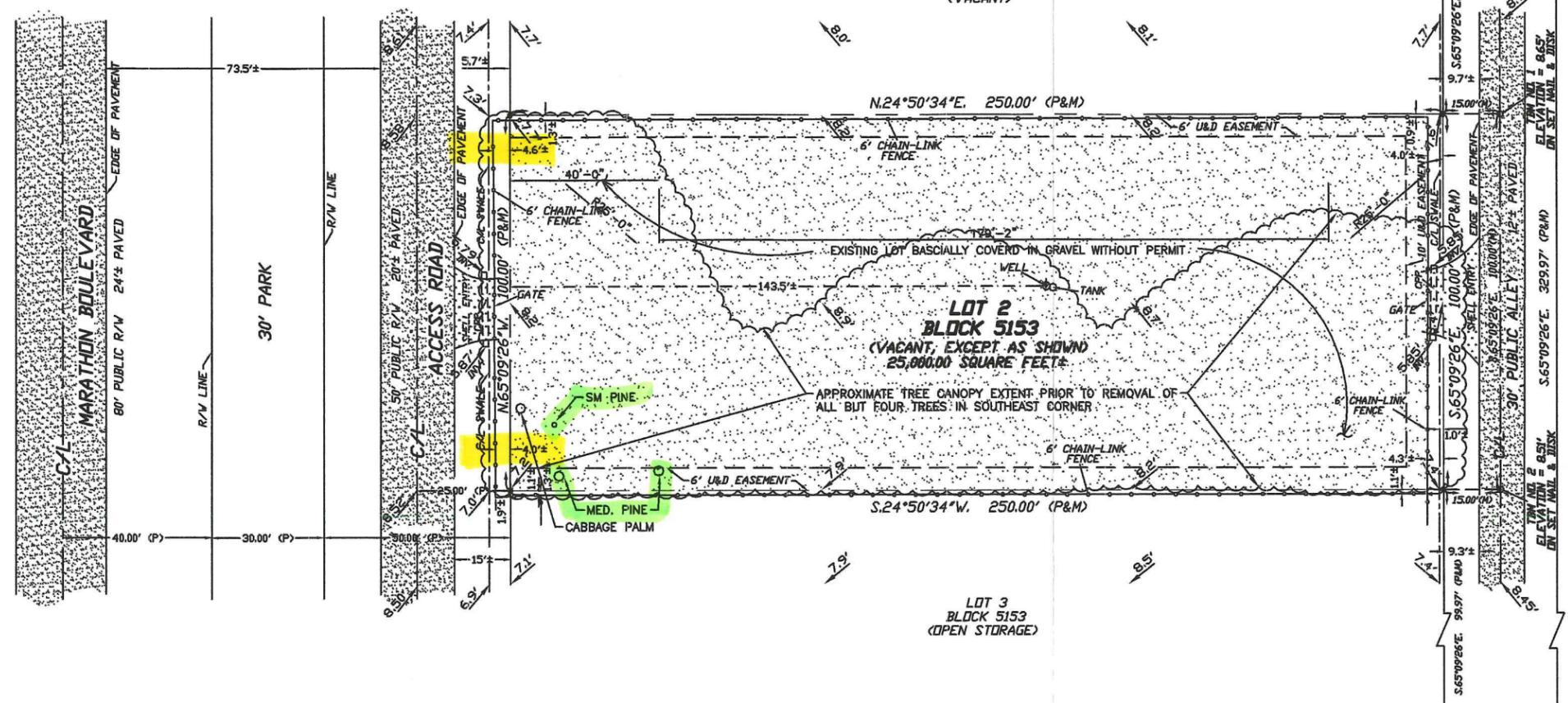
NOTES

PROPERTY SUBJECT TO ZONING SETBACKS, EASEMENTS AND RESTRICTIONS OF RECORD UNLESS SHOWN ON SURVEY.
 UNDERGROUND UTILITIES NOT LOCATED UNLESS SHOWN ON SURVEY.
 PROPERTY FALLS WITHIN FLOOD ZONE "AE" PER CHARLOTTE COUNTY, FLORIDA FEMA MAP NO. 18015C 0211 F, DATE OF FIRM 5/5/2003. BASE FLOOD ELEVATION BEING "8.0".
 FLOOD ZONE SHALL BE VERIFIED BY OWNER AND/OR THEIR REPRESENTATIVES PRIOR TO ANY IMPROVEMENTS. VERIFY WITH FEMA.
 ALL VISIBLE ENCROACHMENTS SHOWN ON SURVEY.
 DESCRIPTION FURNISHED BY CLIENT OR THEIR REPRESENTATIVES.
 FOUNDATION OF BUILDING NOT LOCATED. CERTAIN SYMBOLS MAY NOT BE TO SCALE TO SHOW CLARITY.

SURVEY DATA GRACIOUSLY PROVIDED BY SHARP SURVEYING, INC. - LARRY J. SHARP, LS ; DATE OF SURVEY DATA IS 3/30/2015

BOUNDARY & TOPOGRAPHIC SURVEY OF

LOT 2, BLOCK 5153, PORT CHARLOTTE SUBDIVISION, SECTION 95, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGES 1-A THROUGH 1-233, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.



PROJECT SCOPE:
 CONSTRUCTION OF A STORAGE LOT FOR BUSINESS EQUIPMENT WHEN OWNER IN TOWN. SPECIFICALLY,
 (1) FORD BOX TRUCK, 20' LENGTH
 (1) CHEVY BOX TRUCK, 20' LENGTH,
 (1) GMC BOX TRUCK, 20' LENGTH,
 (1) BOX TRAILER, 20' LENGTH,
 (1) TRAILER WITH ROCK CLIMBING WALL, 23' LENGTH

NOTE : SITE CURRENTLY UNDER TWO COUNTY CODE VIOLATIONS :
 CASE COD-15-00288 , CE - CODE ENFORCEMENT (NOT HIGH GRASS ONLY)
 -> BUILT FENCE/GRAVEL/DRIVEWAY/CULVERT WITHOUT PERMIT
 CASE COM-15-00644 , CE - COMPLAINTS
 -> UNLICENSED CONTRACTOR INSTALLED FENCE WITHOUT A PERMIT

SITE DATA:

PROPERTY ID#	: 412108451002	LOT AREA	: 25,000 SQ. FT.
ADDRESS	: 13380 MARATHON BOULEVARD	LOT WIDTH	: 100 FEET
SEC./TWN/RNG	: SEC. 8, T 41 S, R 21 E	SETBACK, FRONT	: 25 FEET MIN.
ZONING CODE	: CG	SIDE	: NONE
NORTH SIDE	: IG	REAR	: 25 FEET MIN.
EAST SIDE	: CG	PERIPHERAL LAND-STRIP	: 10 FEET
SOUTH SIDE	: CG	LOT COVERAGE	: 50% MAX.
WEST SIDE	: CG	BUILDING HEIGHT	: 60 FEET MAX.

FLOOD ZONE : BAE
OWNERSHIP : ERDMAN, LLC
 2828-32 S McCALL RD, BOX 2
 ENGLEWOOD, FL 34224
UTILITIES : CCU - WATER ONLY

COMPREHENSIVE PLAN INFO:
 FLU - COMMERCIAL
 NORTH SIDE FLU - LOW INTENSITY INDUSTRIAL
 EAST SIDE FLU - COMMERCIAL
 SOUTH SIDE FLU - COMMERCIAL
 WEST SIDE FLU - COMMERCIAL
 130' OFFSET TO WEST SIDE FLU - PARKS & RECREATION, 150' WIDE P&R STRIP, THEN LOW DENSITY RESIDENTIAL

**Site Plan
(Exhibit C-1)**

TO THE BEST OF MY KNOWLEDGE, THESE PLANS ARE IN COMPLIANCE IN REGARD TO APPLICABLE CHARLOTTE COUNTY CODE AND ORDINANCES.

DON A. DRUMM, P.E. #80576
 CIVIL ENGINEER
 STATE OF FLORIDA

ERDMAN, LLC
PROPOSED STORAGE LOT
 PROJECT : 13380 MARATHON BOULEVARD
 LOCATION : PORT CHARLOTTE, FLORIDA

DATE	ISSUE/REVISION DATA
11/23/15	SPECIAL EXCEPTION APPLICATION

DRUMM ENGINEERING CORP.
 E.B. #5365
 CIVIL/STRUCTURAL/GEOTECHNICAL
 17435 ABBOTT AVENUE
 PORT CHARLOTTE, FL 33954
 PH. 941-625-8178
 FAX 941-764-8998
 info@drumengineering.com

DRAWN: DAD
SCALE: VARIES (U.N.O.)

D.E.C. PROJ. #	SHEET
13108	SP-1 of 2



EXISTING VIEW FROM FRONT TO UNDEVELOPED LOT ON THE WEST



EXISTING VIEW FROM FRONT TO REAR OF LOT (I.E., NORTH)



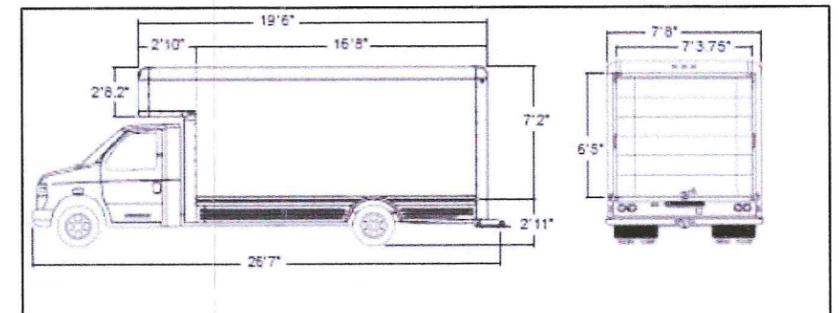
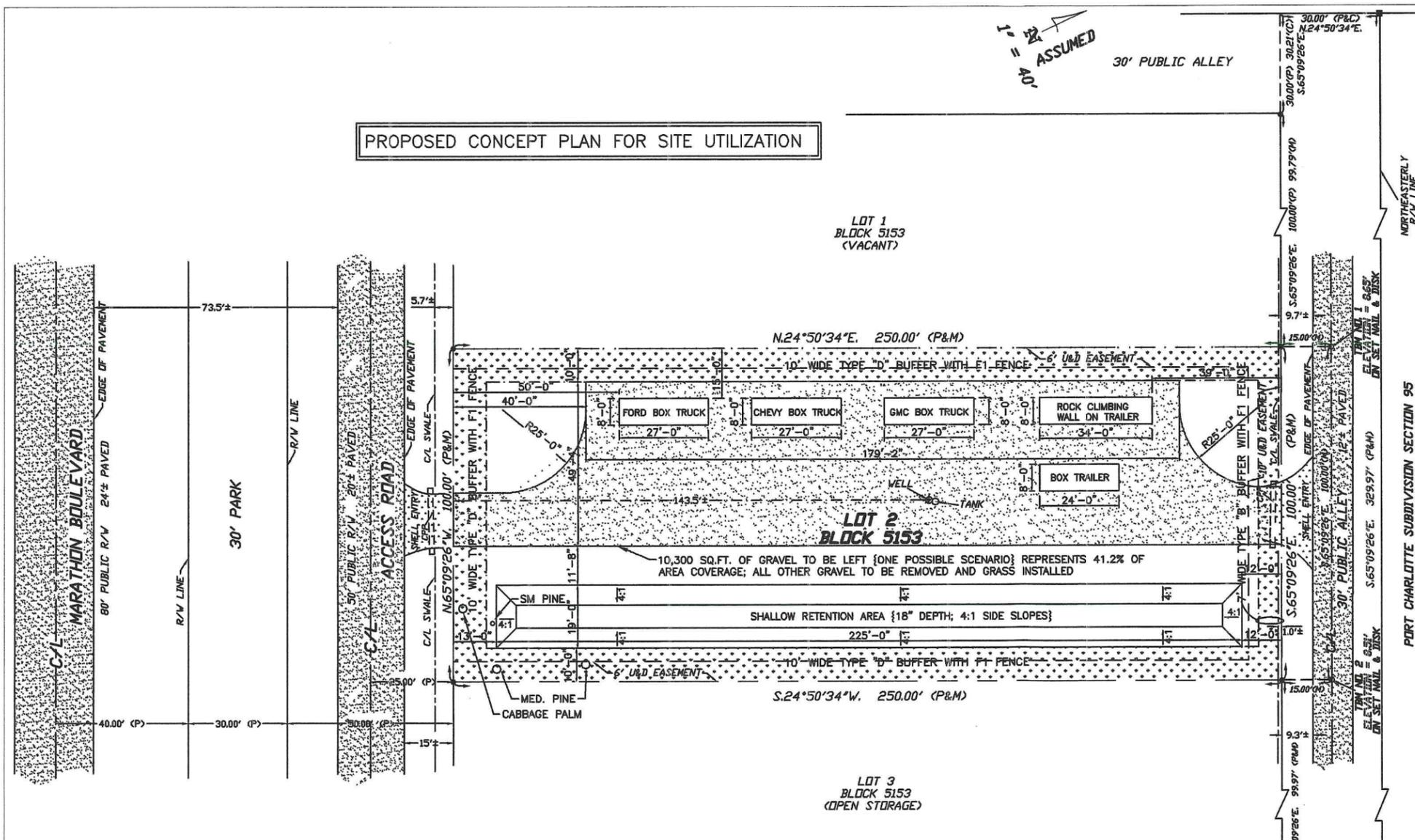
EXISTING VIEW FROM REAR TO DEVELOPED LOT ON THE EAST



EXISTING VIEW FROM REAR TO FRONT OF LOT (I.E., SOUTH)



TYPICAL ROCK CLIMBING WALL ON TRAILER (~11' HIGH)



TYPICAL 20' LENGTH BOX TRUCK

**Site Plan
(Exhibit C-2)**



ERDMAN, LLC
PROPOSED STORAGE LOT

PROJECT : 13380 MARATHON BOULEVARD
LOCATION : PORT CHARLOTTE, FLORIDA

DATE	ISSUE/REVISION DATA
11/23/15	SPECIAL EXCEPTION APPLICATION

DRUMM ENGINEERING CORP.
E.B. #5365
CIVIL/STRUCTURAL/GEOTECHNICAL

17435 ABBOTT AVENUE
PORT CHARLOTTE, FL 33954
PH. 941-625-8178
FAX 941-764-8998
info@drumengineering.com

TO THE BEST OF MY KNOWLEDGE, THESE PLANS ARE IN COMPLIANCE IN REGARD TO APPLICABLE CHARLOTTE-COUNTY CODE AND ORDINANCES.

DRAWN: DAD	
SCALE: VARIES (U.N.O.)	
D.E.C. PROJ. #	SHEET
13108	SP-2 of 2

DRUMM ENGINEERING CORP.

17435 Abbott Ave., Port Charlotte, FL 33954
Phone 941-625-8178 Fax 941-764-8998

info@drumengineering.com

CIVIL//STRUCTURAL
ENGINEERING DESIGN SERVICES

www.drumengineering.com

Project No.: 13108

Charlotte County Community Development - Planning & Zoning
18500 Murdock Circle
Port Charlotte, FL 33948

Attention : Mr. Shaun Cullinan, Zoning Official

Project Location : 13380 Marathon Boulevard
Legal Description : Lot 2, Block 5153, Port Charlotte Section 95
Owner's Name : Erdman, LLC
Property ID Number : 412108451002

Reference: NARRATIVE FOR SPECIAL EXCEPTION - APPLICATION

Our Company has provided assistance for the Owner of the above referenced project in regard to existing County Code Violations involving development without permit. The project is currently under two County Code Violations: COD-15-00288 and COM-15-00644. The Owner unfortunately had the lot cleared, a gravel surface installed and a fence erected around the lot without any permits from the County. The situation was discussed with yourself, three members of your staff, Mr. Blase Bisceglia of Tarpon Bay Contracting and the author of this letter on June 15th of this year.

We submitted a "Request for Zoning Official Letter of Determination for Storage Lot Permit Application" to your office on September 29, 2015. Your determination subsequent to that action was a "Special Exception - Application" was required. The purpose of this letter is to satisfy the requirement of the "Special Exception - Application" point 5. This point states "a Narrative description of the request addressing all of the criteria in Section 3-9-6.2(i) in sufficient detail to provide an understanding of the request. A statement detailing the reasons for the request shall be part of the narrative". Section 3-9-6.2(i) is understood to be the applicable wording in the December 1, 2014 issue of Ordinance 2014-043 for Charlotte County, Florida.

...reasons for the request ...

A Special Exception is being sought based upon Section 3-9-42 (f) (16) of the Charlotte County Land Development Regulations for "storage of travel trailer and motor vehicle" in Commercial General zoning. The Owner desires to store vehicles and trailers he utilizes in his carnival business when not in season.

Section 3-9-6.2 (i) (1) The proposed Special Exception is consistent with the Comprehensive Plan
The Comprehensive Plan for this area is "Commercial". The requested "storage of travel trailer and motor vehicle" Special Exception is a listed use per the referenced Section 3-9-42 (f) stated above and thus, if granted, would be consistent with the Comprehensive Plan.

Section 3-9-6.2 (i) (2) The proposed Special Exception is compatible with existing and permitted uses surrounding the land on which the proposed Special Exception would exist.

The existing land to the east of the proposed Special Exception is a boat storage yard. This

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use has existed to the authors' knowledge since around 1980. The proposed Special Exception use as "storage of travel trailer and motor vehicle" is compatible with this existing use.

The undeveloped, non-permitted land to the south of the proposed Special Exception (across the parkway and Marathon Boulevard) is Zoned CG, and, the undeveloped, non-permitted land to the west of the proposed Special Exception is also Zoned CG. The proposed Special Exception is compatible in that these properties are all zoned the same.

The existing land to the north of the proposed Special Exception is Zoned IG and has listed uses of "wholesale outlets, produce houses, manufacturing outlets". This use has existed to the authors' knowledge since around 1999. The FLUM for the existing land is "low intensity industrial". The proposed Special Exception use as "storage of travel trailer and motor vehicle" would be compatible with this land.

Section 3-9-6.2 (i) (3) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

The proposed Special Exception use as "storage of travel trailer and motor vehicle" is not the type of use which trends to being detrimental or endangering of the public health, safety and general welfare. The construction of the storage parking area is very low risk. The maintenance of the storage parking area would involve mowing the grass and trimming trees. The operation of the storage area consists of opening locked gates to move vehicles and trailers on to the site, leaving them for periods of time, and then removing them. It is the author's opinion as licensed Florida Professional Engineer the proposed Special Exception use as "storage of travel trailer and motor vehicle" meets this criteria.

The author would also like to address the six points of Section 3-9-6.2(d) of Ordinance 2014-043 for Charlotte County, Florida.

Point 1 - A Concept Plan is shown on our drawing Sheet 2 of 2 submitted with the Special Exception - Application. The egress is shown from the south and north sides. There is no building for the proposed Special Exception thus the parking requirements of "1 space per 400 square feet of building floor area" from the Table in Section 3-9-79 "Off-street Parking and Loading Facilities" for Use 3 is not applicable. There is no off-street loading area. There is no refuse or service area. The proposed Special Exception will provide parking for the Owners business vehicles (please See Concept Plan on our drawing Sheet 2 of 2).

Point 2 - There are no planned utility hook ups as the requested use is for storage of vehicles only.

Point 3 - The plan for screening, landscaping and buffers is shown on our drawing Sheet 2 of 2 submitted with the Special Exception - Application.

Point 4 - There are no proposed signs for the requested use. The Owner would be wise (in the authors opinion) to install low intensity parking lot type lights for security purposes.

Point 5 - The legal description of the requested use is shown on our drawing Sheet 1 of 2 submitted with the Special Exception - Application.

Point 6 - This is the narrative for the requested use.

Narrative
(Exhibit D-2)

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I trust this meets with your approval. If you have any questions regarding this Narrative, or if I may be of any further assistance, please contact me at 941-625-8178 at your convenience. May you have a blessed day.

Respectfully,
DRUMM ENGINEERING CORPORATION



Don A. Drumm, PE - Florida Reg. No. 38196
President Date 11/23/15

Attachment: (2) 11x17 drawings by Drumm Engineering entitled "Erdman, LLC - Proposed Storage Lot", dated 11/23/2015, labeled SP-1 of 2, and, SP-2 of 2

Narrative
(Exhibit D-3)



MEMORANDUM

Date: December 22, 2015
To: Ken Quillen, Planner III
From: Susie Derheimer, Environmental Specialist
Subject: SE-15-010, Erdman Outdoor Storage, 13380 Marathon Boulevard

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 or ordinances and offers the following comments:

- ❖ An on-site and GIS aerial review was conducted by staff. The site has been cleared with gravel and perimeter fence added. Based on the aerial review the cleared vegetation was Brazilian pepper.

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:

- ❖ Chapter 3-5: Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*;
- ❖ Chapter 3-9-100: *BUFFERS, LANDSCAPING, and TREE REQUIREMENTS*.

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

SD

(Exhibit E)

FLU APPENDIX I: LAND USE GUIDE**SECTION 1: PLAN AMENDMENT STANDARDS OF REVIEW****PURPOSE**

The Charlotte County Comprehensive Plan is designed to preserve and enhance the public health, safety, and welfare through the management of growth, the provision of adequate public services and the protection of natural resources. These purposes are accomplished by the legislative establishment of goals, objectives, and policies that are designed to guide the future growth and development of lands within the Charlotte County.

All references to any ordinances, statutes or regulations contained herein shall, unless otherwise noted, be deemed to be those in effect as of the date of adoption of this element and thereafter as amended, renumbered or otherwise revised.

GENERAL APPLICATION

All applications for a Plan Amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government. Each application for an amendment to the 2030 Future Land Use Map changing the land use designation assigned to a parcel of property shall also be reviewed and be evaluated based upon the numerous generally-acceptable planning, timing, compatibility, and public facility considerations detailed or established in the policies of the Plan to determine and assess any County-wide impacts or any significant area wide impacts of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

This Plan Amendment application review and evaluation process will be prepared and presented in a format consistent with the four major categories of Plan policies as follows:

1. *General Public Facilities/Services*: Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation,

Minimum and Maximum Density

Charlotte Harbor Coastal Residential lands may be developed from one dwelling unit per acre up to a density of 3.5 dwelling units per acre.

Special Provision

Multi-family residential uses may only be developed if the property is rezoned to a Planned Development zoning district.

NON-RESIDENTIAL LAND USES

- Commercial*
- Office and Institutional*
- Charlotte Harbor Commercial*
- Enterprise Charlotte Airport Park*
- Low Intensity Industrial*
- High Intensity Industrial*

COMMERCIAL (COM)

The Commercial category is used for properties wherein nodal-style and strip-style commercial development occurs or is projected to occur in the future. Establishing a nodal-style commercial development shall be the principal and preferred use of the Commercial category. Further strip-style commercial development is prohibited except in the specific circumstances listed in FLU Policy 5.4.2. Nodal-style commercial development is differentiated into three sub-categories based upon size, character and location. The acreage of adjacent lands designated Commercial shall be aggregated to determine the standards to which the development may occur. Standards for strip-style commercial development are located in the Corridor sub-category, outlined in item 4 below.

General Range of Uses

These lands are designated for retail and service uses, institutional, office activities, hotels, motels, restaurants, as well as public services and facilities.

Sub-category Standards

1. *Sub-neighborhood*: These developments are designed to provide for the convenience needs (convenience stores and other small retailers) of neighborhoods, with a service area of up to a 1 mile radius. Such developments are generally small in size and usually contain small, stand-alone structures. These centers are characterized by “quick stop” convenience stores, many of which sell gasoline and may have more than one stand-alone tenant per site. Zoning designations consistent with this land use are Commercial Neighborhood (CN) and Planned Development (PD).

Locational Standards: These developments shall be located within neighborhoods that are essentially residential in character. These uses are not intended to be located along major roadways or access roads paralleling major roadways.

- *Residential Support:* 3,000 to 4,000 persons
- *Size:* 0.5 to three acres
- *Maximum Intensity:* 0.4 FAR

2. *Community:* These developments are designed to provide for the daily shopping and service needs of residents located in surrounding neighborhoods with a service area of up to a ten-mile radius. Businesses operating in these areas provide daily convenience and retail goods such as food, drugs, and sundries as well as professional and business services which meet the needs of the trade area.

Locational Standards: These developments shall be located adjacent to and with access provided by arterial or collector roadways.

- *Residential Support:* up to 40,000 persons
- *Size:* Three to 30 acres
- *Maximum Intensity:* 0.5 FAR for commercial / retail
1.0 FAR for professional office buildings

3. *Regional:* These developments provide the greatest variety of merchandise, institutional, and professional services with a service area that is county- and region-wide. They offer shopping goods, general merchandise, apparel, home furnishings, and other commodities.

Locational Standards: These developments shall be located with easy access to an I-75 interstate interchange.

- *Residential Support:* minimum 80,000 persons
- *Size:* greater than 30 acres
- *Maximum Intensity:* 1.75 FAR

4. *Corridor:* Corridors provide retail, service, and office uses along major roadways.

Locational Standards: Corridors are located along major urban corridors within Charlotte County. These corridors are U.S. 41, U.S. 17, S.R. 776, C.R. 775, and C.R. 771.

- *Maximum Intensity:* 0.6 FAR

Special Provisions

1. *Vesting of Residential Uses:* A property that was designated prior to October 7, 1997 on the adopted Zoning Atlas either as Office, Medical and Institutional (OMI),