

Application No.
Z-11-11-23
(Street Vacation)

Applicant
James W. Herston / Save It All Self
Storage LLC / Planned Development –
Major Modification

Quasi-Judicial

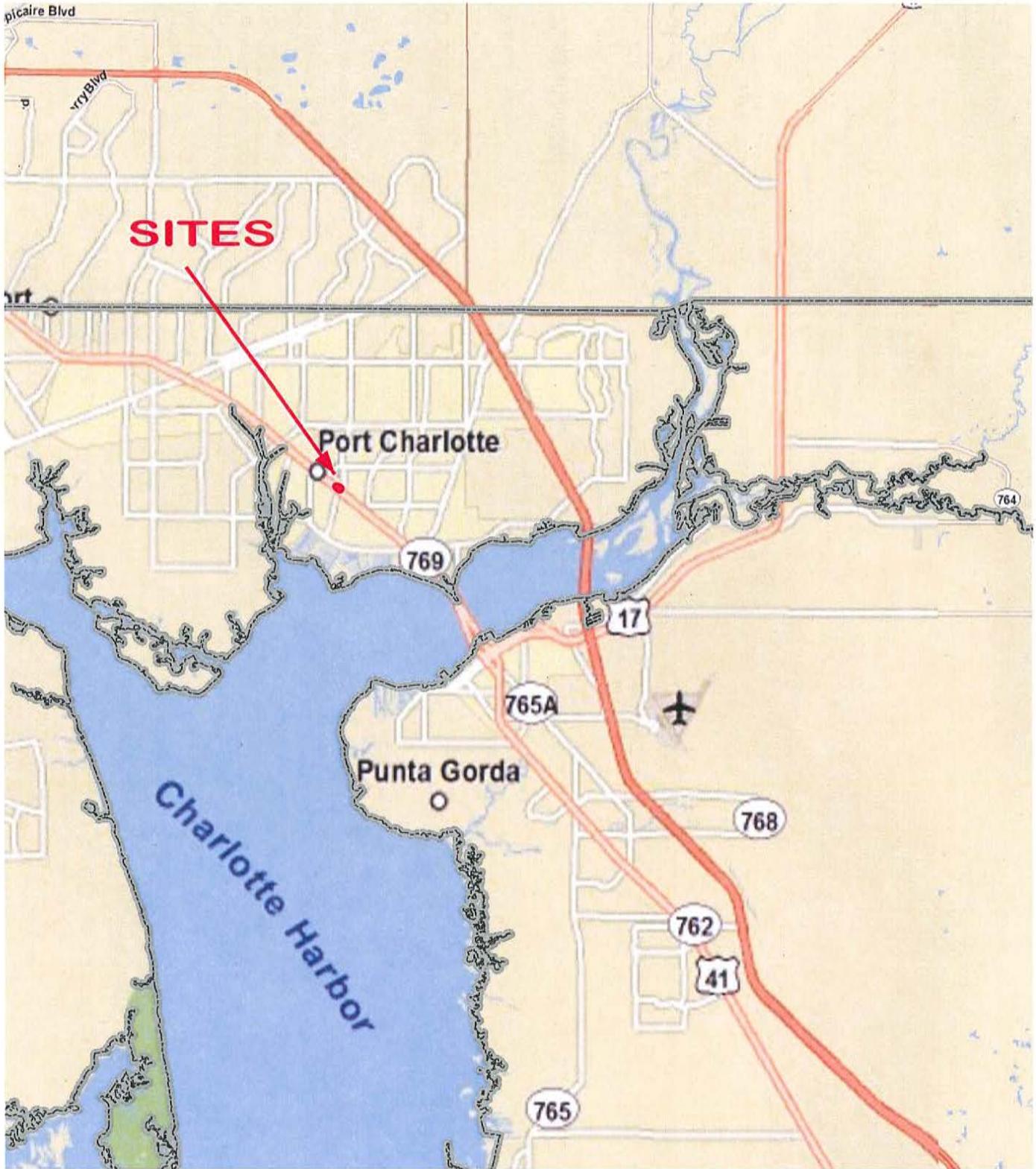
Commission Dist. V



Open
for Business

Z-11-11-23
Save It All Self Storage PD Major Modification
General Area Map

Map Prepared By
Charlotte County
Community Development
Department



22/40/22 Mid 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 as to its use. This is not a survey, nor is it to be used for design. Created 12-9-2011



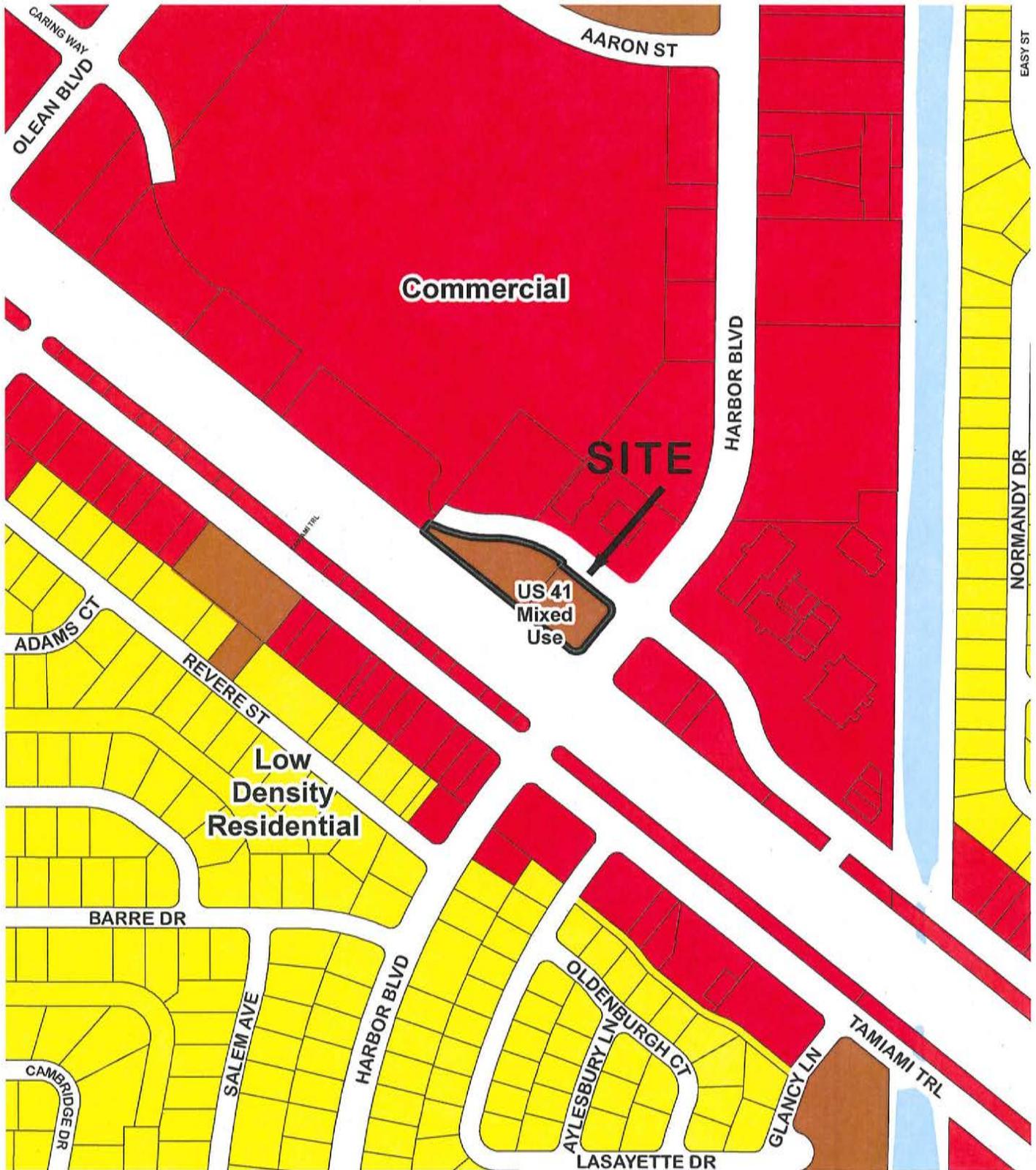


Open for Business

Z-11-11-23

Save It All Self Storage PD Major Modification
2030 Future Land Use Designations

Map Prepared By
Charlotte County
Community Development
Department



22/40/22 Mid County

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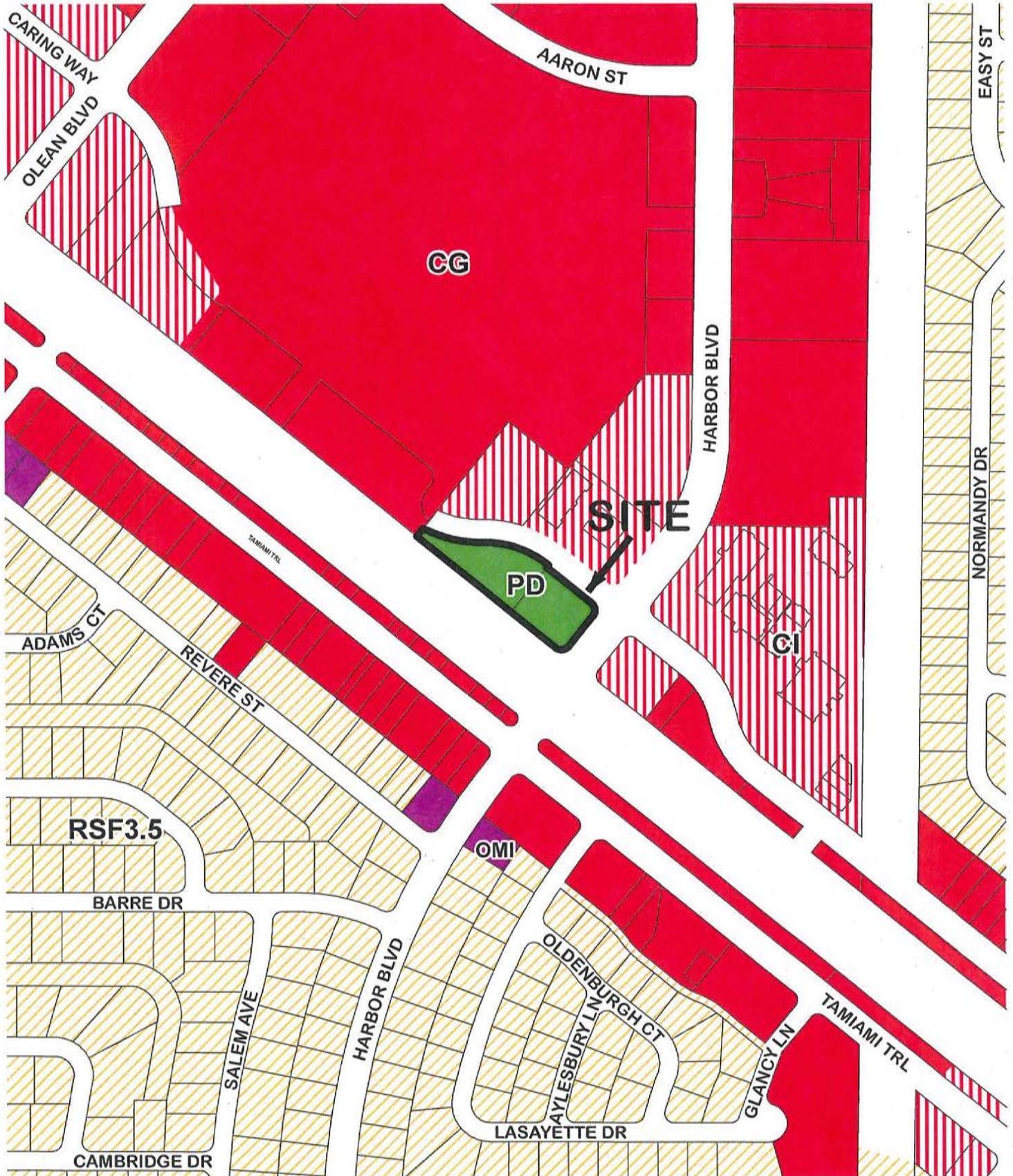




Open for Business

Z-11-11-23 Save It All Self Storage PD Major Modification Zoning Districts

Map Prepared By
Charlotte County
Community Development
Department



22/40/22 Mid County

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Community Development Department Staff Report for Z-11-11-23

DATE: December 16, 2011

TO: Honorable Board of County Commissioners
The Planning and Zoning Board

FROM: Jie Shao, Planner III

REQUESTED

ACTION(S): A privately initiated request to amend the Charlotte County Zoning Atlas from Planned Development (PD) to PD

PART I

Applicant(s): James W. Herston / Save It All Self Storage LLC
20101 Peachland Boulevard, Unit 207
Port Charlotte, FL 33954

Owner(s): Same as Applicant

General Location

and Acreage: The subject property is located at 3358 and 3362 Tamiami Trail (U.S. 41), in the Port Charlotte area, and it contains 1.35± acres.

Account Number(s): 402222255001 & 402222255002

Analysis:

James Herston / Save It All Self Storage LLC is requesting a Major Modification of an existing Planned Development (PD). The original PD rezoning (petition # Z-08-01-02) was approved by the Board of County Commissioners (Board) on May 20, 2008. The applicant has not completed the PD by submitting for Final Detail Site Plan approval.

According to the application narrative, the applicant cannot undertake the conceptually-approved development proposal at this time because of the economic downturn. The applicant is now requesting to be allowed to use the site for all commercial intensive uses until such time as it is economically feasible to build the mini-storage warehouse. The applicant has told staff that this proposal is for interim, temporary uses, but the applicant was unwilling to commit to a time limit.

This proposal requires allowing uses that are not allowed in the 2008 approved PD concept plan; therefore the applicant must rezone the property in order to gain approval of those uses.

History of This Petition

- (Petition # PA-08-01-01 and # Z-08-01-02) On December 19, 2007, Save It All Self Storage LLC requested a small-scale Future Land Use Map (FLUM) Amendment from Commercial Corridor to U.S. 41 Overlay Mixed Use. There was also a companion rezoning from Commercial Intensive (CI) to Planned Development (PD). The applicant requested the US 41 Overlay Mixed Use FLUM designation in order to take advantage of the higher Floor Area Ratio (FAR), which is 1.2. The PD rezoning was required in order for the applicant to construct a mini-storage warehouse facility, which is an otherwise prohibited use under the US 41 Overlay Mixed Use.
- On May 20, 2008, the Board of County Commissioners approved this unified petition with the concept plan and 15 conditions (Please see Attachment 1, Ordinance Numbers 2008-045 and 2008-046).
- Since the PD approval, the office building on the northern portion of the site has been utilized for a commercial general use and the applicant has also requested to be allowed to use the old gas station building for uses not allowed by the PD concept plan. The Department Director did not approve of any uses in the gas station building and the applicant was told that a rezoning would be needed in order to use the site for uses other than the mini-storage warehouse.
- On November 21, 2011, the Community Development Department received a Major Modification of an existing PD application for the subject property.
- On November 29, 2011, a pre-application meeting was held for this Major Modification. Since the applicant is requesting uses that are inconsistent with the intent of the Comprehensive Plan, the Land Development Regulations and the Parkside Citizens' Master Plan, staff indicated to the applicant that they had concerns with this item and outlined some options for the applicant to pursue.
 - The applicant could rezone the property to Commercial General (CG) in order to have all commercial general uses. The applicant did not agree with this option because he would like to be able to place commercial intensive uses on the subject property.
 - There was a gas station on Parcel 1-5 but this use ceased many years ago; and the site and old gas station building, prior to the rezoning, was used for other uses, such as boat sales; however, that use became legally non-conforming use when the PD was approved in May, 2008. The boat storage has ceased over one year ago, therefore, this commercial intensive use has expired. County staff offered to work with the applicant to allow very limited commercial intensive use on the site, such as car or boat sales, as an interim use, and set a time limitation in order to make sure that the use would not be a permanent use. The applicant did not agree with this option because he would like to be able to place commercial intensive uses on the subject property and wanted to leave the timing up to improvements in the economy.

Consistency with the Smart Charlotte 2050 Comprehensive Plan

It is staff's determination that this proposal is inconsistent with Smart Charlotte. The U.S. 41 Mixed Use designation allows professional, business, personal services, and retail sales and services. Otherwise prohibited commercial general uses and commercial intensive uses may be allowed through a Planned Development rezoning. The PD zoning allows County staff and the Commissioners to place conditions that ensure no negative impacts will be generated and the project will meet the Overlay's goal to improve the appearance of U.S. 41. A PD rezoning requires concept plan approval and requires the identification of specific uses so that staff and the Commissioners can place appropriate conditions on the development. The applicant's request is overbroad. The intent of the FLUM designation has not been met.

Consistency with the Parkside Citizens' Master Plan

It is staff's determination that this proposal is inconsistent with the Parkside Citizen's Master Plan. The property is located in a designated Community Redevelopment Area with an approved redevelopment plan (the Parkside Citizens' Master Plan.) The County has been working with citizens as well as business owners to encourage redevelopment and to promote the creation of a unique area that can attract businesses and people to live, work, and recreate in this district. The subject property is located at the intersection of U.S. 41 and Harbor Boulevard, which is the gateway entrance to the Parkside CRA.

The approved concept for the mini-warehouse includes a brand new building with a clock tower as a landmark architectural feature for the site, which will be a true gateway element for the neighborhood. For this proposal, the applicant has indicated that the only external rehabilitation of the site will be new paint on the old gas station building and landscaping. Although the applicant states that this will only be a temporary use, he will not specify an end date; without a time frame defining "temporary", staff is forced to review this proposal as if it were a permanent feature.

The intent of the Parkside Citizens' Master Plan is to promote the area's identity as an accessible destination for business and recreation purposes, foster a sense of community, and support sustainable economic growth. The use of this site in its existing condition does not foster the intent of the plan.

Consistency with the Land Development Regulations

It is staff's determination that this proposal is inconsistent with the Land Development Regulations.

The site is located within the boundary of U.S. 41 Zoning District Overlay. It is staff's determination that this proposal is inconsistent with the Overlay District. One of the Overlay goals is to improve the overall appearance of this major roadway in the County; in support of this goal, the Overlay Code restricts any further rezoning to CI unless a PD is used which requires buffers and other development enhancements. However, the applicant's proposal does not include any required features.

Section 3-9-49, Planned Development District (PD)(a), Intent (6) specifically states that a PD must “encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment”. However, the proposed major modification only seeks to add additional commercial intensive uses without any significant site improvements or innovative site design.

Compatibility

Further to the west, there are retail uses. To the north, east and south, there are professional office uses and convenience store. Further to the northeast is Promenades Mall. Properties located to east and south are zoned CI; however, despite this zoning, all surrounding uses are retail and professional office, rather than industrial-like commercial intensive uses such as outdoor storage. Commercial intensive uses other than the one approved in the existing concept plan could generate negative visual impacts.

Concurrency issues

- Water and Sewer: The proposed change would lead to increase in the use of utilities; Charlotte County Utilities has sufficient capacity for this need.
- Traffic: The County Transportation Planner analyzed the traffic impacts of this proposed uses and has no concerns about potential impacts to the roadway system resulting from the proposed changes.

Concept Plan

The Concept Plan associated with this PD rezoning was not recommended for approval during the Site Plan Review due to unmet conditions. The recommendation letter outlining these conditions is attached.

Staff Recommendation:

“Deny adoption of Petition No. Z-11-11-23 based on the findings and analysis in the Comprehensive Planning Division staff report dated December 16, 2011 and the evidence presented at the public hearing on the application (if applicable).”

Conclusion:

Staff is recommending denial of this petition because the applicant has declined to provide the type of site improvements which are required under the Planned Development Zoning District, which includes landscaping, buffering and innovative site layout. In addition, staff would reject this proposal based on the fact that the proposed change is not consistent with Smart Charlotte, the Land Development Regulations, and the intent of the Parkside Citizens’ Master Plan.

If the Board of County Commissioners chooses to approve this petition, the following conditions are recommended:

1. Conditions set forth in Ordinance Number 2008-046 shall continue to apply to redevelopment of this site.

2. Interim development on the subject property shall occur as detailed in the PD Concept Plan submitted by the applicant, Herston Engineering Services, Inc., dated November 30, 2011, except such modification as may be required to meet the conditions of the PD zoning district and the conditions of Site Plan Review Committee approval per letter (Application # DRC-PD-08-02) dated December 22, 2011.
3. The following are the interim permitted uses for this Major Modification and these interim uses shall end on or before December 31, 2016:
 - a. For Parcel P1: All Commercial General uses, Section 3-9-42(b)(2)
 - b. For Parcel P1-5: Automotive sales, Boat and boat trailer sales
4. No expansion of existing structures shall be granted.
5. No Special Exception shall be granted.
6. The proposed interim development shall meet the parking and landscaping requirements of the Charlotte County Code of Laws and Ordinances.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-11-11-23 to the Board of County Commissioners with a recommendation of Denial, based on the findings and analysis in the staff report dated December 16, 2011 and the evidence presented at the public hearing on the application (if applicable).”

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The subject property is within a designated Revitalizing Neighborhood.
2. **2030 Service Area Delineation:** The subject site is located within the Urban Service Area.
3. **Existing Land Use on the Site:** A commercial use (a gold company) is located on parcel P1, and Parcel P1-5 is currently vacant.
4. **Existing Designation(s):**

FLUM	Development Standard
U.S. 41 Mixed Use (41MU)	<p>The 41MU category allows for redevelopment and new development along the U.S. 41 corridor to build to a greater density and intensity, creating an urban character, providing a more attractive economic and business climate, and complementing the County's beautification efforts. The area includes that property located between the boundaries of the Charlotte Harbor CRA and the Sarasota County line. Only those properties located within the boundary of the U.S. 41 Zoning District Overlay are eligible for this category.</p> <p><u>General Range of Uses</u></p> <p>This category will allow a mixture of commercial, institutional, office, multi-family residential uses, and public services and facilities. Commercial and office uses will be limited to professional, business, and personal services, and</p>

	<p>retail sales and services, unless a Planned Development zoning district is used. When a Planned Development zoning district is used, otherwise restricted commercial general or commercial intensive uses may be requested. Existing intensive commercial and industrial uses will not be made non-conforming by this designation.</p> <p><u>Minimum and Maximum Density and Maximum Intensity</u></p> <p><i>Density:</i> Minimum multi-family density is five dwelling units per acre, maximum multi-family density is 30 dwelling units per acre.</p> <ul style="list-style-type: none"> • Base density is identified at the time of plan amendment; this established base density will be credited towards residential development on the site containing the density. Development of residential density above the base density shall require a transfer of density units up to the maximum density allowed by this category. <p><i>Intensity:</i> Maximum FAR for commercial, office and institutional uses is 1.2.</p>
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Zoning	Development Standard
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<p>Planned Development (PD)</p>	<p><u>Minimum lot and yard requirements.</u> There are no minimum lot and yard requirements for this district, provided no structure shall be located closer to the peripheral property line of the PD than twenty-five (25) feet or as required by section 3-9-98, "Waterfront property," as the same may be amended, whichever is greater. If the PD abuts water, the minimum setback shall be twenty (20) feet. However, minimum lot and yard requirements other than those contained in this section and section 3-9-98 may also be established through the final site plan approval process.</p> <p><u>Maximum height of structures.</u> There is no maximum height for structures in this district, except as required by section 3-9-98, "Waterfront property," as the same may be amended. Maximum height limits other than those contained in section 3-9-98 may also be established through the PD review process.</p> <p><u>Open space.</u> A minimum of twenty (20) percent of the entire PD parcel or phase shall be open space, which may include vegetated areas unencumbered by an impervious surface.</p> <p><u>Utilities.</u> Potable water supply, sewage treatment and water management systems, utility lines and easements shall be designed in accordance with requirements of the county subdivision regulations except as modified in subsection (c) (1)e of this section, "Relation to utilities, public facilities and services."</p> <p><u>Internal circulation.</u> Streets to be dedicated to the public shall be designed and constructed in accordance with the subdivision regulations or other appropriate design standards. All streets shall be designed to provide safe, efficient and convenient access to land uses within the development and to roadways adjacent to the development. In addition to vehicular thoroughfares, functional pedestrian and bicycle-path systems are required in accordance with the master plan.</p> <p><u>Modification of standards.</u></p> <p>1. In its concept plan review pursuant to subsection 3-9-49(d)(4)b.3., the board may allow a modification of the standards of section 3-9-49 upon an applicant showing that the modification is necessary and will achieve innovative, creative, compatible and site-sensitive design. The applicant must demonstrate that measures for mitigating potential adverse impacts have been taken and the proposed development will be better than that required by existing and conventional zoning.</p>
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Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A
Zoning	Development Standard
Planned Development (PD)	See explanation in Table 1

Table 2

6. Surrounding Land Uses and their Future Land Use Map and Zoning Designations:

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Professional Condominium	Commercial (COM)	Commercial General (CG) Commercial Intensive (CI)
East	Professional Service buildings	Commercial (COM)	Commercial Intensive (CI)
South	Convenience store without gas	Commercial (COM)	Commercial Intensive (CI)
West	U.S 41 Retail commercial strip	Commercial (COM)	Commercial General (CG)

Table 3

7. Buildout Calculations (square footage &/or density):

The proposed auto sales and commercial general uses involve no residential density. Based on existing structures, the maximum commercial square footage is 2,600 square feet.

8. Is the subject site within a Community Planning Area or Special Plan area?

The subject property is located in the U.S 41 Overlay District and within the boundary of recently-adopted Parkside Community Redevelopment Area.

9. Is the subject site located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?

The subject property is not adjacent to any of the existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves.

10. Is the proposed land use designation(s) consistent with the provisions of the:

- a. Charlotte Harbor Aquatic Preserves Management Plan?** The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.
- b. Lemon Bay Aquatic Preserve Management Plan?** The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

11. Does the subject site contain any designated archaeological site or historic structures?

According to the Florida Master Site File, the subject site does not contain any historic structures nor is it designated as an archaeological site.

12. Are there wetlands on the property?

- a. **Number of acres of Category I:** N/A
- b. **Number of acres of Category II:** N/A

13. Natural Resources:

- a. **Significant natural resources and/or critical habitat for endangered/potentially endangered species:** No, the site is fully developed and boarded on three sides by busy roadways.
- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** No
- c. **Is the subject site within the Special Surface Water Protection Overlay District?** No
- d. **Is the subject site within the Watershed Overlay District?** No
- e. **Is the subject site within a Wellhead Protection Area?** No
- f. **Is the subject site within the Prime Aquifer Recharge Area?** No

14. Coastal Planning:

- a. **Is the subject site within the Coastal Planning Area?** The subject site is located within the Coastal Planning Area.
- b. **Could the proposed changes impact beach accessibility?** No
- c. **Could the proposed change affect other waterfront access?** No
- d. **Flood Zone:** The site is in flood zone "X", which includes areas determined to be outside the 0.2% annual chance floodplain.
- e. **Storm Surge Evacuation Zone:** The site is located within Storm Surge Evacuation Zone B.
- f. **Coastal High Hazard Area?** No
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services

- a. **Nearest Park:** N/A
- b. **Nearest Police Station:**
Name: District 2
Address: 1441 Tamiami Trail (Town Center Mall near Sears), Port Charlotte
Distance: approximately 3.9 miles to the northwest of the subject site
- c. **Nearest Fire/EMS Station:**
Name: Charlotte County Station No. 1
Address: 3631 Tamiami Trail, Port Charlotte
Response Time: 4-6 minutes
- d. **Nearest Library:** N/A
- e. **Nearest Hospital:**
Name: Peace River Regional Medical Center
Address: 2500 Harbor Boulevard, Port Charlotte
Distance: approximately 0.6 miles to the northeast of the subject site
- f. **Nearest Potential Emergency Shelter:** N/A

g. Nearest Public Schools: N/A

16. Concurrency

a. Roads Level of Service: See attached report from Venkat Vattikuti, Transportation Planner

b. Potable Water Level of Service:

1. *Provider's Name:* Charlotte County Utilities

225 gallons per ERU per day		
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated water needs
16,100,000	9,352,000	3,528

Table 4

2. *Analysis:* If the Board approves this PD Major Modification application, it will allow the property owner to have a maximum of 70,567 square feet of commercial general or intensive uses. The estimated water usage would be 3,528 gallons per day. Charlotte County Utilities retains enough capacity to serve the proposed uses.

c. Sanitary Sewage Level of Service: Charlotte County Utilities

1. *Provider's Name:*

190 gallons per ERU per day		
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated sewer needs
6,000,000	4,076,000	2,999

Table 5

2. *Analysis:* If the Board approves this PD Major Modification application, it will allow the property owner to have a maximum of 70,567 square feet of commercial general or intensive uses. The estimated sewer generation would be 2,999 gallons per day.

d. Park and Recreation Level of Service:

1. *Level of Service*

Adopted Level of Service is 16 Park, Recreation and Open Space (PROS) point per 1,000 populations

2. *Analysis:*

A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 populations.

e. Schools: N/A

f. Solid Waste:

1. *Refuse Collector:* Waste Management Inc. of Florida

2. *Solid Waste Provider:* Public Works Department - Municipal Solid Waste Management

3. *Level of Service*

- Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
- Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident
- Zemel Rd. landfill currently has capacity to dispose of 4.6 million cubic yards of waste. The landfill has a projected remaining lifespan to the year 2027. An existing

estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.

g. Drainage:

1. *Level of Service*

New arterials – flood free in the 100-year rainfall event

New and improved collectors - not less than one lane of traffic in each direction above the design high water elevation from a 25-year, 24-hour rainfall.

New local residential streets - designed and constructed with the pavement centerline at or above the design high water elevation resulting from a 5-year, 24-hour rainfall

Stormwater management facilities - in all new subdivisions manage a 25-year, 24-hour rainfall.

New parking facilities- maximum temporary detention depth of nine (9) inches resulting from a 5-year, 24-hour rainfall.

New development on existing platted lots (except single-family, duplex, and triplex dwellings) - on-site stormwater management for a 25-year, 24-hour rainfall.

2. *Analysis:*

The Southwest Florida Water Management District, Charlotte County’s Public Works Department, and Building and Growth Management Department review stormwater management plans. In Charlotte County, stormwater management facilities are generally constructed on the project site as development proceeds.

17. Capital Improvements Program

a. **Are any updates to the CIP required as a result of this petition?** No

18. Intergovernmental Coordination

a. **Does this amendment require comments from or coordination with adjacent governments or other governmental agencies?** No

19. Has a public hearing been held on this property within the last year? No

20. Smart Charlotte 2050 Comprehensive Plan; Goals, Objectives, and Policies that may be relevant to the proposed amendment:

U.S. 41 MIXED USE (41MU)

The 41MU category allows for redevelopment and new development along the U.S. 41 corridor to build to a greater density and intensity, creating an urban character, providing a more attractive economic and business climate, and complementing the County's beautification efforts. The area includes that property located between the boundaries of the Charlotte Harbor CRA and the Sarasota County line. Only those properties located within the boundary of the U.S. 41 Zoning District Overlay are eligible for this category.

General Range of Uses

This category will allow a mixture of commercial, institutional, office, multi-family residential uses, and public services and facilities. Commercial and office uses will be

limited to professional, business, and personal services, and retail sales and services, unless a Planned Development zoning district is used. When a Planned Development zoning district is used, otherwise restricted commercial general or commercial intensive uses may be requested. Existing intensive commercial and industrial uses will not be made non-conforming by this designation.

Minimum and Maximum Density and Maximum Intensity

Density: Minimum multi-family density is five dwelling units per acre, maximum multi-family density is 30 dwelling units per acre.

- Base density is identified at the time of plan amendment; this established base density will be credited towards residential development on the site containing the density. Development of residential density above the base density shall require a transfer of density units up to the maximum density allowed by this category.

Intensity: Maximum FAR for commercial, office and institutional uses is 1.2.

Special Provision

Open space is not required within the U.S. 41 Mixed Use area. This does not negate the developer's obligation to pay into the Open Habitat Space Reservation Fund.

U.S. 41 OVERLAY DISTRICT (41OD)

Charlotte County recognizes that U.S. 41 is a major thoroughfare in the County and it is critically important. In an effort to establish meaningful, specific development standards such as commercial design standards and signage requirements, and to implement the 41MU FLUM designation for the future development and redevelopment within this area, the County established the U.S. 41 Overlay District, which is depicted on FLUM Series Map #8. The County may adopt land development regulations for this area to enhance the aesthetics and visual environment of the Corridor and property values, and to create a more attractive economic and business climate which is in the best interests of Charlotte County and its citizens.

21. Standards for Rezoning Approval:

For the rezoning of land, the recommendation of the Planning and Zoning Board shall be made after giving due consideration to:

a. Would the proposed change be contrary to the Comprehensive Plan?

Finding: The subject property is located within the boundary of U.S. 41 Zoning District Overlay and is designated as U.S. 41 Mixed Use. This land use designation allows commercial and office uses, which will be limited to professional, business, and personal services, and retail sales and services. It also allows approval of commercial intensive uses through a Planned Development (PD) rezoning, because PD zoning allows the County staff to place conditions to ensure that no negative impacts will be generated and the project will meet the U.S. 41 Zoning District Overlay's goal to improve the appearance of U.S. 41. The proposed amendment is not consistent with the U.S. 41 Overlay District or the U.S. 41 Mixed Use Future Land Use Map designation. It does not enhance the aesthetic or visual environment of the US 41 Corridor or make a more attractive economic or business climate.

b. The existing land use pattern in adjacent areas:

Finding: U.S. 41 is located directly to the west of the subject site. Further to the west, there are retail uses. To the north, east and south, there are professional office uses and convenient store and further to the northeast is Promenades Mall. All surrounding properties are developed as retail and professional office.

c. The population density pattern and possible increased load on public facilities, such as schools, utilities, and roads:

Finding: The proposed use involves no residential density; therefore student populations are not expected to change as a result of this rezoning. Charlotte County Utilities contains enough capacity to serve the site. There should be no significantly increased burden on public facilities due to the proposed change.

d. Would changed conditions make the passage of the proposed amendments appropriate?

Finding: No. The subject site is located within the boundary of the newly-adopted Parkside CRA, where the intent of the Parkside Citizens' Master Plan is to promote redevelopment of this area. The proposal does not meet the intent of the Master Plan and the designation of the area as a Revitalizing Neighborhood. These designations intend for the renewal of this area, which this proposal does not provide.

e. Would the proposed change adversely influence living conditions or property values in adjacent areas?

Finding: Staff is unable to evaluate whether this proposed change would negatively influence property values in adjacent areas.

f. Would the proposed change affect public safety?

Finding: No. the proposed change would not affect public safety.

g. Would the proposed change reduce light and air to adjacent areas?

Finding: No.

h. Are there substantial reasons why the property cannot be used in accordance with the existing zoning?

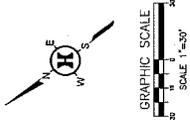
Finding: This applicant and the applicant who requested the existing PD zoning are the same entity; therefore, staff must assume that the applicant is capable of developing the property in accordance with the existing PD zoning.

LEGAL DESCRIPTION

A parcel of land in Section 22, Township 40 South, range 22 East, Charlotte County, Florida, being more particularly described as follows:

22-40-22 P-1-5 0.6A M/L A TRACT OF LAND 125FT ON HARBOR BLVD X 39.27FT X 150FT ON US # 41X150 150X175FT IN OR165/549 684/1778 COMMERCIAL 1228/307&312 1666/1109 2595/1403 2595/1406 2595/1413 2884/99 and

40 22 P-1 .639A M/L BEG AT A PT 175FT NW FROM TH INTXN OF NE R/W HWY 41 & NW R/W HARBOR BLVD CONT NW 300FT NE 26FT TO NE R/W CARING WAY TH E/LY ALG CURVE OF R/W 330FT SW 150FT TO POB 749/1211 850/740 1450/934 2883/1366



SITE SUMMARY

PROJECT DESCRIPTION: PHASE 1 CONSTRUCTION OF EXISTING BUILDING (JOB # 202) (ADDITIONAL) UNTIL THE CONSTRUCTION OF PHASE II.

PROJECT ZONING: PD (PLANNED DEVELOPMENT)

PROJECT AREA: SEANT SP 1.51 ACRES

AREA (SF)	AREA (ACRES)	AREA (SQ)
EXISTING BUILDING	1,200	0.027
EXISTING ASPHALT PAVING	1,200	0.027
EXISTING CONCRETE	1,200	0.027
PROPOSED OUTSIDE DISPLAY AREA	1,200	0.027
PROPOSED LANDSCAPING AREA	1,200	0.027
TOTAL IMPROVEMENT AREA	4,800	0.110

PREVIOUS AREA: 1,200 SF 0.027 ACRES 0.027 ACRES

PARKING PROVIDED: 10 SPACES

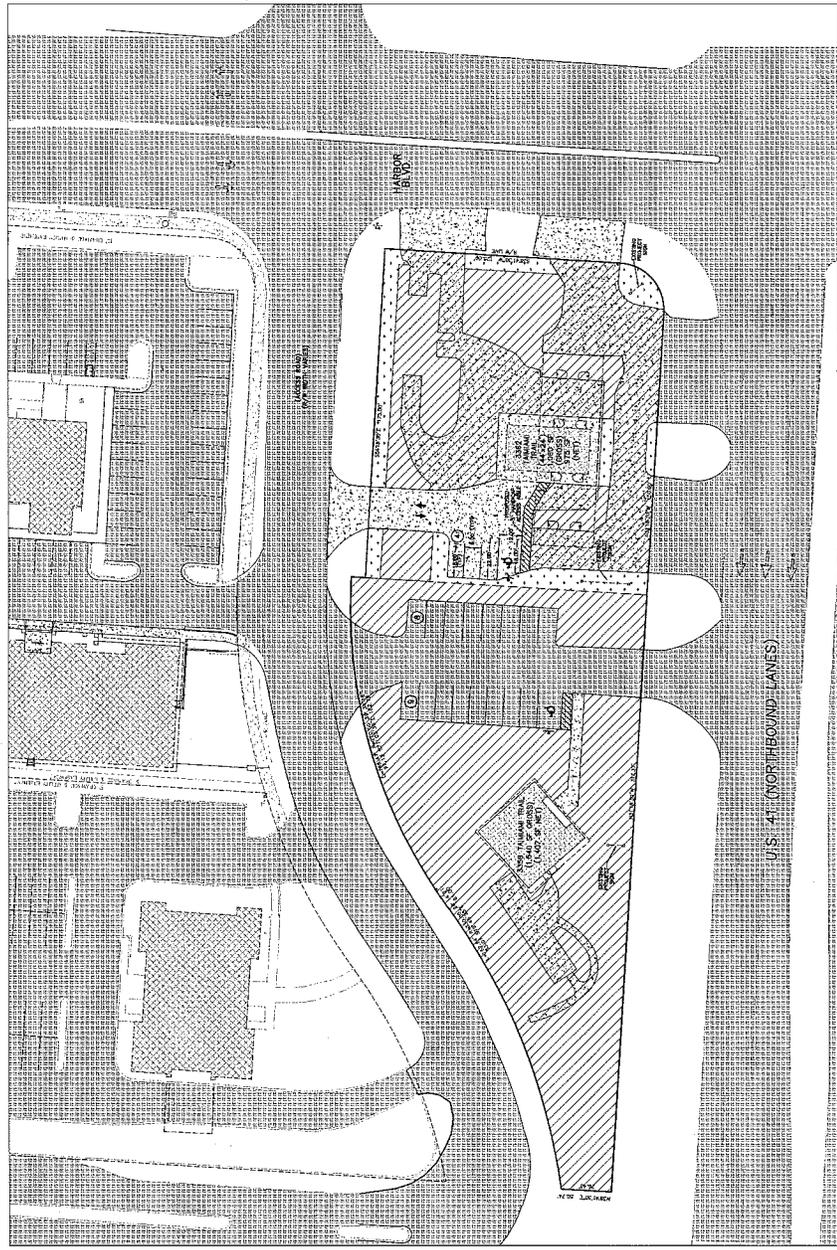
PROPOSED IMPROVEMENTS: 10 SPACES

TOTAL IMPROVED AREA: 10 SPACES

NOTES:

1. ALL AREAS SHOWN ARE FOR THE PROPOSED IMPROVEMENTS TO BE CONSTRUCTED BY THE OWNER.
2. ALL AREAS SHOWN ARE FOR THE PROPOSED IMPROVEMENTS TO BE CONSTRUCTED BY THE OWNER.
3. ALL AREAS SHOWN ARE FOR THE PROPOSED IMPROVEMENTS TO BE CONSTRUCTED BY THE OWNER.
4. ALL AREAS SHOWN ARE FOR THE PROPOSED IMPROVEMENTS TO BE CONSTRUCTED BY THE OWNER.

- LEGEND**
- EXISTING BUILDING
 - EXISTING ASPHALT PAVING
 - EXISTING CONCRETE
 - PROPOSED OUTSIDE DISPLAY AREA
 - PROPOSED LANDSCAPING AREA
- DAVID W. JOHNSTON ASSOCIATES / PHIL SMITH



CCU PROJECT #071084

NO.	REVISION	DATE	BY

JAMES W. HERSTON, P.E.
STATE OF FLORIDA NO. 43980
DATE _____ 20____

SAVE IT ALL SELF STORAGE, L.L.C.
17825 MURDOCK CIRCLE, SUITE B
PORT CHARLOTTE, FLORIDA 33948
941.206.2120

SITE PLAN (PHASE ONE)

SAVE IT ALL SELF STORAGE

HERSTON ENGINEERING SERVICES, INC.
26101 PEACHLAND BLVD, SUITE 207
PORT CHARLOTTE, FLORIDA 33954
PHONE 941.626.2777 FAX 941.626.0464
CERTIFICATE OF AUTHORIZATION NUMBER: 00007681



PROJECT: 2777
SHEET 3A

Chg
all
#4 D

May 27, 2008

ORDINANCE
NUMBER 2008 - 045

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AN ORDINANCE PURSUANT TO SECTION 163.3187 (1)(c), FLORIDA STATUTES, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM COMMERCIAL CORRIDOR TO US 41 OVERLAY MIXED USE, FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF US 41 AND HARBOR BOULEVARD, IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT V, CONTAINING 1.35 ACRES MORE OR LESS; PETITION PA-08-01-01; APPLICANT, SAVE IT ALL SELF STORAGE, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, May 20, 2008, the Board of County Commissioners of Charlotte County ("Board"), reviewed land use amendment Petition PA-08-01-01, which is a small scale amendment to the Future Land Use Map of the 1997-2010 Charlotte County Comprehensive Plan (such plan shall herein be referred to as "the Charlotte County Comprehensive Plan"); and

WHEREAS, applicant, Save It All Self Storage, LLC, whose address is 4161 Tamiami Trail, Suite 802, Port Charlotte, Florida 33952 ("Applicant"), filed Petition PA-08-01-01, seeking a small scale amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Commercial Corridor to US 41 Overlay Mixed Use, for property containing 1.35 acres more or less, which is owned by Applicant, described as property located at the Northeast corner of US 41 and Harbor Boulevard, in the Port Charlotte area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PA-08-01-01 has previously been heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and



1 analysis presented in the Planning Division Staff Report dated February 21, 2008, and the
2 evidence presented to the P&Z Board, the proposed amendment has been found to be
3 consistent with the Charlotte County Comprehensive Plan and has been recommended for
4 approval by the P&Z Board; and

5 WHEREAS, after due consideration, the Board has found that the
6 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,
7 have been met and that it is in the best interests of the County to approve Petition
8 PA-08-01-01.

9 NOW, THEREFORE, BE IT ORDAINED by the Board of County
10 Commissioners of Charlotte County, Florida:

11 Section 1. Approval. The following petition for amendment to the Future Land
12 Use Map of the Charlotte County Comprehensive Plan be and hereby is approved:

13 Petition PA-08-01-01 submitted by Save It All Self Storage, LLC
14 ("Applicant"), requesting a small scale amendment to the Future Land
15 Use Map of the Charlotte County Comprehensive Plan from
16 Commercial Corridor to US 41 Overlay Mixed Use for property
17 containing 1.35 acres more or less, which is owned by Applicant,
18 described as property located at the Northeast corner of US 41 and
19 Harbor Boulevard, in the Port Charlotte area, Charlotte County,
20 Florida, and more particularly described in Exhibit "A" attached hereto
21 and by this reference provided herein.
22

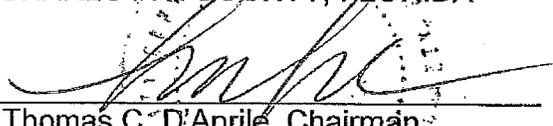
23 Section 2. Effective date. This ordinance shall take effect upon the filing of
24 this ordinance in the Office of the Secretary of State, State of Florida.

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27 [SIGNATURE PAGE FOLLOWS]
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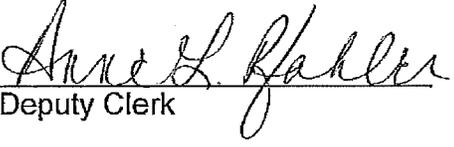
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PASSED AND DULY ADOPTED this 20 day of May, 2008.

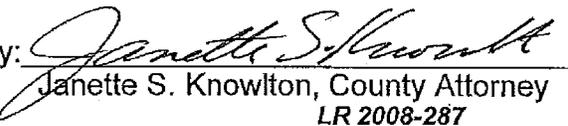
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Thomas C. D'Aprile, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio Clerk to
the Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR 2008-287
RB

LEGAL DESCRIPTION:

A parcel of land in Section 22, Township 40 South, range 22 East, Charlotte County, Florida, being more particularly described as follows:

22-40-22 P-1-5 0.6A M/L A TRACT OF LAND 125FT ON HARBOR BLVD X 39.27FT X 150FT ON US # 41X150 150X175FT IN OR165/549 684/1778 COMMERCIAL 1228/307&312 1666/1109 2595/1403 2595/1406 2595/1413 2884/99 and

40 22 P-1 .639A M/L BEG AT A PT 175FT NW FROM TH INTXN OF NE R/W HWY 41 & NW R/W HARBOR BLVD CONT NW 300FT NE 26FT TO NE R/W CARING WAY TH E/LY ALG CURVE OF R/W 330FT SW 150FT TO POB 749/1211 850/740 1450/934 2883/1366

EXHIBIT A

chg
BAC
#148

FILED WITH THE DEPARTMENT OF STATE *May 27, 2008*

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
OR BOOK 3295, PGS 1838-1843 6 pg(s)
INSTR # 1768710
Doc Type GOV, Recorded 06/02/2008 at 03:35 PM
Rec. Fee: \$52.50
Cashiered By: MARGEC Doc. #:2

ORDINANCE
NUMBER 2008 - 046

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AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM COMMERCIAL INTENSIVE (CI) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF US 41 AND HARBOR BOULEVARD, IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA, CONTAINING 1.35 ACRES MORE OR LESS; PETITION ~~Z-08-01-02~~, APPLICANT, SAVE IT ALL SELF STORAGE, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

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WHEREAS, in a public hearing held on Tuesday, May 20, 2008, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-08-01-02, submitted by applicant, Save It All Self Storage, LLC ("Applicant") which requested a rezoning from Commercial Intensive (CI) to Planned Development (PD) on 1.35 acres more or less of property owned by Applicant, described as property located at the Northeast corner of US 41 and Harbor Boulevard, in the Port Charlotte area, Commission District V, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, the Applicant seeks a rezoning to Planned Development (PD) in order to allow the property to be developed as a mini-warehouse self-storage facility; and

WHEREAS, Petition Z-08-01-02 has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis presented in the Planning and Zoning Division staff report



1 dated February 21, 2008 and the evidence presented to the P&Z Board, has
2 been recommended for approval; and

3 WHEREAS, after due consideration, based on the Planning &
4 Zoning Division staff report dated February 21, 2008, and the evidence
5 presented to it, the Board has found that approval of Petition
6 Z-08-01-02 is consistent with the 1997-2010 Charlotte County Comprehensive
7 Plan, and that it meets the requirements for the granting of a rezoning; and

8 WHEREAS, based on the above findings, the Board has
9 determined it to be in the best interests of the County to rezone the subject
10 property from Commercial Intensive (CI) to Planned Development (PD).

11 NOW, THEREFORE, BE IT ORDAINED by the Board of County
12 Commissioners of Charlotte County, Florida:

13 SECTION 1. The following petition for an amendment to the
14 Charlotte County Zoning Atlas is hereby approved subject to the conditions
15 contained in the attached Exhibit "B":

16 Petition Z-08-01-02, submitted by applicant, Save It
17 All Self Storage, LLC, requesting rezoning from
18 Commercial Intensive (CI) to Planned Development
19 (PD) for 1.35 acres more or less of property owned by
20 Applicant, described as located in Commission
21 District V, at the Northeast corner of US 41 and
22 Harbor Boulevard, in the Port Charlotte area,
23 Charlotte County, Florida, and more particularly
24 described in Exhibit "A" attached hereto and by this
25 reference incorporated herein.

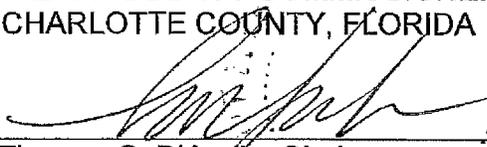
26 SECTION 2. That the zoning for this property shall run with the
27 property and shall apply to any subsequent owners, heirs and assigns.

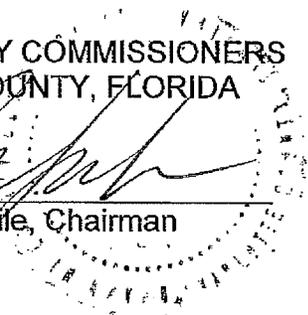
28 SECTION 3. This ordinance shall take effect upon filing in the
29 Office of the Secretary of State, State of Florida.
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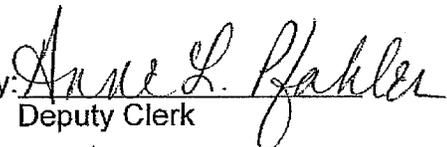
PASSED AND DULY ADOPTED this 20 day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Thomas C. D'Aprile, Chairman



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR 2008-287
RB

LEGAL DESCRIPTION:

A parcel of land in Section 22, Township 40 South, range 22 East, Charlotte County, Florida, being more particularly described as follows:

22-40-22 P-1-5 0.6A M/L A TRACT OF LAND 125FT ON HARBOR BLVD X 39.27FT X 150FT ON US # 41X150 150X175FT IN OR165/549 684/1778 COMMERCIAL 1228/307&312 1666/1109 2595/1403 2595/1406 2595/1413 2884/99 and

40 22 P-1 .639A M/L BEG AT A PT 175FT NW FROM TH INTXN OF NE R/W HWY 41 & NW R/W HARBOR BLVD CONT NW 300FT NE 26FT TO NE R/W CARING WAY TH E/LY ALG CURVE OF R/W 330FT SW 150FT TO POB 749/1211 850/740 1450/934 2883/1366

EXHIBIT A

Conditions:

- a. Development on the subject property shall occur as detailed in the PD Concept Plan submitted by the applicant, prepared by Herston Engineering Services, Inc., dated February 7, 2008, revised on April 3, 2008, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Development Review Committee (DRC) conditions of approval per letter dated February 29, 2008, are required to be met.
- b. A multi-story, fully enclosed, mini-warehouse, document, self-storage facility is the only permitted use on the site.
- c. Outside storage is prohibited.
- d. The maximum Floor Area Ratio is 1.2, or the maximum build-out is 70,400 square feet, of which the smaller square feet shall apply to the development on the site.
- e. Maximum building coverage for all uses is sixty (60%) percent.
- f. The setback requirements are the same as the requirements under the CI zoning district.
- g. The maximum building height for this project shall be 60 feet measured from base flood elevation points as these may apply to the project site. This requirement shall apply to all structures on site.
- h. The developer shall minimize impervious surfaces within the development wherever practicable.
- i. The development must utilize potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any Certificate of Occupancy shall be issued.
- j. The landscaping on the site shall be developed as illustrated on the plan, David, W. Johnston Associates, dated on January 25, 2008. In addition, 15 shrubs every 100 feet shall be required along the north, east, and south sides of the building. Any changes to this plan must be approved by the Planning Division, Growth Management Department. All plants shall be Florida Friendly plantings and/or xeriscaping.
- k. All landscaping must be irrigated as necessary to ensure survival. When made available by the Utility, non-potable water shall be utilized for common area and the irrigation system throughout the development.
- l. The parking shall be developed in accordance with Charlotte County existing Off-street Parking and Loading Facilities, Section 3-9-90. However, the applicant is seeking a parking variance. If approved, the final parking plan will be consistent with the provisions of the parking variance.
- m. This development shall meet the provisions of Chapter 3-5, Article XXIV, Charlotte County Commercial Design Standards, except as follows:
 - i. All four (4) sides of the building shall be considered as primary facades.
 - ii. A clock tower feature with operable clocks shall be constructed at the corner of US 41 and Harbor Boulevard.
 - iii. Each primary facade shall incorporate a minimum of five (5) design treatments. The clock tower feature shall be counted as one of the design treatments for those facades which adjoin the clock tower.
 - iv. The primary customer entrance may face the parking lot.

EXHIBIT B

- n. Exterior signage shall meet the existing Sign Code, Section 3-9-95, except that no special exception or variance shall be granted for any signage on the site, and no Class B signs shall be allowed on the site.
- o. In order to provide "Green" features within the overall building and site design to the highest degree practicable:
 - i. The applicant/developer shall use the recycled steel for the building structure where appropriate.
 - ii. The applicant/developer must use the low "E" glass. (Low Efficiency rated)
 - iii. The applicant /developer must use the increased insulation:
 - 1. For walls – Provide R-11 instead of required R-5
 - 2. For ceiling – Provide R-30 instead of required R-19
 - iv. The applicant/developer must provide 2 speed compressors for the air conditioners – Provide SEER 16-17 instead of the required SEER 10.



December 22, 2011

James Herston
20101 Peachland Blvd. Unit 207
Port Charlotte FL 33954

Re: DRC-PD-08-02 Concept Plan Major Modification
Save It All Self Storage - December 22, 2011 agenda

Dear Jim:

County staff has reviewed your Concept Plan Major Modification for Save It All Self Storage. This project consists of the establishment of interim property uses prior to the construction of the primary property use consisting of a 70,400 s.f. mini-warehouse building. This 1.35 +/- acre site is located at the intersection of Tamiami Trail and Harbor Boulevard on Parcels P1 & P1-5 in Section 22, Township 40 South, Range 22 East in Port Charlotte Florida.

It is the decision of the Zoning Official to deny this DRC-PD-08-02(MM) Concept Plan Major Modification with the following conditions:

1. There is no objection to the concept plan, however, we reserve the right for future plan comments. Lighting – Richard Doll
2. Any exterior lighting of this property must meet Charlotte County Code Section 3-5-512. Lighting – Richard Doll
3. Provide an approved Charlotte County stormwater permit, and required permits from any other Federal, State, and Local agencies that apply.
4. CCU has no objections to the interim property uses anticipated with this Concept Plan Major Modification. Upon implementation of future development activities, updated utilities plans must be submitted to CCU for review and approval. As well, the Developer must enter into a Utility Agreement to reflect the property's uses and capacity reservation requirements.
5. We suggest to consolidate the U.S. 41 driveways. (Venkat Vattikuti – Planning)
6. The following interim permitted uses for this Major Modification and these interim uses shall be ended on or before December 31, 2016;
 - a. For Parcel P1: All Commercial General uses Section 3-9-42(b)(2)
 - b. For Parcel P1-5: Automotive Sales and Boat trailer and boat motor sales
7. No increase of commercial building square footage.
8. The proposed development shall meet parking requirements set forth in Section 3-9-90.
9. The applicant has submitted an approved Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP) No. 46032908.000 for the original development approval only. ANY new construction activities will require a

COMMUNITY DEVELOPMENT

Zoning | Current Planning

18400 Murdock Circle | Port Charlotte, FL 33948-1068

Phone: 941.743.1964 | Fax: 941.743.1598

modified SWFWMD ERP be submitted. Final DRC approval shall reflect all SWFWMD conditions.

10. The project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be utilized during all land clearing and development activities. No land clearing/development is being proposed through this petition modification.
11. All trees that are to be preserved or removed must be in accordance with Chapter 3-2, Article IX, Tree Requirements, of the County Code. Tree Permits are required prior to any land clearing/fill activity or the issuance of building permits.
12. The land uses and development standards specified by this Ordinance are interim land uses and development standards. Zoning recommends that all approvals and all conditions of approval specified by Ordinance 2008-046 that are not affected by this Ordinance apply to the Final Detail Plan for this development.
13. Zoning recommends the following interim land uses for this Planned Development Major Modification:
 - a. Automotive sales.
 - b. Boat trailer and boat motor sales.
 - c. Professional services as specified by Section 3-9-42(b)(2).
 - d. Personal services as specified by Section 3-9-42(b)(3).
 - e. Business services as specified by Section 3-9-42(b)(4).
 - f. Retail sales and services as specified by Section 3-9-42(b)(5).
 - g. Automotive specialty services as specified by Section 3-9-42(b)(7).
 - h. Automotive parts as specified by Section 3-9-42(b)(8).
 - i. Garden shops as specified by Section 3-9-42(b)(11).
 - j. Package stores as specified by Section 3-9-42(b)(19).
 - k. Laundromats as specified by Section 3-9-42(b)(23).
 - l. Bars as specified by Section 3-9-42(b)(24).
 - m. Billiard parlors and game arcades as specified by Section 3-9-42(b)(25).
 - n. Photocopying shops as specified by Section 3-9-42(b)(31).
14. Zoning recommends the following interim development standards for this Planned Development Major Modification:
 - a. Parking space requirements for any selected interim use(s) will comply with the parking space requirements of Section 3-9-90.
 - b. Handicapped parking will comply with the requirements of Chapter 11 of the Florida Building Codes.
 - c. Signage will comply with the requirements of Section 3-9-95.

Concept Plans are approved by the Board of County Commissioners. Concept Plan approval is valid for 12 months calculated from the Board of County Commissioners approval date. If you wish to request a 12 month extension, you must make this request in written form a minimum of 30 days prior to the expiration date. The current fee for a time extension request is \$85.00.

Sincerely,



Shaun Cullinan
Zoning Official



**CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT**

**APPLICATION for
 PLANNED DEVELOPMENT REZONING**

Date Received: NOV. 27, 2011	Time Received:
Date of Log-in: DEC. 2, 2011	Petition #: 2-11-11-23
Receipt #: 72709	Accela #: RZ-11-00017
	Amount Paid: \$2,590.00

1. PARTIES TO THE APPLICATION

Name of Applicant: James W. Herston/Save It All Self Storage LLC

Mailing Address: 20101 Peachland Blvd., Unit 207

City: Port Charlotte

State: FL

Zip Code: 33954

Phone Number: (941) 380-7901

Fax Number: 941-629-0046

Email Address: herston@sunline.net

Name of Agent: Robert H. Berntsson; Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP

Mailing Address: 18401 Murdock Circle, Suite C

City: Port Charlotte

State: FL

Zip Code: 33948

Phone Number: (941) 627-1000

Fax Number: (941) 255-0684

Email Address: rberntsson@bigwlaw.com

Name of Engineer/Surveyor: Herston Engineering Services, Inc.

Mailing Address: 3358 Tamiami Trail

City: Port Charlotte

State: FL

Zip Code: 33952

Phone Number: (941) 380-7901

Fax Number: (941) 629-0046

Email Address: herston@sunline.net

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):
 James W. Herston

Mailing Address: 133 Creek Drive S.E.

City: Port Charlotte

State: FL

Zip Code: 33952

Phone Number: (941) 380-7901

Fax Number: (941) 629-0046

Email Address: herston@sunline.net

2. PROPERTY INFORMATION

If more than one account number exists, attach a separate sheet listing all information required by this section

Property Account #: 40222225501 & 40222225502		
Section: 22	Township: 40 South	Range: 22 East
Parcel/Lot #: P1 & P1-5	Block #:	Subdivision:
Total acreage or square feet of the property: 1.35 ± Acres; 58,667 SF		

3. SURVEY:

- For unplatted property, provide one original boundary survey that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.
- For platted land, provide one original surveyor's sketch that is **signed and sealed** by a registered land surveyor and an accurate legal description (including acreage) of the property.

4. PROOF OF LAND OWNERSHIP: Provide the most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* on the subject property.

5. NOTARIZED AUTHORIZATION:

- If the applicant is not the owner of the property, a written, notarized authorization from each owner must be provided with this application – use Form A, attached. Property owner authorization is required. If the property owner withdraws permission at any point during the review and approval process, the application is considered null and void.
- If an agent is submitting the application for the applicant – authorization from the applicant is required – use Form B, attached.

6. RESTRICTIONS: Provide a copy of any covenants, easements or restrictions that have been recorded for the subject site.

7. EXISTING LAND USE DESIGNATIONS

Future Land Use Map (FLUM) designation(s)	Acreage
Commercial Corridor	1.35±
Zoning District(s)	Acreage
Planned Development	1.35±

8. APPLICANT'S PROPOSED CHANGE(S):

If the proposed change involves an increase in density, which of the Receiving Zone criteria does the property meet, or would this be an exemption consistent with a Revitalization Plan?
 Amend conditions of PD approval to allow CI uses as Phase I prior to construction of Indoor Storage Facility.

9. REASON FOR PROPOSED CHANGE(S):

Economy does not warrant construction of Indoor Storage Facility but need to put existing development to use.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):
Retail and Professional Office Building on northern portion of property, Vacant Gas Station and
Convenience Store on southern portion.

11. SURROUNDING LAND USES:

North: Commercial Intensive (CI)/Commercial General (CG)

South: Commercial Intensive (CI)/Commercial General (CG)

East: Commercial Intensive (CI)

West: Commercial General (CG)

12. ENVIRONMENTAL ASSESSMENT:

- Provide an *Environmental Assessment Report*, conducted within one year or less from the date of submittal, that includes:
 - Maps and surveys of the subject site illustrating the existing land cover according to Level 3 of the FLUCCS
 - Locations of listed flora and fauna species, if present.
 - If any wetlands are identified on site, provide a survey showing delineations of any wetlands, acreages, and the wetland Category (ENV Policy 3.1.3) under which they fall.
 - If the property is adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves, supply a science-based analysis of possible impacts to the environmental resources of these lands and the manner in which these impacts can be eliminated. Where elimination is not possible, the analysis shall detail how these impacts can be reduced and mitigated.

13. INFRASTRUCTURE:

A. Roadway

- i. List the roads or streets upon which vehicles may travel to gain access to the site (generally within ¼ mile radius):

US 41 (Tamiami Trail), Harbor Blvd., Access Road

- ii. *Traffic Impact Analysis*: This study must be authored by a registered professional engineer in the State of Florida. Provide a study showing the impacts development of the subject site would have on the surrounding roadway network. Where traffic impacts reduce LOS below 'D' provide a proportionate fair share assessment for impacted roadways.

- *Hurricane Evacuation Study*: For any property that is even partially located in a Coastal High Hazard Area, or which generates trips wherein the majority of those trips would utilize a roadway that runs through a Coastal High Hazard Area, a *Hurricane Evacuation Study*

must accompany any *Traffic Impact Analysis*.

B. Potable Water and Sanitary Sewer

- i. Submit a letter from any water or sewer utilities that will be serving the subject site stating availability of utility service to the property.
- ii. Attach an *Estimated Potable Water and Sanitary Sewer Usage Report*: provide a report showing the gallons per day that may be generated by development of the subject site at the maximum buildout

14. HISTORICAL OR ARCHEOLOGICAL SITES: When the property under review is within the area determined to contain potential historic and archeological resources by the Archaeological Predictive Model (depicted on SPAM Series Map #3), the applicant must submit an *Archeological/Historical Memo* indicating that a review of the National Register of Historic Places, the Florida Master Site File and the Local Historic Register (when available) has been performed and the results of that review. If the subject site contains any object listed in these resources, the applicant must provide an *Archeological/Historical Survey* performed by a professional archeologist licensed in the State of Florida.

15. REZONING NARRATIVE

Charlotte County Code Section 3-9-11(e) lists the following standards for approval. A narrative stating the applicant's justification for the rezoning based upon the following standards of approval is required:

- A. Whether the proposed change would be contrary to the Comprehensive Plan
- B. The existing land use pattern in adjacent areas
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets
- D. Whether changed conditions make the passage of the proposed amendment appropriate
- E. Whether the proposed change will adversely influence living conditions or property values in adjacent areas
- F. Whether the proposed change will affect public safety
- G. Whether the proposed change will reduce light and air to adjacent areas
- H. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning

16. CONCEPT PLAN and DEVELOPMENT INFORMATION: Submit the following information regarding the proposed project.

(All maps must contain title of the project, landowner of record, names of the representatives of the landowner of record, scale, date, and north arrow)

- A. Include a *General Location Map*.
- B. Include *Existing Features Map(s)* showing all streets, curb cuts, buildings, watercourses, easements, other important physical features, zoning designations and future land use map designations in the property and on adjacent lands.
- C. Include a *Concept Design Map* showing locations of structures, acreage, density, and intensity for each proposed land use; show points of access and traffic flow and road improvements; show buffers, landscaped areas, and open space.
- D. Supply tabulations of total gross acreage in the proposed development, the percentage of total acreage to be devoted to each proposed use, height, and intensity of use identified through

Floor Area Ratio calculations and/or projected number of housing units proposed by dwelling type.

- E. Supply a phasing plan or general schedule of the development.
- F. Supply standards for height, open space, building density, and parking area.
- G. Include a narrative in which you cite specifically how this project meets the intent and goals of the Planned Development Zoning District, including any “community enhancements”.
- H. Show the general façade and overall architectural design scheme; explain building orientation, if applicable.
- I. Describe any Green Building or Low Impact Development (LID) design techniques that will be used.
- J. Supply a copy of any draft deed restrictions, protective covenants, and other statements or devices which will be used to control the use, development and maintenance of the land and improvements thereon, including those areas which are to be commonly owned and maintained.
- K. Supply any additional information identified at the preapplication conference, at concept approval, or requested by the Zoning Official or Building and Growth Management Director prior to submittal of the rezoning application.

18. ADJACENT PROPERTY OWNERS INFORMATION:

Provide an *electronic text file (.txt)* that includes the names and addresses of all property owners within 200 feet of the subject property (excluding street right-of-ways), and a map indicating which properties are included in the address list. The Adjacent Property Owner List must be based upon the latest available property records of the Property Appraiser’s Office. The list shall include property owner’s name, mailing address, and parcel(s) or lot(s) description or account number so each parcel can be referenced on the Adjacent Property Owner Map. Refer to the Geographic Information System Internet site for mapping and owner information at <http://www.ccgis.com/>. (Use a buffer of 250 feet or larger in order to account for right-of-ways, canals, etc.) Every property owner within 200 feet of every parcel of land involved will be notified of the schedule of public hearings

FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

I, the undersigned, being first duly sworn, depose and say that I am the owner of the property described and which is the subject matter of the proposed hearing.

I give authorization for _____ to be the applicant for this REZONING.

STATE OF _____, COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by

who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Notary Public Signature	Signature of Owner
Notary Printed Signature	Printed Signature of Owner
Title	Address
Commission Code	City, State, Zip
	Telephone Number

FORM B. APPLICANT AUTHORIZATION TO AGENT

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the REZONING of the property described and which is the subject matter of the proposed hearing.

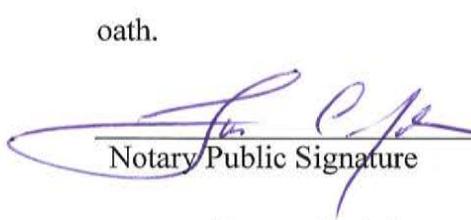
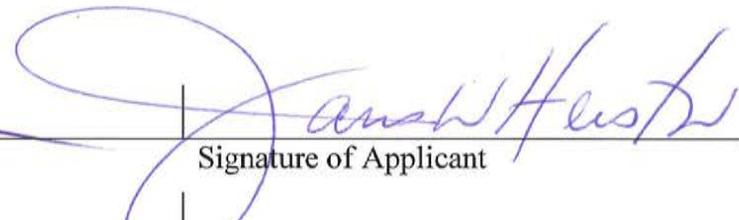
I give authorization for Robert H. Berntsson, Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP to be my agent for this application.

STATE OF FLORIDA, COUNTY OF CHARLOTE

The foregoing instrument was acknowledged before me this 21st day of November, 2011,

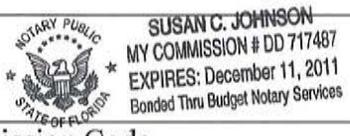
by James W. Herston who is personally known to me, or has/have

produced _____ as identification and who did/did not take an oath.

	
Notary Public Signature	Signature of Applicant

<u>Susan C. Johnson</u>	<u>James W. Herston</u>
Notary Printed Signature	Printed Signature of Applicant

Title	20101 Peachland Blvd., Unit 207
	Address



Commission Code	Port Charlotte, FL 33954
	City, State, Zip

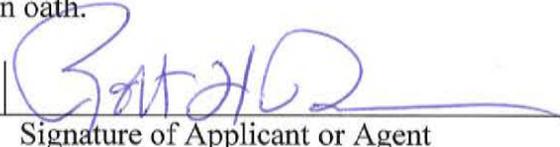
(941) 380-7901
Telephone Number

AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 21st day of November, 20 11,
by Robert H. Berntsson who is personally known to me or has/have produced _____
as identification and who did/did not take an oath.

 Notary Public Signature	 Signature of Applicant or Agent
Susan C. Johnson Notary Printed Signature	Robert H. Berntsson Printed Signature of Applicant or Agent
Title	Berntsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP 18401 Murdock Circle, Suite C Address
 Commission Code	Port Charlotte, FL 33948 City, State, Zip
	(941) 627-1000 Telephone Number

Narrative to the Save It All Self Storage, LLC
PD Modification Application

The applicant seeks only a text amendment to the resolution approving the PD for Save It All Self Storage project, which is located at the intersection of US 41 and Harbor Boulevard in the Port Charlotte Area. When the PD was approved, in better economic times, the applicant intended to immediately move forward with the self storage facility. However, the current economic times do not warrant moving forward with that project. Based on the language in the current PD resolution, it is not clear that the existing development can be utilized. This modification seeks to restore the previous zoning uses to the PD zoning on the property until such time as the self storage facility is constructed. The prior zoning classification was Commercial Intensive (CI), which is the same zoning that exists to the north and east of the subject property.

No site modifications will be required at this time for the addition of the uses and this request is simply to modify the previously approved Planned Development. A site plan will be submitted for the former gas station property when a tenant is secured, if necessary. If site plan review is required for that parcel, it may proceed under the general site plan review, without the necessity of returning to the Board of County Commissioners for Final PD approval.

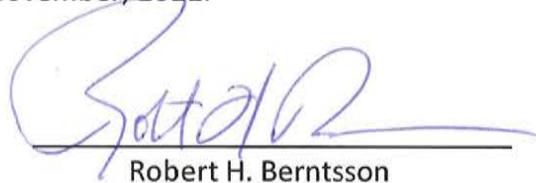
This application meets the criteria for modification of the Planned Development Rezoning as follows:

- A. The proposed use is not contrary to the Comprehensive Plan, it is the prior zoning on the property, and consistent with adjacent zoning.
- B. The existing land use in the adjacent area remains unchanged. There is commercial intensive zoning on the opposite corner of Harbor Boulevard and surrounding the property to the north and east.
- C. The population density pattern and possible increased load on public facilities, such as schools, utilities and streets should be virtually unaffected by returning to the prior zoning classification until the Self Storage Facility is constructed.
- D. Changed conditions make the passage of the proposed amendments appropriate. Since the original approval, the economy does not allow the applicant to undertake the self storage facility, but requiring the existing buildings to remain vacant and unused is detrimental to the surrounding area.
- E. The proposed change will not adversely influence living conditions or property values in the adjacent areas. It simply temporarily reinstates the prior zoning.
- F. The proposed change will not affect public safety in any negative way.
- G. The proposed change will not reduce light or air to adjacent areas, as all improvements are already constructed on site.

H. Various requests to use the former gas station property have been denied. At best the property is deemed "non-conforming," which limits the improvements that can be made to the site.

Based on the foregoing it is respectfully requested that the proposed modification to the Planned Development be approved.

Respectfully submitted, this 21st day of November, 2011.

A handwritten signature in blue ink, appearing to read "Robert H. Berntsson", is written over a horizontal line.

Robert H. Berntsson



Charlotte County Government

To exceed expectations in the delivery of public services.

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November 17, 2011

Susan C. Johnson
Bemtsson, Ittersagen, Gunderson, Waksler & Wideikis, LLP
18401 Murdock Circle
Port Charlotte, FL 33948
941-627-1000 – Office
941-255-0684 – Fax
sjohnson@bigwlaw.com

Re: Potable Water, Sewer and Reclaimed Water Availability to: 3358 & 3362 Tamiami Trail
Legal Descs: ZZZ 224022 P1
ZZZ 224022 P1-5

Dear Ms. Johnson:

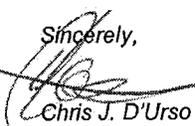
This letter is to confirm our understanding relative to the availability of water, sewer and reclaimed water services to the above referenced properties. There are active potable water and sewer connections serving both of the subject properties. Reclaimed water service is not available to the properties at this time.

Utility services availability is subject to: the execution of a new or modified Utility Agreement between the Owner/Developer and Charlotte County Utilities as per the Uniform Extension Policy; if required, the execution of a Reclaimed Water Supply Contract/Agreement between the Owner/Developer and Charlotte County Utilities; and, if required, upon fulfillment of each of the following conditions:

1. Owner/Developer shall be solely responsible for the design, funding, construction and installation of all required on-site and off-site sewer facilities necessary to provide service to Owner/Developer's site location, which may include up-grading or extending water, sewer and/or reclaimed water facilities in the area and, as well, the installation of low pressure systems on the property.
2. Owner/Developer shall secure all necessary regulatory approvals.
3. All Utility plans must be reviewed and approved by Charlotte County Utilities.
4. A Utility Agreement is fully executed by both parties and all appropriate capacity/connection fees are paid prior to the commencement of construction of any utility facilities or prior to any changes in occupancy.
5. Potable Water, sewer and/or reclaimed water plant capacity exists at the time of connection.
6. If required, A Reclaimed Water Supply Contract must be executed by both parties and the reclaimed water must be used for this site's non-potable water needs.

No commitment expressed or implied shall be construed by this letter, nor shall one exist until a Utility Agreement and, if required, a Reclaimed Water Supply Contract have been fully executed by both parties, all fees paid, the necessary approvals by all of the required regulatory bodies have been obtained and all conditions stated above have been met. This letter of confirmation is valid for three (3) months from the date of this letter.

Sincerely,


Chris J. D'Urso
Utilities Planner

cc: File / CHRONO
Bruce R. Bullert

UTILITIES

Administration | Business Services
Engineering Services | Operations
25550 Harbor View Road, Suite 1 | Port Charlotte, FL 33980-2503
Phone: 941.764.4300 | Fax: 941.764.4319



MEMORANDUM

Date: December 07, 2011
To: Jie Shao, Planner III
From: Jamie Scudera, Environmental Specialist
Subject: Z-11-11-23
Herston Temporary Land Use Change
3362 Tamiami Trail & 3358 Tamiami Trail

The Current Planning and Zoning Environmental Review Section reviewed the above referenced petition for **environmental, landscaping and tree compliance** and offer the following comments:

The applicant is proposing to amend the text amendment to the resolution approving the current PD to allow for a temporary use off of the original zoning classification of Commercial Intensive (C).

A GIS aerial review was conducted by staff. The sites are fully developed and are bordered on three sides by busy roads/highways.

If this petition is approved, the following conditions will be reviewed for compliance upon Site Plan Review Committee (DRC) and the issuance of any county permits and/or land improvement activities.

1. The project must comply with **Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation** requirements of the County Code. Final site plans must document best use management practices.
2. Any site clearing, including underbrush, for proposed building site must comply satisfy **Chapter 3-2, Article IX, Tree Requirements**, of the County Code. If heritage trees are found to occur on site, the provisions of **Chapter 3-2, Article IX, Section 190** of the County Code must be followed. A Tree Removal Authorization, Memorandum of Fee

GROWTH MANAGEMENT DEPARTMENT

Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1290 | Fax: 941.743.1598

Exemption, and Tree Preservation permits or No Tree Affidavit must be obtained prior to final DRC and any land clearing activity or the issuance of building permits.

3. The applicant must provide four (4) copies of a landscape plan that complies with **Chapter 3-5, Article XVIII, Landscape Requirements**, of the County Code prior to any development approval. All Brazilian pepper, melaleuca, and Australian pines must be removed from the entire site in accordance with Section 3-5-403 of the landscape requirements.

The applicant is advised that this review is cursory, additional wildlife or environmental reviews may be required by state and federal agencies.

Please contact me if you have any questions or need additional information (941) 743-1290.

JS

P:\ANIMAL\Planamen_Rezonings\2011\Z-11-11-23(HerstonTemporaryLandUse).doc

COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division
18500 Murdock Circle | Port Charlotte, FL 33948
Phone: 941.743.1242 | Fax: 941.743.1292