

Application No.

Z-13-10-13

(Rezoning)

Applicant

WBF Florida Properties III, LLC /

KIA Dealership / CG to PD

Quasi-Judicial

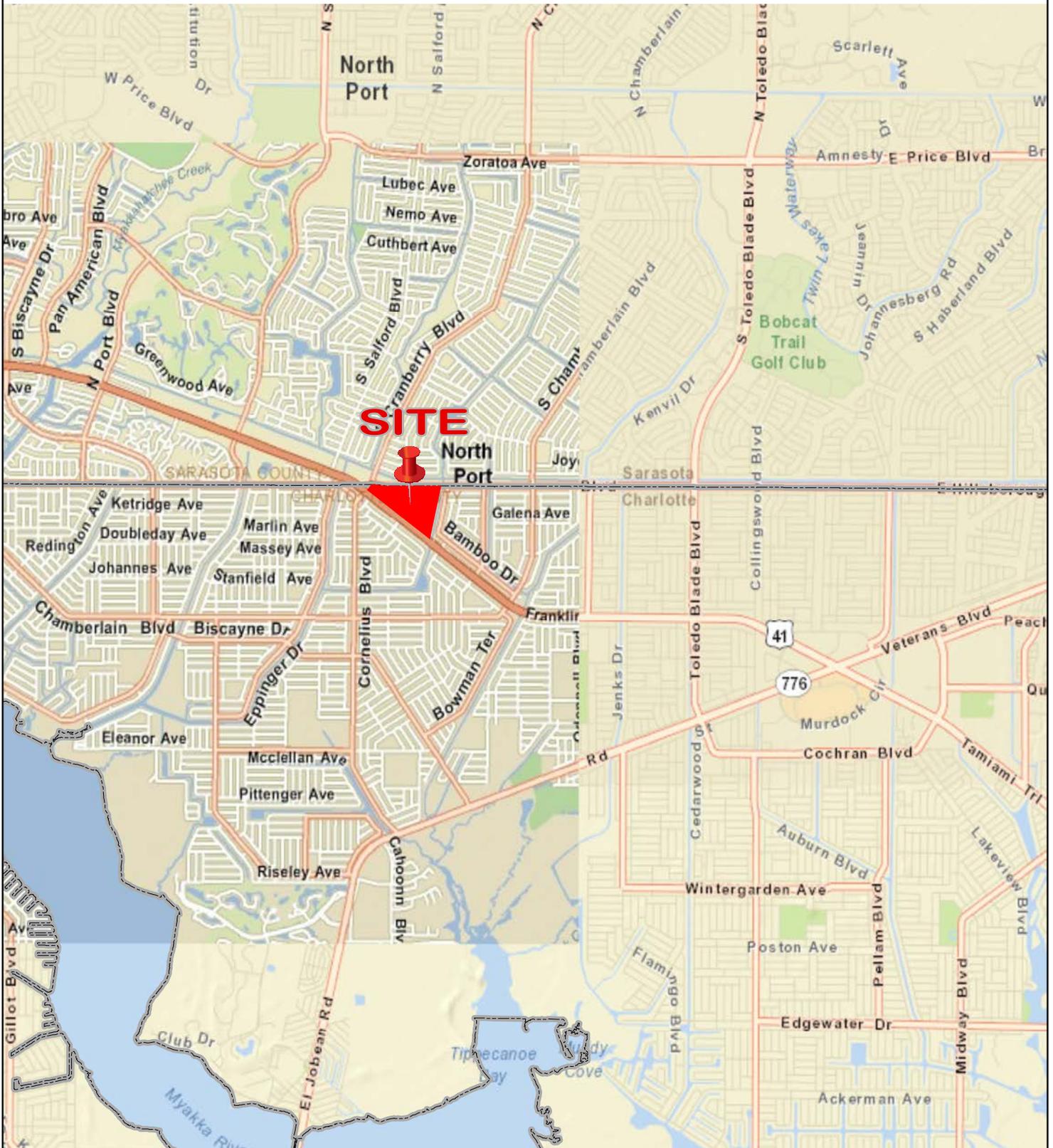
Commission Dist. IV



Community Development

CHARLOTTE COUNTY

Location Map for Z-13-10-13



03/40/21 Mid County

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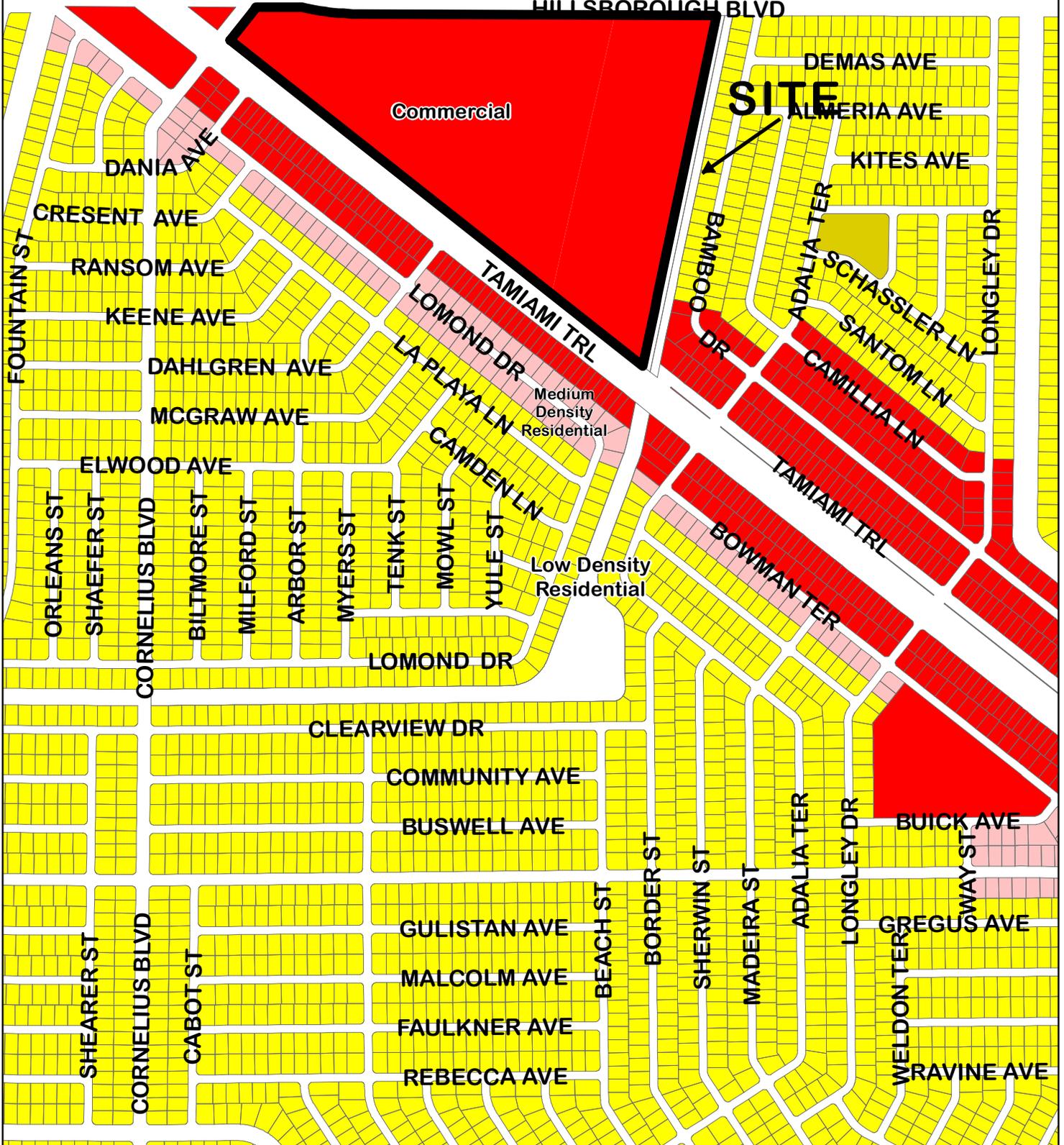
Community Development

CHARLOTTE COUNTY

FLUM Map for Z-13-10-13

City of North Port

HILLSBOROUGH BLVD



03/40/21 Mid County

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Community Development Department Staff Report for Z-13-10-13

DATE: December 2, 2013

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 Commercial General (CG) to Planned Development (PD)

PART I

Applicant(s): WBF Florida Properties III, LLC
10524 US Rt. 11
Adams, NY 13605

Owner(s): Same as applicant

**General Location
and Acreage:**

The subject property is located at 202 Tamiami Trail (U.S. 41), in the Port Charlotte area. The site contains a total of 77 acres.

Account Number(s): 402103126001

Analysis:

The applicant is requesting a rezoning from Commercial General (CG) to Planned Development (PD). The subject property is located on the northeast side of U.S. 41, in the U.S. 41 Zoning District Overlay (Overlay). The site is currently vacant and is designated as Commercial (COM) on the 2030 Future Land Use Map. The stated purpose of this petition is to amend the zoning district to PD in order to allow commercial intensive uses, which is a requirement for property located within the Overlay.

The requested commercial intensive uses would include a car dealership with full service and repair capabilities, a rental car agency, temporary customer and inventory parking areas, and outdoor entertainment associated with frequent promotional events. The primary construction would occur on the south half of the property, Phase One, which will include car inventory storage and office and repair buildings as well as the outdoor entertainment. The temporary parking would occur on the northern half of the property, Phase Two.

Compatibility and Impacts on the Adjacent Residential Uses

The property is located on the northeast side of U.S 41, in the Port Charlotte area. Bayshore Waterway, which is a 100 foot wide easement, is located directly to the east of the site. On the other side of the waterway, there are vacant platted residential lots and scattered single-family homes. To the southeast, there are vacant lots along U.S. 41 that are designated for commercial uses and some improved commercial. Across U.S. 41, to the south and southwest, there are some car repair shops, a gas station and other commercial uses. Along the northwestern tip of the property but across Cranberry Boulevard is a newly built RaceTrac gas station. This station and all land to the north of Hillsborough Blvd, which is adjacent to the north border of the site, are within the City of North Port boundary. Directly adjacent to Hillsborough Blvd there are vacant residential properties but across Cocoplum Waterway the neighborhood contains many single-family homes. The first layer of homes is between 350 and 590 feet away from the property's north boundary line.

Conditions on the proposed development include enhanced landscaping and buffering requirements to help buffer the adjacent neighborhoods from noise and visual impacts. Also, limits have been placed on the promotional events.

Consistency with the Smart Charlotte 2050 Comprehensive Plan (Smart Charlotte)

The subject property is within the Economic Corridor framework designation on the 2050 Framework map and is also located within the boundary of Smart Charlotte's U.S. 41 Overlay District. The area has been designated as COM on the Future Land Use Map. The COM Future Land Use category allows for commercial general or commercial intensive uses. The Overlay allows CI uses with a rezoning to PD. The proposed uses, if conditioned appropriately to meet the intent of the Overlay, are not contrary to Smart Charlotte.

Consistency Issues

- **Water and Sewer:** The proposed mix of commercial general and intensive uses would likely result in similar or less use of utilities compared to just commercial general uses. The site will be served by Charlotte County Utilities, which has more than adequate capacity to accommodate the proposed uses. However, at the current time, there is no sanitary sewer service which directly serves the subject property. The applicant had a meeting with staff from the Charlotte County Utilities Department, and both parties agreed that the applicant will build a lift station at its own expense and the County will pump out the lift station at the County's expense until such time as the lift station is connected to the extended sanitary sewer lines. CCU has confirmed that there is a water line that is available to the property.
- **Traffic:** After reviewing the application, the County's Transportation Planner has concluded that the County's roadways are currently operating at acceptable levels of service and would continue to operate at acceptable levels of service to the year 2016, which is the estimated buildout year for Phase One of the proposed auto dealership. However, there will be a significant impact on the intersection of U.S. 41 and Cornelius/Cranberry Boulevard. In order to minimize the impact on this intersection, a set of conditions have been formulated to ensure the development mitigates the impacts. Also, a revised traffic analysis has to be submitted along with the Phase Two of the project's site plan review. No modifications would be required for the adopted FDOT Transportation Improvement Program, 2035 Long Range Transportation Plan and County's Capital Improvements Program.

It is Staff's conclusion that the proposed development will not create concurrency issues.

STAFF RECOMMENDATION:

“Approve adoption of Petition No. Z-13-10-13 with conditions “a” through “s” based on the findings and analysis in the Comprehensive Planning Division staff report dated December 2, 2013 and any evidence presented at the public hearing on the application.”

Conclusion:

Staff recommends approval of this rezoning to PD with conditions. The conditions have been prepared in order to make the project consistent with the intent of the Overlay and other Comprehensive Plan goals, objectives, and policies. With the conditions that staff has attached, the proposed automobile dealership and its related uses should not have any detrimental impacts on existing or future uses on the surrounding properties, whether residential or commercial.

The Planning and Zoning Board proposed recommendations:

“Motion to forward application No. Z-13-10-13 to the Board of County Commissioners with a recommendation of Approval with conditions “a” through “s”/Denial, based on the findings and analysis in the staff report dated December 2, 2013 and the evidence presented at the public hearing on the application.”

Conditions:

- a. Development on the subject property shall generally occur as illustrated in the PD Concept Plan submitted by the applicant, prepared by Exceptional Engineering, Inc., dated October 2, 2013, revised on December 2, 2013, except for such modifications as may be required to meet these PD conditions and the requirements of State or Federal permitting agencies.
- b. Permitted uses, temporary uses, and signage:
 - i. All CG permitted principal uses and structures.
 - ii. Additional uses within Phase One:
 - a) An automotive dealership for new and used vehicles, and vehicle repair and service. All major mechanical and body overhaul and repair shall be conducted within enclosed buildings. Only vehicle cleaning and detailing, which includes pinstriping and touch-up painting, can be permitted outside of enclosed buildings and this activity cannot be located along U.S. 41.
 - b) Daily outside food sales. Food sales shall be broadly interpreted to include, but not be limited to, mobile food vending trucks and trailers, hot dog stands, pushcarts and tents to set up for food preparation, cooking and sales.
 - c) Special sales events wherein the uses occupy a footprint of three thousand square feet or more shall occur no more than one time per month. These events could include contests, concerts, adult or child activity stations, and similar activities not typically associated with vehicle sales.
 - 1. The provisions and limitations contained within Section 3-9-95.1, Temporary Uses, will not apply to this property.
 - 2. The owner shall submit a special event permit application with no fee required.

3. The owner shall coordinate with the Sheriff and Fire/EMS to determine whether any additional security or police service or fire and rescue service is necessary.
 4. The owner shall ensure sufficient trash receptacles and portable restroom facilities for these events.
 5. Hours of operation of any music in conjunction with a special sales event shall be limited to 8:00 AM to 9:00 PM, Sunday through Thursday, and 8:00 AM to 11:00 PM on Friday and Saturday.
 6. Temporary signage and structures, such as balloons, temporary signs, banners, and tents will be allowed. Building permits may be required for structures and tents.
 7. Special lighting for events will be allowed and permits may be required. This lighting shall be turned off no later than 9:00 PM.
 8. Each special sales event shall last only three days.
- d) Except for the monthly special events, outdoor music shall not begin prior to 7 AM and shall end no later than 9 PM.
 - e) Frequent promotional events typically associated with vehicle sales may occur on an on-going basis without limit.
- iii. Additional uses in Phase Two:
 - a) Special Sales Event Parking. The owner of the car dealership may use the area designated for Phase Two development to park overflow vehicle inventory and for public parking during the special sales events identified in b.,ii.,c) above.
 1. This parking and storage of inventory shall only coincide with once per month promotional events occurring on Phase One of the property.
 2. The portions of the Phase Two used for the special sales event parking can be cleared and stabilized in accordance with all County regulations. Sod or some other ground cover may be used. Such area shall be maintained regularly in a neat and clean condition. Only the minimal area needed for the special sales event parking shall be cleared.
 3. As part of the clearing and stabilization, existing wetlands located in Phase Two may be impacted or removed in accordance with State, Federal, and local permitting.
 4. In order to minimize the visual impacts of this intermittent use, a 30 foot wide natural buffer shall be maintained adjacent to U.S. 41, S Cranberry Boulevard, and Hillsborough Boulevard on the Phase Two development area.
 5. The owner shall show the area used for the special event parking on the Final Detail Site Plan of Phase One. More permanent uses on Phase Two can be addressed during future Final Detail Site Plan review for Phase Two.
 - iv. Automobile rental agencies.
 - v. Boat, trailer and motor sales and services.
 - vi. Car Wash.
 - vii. Equipment rental.
 - viii. Lumber and building supply establishments.
 - ix. Mini-warehouse and storage facilities.
 - x. Outdoor commercial recreation.
 - c. Maximum building height for this project shall be 60 feet measured from base flood elevation. This height limit applies to all structural elements and all elevation points.
 - d. The maximum lot coverage shall not exceed 50% and the maximum Floor Area Ratio shall be 0.6, excluding parking areas.

- e. All outdoor lighting will be shielded or directed in such a way that the light does not shine directly beyond the boundary of the subject property.
- f. The Planned Development setback requirement of 25 feet will only need to be adhered to along the boundary adjacent to Hillsborough Boulevard and where the subject property directly abuts the Bayshore Waterway, excluding the FDOT potential taking parcel shown on the Concept Plan.
- g. Landscaping and buffer requirements:
 - i. The site shall be developed with a unified landscaping theme. Only Florida Friendly plantings shall be allowed for landscape plantings.
 - ii. At a minimum, within Phase One, a Type D buffer will be placed along Hillsborough Boulevard and those portions of the development directly abutting the Bayshore Waterway.
 - a) At the owner's option, a linear preserved area may be maintained on the subject property along the Bayshore Waterway to preserve the on-site gopher tortoises and heritage trees. If utilized, the size of the preserved area will be determined by the staff and property owner at the Final Detail Site Plan Review stage.
 - iii. At a minimum, a Type A buffer will be placed along the FDOT potential taking parcel.
 - iv. At a minimum, a perimeter landscape strip with hedge and trees at 1 per 35 linear feet shall be placed along U.S. 41 within Phase One.
 - v. At a minimum, the proposed Huge Boulevard shall be landscaped.
- h. Some heritage trees will be removed due to site design constraints. As mitigation for the removal of these heritage trees, the owner will replace each heritage tree with live oak trees. The sum total of the replacement trees' caliper shall equal the sum total of each removed heritage tree's caliper.
- i. Exterior signage shall meet the existing Sign Code, Section 3-9-95 for the subject property, except as shown on the Concept and Final Detail Plans. In addition, signage shall be allowed within the entrance roadway (Huge Boulevard) for both Phase One and Two as shown on the Concept Plan.
- j. The owner may install two elevated vehicle display areas along the U.S. 41 frontage, which display areas may contain enhanced lighting and electric turntables for display of one vehicle each.
- k. The Concept Plan contains building envelopes, but the final building designs may contain larger buildings than indicated by these envelopes. This shall not be considered a change to the Concept Plan.
- l. No development shall occur prior to Final Detail Site Plan approval.
- m. The development shall be connected to a potable water distribution system.
- n. The development shall be connected to sanitary sewer lines when made available by CCU. Until that time, the owner will construct a lift station at their own expense which shall be pumped out by CCU at CCU's expense.
- o. The owner shall work with the FDOT staff in addressing all of their comments related to the conversion of the proposed directional median opening on U.S. 41 at the project entrance to Full-Median opening in order to minimize the impact of traffic at the intersection of U.S. 41 and Cornelius/ Cranberry Blvd.
- p. The owner shall work with FDOT on mitigating traffic conditions at the intersection of U.S. 41 and Cornelius/Cranberry Blvd as a part of the Phase One of the development.
- q. The entire property shall contain interior connections to provide ease of access to all developments within the property without the need to travel on external roads. As an internal collector, the north and south portions of the property shall connect to Huge Boulevard.

- r. The proposed U.S. 41 and Huge Boulevard intersection should be signalized by the developer if approved by FDOT before the remainder of the Phase Two development receives a Certificate of Occupancy.
- s. Development and redevelopment of the property shall not require a major modification rezoning of the property if the new or renovated development meets all applicable development requirements set forth in the Commercial General or Commercial Intensive Zoning Districts and the U.S. 41 Zoning District Overlay, except as modified herein.

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** Economic Corridor
2. **2030 Service Area Delineation:** Urban Service Area
3. **Existing Land Use on the Site:** The subject property is currently vacant.
4. **Existing Designation(s):**

FLUM	Development Standard
Commercial (COM)	<p>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.</p> <p>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.</p> <p>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.</p> <p>Locational Standards: These developments shall be located adjacent to and with access provided by arterial or collector roadways.</p> <p>Residential Support: up to 40,000 persons</p> <p>Size: Three to 30 acres</p> <p>Maximum Intensity: 0.5 FAR for commercial / retail 1.0 FAR for professional office buildings</p>

Zoning	Development Standard
Commercial General (CG)	<p>The commercial, general (CG) district is intended to provide areas in which the customary and traditional conduct of trade, retail sales and commerce may be carried on without disruption by the encroachment and intrusion of incompatible residential uses and protected from the adverse effects of undesirable industrial uses.</p> <ul style="list-style-type: none"> • Minimum lot size is 12,000 square feet. • Minimum lot width is 100 feet. • Maximum structure height is 60 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25 feet. ○ Side setback is 20 feet (Abutting a road). ○ Rear setback is 10 feet (Abutting a lot).

Table 1

5. Proposed Designation(s):

FLUM	Development Standard
N/A	N/A

Zoning	Development Standard
Planned Development (PD)	<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>

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	Hillsborough Boulevard Vacant lands designated for residential uses (City of North Port)	N/A	N/A
East	Bayshore Waterway Vacant lands designated for residential and commercial development Single family homes Improved commercial	Low Density Residential (LDR) Commercial (COM)	Residential Single-family 3.5 (RSF-3.5) Residential Multi-family 10 (RMF-10) Commercial General (CG)
South	U.S 41	Commercial (COM)	Commercial General (CG)

	Vacant lands designated for commercial uses Improved commercial Vacant platted lots designated for residential development Single family homes	Medium Density Residential (MDR) Low Density Residential (LDR)	Residential Multi-family 10 (RMF-10) Residential Single-family 3.5 (RSF-3.5)
West	RaceTrac gas station and vacant lands (City of North Port) Vacant lands designated for commercial uses Improved commercial Vacant platted lots designated for residential development Single family homes	N/A Commercial (COM) Medium Density Residential (MDR) Low Density Residential (LDR)	N/A Commercial General (CG) Residential Multi-family 10 (RMF-10) Residential Single-family 3.5 (RSF-3.5)

Table 3

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

The subject property is located within the boundary of the U.S. 41 Zoning District Overlay. The proposed PD zoning does not include residential density. Based on the proposed PD concept plan, the applicant will have a car dealership with full service and repair capabilities, along with a rental car agency on the Phase One (eastern portion) of the site as well as temporary parking areas, commercial general and commercial intensive uses on the Phase Two of the site.

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

The site is not located within any Community Planning Area or Special Plan area. However, the site is located within the boundary of the U.S. 41 Zoning District Overlay.

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? Yes. An environmental assessment and FLUCCS Map has been provided by BearPaws Environmental dated August 2013. A total of 1.52± acres of wetlands and 75.35± acres of upland habitat occur on site. In addition, Per the County Environmental Specialist's site inspection, additional wetland areas beyond the Wax Myrtle/Willow wetland have been identified on site.

13. Natural Resources:

- a. Significant natural resources and/or critical habitat for endangered/potentially endangered species:** Yes. An environmental assessment and FLUCCS Map has been provided by BearPaws Environmental dated August 2013. A total of 23 potentially occupied (15 active & 8 inactive) Gopher Tortoise burrows were documented on site.
- 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 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 entire site is located in Flood Zone X, an area determined to be outside the 0.2% annual change flood plain.
- e. Storm Surge Evacuation Zone:** The site is located within 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 4.7 miles to the southeast of the subject site
- c. Nearest Fire/EMS Station:**
Name: Charlotte County Station No. 1
Address: 3631 Tamiami Trail, Port Charlotte
Response Time: Approximate response time is 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 8.8 miles to the southeast 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 (CCU)

	225 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated water needs
16,100,000	9,236,000	3,250

Table 4

- 2. *Analysis:* The estimated water usage would be 3,250 gallons per day based on the Phase One of the development. Charlotte County Utilities (CCU) retains enough capacity to serve the proposed development.

- c. **Sanitary Sewage Level of Service:**

- 1. *Provider's Name:* Charlotte County Utilities (CCU)

	190 gallons per ERU per day	
Permitted Facility Capacity	Current Facility Usage	Proposed Land Use estimated sewer needs
6,000,000	6,162,000	2,763

Table 5

- 2. *Analysis:* The estimated sewer generation would be 2,763 gallons per day based on the Phase One of the development. Charlotte County Utilities (CCU) retains enough capacity to serve the proposed development. However, at the current time, there is no sanitary sewer service to the subject property. According to the application, the applicant will build a lift station at its own expense and the County will pump out the lift station at the County's expense until such time as the lift station is connected to the extended sanitary sewer lines.

- 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 2030. 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 and the Community Development Department review stormwater management plans on a project specific basis.

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?** Yes, the subject property is located immediately adjacent to the City of North Port. Staff had a couple of phone calls, email exchanges and a meeting with staff from the City of North Port to discuss this proposed project.

- 19. Has a public hearing been held on this property within the last year?** No. The applicant submitted a Site Plan Review application for a PD Concept Plan for the proposed project. The application number is DRC-PD-13-02. On November 14, 2013, the Site Plan Review committee recommended approval with conditions.

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

Future Land Use

FLU Policy 5.7.3: Commercial Access

The County shall require that commercial land uses that request to have access to local roads, but which have frontage on and access to an arterial or collector roadway, provide an analysis that provides the reasons why it is necessary. Joint access with adjacent commercial sites and safety issues must be included as part of the analysis. The commercial access may be approved by the County as part of the

Site Plan Review process should the need for the access be proven to improve the health, safety, and welfare of the public. Should the commercial land use be located within an area that has an adopted Revitalization Plan, Emerging Area Plan or Special Area Plan that provides standards for local road access, a statement referring to these standards is adequate support material.

FLU Policy 5.7.4: Commercial Landscaping and Buffering

The County shall enforce its landscaping and buffer regulations on all new commercial developments to protect the aesthetic qualities of commercial lands; to provide shady, well-landscaped parking lots in all commercial areas; and to provide buffering in order to protect adjacent, less intensive land uses from adverse impacts such as noise, lighting, and traffic. Alternate urban design standards shall be required for areas that are developed under a Revitalization Plan, an Emerging Area Plan or a Special Area Plan.

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 final action of the 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 designated as Commercial (COM) on the 2030 Future Land Use Map. The proposed rezoning to Planned Development (PD) to allow commercial intensive uses such as a car dealership and its associated facilities, which would not be contrary to the Comprehensive Plan. Specifically, the existing COM Future Land Use category allows for commercial general and commercial intensive uses.

The subject property is located within the boundary of the U.S. 41 Zoning District Overlay (Overlay). U.S 41 is the main entrance to and through the County. Due to the high visibility of developments along the U.S 41 corridor, an intent of the Overlay is to create an improved appearance along this corridor. Due to the inherent nature of uses more intensive than Commercial General, more intensive uses are only allowed through the use of the PD rezoning. The proposed use is a type of commercial intensive use and the proposed rezoning to PD will allow the County to place necessary conditions on the development. Using the Planned Development option, the proposed rezoning can be made consistent with the intent of the Overlay code.

b. The existing land use pattern in adjacent areas:

Finding: The property is located on U.S 41, in the Port Charlotte area. It is the gateway from Sarasota County to Charlotte County. To the north, across Hillsborough Boulevard, there are vacant lands and single-family homes within the boundary of City of North Port. To the east, across Bayshore Waterway, there are vacant platted residential lots, scattered single-family homes as well as vacant lands designated for commercial uses and some existing commercial businesses. To the south and southwest, across U.S. 41, there are some improved commercial and vacant lots designated for commercial uses. Further to the southwest, there are vacant platted residential lots and single-family homes. RaceTrac gas station is located across Cranberry Boulevard to the west of the site and within the City of North Port.

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

Finding: The proposed PD rezoning involves no residential density and so student populations are not expected to change as a result of this petition. According to the County's Transportation Planner, the proposed uses within Phase One of the development will not cause the Level-of-Service (LOS) of the County's roadways (U.S. 41 and Cornelius Boulevard) to fall below the adopted LOS of D to the year 2016. However, there will be a significant impact on the intersection of U.S. 41 and Cornelius/Cranberry Boulevard and in order to minimize the impact on this intersection, a set of conditions have to be met and a revised traffic analysis has to be submitted along with the Phase Two of the project's Site Plan Review. There would likely be a similar or decreased use of water and sewer services. Furthermore, Charlotte County Utilities (CCU) retains enough capacity to serve the proposed development. Although CCU currently does not provide sanitary sewer service to this area, the proposed project will be served by a lift station until such time that the lift station is connected to the extended sanitary sewer lines. Therefore, the proposed change will not create any concurrency issues with regard to on schools, roads, or utilities.

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

Finding: Yes. Changed conditions occurred with the adoption of the U.S. 41 Zoning District Overlay. The proposed development is one of the commercial intensive uses which are only allowed through a PD rezoning.

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

Finding: There are some single-family homes to the east and southeast of the site. The proposed PD rezoning allows the County to place conditions to make sure that the proposed development will not adversely influence living conditions or property values in adjacent areas.

f. Would the proposed change affect public safety?

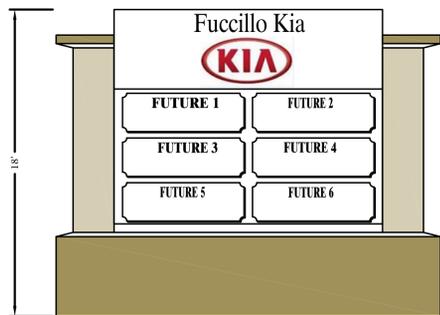
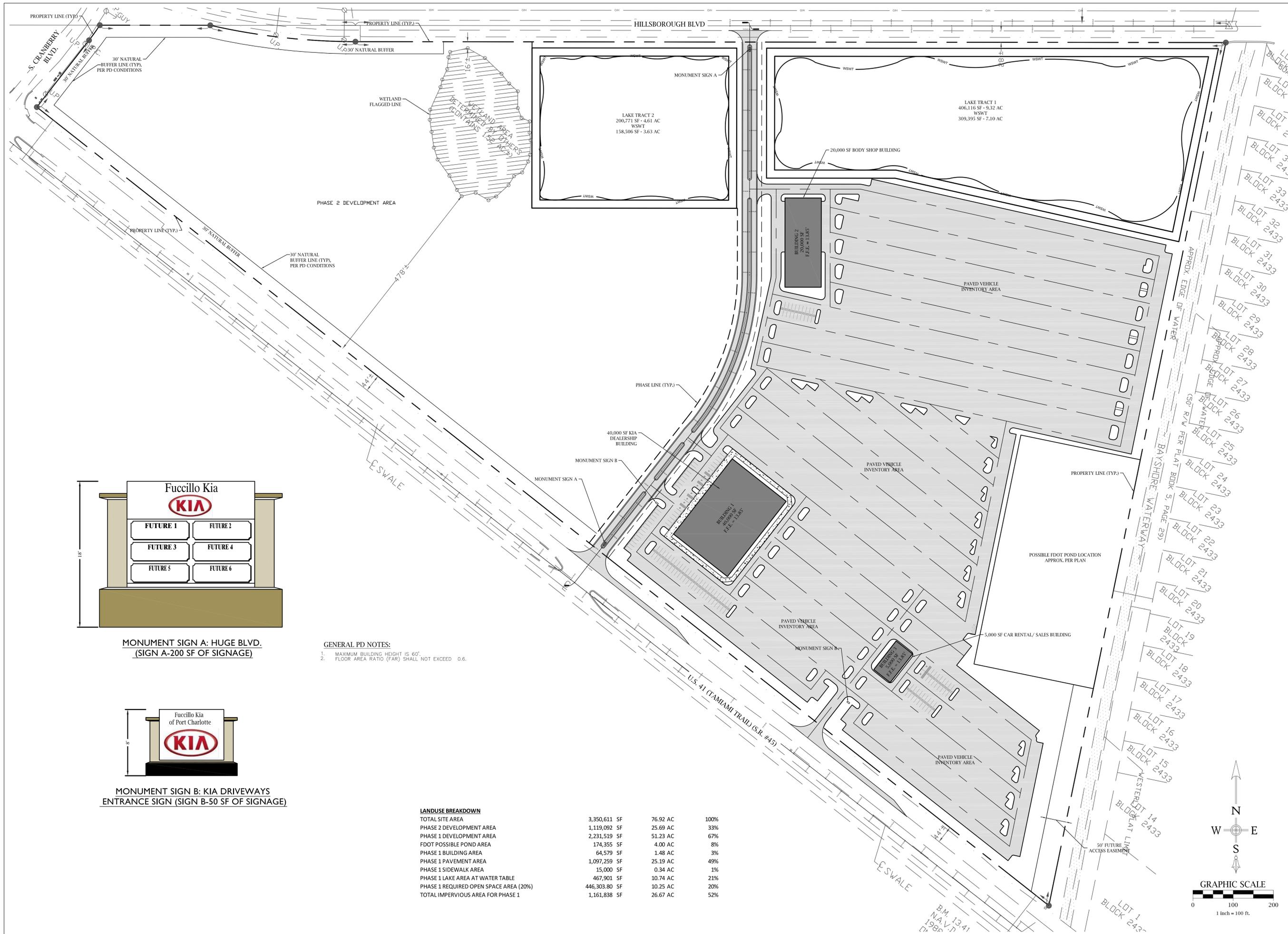
Finding: Public safety should not be affected by this proposed change.

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

Finding: The proposed car dealership and its associated uses must comply with the setbacks, height limitations, landscaping and buffering requirements set forth in the PD Concept Plan and the PD conditions. Therefore, the proposed change will not reduce light and air to adjacent areas.

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

Finding: No. There are no substantial reasons why the property cannot be used in accordance with the existing CG zoning. However, the applicant wishes to use the subject parcel for a car dealership business as well as a mixture of commercial intensive and commercial general uses. These types of commercial intensive uses are only allowed under the proposed PD zoning district within the boundary of U.S. 41 Overlay.



MONUMENT SIGN A: HUGE BLVD.
(SIGN A-200 SF OF SIGNAGE)



MONUMENT SIGN B: KIA DRIVEWAYS
ENTRANCE SIGN (SIGN B-50 SF OF SIGNAGE)

- GENERAL PD NOTES:**
1. MAXIMUM BUILDING HEIGHT IS 60'
 2. FLOOR AREA RATIO (FAR) SHALL NOT EXCEED 0.6.

LANDUSE BREAKDOWN

	SF	AC	%
TOTAL SITE AREA	3,350,611	76.92	100%
PHASE 2 DEVELOPMENT AREA	1,119,092	25.69	33%
PHASE 1 DEVELOPMENT AREA	2,231,519	51.23	67%
FDOT POSSIBLE POND AREA	174,355	4.00	8%
PHASE 1 BUILDING AREA	64,579	1.48	3%
PHASE 1 PAVEMENT AREA	1,097,259	25.19	49%
PHASE 1 SIDEWALK AREA	15,000	0.34	1%
PHASE 1 LAKE AREA AT WATER TABLE	467,901	10.74	21%
PHASE 1 REQUIRED OPEN SPACE AREA (20%)	446,303.80	10.25	20%
TOTAL IMPERVIOUS AREA FOR PHASE 1	1,161,838	26.67	52%

DATE: 12-2-13

REVISION DESCRIPTION:

THESE PLANS MAY NOT BE COPIED OR MODIFIED WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

DATE: 12-2-13

INFORMATIONAL COPY ONLY UNLESS EMPLOYED WITH REGISTERED ENGINEERS SEAL

Jason P. White
FLA. REG. P.E. #70920

Exceptional Engineering, Inc.
P.O. Box 2980, Ft. Myers, FL 33902
Tel. (239) 340-9816 | Fax. (239) 321-5298
Jason.W@exceptionaleng.com
Business Cert # 25968

Date: 07-14-13
Scale: 1" = 100'
Design: J.P.W.
CAD: J.P.W.
Check: J.P.W.
File: 13-20

FUCCILLO KIA OF PORT CHARLOTTE
CHARLOTTE COUNTY, FLORIDA

WBFLORIDA PROPERTIES III LLC
10524 US RT. II
ADAMS, NY 13605

PD CONCEPT PLAN

FUCCILLO KIA OF PORT CHARLOTTE
CHARLOTTE COUNTY, FLORIDA

SHEET # **PD**
JOB # 13-20

Application for Small Scale Plan Amendment and Rezoning
Petition Number: DRC-PD-13-02-& Z -13-10-13

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

FROM: Venkat Vattikuti

DATE: November 14, 2013

REQUESTED ACTION:

APPLICANT: William Fuccilli/WBF Florida Properties LLC, 10524 US 11, Adams, NY 13605

OWNER: William Fuccilli/WBF Florida Properties LLC, 10524 US 11, Adams, NY 13605

GENERAL LOCATION: 202 Tamiami Trail, Port Charlotte, FL 33954

ACCOUNT NUMBER: 402103126001, with a total approximate area of 51.23 acres.

1 **ANALYSIS:** From the transportation perspective, the review of the requested
2 rezoning from Commercial General (CG) to Planned Development (PD) of the
3 subject property shows that the surrounding roadway segments (mainly US
4 Highway 41, Hillsborough Blvd, Cornelius Blvd and Cranberry Blvd) within the area
5 of significance which are currently operating at acceptable levels of service
6 would continue to operate at acceptable levels of service to the year 2016 (which
7 is the estimated built-out year for Phase I, i.e. Auto Dealership). However, there will
8 be a significant impact on the intersection of US 41 and Cornelius/ Cranberry
9 Boulevard intersection and in order to minimize the impact on this intersection, the
10 conditions listed in the **RECOMMENDATION** section have to be met and a revised
11 traffic analysis has to be submitted along with the Phase II of the project's site plan
12 review. By adhering to the conditions in the next section, there wouldn't be any
13 roadway concurrency failures with the proposed re-zoning. No modifications
14 would be required for the adopted FDOT Transportation Improvement Program,
15 2035 Long range Transportation Plan and County's Capital Improvements Program.

16
17 **RECOMMENDATION:** Approve the requested REZONING (PLANNED DEVELOPMENT)
18 with the following conditions:

- 19
20 1. Applicant should work with the FDOT staff in addressing all of their
21 comments related to the conversion of the proposed directional
22 median opening on US 41 at the project entrance to Full-Median
23 opening in order to minimize the impact of traffic at the intersection of
24 US 41 and Cornelius/ Cranberry Blvd;
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2. Per the submitted analysis, Applicant should work with FDOT on the construction of dual-left turn lanes (East and Westbound) at the intersection of US 41 and Cornelius/Cranberry Blvd intersection as a part of the Phase I of the development including the needed right-of-way along Cranberry/ Cornelius Boulevards to accommodate the two receiving lanes for East and Westbound left turn traffic from US 41;
 3. When the phase II (retail portion of the development) comes on line, as a part of the site plan, the developer **must provide an internal connection** to the proposed HUGE Boulevard from the northern part of the property (retail development portion) in order to minimize the impact on US 41 and Cranberry/ Cornelius Blvd intersection; and
 4. By working with the FDOT/ County staff, the proposed US 41 and Huge Boulevard intersection should be signalized by the developer before the Phase II of the development get the certificate of Occupancy.



MEMORANDUM

Date: November 22, 2013

To: Jie Shao, Planner III

From: Jamie Scudera, Environmental Specialist

Subject: Z-13-10-13
WBF Florida Properties III, LLC - Fuccillo Kia of Port Charlotte
202 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 the 77 acre parcel from the current zoning, Commercial General (CG), and the current FLUM designation, Commercial, to Planned Development (PD).
- An environmental assessment and FLUCCS Map has been provided by BearPaws Environmental dated August 2013. A total of ± 1.52 acres of wetlands and ± 75.35 acres of upland habitat occur on site. A total of 23 potentially occupied (15 active & 8 inactive) Gopher Tortoise burrows were documented on site.

If this petition is approved, the following conditions will be reviewed for compliance prior to final Site Plan Review Committee approval and the issuance of any county permits or land improvement activities.

- All applicable county, state and federal authorization/permits, and mitigation (if necessary) will be required.
- The environmental assessment provided is only valid for one year. If a clearing/building permit has not been issued prior to the one year time frame, an updated listed species assessment will be required. Pursuant to Florida Statute 166.033, a Florida Fish and Wildlife Conservation Commission (FWCC) gopher tortoise relocation permit must be

obtained prior to the commencement of the development (at the time of clearing permit application) along with verification of successful on/off site relocation.

- To better coordinate the counties wetland review and assessment please include environmental staff in the state agencies field review. Per Smart Charlotte 2050 Comprehensive Plan ENV Policy 3.1.10 Permits: *“...Charlotte County shall also coordinate with permitting agencies to review wetland delineations prior to finalization of the agency permits. If the County determines that the boundary may be incorrect, staff will work with the permitting agency to correct the delineation.”* Per staff site inspection, additional wetland areas beyond the Wax Myrtle/Willow wetland have been identified on site.
- Per the Conditions of Approval WBF Florida Properties III, LLC, #4 *“As part of the clearing and stabilization, the existing wetlands on the Phase 2 property may be impacted or removed in accordance with State or Federal permitting.”* No development plans have been proposed for Phase 2 therefore environmental staff recommend this statement be removed for it is contrary to Charlotte County Smart Charlotte 2050 Comprehensive Plan, ENV Objective 3.1 Wetland Protection: *“To protect wetland and their natural functions and values of wetlands.”*
- If this proposal moves forward, it will be reviewed for compliance with:

Chapter 3-2:

Article IX. *TREE REQUIREMENTS**

**All heritage trees (per Section 3-2-190) must remain preserved.

Chapter 3-5:

Article IV, *CLEARING, FILLING AND SOIL CONSERVATION*,
Article XV, *SURFACE WATER AND WETLAND PROTECTION*,
Article XVI, *OPEN SPACE / HABITAT RESERVATION TRUST*,
Article XVIII, *LANDSCAPING AND BUFFERS*.

- The project must comply with the Charlotte County Smart Charlotte 2050 Comprehensive Plan with particular attention paid to the *NATURAL RESOURCES (ENV)* section.

The applicant is advised that the Charlotte County site 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

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning and Zoning Division

18500 Murdock Circle | Port Charlotte, FL 33948

Phone: 941.743.1242 | Fax: 941.743.1292

Community Development Department
 Comprehensive Planning Section
 Room 205, Building B
 18500 Murdock Circle
 Port Charlotte, FL, 33948



CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for
 PLANNED DEVELOPMENT REZONING

Date Received: 10/21/2013	Time Received: 2:00 PM
Date of Log-in: 10-28-2013	Petition #: 2-13-10-13 (PD)
Receipt #:	Accela #: RZ-13-00008
	Amount Paid: \$ 4,540.00

1. PARTIES TO THE APPLICATION

Name of Applicant: WBF Florida Properties III, LLC

Mailing Address: 10524 US Rt. 11

City: Adams	State: NY	Zip Code: 13605
Phone Number:	Fax Number:	

Email Address:

Name of Agent: Robert H. Berntsson, The BIG W Law Firm

Mailing Address: 18401 Murdock Circle, Suite C

City: Port Charlotte	State: FL	Zip Code: 33948
Phone Number: 941-627-1000	Fax Number: 941-255-0648	

Email Address: rberntsson@bigwlaw.com

Name of Engineer/Surveyor: Exceptional Engineering, Inc.

Mailing Address: PO Box 2980

City: Fort Myers	State: FL	Zip Code: 33902
Phone Number: 239-340-9816	Fax Number: 239-321-5298	

Email Address: jasonw@exceptionaleng.com

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

WBF Florida Properties III, LLC

Mailing Address: 10524 US Rt. 11

City: Adams	State: NY	Zip Code: 13605
Phone Number:	Fax Number:	

Email Address:

2. PROPERTY INFORMATION

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

Property Account #: 402103126001		
Section: 03	Township: 40	Range: 21
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 77 +/- Acres		

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	77 +/-
Zoning District(s)	Acreage
Commercial General	77 +/-

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?

Rezoning 51.23 acres of the 77 acre parcel from Commercial General (CG) to Planned Development (PD).

9. REASON FOR PROPOSED CHANGE(S):

To allow for automobile dealership and related uses.

10. CURRENT LAND USE OF SUBJECT PROPERTY (example: house, vacant land, barn, etc.):

Vacant Commercial Property

11. SURROUNDING LAND USES:

North: City of North Port

South: Commercial

East: Bayshore Waterway, Predominantly vacant residential

West: Commercial

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, Cranberry Boulevard, Hillsborough Boulevard

- 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*

AFFIDAVIT A

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 21 day of October, 2013, by Robert H. Bernatsson

who is personally known to me or has/have produced

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

Katrina Rydzenski
Notary Public Signature

[Signature]
Signature of Applicant or Agent

Katrina Rydzenski
Notary Printed Signature

Robert H. Bernatsson
Printed Signature of Applicant or Agent

Title

18401 Murdock Circle, Suite C
Address

Commission Code

Port Charlotte, FL 33948
City, State, Zip



941-627-1000
Telephone Number

AFFIDAVIT B

The applicant/owner hereby acknowledges and agrees that any staff discussion about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 21 day of October, 2013, by Robert H. Berntsson who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

<u>Katrina Rydzenski</u> Notary Public Signature	<u>Robert H. Berntsson</u> Signature of Applicant or Agent
<u>Katrina Rydzenski</u> Notary Printed Signature	<u>Robert H. Berntsson</u> Printed Signature of Applicant or Agent
_____	<u>18401 Murdock Circle, Suite C</u> Address
_____	<u>Port Charlotte, FL 33948</u> City, State, Zip
_____	<u>941.627.1000</u> Telephone Number
Commission Code 	

Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

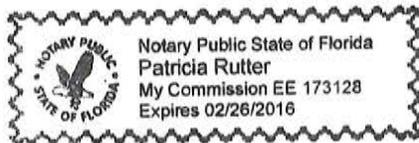
FORM A. PROPERTY OWNER AUTHORIZATION TO APPLICANT

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 Exceptional Engineering, Inc. to be the applicant for this REZONING.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 10TH day of OCTOBER, 2013, by who is personally known to me or has/have produced as identification and who did/did not take an oath.

 Notary Public Signature	<u>WBF FLORIDA PROPERTIES III, LLC</u>  Signature of Owner
<u>PATRICIA RUTTER</u> Notary Printed Signature	<u>William B. Fuccillo, MGRM</u> Printed Signature of Owner
<u>NOTARY PUBLIC</u> Title	<u>10524 U.S. RT. 11</u> Address
<u>EE 173128</u> Commission Code	<u>ADAMS, NY 13605</u> City, State, Zip
	_____ Telephone Number



Community Development Department
Comprehensive Planning Section
Room 205
18500 Murdock Circle
Port Charlotte, FL, 33948

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 Exceptional Engineering, Inc. to be my agent for this application.

STATE OF Florida, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 10TH day of OCTOBER, 2013, by

who is personally known to me or has/have produced

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

WBF FLORIDA PROPERTIES III, LLC

Patricia Rutter
Notary Public Signature

William B. Fucillo
Signature of Applicant

Patricia Rutter
Notary Printed Signature

William B. Fucillo, MGRM
Printed Signature of Applicant

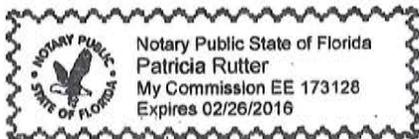
Notary Public
Title

10524 U.S. RT. 11
Address

EE 173128
Commission Code

Adams, NY 13605
City, State, Zip

Telephone Number



LETTER OF AUTHORIZATION

The undersigned do hereby swear or affirm that they are the fee simple titleholders and owners of record of property commonly known as Fuccillo Kia of Port Charlotte and located at **202 Tamiami Trail, Port Charlotte, Fl.**

The property described herein is the subject of all necessary development permits for this project. We hereby designate Exceptional Engineering Inc. as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development on the site. This representative will remain the only entity to authorize development permitting activity on the property until such time as a new or amended authorization is delivered to Charlotte County, SWFWMD & FDEP.

WBFL FLORIDA PROPERTIES III, LLC

William B. Fuccillo

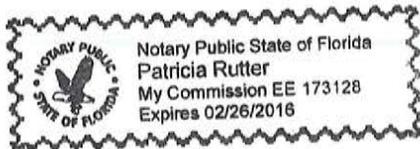
Owner

William B. Fuccillo, MGRM

Printed Name

Sworn to (or affirmed) and subscribed before me this 10th day of OCTOBER, 2013, by

WILLIAM B. FUCCILLO, who is personally known to me or who has produced _____ as identification.



Patricia Rutter

Notary Public

PATRICIA RUTTER

(Name typed, printed or stamped)

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, BIG W Law Firm to be my agent for this application.

STATE OF Florida, COUNTY OF Charlotte

The foregoing instrument was acknowledged before me this 21 day of October, 2013, by _____ who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.

Katrina Rydzenski | [Signature] President
Notary Public Signature | Signature of Applicant

Katrina Rydzenski | Jason White / Exceptional Engineering Pnc
Notary Printed Signature | Printed Signature of Applicant

_____| PO Box 2980
Title | Address

_____| Ft. Myers, Fl. 33902
Commission Code | City, State, Zip

_____| 239-390-9916
Telephone Number



REZONING NARRATIVE

WBF Florida Properties III, LLC

WBF Florida Properties III, LLC is seeking a rezoning from Commercial General (CG) to Planned Development (PD) on a portion of a 77 acre piece of property located just south of the Sarasota/Charlotte County Line on US 41. The purpose of the rezoning is to allow a Kia automobile dealership, with full service and repair capabilities, along with a rental car agency. The owner of the dealership has become a local celebrity with his advertising campaigns, and the energy and excitement generated by the dealership will be an economic boom for Charlotte County.

The applicant seeks to rezone approximately 51.23 acres of the 77 acres to allow for the developments. The PD development will sit to the south of HUGE BOULEVARD, an access roadway connecting from US 41 to Hillsborough Boulevard and providing access to the PD development, as well as the vacant CG property which will be developed in the future. The balance of the 77 acre parcel will be cleared and stabilized to allow for temporary parking during larger events, which are limited to 12 times per year. There are no archeological/historical objects on site. The stormwater facilities within the PD property will be designed to handle runoff from the balance of the 77 acre parcel.

The applicant has worked with County staff to bring forth this project. The property is located within the US 41 overlay which does not permit rezoning to CI which is required for car dealerships, thus the PD designation, which is permitted, is being sought.

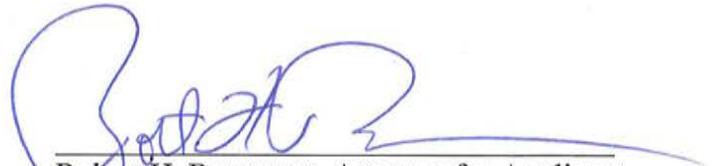
This request meets the requirements for a rezoning as follows:

- A. The proposed change would not be contrary to the Comprehensive Plan. It will allow all CG uses, plus an automobile dealership with related uses, all of which are consistent with the Commercial designation of the Future Land Use Map.
- B. The existing land use pattern in adjacent areas shows commercial along US 41. This site is a larger parcel, which lends itself to this larger scale development.
- C. The population density pattern and possible increased load on public facilities such as schools, utilities, and streets should be minimal. There is currently a full median opening on US 41 which aligns with HUGE BOULEVARD. County transportation staff supports the maintaining of the full median cut with the widening of US 41. A traffic study has been provided which shows the full median opening is warranted, and the levels of service will be maintained.
- D. Changed conditions make the passage of the proposed amendment appropriate. Large commercial properties abutting US 41 are in short supply. The adoption of the US 41 overlay code limits conventional zoning to CG and OMI uses. An automobile dealership requires a larger parcel for development. Finding such a parcel on US 41 is difficult. The PD zoning district allows to conditions to be placed in the rezoning to accommodate this use.

- E. The proposed change will not adversely influence living conditions or property values in adjacent areas. The property is already zoned for commercial uses, many of which could be more intense than the proposed use. Increased buffering is required for CI type uses over CI or OMI uses, and will be provided. The activity generated will likely enhance the value of other commercial properties in the vicinity.
- F. The proposed change will have no negative effect on public safety.
- G. The proposed change will not reduce light and air to adjacent areas. Other than the balance of the 77 acre parcel being retained as CG zoning, all other properties are across either a right of way or canal.
- H. There are substantial reasons why the property cannot be used in accordance with existing zoning. CG zoning does not allow for an automobile dealership, and car rental agencies require a special exception, but Special Exceptions are not permitted in the US 41 overlay. To find a large commercial parcel with frontage on US 41 is difficult to do. To find such a parcel which is zoned to allow an automobile dealership in Charlotte County is virtually impossible. The entire site is not required for the automobile dealership and related uses, and the remainder of the parcel, still of significant size, will be available for CG uses.

The application meets all of the requirements for a rezoning. The applicant has provided a list of conditions to enhance the development that will be included as part of the rezoning approval. The applicant owns several other dealerships that are very successful by creating an air of excitement, which is the plan for the Charlotte County project as well. Potential automobile purchasers are treated to an automobile shopping experience unlike any other. There are food vendors, entertainment, prizes and give-aways that set the dealership apart, as a regular part of the business, something is always going on.

Based on the forgoing, it is respectfully requested that the rezoning request be approved.
Submitted this 21st day of October, 2013.


Robert H. Berntsson, Attorney for Applicant