

Application No.
Z-15-09-09
(Rezoning Request)

Applicant
Creighton Construction and
Management, LLC / Parkside
Convenience Store

Quasi-Judicial

Commission District V



Community Development

CHARLOTTE COUNTY

Location Map for Z-15-09-09-PD

Charlotte County Government

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22/40/22 Mid-County



(NOT TO SCALE)

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 guarantees, implied or otherwise, to the accuracy, or completeness. We therefore do not accept any responsibilities as to its use. This is not a survey or is it to be used for design. Reflected Dimensions are for informational purposes only and may have been rounded to the nearest tenth. For precise dimensions, please refer to recorded plats and related documents.



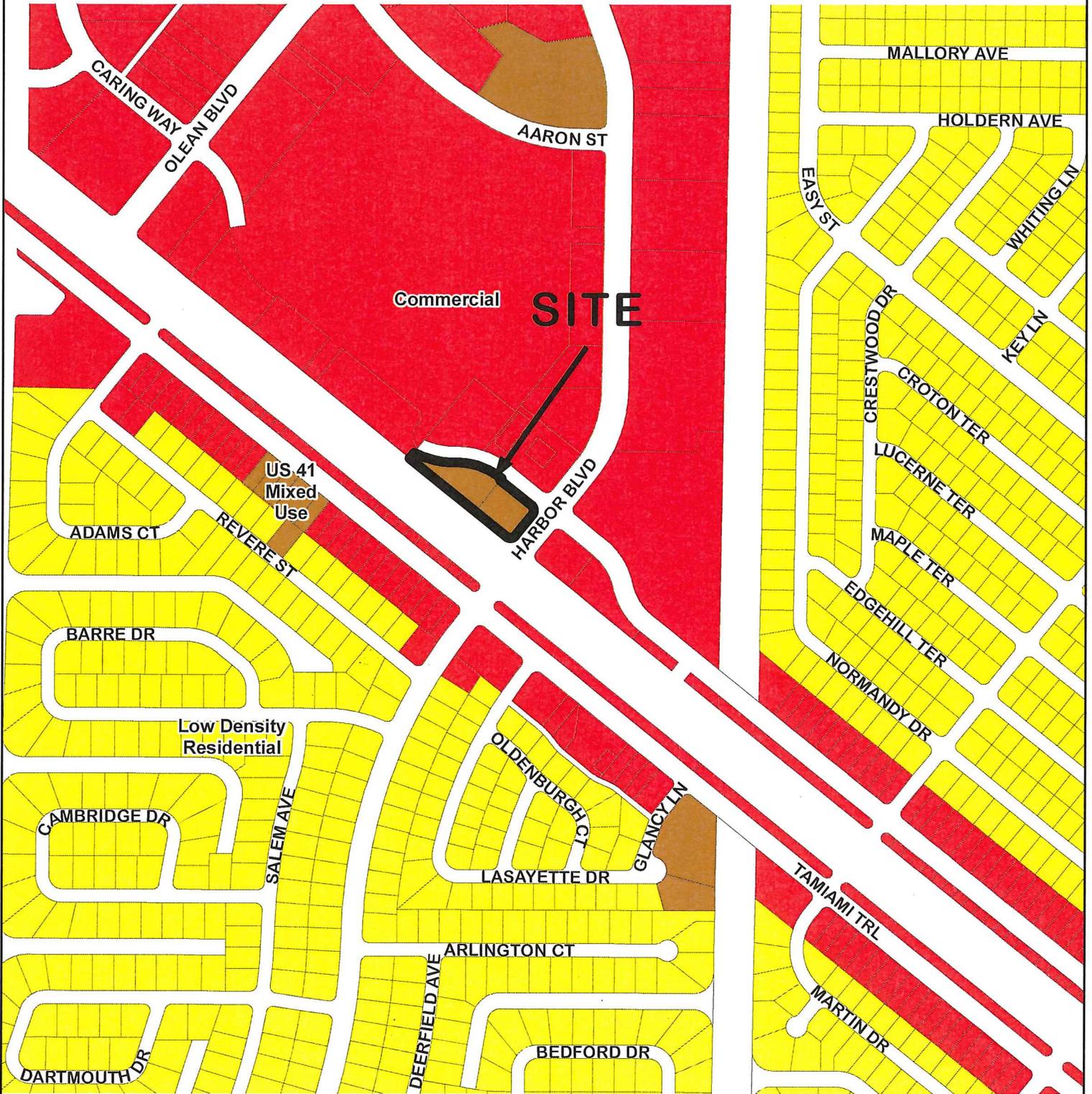
Community Development

CHARLOTTE COUNTY FLU Map for Z-15-09-09-PD

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Community Development

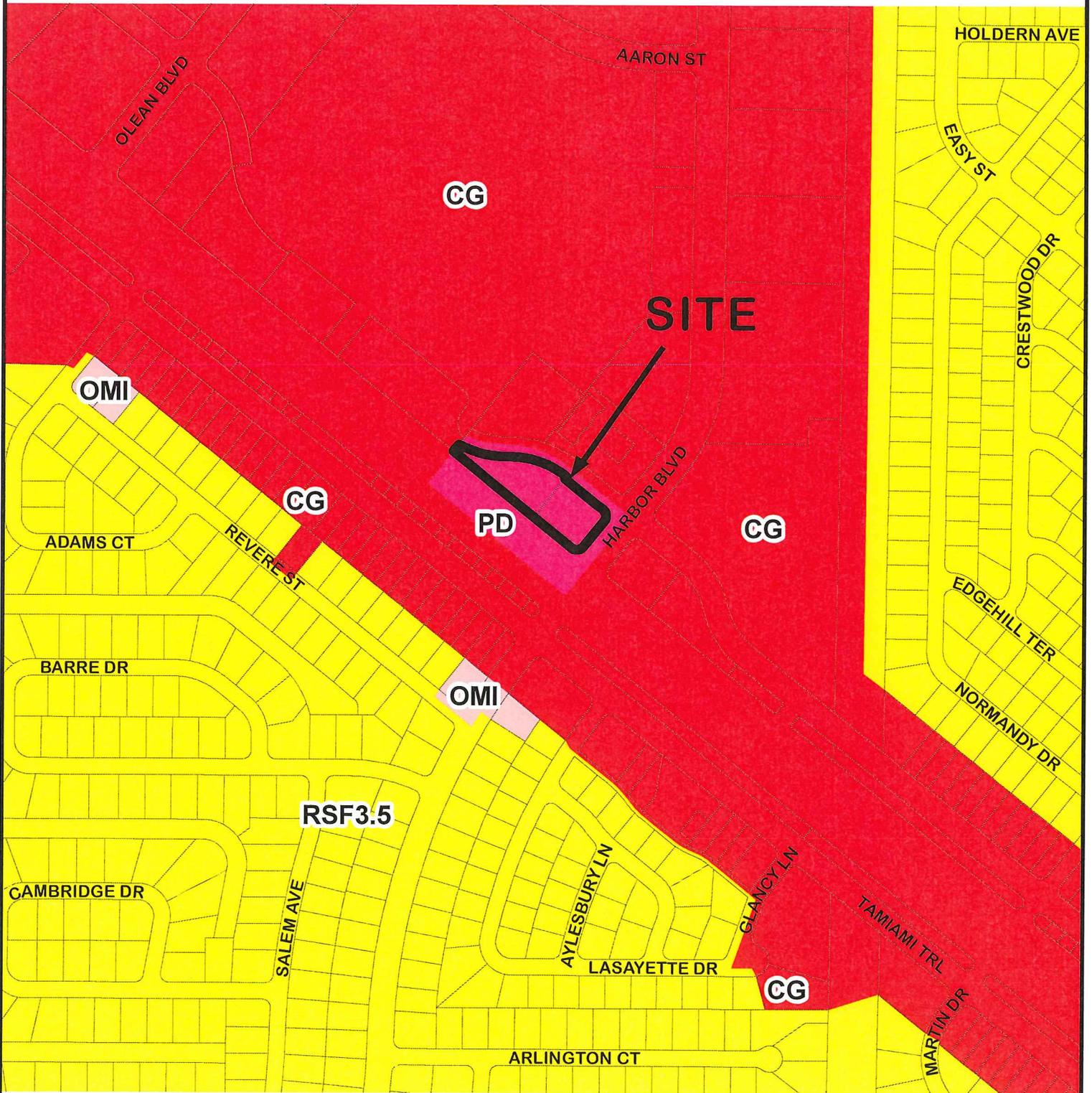
CHARLOTTE COUNTY

Zoning Map for Z-15-09-09-PD

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Community Development Department Staff Report for Z-15-09-09

DATE: October 8, 2015

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Matthew T. Trepal, Principal Planner

REQUESTED

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

PART I

Applicant(s): Creighton Construction and Management, LLC
900 SW Pine Island Road, Suite 202
Cape Coral, FL 33991

Owner(s): G-T Hasse LLC
81 Seagate Drive, Unit 1503
Naples, FL 34103

General Location

and Acreage: 1.32± acres located at 3358 and 3362 Tamiami Trail, in the Port Charlotte Area. This is within the Parkside Community Redevelopment Area.

Account Number(s): 402222255001 and 402222255002

Staff Recommendation:

“Approve adoption of petition Z-15-09-09 with conditions ‘a’ through ‘e’ based on the findings and analysis in the Comprehensive Planning Division staff report dated October 8, 2015 and any evidence presented at the public hearing.”

The Planning and Zoning Board proposed recommendation:

“Motion to forward application No. Z-15-09-09 to the Board of County Commissioners with a recommendation of Approval with conditions ‘a’ through ‘e’, based on the findings and analysis in the staff report dated October 8, 2015 and the evidence presented at the public hearing.”

Analysis:

The applicant is requesting a rezoning of this 1.32± acre property from Planned Development (PD) to PD. The site is currently partially vacant and partially occupied by a retail store, located at the northwestern corner of the intersection of U.S. 41 and Harbor Boulevard. The stated purpose of this rezoning is to allow the construction of a 7-Eleven convenience store, replacing the vacant gas station that had most recently been used as a used-car dealership. The site is designated as U.S. 41 Mixed Use (41MU) on FLUM Series Map #1: 2030 Future Land Use. It is located within the Parkside Community Redevelopment Area.

History of this Petition

This site has been the subject of several PD rezonings. In 2008, the site underwent its first rezoning (Petition No. Z-08-01-02) as part of a unified petition involving a FLUM amendment from Commercial Corridor to U.S. 41 Overlay Mixed Use and a rezoning from Commercial Intensive (CI) to PD. The only permitted use within the conditions of the PD was for a “multi-story, fully enclosed, mini-warehouse, document, self-storage facility.” The Board of County Commissioners approved this unified petition on May 20, 2008 through Ordinance numbers 2008-045 and 2008-046.

Following the approval of the unified petition, the building on the northern portion of the site was used for a general retail use, but the vacant gas station on the southern portion of the site remained vacant. The proposed self-storage facility was never constructed, and the owners approached the County to request to be allowed to use the gas station building for commercial uses not allowed under the approved PD.

In 2011, an application for a Major Modification to the adopted PD was submitted (Petition No. Z-11-11-23). This application requested that all uses allowed within the CI zoning district, including uses such as boat sales, which had been established on the site prior to the original PD rezoning but which had ceased for more than one year prior to the request for the Major Modification. The applicant also requested that these uses be allowed to continue until such time as the self-storage facility was built, but no timetable for that construction was included. The Community Development Department recommended denial of the petition, but stated that if the Board of County Commissioners adopted it, several additional conditions should be added. These additional conditions were:

- All conditions adopted as part of Ordinance No. 2008-046 (Petition No. Z-08-01-02) should continue to apply.
- Interim development would occur as detailed in the concept plan submitted as part of the application for Petition No. Z-08-01-02 and Site Plan Approval.
- Interim uses would be limited to all Commercial General (CG) uses only for parcel 402222255001, and would be limited to automotive sales, boat and boat trailer sales only for parcel 402222255002.
- Existing structures would not be permitted to expand.
- No Special Exceptions would be granted.

- Interim development would comply with the parking and landscaping requirements of the County Code of Laws and Ordinances.

The Board of County Commissioners approved this petition on April 17, 2012 through Ordinance No. 2012-009 with the conditions suggested and an additional condition that all interim uses would end on or before April 12, 2017.

Following the adoption of Ordinance No. 2012-009 a used car dealership was established in the vacant gas station building on parcel 402222255002. This use has subsequently ceased.

Compatibility and Impacts on the Adjacent Land Uses

The subject site is bounded by Tamiami Trail to the north, Harbor Boulevard to the east, and U.S. 41 to the south and west. Property to the immediate north is occupied by medical offices, while further north is the Promenades mall. More medical offices are located to the east, while a convenience store without gas pumps is located immediately across Harbor Boulevard. Property to the south and west, across U.S. 41, is occupied by retail shops.

The proposed use of a convenience store with gas pumps is compatible with the land use pattern of the surrounding area.

Consistency with the Parkside Citizens' Master Plan

The proposed project has been designed to conform to the Citizens' Master Plan of creating an urban place within Parkside, by locating the building at the corner of Harbor Boulevard and U.S. 41, with setbacks of ten and 12.5 feet, respectively. The site will have pedestrian walkways that connect to the sidewalk improvements planned along Harbor Boulevard, and the proposed convenience store building will be built in a "Main Street" commercial style, with exposed stone facing, finished facades along all four sides, and windows along Harbor Boulevard and U.S. 41. In addition, the site has reserved two spots for Parkside identification signage, meeting the Citizens' Master Plan goal of creating an identifiable destination with gateways.

The proposed site plan was presented to the TEAM Parkside Executive Committee, who expressed their support for this project. Their letter of support is attached to this staff report as "Attachment A."

Consistency with Charlotte 2050

The subject site is located within a Revitalizing Neighborhood as depicted on Charlotte 2050 FLUM Series Map #2: 2050 Framework, and is located within the Parkside Community Redevelopment Area as depicted on FLUM Series Map #26: Community Redevelopment Areas. The future land use designation is U.S. 41 Mixed Use, which allows for "redevelopment and new development along the U.S. 41 corridor to build a greater density and intensity, creating an urban character, providing a more attractive economic and business climate, and complementing the

County's beautification efforts." It allows "commercial, institutional, multi-family residential uses, and public services and facilities."

By redeveloping an existing site, the proposed project is consistent with **FLU Policy 4.2.3: Maintain Residential Compatibility**, which states that the County shall protect the "core residential neighborhood" in a Revitalizing Neighborhood from "the sensory intrusions of adjacent, more intense uses." The distance of this site from existing residential areas within Parkside ensures that there should be no such intrusions.

Concurrency Issues

- **Traffic:** After reviewing the application, the County's Transportation Planner has concluded that the proposed development would not create an adverse impact on the surrounding roadway network and no additional improvements are needed.
- **Water and Sewer:** The subject site is served by Charlotte County Utilities (CCU) and consists of an existing 1,500 square foot retail store, which would remain, and a proposed 3,010 square foot convenience store. These two uses would generate a combined potable water demand of 226 gallons per day and combined sanitary sewer collection demand of 192 gallons per day. The applicant's estimate of demand is 451 gallons per day for both potable water and sanitary sewer collection. CCU has sufficient permitted capacity to serve the proposed development, and correspondence with the utility indicates that both existing structures have existing water and sewer service accounts.
- **School Generation:** No residential uses are proposed in this rezoning, so there will be no impacts upon the public school system.

Concept Plan:

The concept plan associated with this PD rezoning was recommended for approval during Site Plan Review.

Conclusion:

Staff recommends approval of this rezoning because it is consistent with Charlotte 2050 and accomplishes the intent of the Parkside Citizens' Master Plan.

Conditions:

- a) Development on the subject property shall occur as generally illustrated on the PD Concept Plan submitted by the applicant, prepared by Banks Engineering, dated September 3, 2015, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review (Petition No. DRC-PD-15-03) conditions of approval according to the letter dated September 18, 2015 are required to be met.
- b) No development shall occur prior to Final Site Plan approval.
- c) The following uses may be permitted:
 - i) Parcel 402222255001:
 - (1) Animal hospital, boarding facility

- (2) Art, dance, music, photo studio or gallery
 - (3) Bank, financial services
 - (4) Business services
 - (5) Drug store, pharmacy
 - (6) Dry cleaner
 - (7) General offices
 - (8) General retail sales and services
 - (9) Laundromat
 - (10) Medical or dental office, clinic
 - (11) Personal services
 - (12) Professional services
 - (13) Recreation, indoor
 - (14) Restaurant
- ii) Parcel 402222255002:
- (1) Convenience store with gas pumps
- d) The convenience store shall be constructed as generally illustrated on the building elevations prepared by K M Design, dated September 17, 2015, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review (Petition No. DRC-PD-15-03) conditions of approval according to the letter dated September 18, 2015 are required to be met. These elevations are included as “Attachment B.”
- e) All landscaping and buffers shall be installed and maintained according to standards established in Section 3-9-100.
- f) All off-street parking and loading facilities must meet the requirements of Section 3-9-79, as may be amended.

PART II: RESEARCH AND FINDINGS

1. **2050 Framework Designation:** The subject site is designated as a Revitalizing Neighborhood.
2. **2030 Service Area Delineation:** The subject site is located completely within the Urban Service Area.
3. **Existing Land Use on the Site:** The subject site is currently occupied by a retail store and a vacant gas station building most recently used as a used car dealership.

4. Existing Designation(s):

FLUM	Development Standard
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

	<p>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>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.</p> <p>Minimum and Maximum Density and Maximum Intensity <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> <p>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.</p>
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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</p>

	<p>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)	<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</p>

	<p>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 2

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

Direction	Existing Land Use	FLUM Designation	Zoning District Designation
North	Medical services offices; medical condominium; community shopping center	Commercial	Commercial General (CG)
East	Convenience store without gas; medical condominiums	Commercial	Commercial General (CG)
South	U.S. 41 right-of-way; stores; vacant commercial	Commercial	Commercial General (CG)
West	Medical condominium	Commercial	Commercial General (CG)

Table 3

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

The proposed change would replace the existing 1,056 square foot vacant gas station building with a 3,010 square foot convenience store with eight gas pumps. The existing 1,500 square foot retail store would be unchanged, for a total of 4,510 square feet of commercial development on the site, an increase of 1,954 square feet.

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

The subject site is located within the Parkside CRA.

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

No, there are no parks, preserves, or reserves located within the subject site.

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 property does not contain any designated archaeological or historic structures.

12. Are there wetlands on the property? No

- 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, according to the County's Environmental Specialist report dated October 8, 2015..
- b. **Possible impacts to groundwater, surface water, wetlands or other significant natural resources:** None
- 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?** No
- 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 located outside of the established flood zones.
- e. **Storm Surge Zone:** The site is located within the Category 3 Storm Surge zone.
- f. **Coastal High Hazard Area?** No
- g. **Could the proposed changes impact evacuation times?** No

15. Facilities and Services**a. Nearest Park:**

Name: McGuire Park

Classification: Neighborhood

Address: 21125 McGuire Avenue, Port Charlotte

Distance: Located approximately 0.9 miles northwest of the subject site.

b. Nearest Police Station:

Name: District 2

Address: 1441 Tamiami Trail, Port Charlotte

Distance: Located approximately 980 feet north 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:

Name: Port Charlotte Library
Address: 2280 Aaron Street, Port Charlotte
Distance: Located approximately 0.7 miles north of the subject site.

e. Nearest Hospital:

Name: Fawcett Memorial Hospital
Address: 21298 Olean Boulevard, Port Charlotte
Distance: Located approximately 0.4 miles north of the subject site.

f. Nearest Potential Emergency Shelter:

Name: Cultural Center of Charlotte County
Address: 2280 Aaron Street, Port Charlotte
Distance: Located approximately 0.7 miles north of the subject site

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

Permitted Facility Capacity	225 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated water needs
16,100,000	9,243,000	226

Table 4

2. *Analysis:* This PD proposes a 3,010 square foot convenience store with gas pumps and an existing 1,500 square foot retail store. The estimated water usage would be 226 gallons per day. Charlotte County Utilities retains enough capacity to serve the proposed uses.

c. Sanitary Sewage Level of Service:

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

Permitted Facility Capacity	190 gallons per ERU per day	
	Current Facility Usage	Proposed Land Use estimated sewer needs
6,000,000	5,446,000	192

Table 5

2. *Analysis:* This PD proposes a 3,010 square foot convenience store with gas pumps and an existing 1,500 square foot retail store. The estimated sanitary sewer usage would be 192 gallons per day. Charlotte County Utilities retains enough capacity to serve the proposed uses.

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:

LOS Standard		
High	Middle	Elementary
95% of total FISH	100% of total FISH	100% of total FISH
Student Generation		
0	0	0

1. *Analysis:* No residential development is proposed in this PD, therefore there will be no impacts upon school concurrency.

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 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?** No

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

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

FUTURE LAND USE ELEMENT

FLU GOAL 1: SMART GROWTH FRAMEWORK

Implement a land use and development framework based upon Smart Growth Principles that will:

- Preserve and protect natural resources.
- Preserve and support agricultural uses.
- Protect and enhance residential neighborhoods.
- Promote economic development.
- Prevent urban sprawl.
- Encourage and support energy efficient land use forms.
- Ensure adequate services and facilities to serve new and existing development.
- Protect private property rights.

FLU Objective 1.2: Future Land Use Map (FLUM)

To direct the timing, location, density, and intensity of development and redevelopment throughout Charlotte County consistent with the Principles of Smart Growth and the 2050 Framework Report and Concept Plan.

FLU Policy 1.2.3: Urban Service Area

For lands within the Urban Service Area, this Plan:

1. Promotes infill redevelopment and compact new development that will minimize the conversion of agricultural and rural lands for urban use.
2. Maximizes the efficient use of available urban infrastructure.
3. Establishes the priority locations for the extension of that infrastructure.
4. Prohibits the expansion of Urban Service Area land use designations, identified in FLU Table A-1 of FLU Appendix I, outside the Urban Service Area.
 - a. The County shall not allow any increases in density or intensity through rezonings or plan amendments within the Rural Service Area except through amendments to Rural Community Mixed Use or Mineral Resource Extraction FLUM categories and consistent Zoning designations.

FLU GOAL 4: SMART GROWTH CONCEPT PLAN IMPLEMENTATION -- NEIGHBORHOOD PROTECTION AND ENHANCEMENT

Enhance the livability and viability of neighborhoods through the implementation of a coordinated strategy that discourages urban sprawl and:

- Preserves and protects existing viable neighborhoods and subdivisions.

- Promotes revitalization and infill development in neighborhoods that are aging.
- Redefines existing under-developed platted subdivisions by promoting alternatives that create walkable places which integrate commercial uses and introduces a mixture of housing types.
- Establishes limitations and constraints for areas of platted lots that are sparsely developed, lack urban services, or are encroaching into sensitive environmental lands.

FLU Objective 4.2: Revitalizing Neighborhoods

To promote the renewal and redevelopment of areas in order to create more sustainable development patterns, densities, intensities, and mixes of uses through developing and implementing specific Neighborhood Revitalization Plans.

FLU Policy 4.2.3: Maintain Residential Compatibility

As the County intensifies Revitalizing Neighborhoods, it shall protect the core residential neighborhood from the sensory intrusions of adjacent, more intense uses. Sensory intrusions include unwanted light, noise, physical access, odor and other sources of disruptions. These criteria shall include provisions that:

1. Prevent uses that generate obnoxious sensory intrusion from being developed or expanded in certain areas.
2. Eliminate or reduce the sensory intrusions of proposed development or redevelopment.
3. Intercept or prevent the sensory intrusion from affecting the adjacent use.

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 proposed rezoning to PD would not be contrary to the Comprehensive Plan since the proposed use is a convenience store and the underlying FLUM designation is U.S. 41 Mixed Use, whose purpose is to allow for “redevelopment and new development along the U.S. 41 corridor...” and allow “a mixture of commercial, institutional, office, multi-family residential uses and public services and facilities.”

b. The existing land use pattern in adjacent areas:

Finding: On all sides, the land around the subject site is developed. To the north, across the Tamiami Trail access road, the site is adjacent to medical offices and, beyond that, the Promenades mall. To the east, across Harbor Boulevard, the site is adjacent to a convenience store and more medical offices. To the south, across U.S. 41, the site is adjacent to various commercial uses, predominantly retail. To the west, the site is adjacent to medical offices.

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

Finding: The proposed PD rezoning involves a 3,010 square foot convenience store and an existing 1,500 square foot retail store. The convenience store would replace an existing vacant 1,056 square foot gas station building that was last used as a used car dealership. There will be increased demand upon public facilities, especially the road network.

Since no residential uses are proposed as part of this PD, there will be no impact upon the public school system.

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

Finding: The existing PD conditions, adopted in 2012, will expire in 2017. At that point the PD conditions adopted in 2008, which limited uses on the site to a self-storage facility, would resume. The property owners no longer feel that facility is economically viable, and are proposing a long-term use for the site. Therefore, changed conditions make the adoption of the proposed amendment appropriate.

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

Finding: The proposed PD rezoning should enhance the property values of the surrounding properties through the replacement of an old and vacant building with new construction. The development of a convenience store on the subject site should provide ready access to small convenience-retail needs for workers and patrons of the nearby medical offices as well as residents in the surrounding Parkside community.

f. Would the proposed change affect public safety?

Finding: No.

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

Finding: The subject site is generally physically separated from surrounding properties by wide road and rights-of-way. Development should have minimal impact upon the amount of light and air that reaches adjoining areas.

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

Finding: Yes. The existing zoning of the property contains provisions that change the allowable uses in 2017 and require a use that the owner considers no longer economically viable. Adoption of this amendment would allow for a viable permanent use for the site.

TEAM Parkside



August 5, 2015
Creighton Commercial Development
900 SW Pine Island Road
Suite # 202
Cape Coral, Fl. 33991

Re: Parkside CRA

Dear Mr. Carpenter:

It was a pleasure meeting you at our July 23, 2015 special board meeting. The proposal you presented for the use of the parcel of land at the corner of Harbor Blvd. and 41 was very informative. You are proposing to construct a 7-11 store that will have six gas pumps on this parcel. As you are aware, this is a very important gateway for Parkside CRA. It is our understanding that you are proposing to move the building to the front of the property, with the pumps on the side, to give an easement for two Parkside signs on the parcel, landscape and limit signage and an urban look to the building with field stone, similar to what is on the Promenades property.

It is our understanding that you have agreed to allow Parkside to have input on this parcel's development. Our board has discussed your proposal and we are in favor of your proposed use of this parcel.

Sincerely,

A handwritten signature in black ink that reads "K. Stephen Carter". The signature is written in a cursive style with a large, stylized "C" at the end.

K. Stephen Carter
President

LARGE SCALE PLAN AMENDMENT
Petition/ Account Number: Z-15-09-09-PD

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

FROM: Venkat Vattikuti

DATE: October 15, 2015

REQUESTED ACTION: Recommended for Approval

APPLICANT: Charlotte County Board of County Commissioners (BCC)

OWNER: Creighton Construction and Management, LLC

GENERAL LOCATION: Northeast Corner of U.S. Highway 41 and Harbor (approximately 1.32 acres) with property account # 402222255001 & 402222255002 in Parkside CRA.

1 **ANALYSIS:**

2 The subject property is located within the Parkside Redevelopment Area (CRA), a
3 previously planned development in Charlotte County. The associated Future Land
4 Use Map (FLUM) designation is US 41 Mixed Use. The applicant is proposing a
5 rezoning from Planned Development to Planned Development with no residential
6 uses, but with a use (Convenience Store with Fuel Pumps) permitted by right in the
7 Commercial General (CG) zoning district with no special exception or conditional
8 uses.

9
10 From transportation perspective, there won't be any roadway failures with the
11 vicinity of the subject property due to the proposed rezoning request. This
12 redevelopment actually helps to reduce the existing driveways along US 41 and
13 Harbor Blvd and improve the traffic flows.

14
15 **RECOMMENDATION:** Recommend for approval from the transportation
16 perspective.

LARGE SCALE PLAN AMENDMENT
Petition/ Account Number: Z-15-09-09-PD

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The Planning and Zoning Board

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13 Harbor Blvd and improve the traffic flows.

14
15 **RECOMMENDATION:** Recommend for approval from the transportation
16 perspective.



MEMORANDUM

Date: October 8, 2015
To: Matt Trepal, Principal Planner
From: Bill Byle, Environmental Specialist
Subject: Z-15-09-09-PD - Creighton Construction and Management / Parkside 7-11

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

Staff does not believe the proposed project will cause any direct, on-site adverse environmental impacts and therefore recommends approval of the project.

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) 743-1223

Bill Byle, Environmental Specialist
Zoning Division
Charlotte County Community Development Department
18500 Murdock Circle, Pt. Charlotte, Florida 33948
Office: 941-743-1223, Fax: 941-743-1292, Cell - 941-628-3465
email: william.byle@charlottefl.com



CHARLOTTE COUNTY
 COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION for
 PLANNED DEVELOPMENT REZONING

Date Received: 9/21/15	Time Received: 4:15
Date of Log-in: 4:40pm	Petition #: Z-15-39-120 Z-15-09-09.PD
Receipt #: 228792	Accela #: Z-15-39-120
	Amount Paid:

1. PARTIES TO THE APPLICATION

Name of Applicant: Creighton Construction and Management, LLC

Mailing Address: 900 SW Pine Island Road, Suite 202

City: Cape Coral	State: FL	Zip Code: 33991
------------------	-----------	-----------------

Phone Number: (239) 210-0455	Fax Number: (239) 673-7328
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Email Address:

Name of Agent: Geri L. Waksler, McCrory Law Firm, PL

Mailing Address: 309 Tamiami Trail

City: Punta Gorda	State: FL	Zip Code: 33950
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Phone Number: (941) 205-1122	Fax Number: (941) 205-1133
------------------------------	----------------------------

Email Address: geri@mccrorylaw.com

Name of Engineer/Surveyor: Todd Rebol, Banks Engineering

Mailing Address: 12653 SW County Rd. 769, Suite B

City: Lake Suzy	State: FL	Zip Code: 34269
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Phone Number: (941) 625-1165	Fax Number: (941) 625-1149
------------------------------	----------------------------

Email Address: TRebol@BanksEng.com

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

Mailing Address: 81 Seagate Dr., Unit 1503

City: Naples	State: FL	Zip Code: 34103
--------------	-----------	-----------------

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 #: 402222255002, 402222255001		
Section: 22	Township: 40	Range: 22
Parcel/Lot #:	Block #:	Subdivision:
Total acreage or square feet of the property: 1.32 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
US 41 Mixed Use	1.32 acres
Zoning District(s)	Acreage
Planned Development	1.32 acres

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?

Planned Development to Planned Development; no residential uses are proposed.

9. REASON FOR PROPOSED CHANGE(S):

Redevelopment of the site for a convenience store with gas pumps

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

Out-of-business used car lot

Existing commercial retail store

11. SURROUNDING LAND USES:

North: Doctors' offices - Commercial Land Use

South: US 41, Retail stores - Commercial Land Use

East: Harbor Boulevard, Circle K convenience store - Commercial Land Use

West: Doctor's office - Commercial Land Use

12. ENVIRONMENTAL ASSESSMENT: Redevelopment therefore not required.

- 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, Harbor 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*

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.cegis.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 Creighton Construction and Management, LLC (Applicant) and Geri L. Waksler (Applicant's Agent) to be the applicant for this REZONING.

STATE OF FLORIDA, COUNTY OF Collier

The foregoing instrument was acknowledged before me this 3rd day of September, 2015, by

Gary B. Price who is personally known to me or has/have produced as identification and who did/did not take an oath.

Patricia Lawton
Notary Public Signature

GT-HASSE LLC
By: [Signature]
Signature of Owner

Notary Printed Signature

AGENT FOR GLENN HASSE
Printed Signature of Owner & Title

Title

81 Seagate Dr., Unit 1503
Address

Commission Code

Naples, Florida 34103
City, State, Zip

239-262-0745
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 Gerl L. Waksler; McCrory Law Firm to be my agent for this application.

STATE OF FLORIDA, COUNTY OF Lee

The foregoing instrument was acknowledged before me this 18th day of Sept, 2015, by

G. Brent Evans who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.
CReIGHTON CONSTRUCTION AND MANAGEMENT, LLC

Kimberly A. Hauser
Notary Public Signature

By: G. Brent Evans
Signature of Applicant

Kimberly A. Hauser
Notary Printed Signature

G. Brent Evans
Printed Signature of Applicant & Title

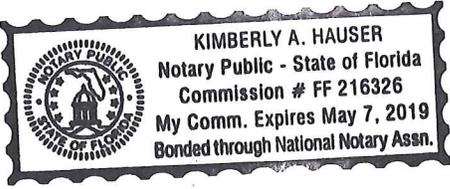
Admin Asst.
Title

900 SW Pine Island Road., Suite 202
Address

FF 2116326
Commission Code

Cape Coral, FL 33991
City, State, Zip

239-210-0455
Telephone Number



AFFIDAVIT A

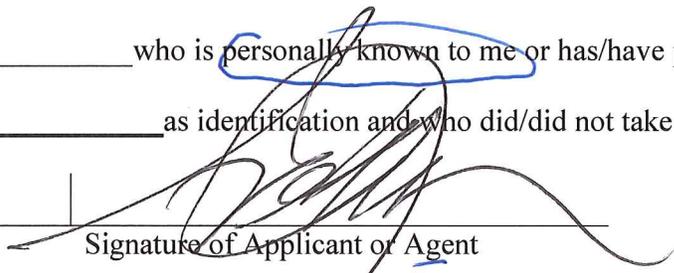
I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made 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 18th day of SEPTEMBER 2015, by GERI L. WAKSLER who is personally known to me or has/have produced _____ as identification and who did/did not take an oath.



Notary Public Signature
Susan C. Johnson



Signature of Applicant or Agent
Geri L. Waksler

Notary Printed Signature
Printed Signature of Applicant or Agent
McCrary Law Firm
309 Tamiami Trail

Title
Address
Punta Gorda, FL 33950

Commission Code
City, State, Zip
(941) 205-1122
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 Lee

The foregoing instrument was acknowledged before me this 18th day of Sept, 2015, by

G. Brent Evans who is personally known to me or has/have produced

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

CREIGHTON CONSTRUCTION AND MANAGEMENT, LLC

Kimberly A. Hauser
Notary Public Signature

By: G. Brent Evans
Signature of Applicant or Agent

Kimberly A. Hauser
Notary Printed Signature

G. Brent Evans
Printed Signature of Applicant or Agent & Title

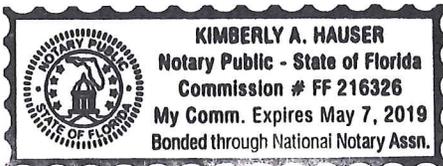
Admin. Asst.
Title

900 SW Pine Island Road, Suite 202
Address

FF 216326
Commission Code

Cape Coral, FL 33991
City, State, Zip

239-989-3102
Telephone Number



Creighton Construction and Management, LLC
Application for Planned Development Rezoning

REZONING NARRATIVE

Creighton Construction and Management, LLC is applying for a rezoning from Planned Development to Planned Development on a 1.32 acre site located at the northeast corner of U.S. 41 and Harbor Boulevard in Parkside. The portion of the site containing an existing 1,500 square foot retail building (currently a jeweler/gold exchange) will remain unchanged. All structures on the former used car lot will be demolished and redeveloped as a convenience store with fuel pumps. The redevelopment site has been designed in consultation with Team Parkside. The building has been moved to the property lines at the intersection, with the fuel pumps behind the building. Commercial design features have been incorporated on all four facades. Non-conforming access points have been eliminated. A landscaping strip has been added around the redevelopment site. Additionally, the design incorporates two locations for Parkside identification signs.

Property development regulations are set forth on the conceptual site plan. The applicant requests all uses permitted by right in the CG- Commercial General zoning district. No special exception or conditional uses are proposed.

- a. Whether the proposed change would be contrary to the Comprehensive Plan.

The proposed change will not be contrary to the Comprehensive Plan.

The following Goals, Policies and Objectives apply to this application:

Future Land Use Goals, Policies and Objectives

DEFINITIONS OF FUTURE LAND USE MAP CATEGORIES

COMMERCIAL (COM)

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

General Range of Uses

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

Sub-category Standards

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

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

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

The subject property is designated Commercial on the Future Land Use Map. It is located at the intersection of and has access to U.S. 41, an arterial roadway and Harbor Boulevard, a collector roadway. The site is an outparcel of a commercial node located at the intersection. The proposed convenience store is consistent with the retail uses permitted in this category. FAR is approximately .07, beneath the allowable maximum intensity.

U.S. 41 OVERLAY DISTRICT (41OD)

Charlotte County recognizes that U.S. 41 is a major thorough fare 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.

The subject property is located within the U.S. 41 Overlay District. Charlotte County has adopted land development regulations for this area which are set forth in Section 3-9-52 of the Charlotte County Code of Ordinances. The development of the site is in accordance with the provisions of U.S. 41 Zoning District Overlay.

FLU Objective 5.4: Economic Corridors

To improve the visual and functional quality of streets and highways through actions that encourage mixed use development along corridors with a stronger emphasis on connectivity and more attractive physical design.

FLU Policy 5.4.1: Strengthen Character

The County shall continue to prepare Corridor Studies and to adopt FLUM and Zoning District Overlays for important corridors that address land use and design issues such as opportunities for mixed use development, building placement, parking lot design and access, shared parking options, site and corridor landscaping, and signage requirements to guide future development in a manner consistent with the desired character of the County . . .

The site was designed to incorporate the suggestions of Team Parkside and to reflect the goals of the Parkside redevelopment plan. The applicant has provided a landscaped buffer around three sides, eliminated nonconforming access points, moved the building to the corner and placed the gas pumps behind the building, placed the garbage dumpster interior to the site, incorporated design elements on all building frontages and provided two locations for Parkside identification signs.

Through the placement of structures, the use of enhanced buffers and building design elements, and the incorporation of a walkway for a future connection to Harbor Boulevard pedestrian improvements, the site design seeks to appropriately conform to the U.S. 41 Zoning Overlay District and to the larger redevelopment goals for Parkside.

FLU Policy 5.4.3: Access and Connectivity

The County shall amend the Code of Laws and Ordinances within one year of the effective date of this comprehensive plan to incorporate additional access and connectivity standards for developments along Economic Corridors with the following provisions:

1. Development should approach the internal street network in a way that prioritizes smaller walkable streets rather than wider streets designed solely for vehicular uses.
2. Require joint access for new developments between the allowable driveway openings and parking lots between developments, to increase internal circulation and connectivity.

The concept plan eliminates five non-conforming access drives into the site and replaces them with two access points which will be shared by the convenience store and the existing retail structure on the site.

- b. The existing land use pattern in adjacent areas.

The surrounding area is developed with a long-standing commercial center containing a mix of retail and office and institutional uses both within the center itself and on the outparcels along U.S. 41 and Harbor Boulevard. Across Harbor Boulevard is a convenience store without gas pumps and a medical office park. Across U.S. 41 are a variety of retail businesses, primarily developed on individual lots.

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

This commercial intersection is in the middle of the most heavily-populated area of Charlotte County as well as the oldest development area within the County. There will be no school impacts as this is a purely commercial development. The site will be served by central water and sewer; CCU has the capacity to serve the site. Since this is a redevelopment of a commercial site, there are no new transportation impacts. However, included with the application is a summary of trip generation rates under the approved PD and under the proposed PD.

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

The existing Planned Development approval was always intended to be temporary. The current concept plan will bring the site in compliance with the standards and goals of the U.S. 41 Zoning Overlay District and the Parkside community plan.

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

The proposed change will not adversely influence living conditions or property values in adjacent areas. There are no adjacent residential uses. The redevelopment of the site in compliance with the standards and goals of the U.S. 41 Zoning Overlay District and the Parkside community plan will likely enhance rather than reduce property values in adjacent areas.

- f. Would the proposed change affect public safety?

The proposed change will not affect public safety. Though the proposed use will increase the number generated trips above that of the former use, the site has always been zoned to allow a variety of commercial uses, including the proposed convenience store with fuel pumps. The elimination of five non-conforming

access points will improve the safety of the adjacent roadways. Additionally, redevelopment of the site means that structures will be constructed to the newest standards thereby improving fire and hurricane safety.

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

The proposed change will not reduce light and air to adjacent areas. The proposed convenience store will be a one-story building. The site design provides 36.4% open space which is greater than the 20% required for Planned Developments.

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

The existing PD approval provides for interim uses which are required to end on or before April 17, 2017. While there is no reason why the property cannot be used in accordance with the existing zoning, the proposed rezoning will replace this approved interim use with a concept plan and conditions that can endure past the current expiration date.

Creighton Construction & Management, LLC
Application for Planned Development Rezoning

PD NARRATIVE

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”.

§3-9-49(a) Intent. The planned development (PD) district is intended to encourage concentrated, energy-efficient land development through the use of innovative land use planning and structural design techniques. Conventional zoning requirements are replaced by flexible performance criteria intended to accomplish as many as reasonable of the following goals:

(1) Provide for the planning, review and approval of one (1) or a combination of residential, commercial, public and industrial land uses and structures which result in an organized, compatible development within and with surrounding land uses in density and intensity of use.

The proposed PD completely eliminates the previously approved PD for a used car lot. The site has been redesigned for a convenience store with gas pumps. Cognizant of its location within the Parkside redevelopment area, the applicant has provided a landscaped buffer around three sides, eliminated nonconforming access points, moved the building to the corner and placed the gas pumps behind the building, incorporated design elements on all building frontages and provided two locations for Parkside identification signs.

(2) Allow a diversification of uses, structures and spaces compatible with existing or proposed sales and structures on surrounding properties, while promoting convenience in the location of related uses and amenities to reduce travel costs.

The subject property is at the corner of U.S. 41 and Harbor Boulevard. Though this is a gateway into the Parkside community, it is also a prime commercial corner. The proposed concept plan would permit a convenience store with gas pumps, which is an appropriate use at this location. However, through the placement of structures, the use of enhanced buffers and building design elements, and the incorporation of a walkway for a future connection to Harbor Boulevard pedestrian improvements, the site seeks to appropriately conform to the larger redevelopment goals for Parkside.

(3) Minimize infrastructure costs through a more efficient arrangement of structures, utilities, on-site circulation, and ingress and egress than is permitted under conventional zoning and subdivision regulations.

The concept plan eliminates five non-conforming access drives into the site and replaces them with two access points which will be shared by the convenience store and the existing retail structure on the site.

(4) Preserve, where feasible, environmental assets and natural amenities as scenic and functional open-space areas.

Though the site does not contain any environmental assets, the plan incorporates almost a half-acre of open space totaling 36.4% of the site.

(5) Encourage an increase in the amount and usability of open space by permitting a more concentrated building area than is allowed under conventional zoning and subdivision regulations.

On a 1.32 acre commercial building site, usable open space is not the primary goal. Nevertheless, the site does provide 36.4% open space and has utilized that space to provide enhanced buffering around the site.

(6) Encourage imaginative and innovative site planning and land development concepts in order to create an aesthetically pleasing and functionally desirable living environment.

The site was designed to incorporate the suggestions of Team Parkside and to reflect the goals of the Parkside redevelopment plan. The applicant has provided a landscaped buffer around three sides, eliminated nonconforming access points, moved the building to the corner and placed the gas pumps behind the building, placed the garbage dumpster interior to the site, incorporated design elements on all building frontages and provided two locations for Parkside identification signs.

(7) Assure the county and other public agencies that development of the project will occur in accordance with the approved concept plan, final plan(s) and final plats(s).

No response necessary.

(8) Assure the applicant that development may be undertaken and carried out in accordance with approved concept plan, final plan(s) and final plat(s).

No response necessary.

(9) Promote flexibility and efficiency in site design to reduce infrastructure costs, improve interior circulation patterns and promote open space.

The concept plan eliminates five non-conforming access drives into the site and replaces them with two access points which will be shared by the convenience store and the existing retail structure on the site. This change improves interior

circulations and provided the ability to provide additional open space and landscape buffers.

(10) Promote development that is adapted to natural features, including wetlands, trees and other vegetation and habitat, and which avoids disruption of natural drainage patterns.

Not applicable. This is a redevelopment of a previously disturbed site.

(11) Promote the economy of development to encourage the provision of low- and moderate-cost housing.

Not applicable. This is a commercial site.

TEAM Parkside



August 5, 2015
Creighton Commercial Development
900 SW Pine Island Road
Suite # 202
Cape Coral, Fl. 33991

Re: Parkside CRA

Dear Mr. Carpenter:

It was a pleasure meeting you at our July 23, 2015 special board meeting. The proposal you presented for the use of the parcel of land at the corner of Harbor Blvd. and 41 was very informative. You are proposing to construct a 7-11 store that will have six gas pumps on this parcel. As you are aware, this is a very important gateway for Parkside CRA. It is our understanding that you are proposing to move the building to the front of the property, with the pumps on the side, to give an easement for two Parkside signs on the parcel, landscape and limit signage and an urban look to the building with field stone, similar to what is on the Promenades property.

It is our understanding that you have agreed to allow Parkside to have input on this parcel's development. Our board has discussed your proposal and we are in favor of your proposed use of this parcel.

Sincerely,

A handwritten signature in black ink that reads "K. Stephen Carter". The signature is written in a cursive style with a large, stylized "K" and "C".

K. Stephen Carter

President

MEMORANDUM

TO: Mr. Charley Carpenter
Creighton Commercial Development

FROM: Ted B. Treesh
President

DATE: September 18, 2015

RE: PD Application 7-Eleven Store
U.S. 41 @ Harbor Boulevard – Charlotte County, Florida

TR Transportation Consultants, Inc. has prepared the trip generation comparison for the existing auto sales facility located on the subject site to the proposed use of the site as a 7-Eleven gas station and convenience store. The PD application is not modifying the uses on the western portion of the property so it was assumed the zoning change would have not net impact on this portion of the property. The site is located in the northeast corner of U.S. 41 and Harbor Boulevard in Charlotte County, Florida. The existing building and former gas station canopy has been utilized as used car sales facility in the recent past. The proposed use would be a 7-Eleven Convenience Store with approximately 3,000 square feet of floor area and a total of six Multi-Product Dispensers (MPD's), or 12 re-fueling positions.

The attached trip generation comparison was prepared by utilizing the Institute of Transportation Engineers Report titled *Trip Generation*, 9th Edition

Attachment

TRIP GENERATION EQUATIONS & TRIP GENERATION COMPARISON

CONVENIENCE STORE WITH SELF SERVE FUEL PUMPS ITE TRIP GENERATION REPORT, 9th EDITION 3,000 SQ. FT. CONVENIENCE STORE 12 RE-FUELING POSITIONS

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Gasoline/Service Station with Convenience Market (LUC 945)	T = 10.16 (X) (50% In/50% Out)	T = 13.51 (X) (50% In/50% Out)	T = 162.78 (X)
T = Number of trips, X = Vehicle Fueling Positions			
Convenience Market w/Gasoline Pumps (LUC 853)	T = 40.92 (X) (50% In/50% Out)	T = 50.92 (X) (50% In/50% Out)	T = 845.60 (X)
T = Number of trips, X = 1,000's of square feet of Gross Floor Area (GFA)			
Automobile Sales (LUC 841)	T = 1.92 (X) (75% In/25% Out)	T = 1.91 (X) + 23.74 (40% In/60% Out)	T = 32.3 (X)
T = Number of trips, X = 1,000's of square feet of Gross Floor Area (GFA)			

Trip Generation based on 12 Fueling Positions (LUC 945)

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Gasoline Service Station With Convenience Market (8 Re-Fueling Positions)	61	61	122	81	81	162	1,953

Trip Generation based on 3,000 SQ. FT. of Floor Area of C-Store (LUC 853)

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Convenience Market w/Gasoline Pumps (3,000 Sq. Ft.)	61	61	122	76	76	152	2,537

Trip Generation based on 1,056 SQ. FT. of Floor Area of Automobile Sales (LUC 841)

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Automobile Sales (1,056 Sq. Ft.)	2	0	2	11	15	26	34

Susan Johnson

From: Hunter, Judy <Judy.Hunter@charlottecountyfl.gov>
Sent: Monday, September 21, 2015 8:46 AM
To: Susan Johnson
Subject: Availability - 3362 & 3358 Tamiami Trl

Both of the subject addresses has an active water and sewer account.

Judy Hunter, AA
Engineering Services
Charlotte County Utilities
941.764.4539
Judy.hunter@charlottefl.com
www.charlottecountyfl.gov

"To Exceed Expectations in Delivery of Public Services"

Creighton Construction & Management, LLC
Application for Planned Development Rezoning

ESTIMATED POTABLE WATER AND SANITARY SEWER USAGE REPORT

New Building – 3,010 sf

Water Usage: 301 gpd

Sewer Usage: 301 gpd

Existing Building – 1,500 sf

Water Usage: 150 gpd

Sewer Usage: 150 gpd

Project Total:

Water Usage: 451 gpd

Sewer Usage: 451 gpd

7-ELEVEN STORE #37538

7-ELEVEN STORE #37538

PREPARED FOR:
CREIGHTON COMMERCIAL DEVELOPMENT

900 SW PINE ISLAND ROAD, SUITE 202
 CAPE CORAL, FL 33991
 PHONE: (239) 210-0455 FAX: (239) 673-7328

UTILITY SERVICE PROVIDERS

INDEX OF SHEETS



GENERAL LOCATION MAP



LOCATION MAP

SECTION 22, TOWNSHIP 40 SOUTH, RANGE 22 EAST
 CHARLOTTE COUNTY, FLORIDA

SITE INFORMATION

PROJECT AREA: 1.32 ACRES
PARCEL STRAP NO.: 402222255002
 402222255001
PARCEL ADDRESS: 3362 TAMIAMI TRAIL
 PORT CHARLOTTE, FL 33952
CURRENT ZONING: PLANNED DEVELOPMENT (PD)
PROPOSED USE: GAS STATION / RETAIL SALES

WATER:
 CHARLOTTE COUNTY UTILITIES
 25550 HARBORVIEW RD. SUITE 1
 PORT CHARLOTTE, FL 33980
 PHONE: (941) 764-4300

SEWER:
 CHARLOTTE COUNTY UTILITIES
 25550 HARBORVIEW RD. SUITE 1
 PORT CHARLOTTE, FL 33980
 PHONE: (941) 764-4300

ELECTRIC:
 FLORIDA POWER AND LIGHT
 2245 MURPHY CT.
 NORTH PORT, FL 34289
 PHONE: (800) 375-8490

PHONE:
 EMBARQ
 4195 KINGS HIGHWAY
 PORT CHARLOTTE, FL 33980
 PHONE: (941) 637-5141

FIRE PROTECTION:
 CHARLOTTE COUNTY FIRE/EMS
 26571 AIRPORT RD.
 PUNTA GORDA, FL 33982
 PHONE: (941) 833-5600

SOLID WASTE DISPOSAL:
 WASTE MANAGEMENT
 23046 HARBORVIEW RD.
 PORT CHARLOTTE, FL 33980
 PHONE: (941) 629-1160

SHEET	TITLE
1	COVER SHEET
2	CONCEPT SITE PLAN

PROJECT CONTACTS

CIVIL ENGINEER:
 BANKS ENGINEERING
 TODD R. REBOL, P.E. PROJECT MANAGER
 12653 SW COUNTY ROAD 769, SUITE B
 LAKE SUZY, FLORIDA 34269
 PHONE: (941) 625-1165

SURVEYOR:
 BANKS ENGINEERING
 RICHARD M. RITZ, RLS
 12653 SW COUNTY ROAD 769, SUITE B
 LAKE SUZY, FLORIDA 34269
 PHONE: (941) 625-1165

BANKS ENGINEERING

Professional Engineers, Planners, & Land Surveyors
 Serving The State Of Florida

12653 SW COUNTY ROAD 769 - SUITE B
 LAKE SUZY, FLORIDA 34269
 PHONE: (941) 625-1165 FAX: (941) 625-1149
 ENGINEERING LICENSE # EB 6469
 SURVEY LICENSE # LB 6690
 WWW.BANKSENG.COM

TODD R. REBOL
 FL. LIC. #64040

NO.	DATE	REVISION DESCRIPTION	BY

S:\JAMES\33670\ENGINEERING\VIEW PLANS\33670 - PD CONCEPT COVER.DWG 9/7/2015 10:59 AM RON DAVIS

SITE PLAN SUMMARY

PROJECT AREA: 1.32 ACRES
 CURRENT ZONING & LAND USE: PD / COMMERCIAL
 PROPOSED USE: PLANNED DEVELOPMENT (PD)
 PLUM DESIGNATION: US 41 MIXED USE
 FLOOD ZONE: FLOOD ZONE "X"
 FLOOD ZONE: (FEMA FIRM PANEL 120061-0226F)

LAND USE TABLE

LAND USE	AREA (Ac.)	PERCENTAGE
TOTAL PROPERTY BOUNDARY	1.32	100%
OPEN SPACE (20% REQUIRED)	0.48	36.4%
IMPERVIOUS SURFACES (80% MAX)	0.84	63.6%

PARKING CALCULATIONS:

RETAIL SALES (3,010 SF BUILDING NEW CONSTRUCTION)
 REQUIRED: 1 SPACE PER 200 SF FLOOR AREA
 RETAIL SALES (1,500 SF EXISTING BUILDING)
 REQUIRED: 1 SPACE PER 200 SF FLOOR AREA

TOTAL 4,510 SF RETAIL BUILDINGS (NEW AND EXISTING)
 1 SPACE PER 200 SF FLOOR AREA
 4,510 SF / 200 SF = 23 SPACES REQUIRED

TOTAL REQUIRED HANDICAP PARKING SPACES: 1 SPACE

TOTAL REQUIRED PARKING SPACES: 23 SPACES (TO INCLUDE 1 H.C. SPACE)
 (1 SPACE PER 200 SF FLOOR AREA)

TOTAL PROVIDED PARKING SPACES: 23 SPACES (INCLUDES 1 H.C. SPACES)
 (1 SPACE PER 200 SF FLOOR AREA)

SITE DEVELOPMENT NOTES

1. DRY DETENTION FACILITY REQUIREMENTS WILL BE PROVIDED AT TIME OF FINAL SITE PLAN APPROVAL.
2. FINAL PARKSIDE CRA SIGN LOCATIONS WILL BE PROVIDED AT TIME OF FINAL SITE PLAN APPROVAL.

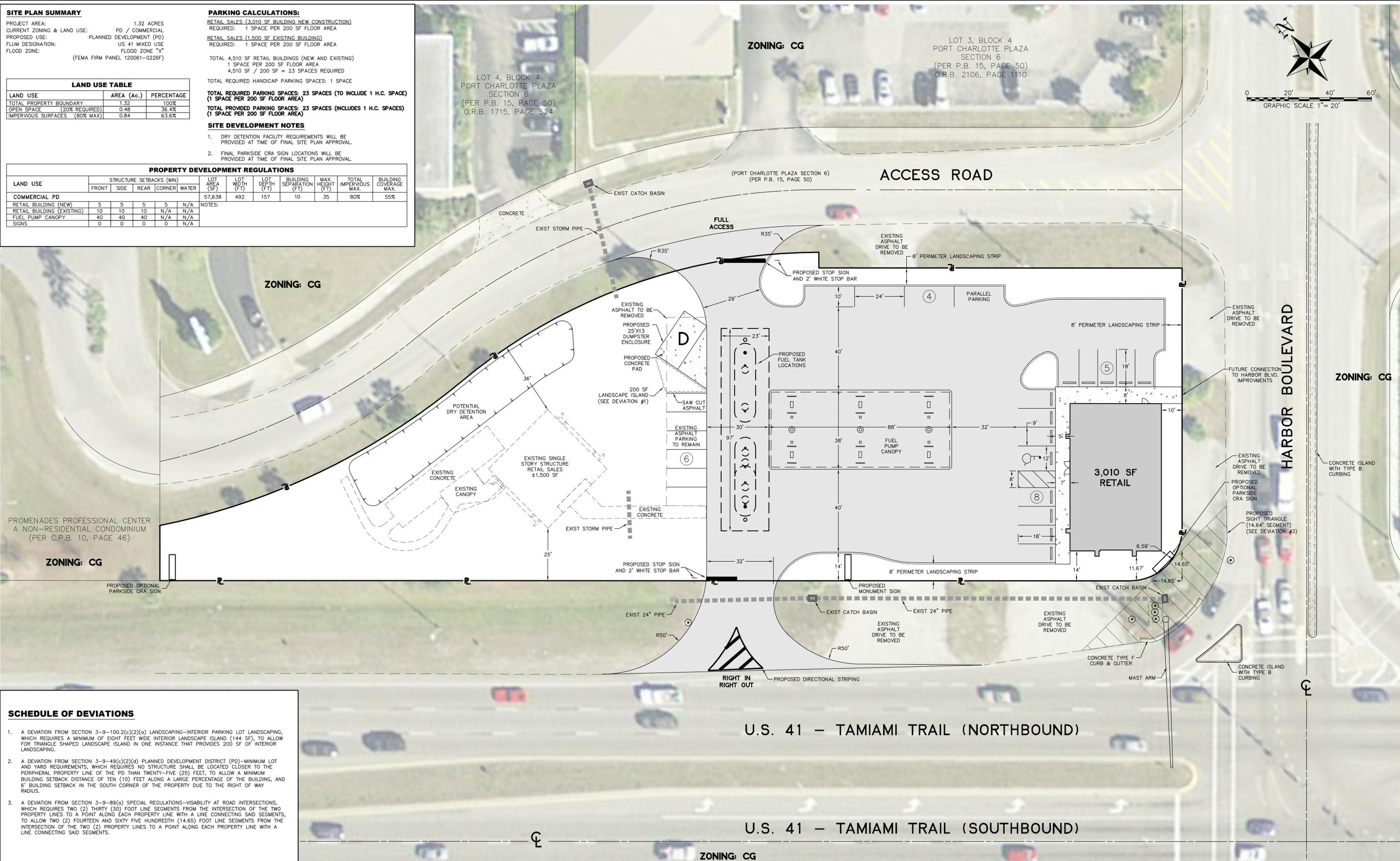
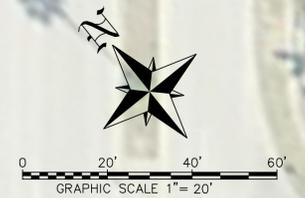
PROPERTY DEVELOPMENT REGULATIONS

LAND USE	STRUCTURE SETBACKS (MIN)					LOT AREA (SF)	LOT WIDTH (FT)	LOT DEPTH (FT)	BUILDING SEPARATION (FT)	MAX. HEIGHT (FT)	TOTAL IMPERVIOUS MAX.	BUILDING COVERAGE MAX.
	FRONT	SIDE	REAR	CORNER	WATER							
COMMERCIAL PD						57,638	492	157	10	35	80%	55%
RETAIL BUILDING (NEW)	5	5	5	5	N/A							
RETAIL BUILDING (EXISTING)	10	10	10	N/A	N/A							
FUEL PUMP CANOPY	40	40	40	N/A	N/A							
SIGNS	0	0	0	0	N/A							

NOTES:

LOT 4, BLOCK 4
 PORT CHARLOTTE PLAZA
 SECTION 6
 (PER P.B. 15, PAGE 50)
 O.R.B. 1715, PAGE 524

LOT 3, BLOCK 4
 PORT CHARLOTTE PLAZA
 SECTION 6
 (PER P.B. 15, PAGE 50)
 O.R.B. 2106, PAGE 1110



SCHEDULE OF DEVIATIONS

1. A DEVIATION FROM SECTION 3-9-100.2(c)(2)(a) LANDSCAPING-INTERIOR PARKING LOT LANDSCAPING, WHICH REQUIRES A MINIMUM OF EIGHT FEET WIDE INTERIOR LANDSCAPE ISLAND (144 SF), TO ALLOW FOR TRIANGLE SHAPED LANDSCAPE ISLAND IN ONE INSTANCE THAT PROVIDES 200 SF OF INTERIOR LANDSCAPING.
2. A DEVIATION FROM SECTION 3-9-49(c)(2)(d) PLANNED DEVELOPMENT DISTRICT (PD)-MINIMUM LOT AND YARD REQUIREMENTS, WHICH REQUIRES NO STRUCTURE SHALL BE LOCATED CLOSER TO THE PERIPHERAL PROPERTY LINE OF THE PD THAN TWENTY-FIVE (25) FEET, TO ALLOW A MINIMUM BUILDING SETBACK DISTANCE OF TEN (10) FEET ALONG A LARGE PERCENTAGE OF THE BUILDING, AND 6' BUILDING SETBACK IN THE SOUTH CORNER OF THE PROPERTY DUE TO THE RIGHT OF WAY RADIUS.
3. A DEVIATION FROM SECTION 3-9-89(c) SPECIAL REGULATIONS-VISIBILITY AT ROAD INTERSECTIONS, WHICH REQUIRES TWO (2) THIRTY (30) FOOT LINE SEGMENTS FROM THE INTERSECTION OF THE TWO PROPERTY LINES TO A POINT ALONG EACH PROPERTY LINE WITH A LINE CONNECTING SAID SEGMENTS, TO ALLOW TWO (2) FOURTEEN AND SIXTY FIVE HUNDREDTH (14.65) FOOT LINE SEGMENTS FROM THE INTERSECTION OF THE TWO (2) PROPERTY LINES TO A POINT ALONG EACH PROPERTY LINE WITH A LINE CONNECTING SAID SEGMENTS.

PREPARED FOR:
CREIGHTON COMMERCIAL DEVELOPMENT
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TODD R. REBOL
 FL. LIC. #64040

CONCEPT SITE PLAN						7-ELEVEN STORE #37538		CHARLOTTE COUNTY, FLORIDA	
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET		
8-28-15	3970	_PDCSP	RJE	RJE	RMH	1"=20'	2		