



Staff Report for: PAS-25-01 and PD-25-06

Meeting Date: June 9, 2025/July 22, 2025

To: Planning and Zoning Board /Board of County Commissioners

From: Jie Shao, AICP, MCP, Planner, Principal (see Exhibit 1 for professional qualifications)

Regarding: A request to amend the 2030 Future Land Use Map and the Zoning Atlas

Part 1 – General Information

Applicant: Truex Preferred Construction, LLC, 3797 S. Access Road, Englewood, FL 34224

Agent: Robert H. Berntsson, 3195 S. Access Road, Englewood, FL 34224

Owner: Truex Preferred Construction, LLC, 3797 S. Access Road, Englewood, FL 34224

Request: A privately initiated request to:

- Amend the 2030 Future Land Use Map from Medium Density Residential (MDR) to Commercial (COM) for Lots 19 and 20.
- Amend the Charlotte County Zoning Atlas from Commercial General (CG) (0.229± acres) and Residential Multi-family 10 (RMF-10) (0.45± acres) to Planned Development (PD) for Lots 5, 19, & 20 in order to allow for expansion of existing commercial uses, and to adopt a General PD Concept Plan, for Lots 5, 19, and 20.

Location: **Commission District III:** The subject property, including three lots, is located at 3797 S Access Road, in the Englewood area and within the West County area.

Area: The property subject to the small scale plan amendment includes Lots 19 and 20, in Block 3571, Port Charlotte Subdivision Section 64 and contains a total of 0.45± acres. The property subject to the PD rezoning includes Lots 5, 19 and 20, in Block 3571, Port Charlotte Subdivision Section 64 and contains a total of 0.679± acres.

Public Notice: Public Notice has been given as required by Charlotte County Code, Section 3-9-10; subsections (d) Published Notice; (e) Mailed Notice (1,000-foot Mailed Notice Map); and (f) Posted Notice.

Part 2 – Analysis and Conclusion

Request

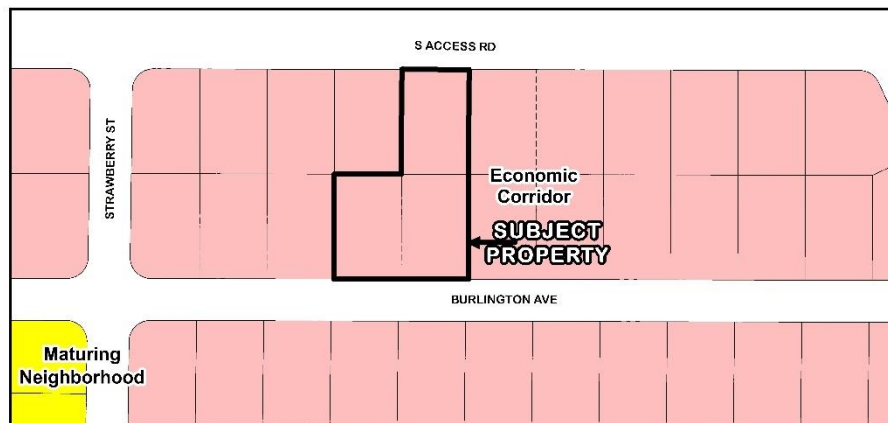
The applicant and property owner, Truex Preferred Construction, LLC, is requesting a small scale plan amendment from Medium Density Residential (MDR) to Commercial (COM) for Lots 19 and 20, and a companion rezoning from Commercial General (CG) (0.229± acres) and Residential Multi-family (RMF-10) (0.45± acres) to Planned Development (PD) for Lots 5, 19 and 20. The stated purpose of this unified application is to allow for expansion of existing commercial uses to the rear lots. The applicant is also seeking adoption of a General PD Concept Plan.

The subject property includes three platted lots and is located south of S Access Road, in the Englewood area and within the West County area. The property contains approximately 0.679 acres.



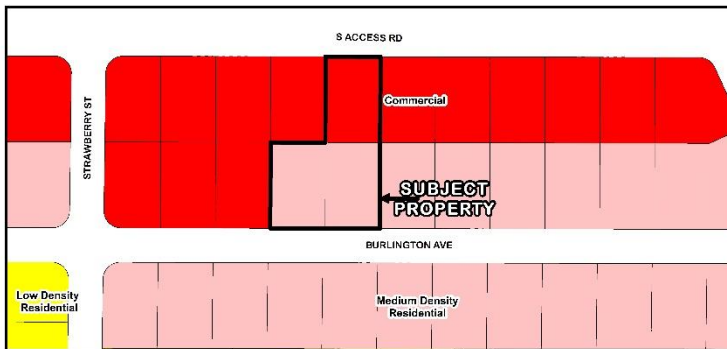
PAS-25-01 and PD-25-06 Area Image

Consistency with the Comprehensive Plan

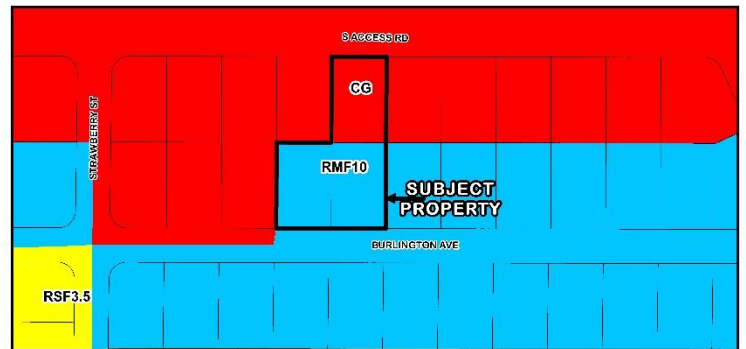


PAS-25-01 and PD-25-06 Framework

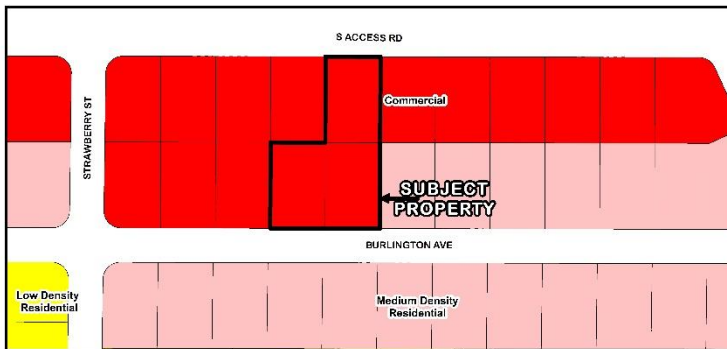
The subject property is part of an Economic Corridor on the 2050 Framework Map. According to the County's Comprehensive Plan, mixed use development including residential and non-residential development along corridors is encouraged, and the County shall *support and foster economic development activities that focus on business creation and expansion*. Lots 19 and 20 of the subject property are located on the second tier of a block facing a major roadway, which are currently designated for residential development. The proposed change to COM Future Land Use Map (FLUM) designation will allow expansion of the existing commercial uses to the rear lots, which is consistent with **FLU Policy 5.4.2: Limit Expansion of Strip Commercial**. This policy states that *the County shall deny FLUM amendments to the Commercial category that will allow new strip commercial development. One of the exceptions to this policy is in order to increase the depth of existing Commercial lots; therefore, the proposed change is supported by this policy*.



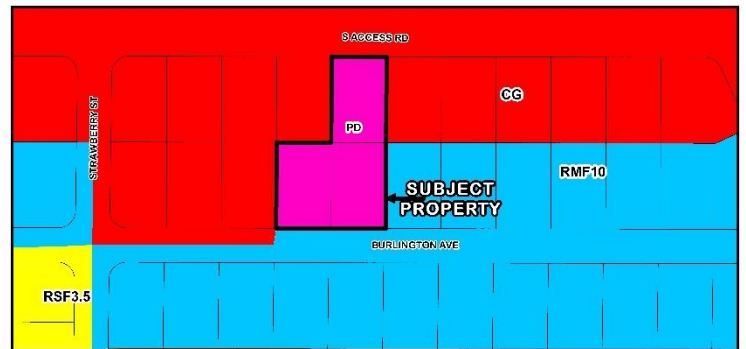
PAS-25-01 and PD-25-06 Existing FLUM Designations



PAS-25-01 and PD-25-06 Existing Zoning Designations



PAS-25-01 and PD-25-06 Proposed FLUM Designations



PAS-25-01 and PD-25-06 Proposed Zoning Designations

In addition, the maximum Floor Area Ratio (FAR) is 1.0 under the existing and proposed Commercial (COM) FLUM designation. The existing building located on Lot 5 contains approximately 3,490 square feet and the proposed new building located on Lot 19 contains approximately 4,800 square feet. If the proposed small scale plan amendment to COM and the PD rezoning are approved by the Board of County Commissioners (Board), the maximum FAR will be approximately 0.28, which is below the maximum allowable FAR of 1.0 under the COM FLUM category. Staff has no objection to this proposed change.

Therefore, it is staff's professional opinion that the proposed changes are supported by and consistent with the County's Comprehensive Plan.

Compatibility and Impacts on the Adjacent Residential Uses

The subject property is located on the south side of S Access Road, in the West County area. Across S Access Road and S McCall Road, to the north, there are improved commercial uses; this area is designated as Commercial (COM) with Commercial General (CG) zoning. To the west, there are vacant lands designated for commercial uses and one professional service; this area is designated as COM with CG zoning. Across Burlington Avenue to the south, there are duplexes, and some vacant platted lots designated as Medium Density Residential (MDR) with Residential (MDR) with Multi-family-10 (RMF-10) zoning. There is a preschool located immediately to the east of Lot 5; this area is designated as COM with CG zoning. There are some vacant platted lots, and some multi-family development located to the east of Lot 19; this area is designated as MDR with RMF-10 zoning.

The proposed PD rezoning will allow the County to place sufficient conditions to ensure that the proposed expansion of commercial uses to Lots 19 & 20 will minimize negative impacts on surrounding existing and future residential development. In addition, the proposed layout of buildings better fits the subject site, and the proposed development is compatible with the permitted uses allowed under the CG zoning. The proposed PD conditions will:

- Limit uses of the subject property to a building trades contractor's office or other commercial general uses in two buildings with a maximum of 8,290 square feet.
- Limit the overall maximum height for all buildings and structures to 30 feet compared to 60 feet under the existing CG and RMF-10 zoning.
- Require a Type D buffer with at least 15 feet in width and a six-foot tall opaque fence or wall along the southern property boundary of Lots 19 & 20 compared to a Type C buffer, which is required between commercial uses and a residential development per the County Code sec. 3-9-100.1: Buffers.
- Require a Type D buffer with at least 12 feet in width and a six-foot tall opaque fence or wall along the eastern property boundary of Lot 19 compared to a Type C buffer, which is required between commercial uses and a residential development per the County Code sec. 3-9-100.1: Buffers.
- Require a Type A buffer with at least 14 feet without a fence or a wall compared to no buffer, which is required between commercial uses per the County Code sec. 3-9-100.1: Buffers.

Therefore, it is staff's professional opinion that the proposed changes minimize detrimental impacts on surrounding properties.

Request to Reduce 25-foot PD Setback

The applicant is requesting to waive the 25-foot PD setback for Lot 5 due to preexisting commercial development on site, and any redevelopment of the site requires a PD rezoning. Therefore, staff has no objection to this request. In addition, the applicant is seeking the 25-foot PD setback to be reduced to:

- 1) 14 feet along the northern property boundary of Lot 20 immediately adjacent to the existing commercial use to the north.
- 2) Ten feet along the western property boundary of Lot 20 immediately adjacent to vacant platted lots for commercial uses.
- 3) 15 feet along the southern property boundary of Lots 19 & 20 immediately adjacent to Burlington Avenue.
- 4) 12 feet along the eastern property boundary of Lot 19 immediately adjacent to platted lots for residential development. There is a proposed dry retention area located to the east of the proposed 12-foot setback along eastern property boundary on Lot 19.

The County Code for the CG zoning and the landscape and buffer standards requires the 10-foot minimum rear yard setback from the street and zero-foot interior side yard setback, as well as a Type C buffer between commercial uses and the residential development. The applicant is proposing a Type D buffer with a six-foot tall opaque fence or wall between the proposed commercial uses and the existing multi-family and vacant lots for future multi-family development. It is staff's professional opinion that the reduced setbacks will not negatively impact surrounding properties. Therefore, staff has no objection to this request.

Concurrency Issues

- **Water and Sewer:** The subject property is within the Charlotte County Utilities Service Area. An availability request form from Charlotte County Government Utilities Department dated December 23, 2024, states that: *"Commercial properties have services available through a private developer's agreement. To discuss if connection to the sewer will be required a DRT meeting would be needed."* There is an existing water service and the onsite septic system for Lot 5.
- **Traffic:** After reviewing the applicant's submitted trip generation report prepared by Atwell, LLC, dated January 11, 2025, the Charlotte County Public Works Department Engineering Section has concurred with the conclusion which states that:
 - *The project is projected to generate 47 total daily trips with 8/9 peak hour commuter trips in the AM/PM.*

- *According to the Charlotte County Engineering Design Manual, Part 7, Traffic Impact Statement, a small project generating less than 50 average daily trips does not require a traffic study.*
- *The proposed project would have a “de minimis” impact on the Level of Service of the surrounding roadways.*
- **Student Generation:** The proposed PD rezoning does not involve residential development; therefore, the student population will not be changed.

PD Concept Plan

The PD Concept Plan associated with this PD rezoning was submitted for Site Plan Review. The petition number is DRC-25-011. A recommendation letter was issued on January 16, 2025. (Attachment 1).

Conclusion

It is staff's professional opinion that the small scale plan amendment to Commercial for Lots 19 & 20, and a companion PD rezoning for the entire subject property with recommended conditions contained in Exhibit “A” attached is consistent with the COM FLUM category, and various goals, objectives, and policies set forth in the County's Comprehensive Plan.

Part 3 – Summary and Recommendation

Staff Summary:

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PAS-25-01) is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Based upon the analysis and conclusions set forth herein, in staff's professional opinion, the application (Application No. PD-25-06) is generally consistent, as conditioned, with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

Planning and Zoning Board recommendation on June 9, 2025:

*Approve a motion to forward application PAS-25-01 to the Board of County Commissioners with a recommendation of **Approval**, based on the findings and analysis in the staff report dated May 31, 2025, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

*Approve a motion to forward application PD-25-06 to the Board of County Commissioners with a recommendation of **Approval** with conditions “a” through “k”, based on the findings and analysis in the staff report dated May 31, 2025, Charlotte County's Comprehensive Plan, and the evidence and testimony presented at the public hearing before the Planning and Zoning Board.*

Part 4: Research and Findings

1. **2050 Framework Map Designation:**....Economic Corridor (FLUM Map #2 - 2050 Framework)
2. **2030 Service Area Delineation:**.....Within the Urban Service Area
3. **Existing Land Use on the Site:**.....The subject property contains three platted lots. There is an existing commercial building located on Lot 5, and the remaining subject property (Lots 19 & 20) is vacant. (see attached Site Image and Boundary Survey.)
4. **Existing Future Land Use and Zoning Designations:**
(see attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:
Commercial (COM)	<p>General Range of Uses This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous toxic material or substances, or waste or petroleum products.</p> <p>Maximum Intensity Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.</p>
Medium Density Residential (MDR)	<p>General Range of Uses Single-family residential, Multi-family residential, recreational vehicle parks, sub-neighborhood commercial uses, recreational facilities in association with residential development, schools, and public services and facilities.</p> <p>Maximum Density Residential may not exceed ten dwelling units per acre. If zoned Environmentally Sensitive, the density is one dwelling unit per ten acres.</p>
Zoning:	Development Standards:
Commercial General (CG)	<p>The purpose and intent of this district is to offer low- or high-density residential with emphasis on multifamily use.</p> <ul style="list-style-type: none"> • Minimum lot area is 12,000 square feet. • Minimum lot width is 100 feet. • Setbacks:

	<ul style="list-style-type: none"> ○Front: 15 feet ○Side (interior): 0 feet ○Side (street): 10 feet ○Rear (interior): 10 feet ○Rear (street): 10 feet ○Abutting water: 20 feet <ul style="list-style-type: none"> • Maximum lot coverage of all buildings is 55 percent. <p>Maximum building height is 60 feet.</p>
Residential Multi-family 10 (RMF-10)	<p>The purpose and intent of this district is to offer low- or high-density residential with emphasis on multifamily use.</p> <ul style="list-style-type: none"> • Minimum lot area is 7,500 square feet. • Minimum width is 80 feet. • Setbacks: <ul style="list-style-type: none"> ○ Front setback is 25feet. ○ Side setback is 15 feet. ○ Rear setback is 15 feet. ○ Setback abutting water is 20 feet. • Maximum lot coverage by all buildings is 40 percent. • Maximum building height is 60 feet. <p>The maximum density is ten units per acre.</p>

Table 1

5. Proposed Future Land Use and Zoning Designations:

(see attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:
Existing & Proposed Commercial (COM)	<p>General Range of Uses</p> <p>This category provides for full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on location factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous toxic material or substances, or waste or petroleum products.</p> <p>Maximum Intensity</p> <p>Maximum FAR shall not exceed 1.0. Development should be consistent with the applicable underlying zoning classification standards and land development regulations.</p>
Zoning:	Development Standards:

<p>Planned Development (PD)</p>	<p>The purpose and intent of this district is to provide flexibility and to encourage concentrated, energy-efficient land development, and to provide opportunities to impose conditions to ensure that the proposed development is consistent and compatible with the surrounding neighborhood.</p> <p><u>Minimum lot and yard requirements.</u></p> <p>Internal lot and yard requirements shall be established through the PD rezoning process. Unless otherwise approved by the BCC or provided in Section 3-9-45.1, no structure shall be located closer to the peripheral property line of the PD than 25 feet or as required by section 3-9-88, "Waterfront property," as the same may be amended, whichever is greater.</p> <p><u>Maximum height of structures.</u></p> <p>The maximum height for structures shall be established through the PD rezoning process.</p> <p><u>Open space.</u></p> <p>Unless otherwise approved by the BCC or as provided in Section 3-9-45.1, a minimum of 20 percent of the entire PD parcel or phase shall be retained as open space.</p> <p><u>Internal circulation.</u></p> <p>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 County's Land Development Regulations.</p> <p><u>Utilities.</u></p> <p>PDs shall be served by public water and sanitary sewers, storm and surface drainage systems, and other applicable utilities systems. The preceding sentence shall not apply if the developer:</p> <ol style="list-style-type: none"> 1. Provides private facilities, utilities or services approved by appropriate public agencies as substantially similar to public services which would otherwise be provided to the development under conventional zoning; and 2. Makes provision for their continued operation thereafter, or until public facilities, utilities and services are available for use.
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Table 2

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

Direction:	Existing Land Use:	FLUM Designation:	Zoning District Designation:
North	<p>S. Access Road & S. McCall Road Improved commercial uses Vacant lands for commercial uses Residential uses</p>	<p>Commercial (COM) Medium Density Residential (MDR)</p>	<p>Commercial General (CG) Residential Multi-family 10 (RMF-10)</p>

	Vacant lands for residential uses		
East	Improved commercial uses Vacant lands for commercial uses Residential uses Vacant lands for residential uses	Commercial (COM) Medium Density Residential (MDR)	Commercial General (CG) Residential Multi-family 10 (RMF-10)
South	Burlington Avenue Duplexes Vacant platted lots for residential uses	Medium Density Residential (MDR)	Residential Multi-family 10 (RMF-10)
West	Improved commercial uses Vacant lands for commercial uses	Commercial (COM)	Commercial General (CG)

Table 3

7. Buildout Calculations (square footage or density):

The proposed PD rezoning would allow a maximum of 8,290 square feet of commercial general uses.

8. Is subject property in a Community, Special Planning Area or Overlay District?.....No

The subject property is not located in any special planning area. (FLUM Maps #8, #9, #10 or #11)

9. Is subject property located adjacent to existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves?No

The subject property is not located adjacent to any existing or proposed Federal, State, or County wildlife management areas, parks, preserves or reserves. (SPAM Maps, #35, #74 and #75)

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

a. Charlotte Harbor Aquatic Preserves Management Plan? (SPAM Map #36)

The subject property is located outside the boundary of the Charlotte Harbor Aquatic Preserves.

b. Lemon Bay Aquatic Preserve Management Plan? (SPAM Map #36)

The subject property is located outside the boundary of the Lemon Bay Aquatic Preserve.

11. Does subject property contain archaeological or historic resources? (SPAM Map #3, #27 & #53)

Staff searched the National Register of Historic Places, and no archeological or historical resources on the subject properties has been found.

12. Are there wetlands on the property?**No**, according to the submitted protected species assessment report prepared by IVA Environmental Services and dated January 2025, the subject property does not contain wetlands.

a. Number of acres of Category I:**No**

b. Number of acres of Category II:**No**

13. Natural Resources:

a. Significant natural resources or critical habitat for endangered species:

The submitted protected species assessment report prepared by IVA Environmental Services and dated January 2025, states that *“Search of available online resources revealed that the subject property is located within an 18.6-mile radius designated as Core Foraging Area of several wood stork (Mycteria americana) nesting colonies. Each of the documented colonies appears to be greater than 4 miles from the subject property. Under current regulations, the proximity of the off-site nesting colonies is not likely to affect the future development of the subject property. However, any impacts which require federal review may trigger additional coordination relative to the species.*

Search of available online resources revealed that the subject property is located within the Consultation Area of the Florida scrub jay (Aphelocoma coerulescens). Review of the Charlotte County Natural Resources Department Florida Scrub Jay Territory Search Database revealed that the subject property is a scrub jay review area parcel.

Mitigation fees in accordance with approved Habitat Conservation Plan (HCP) fee structure table will be required. Additionally, all clearing and tree removal will be prohibited during the scrub jay nesting season (March 1 – June 30th).

Search of the Audubon Society Bald Eagle Nest Locator website revealed no nests within a mile radius of the subject property. No eagles or nests were observed on or around the subject property. Bald eagles should therefore not likely affect the future development of the subject property. The subject parcel is located within the FWS Consultation Area of the Florida bonneted bat (Eumops floridanus).

No evidence of utilization by the Florida bonneted bat was observed onsite during the site inspection. The Florida bonneted bat is not anticipated to be utilizing the subject property, and therefore, is not likely to affect the future development of the property. However, any impacts which require federal review may trigger additional coordination relative to the species.

Search of available online resources did not reveal documentation of any other listed wildlife species currently utilizing the subject property.

The subject site contains upland habitats which are being utilized by the gopher tortoise (Gopherus polyphemus). One (1) potentially occupied gopher tortoise burrow was observed on the parcel. A 100% gopher tortoise survey and relocation permit from the Florida Fish and Wildlife Conservation Commission will be required prior to development of the site if the gopher tortoise burrow cannot be avoided during construction.

No other protected species or evidence of protected species utilization which would require permits from the FWC or FWS were observed onsite during the site inspection.”

b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: **No**

- c. Is subject property in the **Watershed Overlay District**? (FLUM Map #4)**No**
- d. Is subject property in the **Surface Water Protection Overlay District**? (FLUM Map #5)**No**
- e. Is subject property in the **Prime Aquifer Recharge Area**? (FLUM Map #6)**No**
- f. Is subject property in a **Wellhead Protection Area**? (FLUM Map #7).....**No**

14. Coastal Planning:

- a. Is the subject site within the **Coastal Planning Area**? (FLUM Map #13).....**Yes**
The subject property is located within Zone 2 of 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 subject site is in Flood Zone "X". Flood Zone "X" is an area determined to be outside the 0.2% annual chance floodplain. (per FEMA Codes)
- e. Storm Surge Evacuation Zone: The subject property is located within Evacuation Zone "B".
- f. Is the subject site within the Coastal High Hazard Area? (FLUM Map #14)**No**
- g. Could the proposed changes impact evacuation times?**No**

15. Charlotte County Facilities and Services:

- a. Nearest Park: **Oyster Creek Environmental Park** (SPAM Map #92)
Address: 2333 Placida Road, Englewood
Distance: approximately 3 miles to the southwest of subject property
- b. Nearest Police Station: **District 1 Englewood Sheriff's Office** (SPAM Map #42)
Address: 11051 Willmington Boulevard, Englewood
Distance: approximately 1.5 miles to the northeast of subject property
- c. Nearest Fire/EMS Station: **Charlotte County Fire Station No. 13** (SPAM Map #38)
Address: 6868 San Casa Road, Englewood
Response Time: approximate response time is 4-6 minutes (SPAM Map #39)
- d. Nearest Hospital: **ShorePoint Health Port Charlotte** (SPAM Map #24)
Address: 2500 Harbor Boulevard, Port Charlotte
Distance: approximately 16 miles to the northeast of subject property
- e. **Nearest Public Schools: N/A**

16. Concurrency:

- a. **Roads Level of Service:**.....After reviewing the applicant's submitted trip generation report prepared by Atwell, LLC and dated January 11, 2025, the Charlotte County Public Works Department Engineering Section has concurred with the conclusion that the proposed development would have a "de minimis" impact on the Level of Service of the surrounding roadways.
- b. **Potable Water Level of Service:**

1. *Analysis:* The subject property is within the Charlotte County Utilities Service Area. An availability request form from Charlotte County Government Utilities Department dated December 23, 2024, states that: "Commercial properties have services available through a private developer's agreement."

c. Sanitary Sewage Level of Service:

1. *Analysis:* The subject property is within the Charlotte County Utilities Service Area. An availability request form from Charlotte County Government Utilities Department dated December 23, 2024, states that: "*Commercial properties have services available through a private developer's agreement. To discuss if connection to the sewer will be required a DRT meeting would be needed.*"

d. Park and Recreation Level of Service:

1. *Level of Service:*.....**Adopted Level of Service is 16 Park, Recreation & Open Space points (16 PROS points) per 1,000 population.**
2. *Analysis:***A 2009 analysis shows that the County currently has 17.2 PROS points per 1,000 population.**

e. Schools:.....N/A

f. Solid Waste:

1. *Refuse Collector:***Waste Management Inc. of Florida or another provider**
2. *Solid Waste Provider:***Public Works Dept. - Municipal Solid Waste Management**
3. *Level of Service:* Zemel Road 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 estimated 170 acres for future disposal cells will provide disposal capacity beyond the year 2050.
 - Solid Waste (Landfill) 5.0 pounds per day per equivalent fulltime resident
 - Solid Waste (Recycle) 2.2 pounds per day per equivalent fulltime resident

g. Drainage: *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.

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

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

New development on existing platted lots (except single-family, duplex, and triplex dwellings):

on-site storm-water management for a 25-year, 24-hour rainfall.

Analysis: The SW Florida Water Management District and the Community Development Department review storm-water management plans on a project specific basis.

17. Capital Improvements Program:

Are any updates to the CIP required because of this petition?**No**

18. Intergovernmental Coordination:

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

This unified application does not require comments from any other government or agency. However, the applications were emailed to the City of Punta Gorda on October 17, 2021.

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:

Various goals, objectives, and policies set forth in the County's Comprehensive Plan as analyzed above.

Part 5 – Approval Criteria

21. Standards for Rezoning Approval: For the rezoning of land, the final action of the Board shall be made after giving due consideration to the following criteria:

a. Would the proposed change be consistent with the Comprehensive Plan?

Finding: The proposed rezoning to Planned Development (PD) would be consistent with the County's Comprehensive Plan provided that the proposed Future Land Use Map (FLUM) amendment to Commercial (COM) for a portion of the subject property is also approved. The PD zoning district is appropriate within the COM FLUM designation, and the proposed expansion of the commercial uses to the rear lots is permitted within the COM FLUM designation. Therefore, the proposed PD rezoning is consistent with the County's Comprehensive Plan.

b. The existing land use pattern in adjacent areas:

Finding: The subject property is located on the south side of S Access Road, in the West County area. Across S Access Road and S McCall Road, to the north, there are improved commercial uses. To the west, there are vacant lands designated for commercial uses and one professional service. To the south, there are duplexes, and some vacant platted lots designated for residential uses. There is a preschool located immediately to the east of

Lot 5. There are some vacant platted lots, and some multi-family development located to the east of Lot 19.

c. The capacity of public facilities and services, including but not limited to schools, roads, recreational facilities, wastewater treatment, water supply, and storm-water drainage facilities:

Finding: The proposed PD rezoning does not involve residential development, so student populations will not be expected to change.

After reviewing the applicant's submitted trip generation report prepared by Atwell, LLC, dated January 11, 2025, the Charlotte County Public Works Department Engineering Section has concurred with the conclusion which states that:

- *The project is projected to generate 47 total daily trips with 8/9 peak hour commuter trips in the AM/PM.*
- *According to the Charlotte County Engineering Design Manual, Part 7, Traffic Impact Statement, a small project generating less than 50 average daily trips does not require a traffic study.*
- *The proposed project would have a "de minimis" impact on the Level of Service of the surrounding roadways.*

The subject property is within the Charlotte County Utilities Service Area. An availability request form from Charlotte County Government Utilities Department dated December 23, 2024, states that: *"Commercial properties have services available through a private developer's agreement. To discuss if connection to the sewer will be required a DRT meeting would be needed."*

Therefore, it is staff's professional opinion that the proposed changes shall not create negative concurrency issues.

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

Finding: The proposed PD rezoning will allow the County to place sufficient conditions, such as that the overall maximum height for all buildings and structures are 30 feet and an enhanced landscape and buffer to ensure that the proposed development will not create any negative impacts on surrounding existing, and future development. Therefore, it is staff's professional opinion that the proposed change would not adversely influence living conditions or property values in adjacent areas.

e. Would the proposed change affect public safety?

Finding: Public safety should not be affected by this proposed PD rezoning to expand the existing commercial uses to the rear lots.

Attachment 1

DRC Recommendation Letter



February 11, 2025

Atwell LLC
Attn: Heather Polito
4161 Tamiami Trail, Bldg. 5, Unit 501
Port Charlotte, FL. 33952

Re: DRC-25-011 Truex Expansion Lot– General PD Concept Plan
February 6, 2025, Site Plan Review agenda

It is the decision of the Zoning Official to forward DRC-25-011, Truex Expansion Lot, to the Board of County Commissioners with a recommendation of approval.

The following comments must be met prior to submit Final Detail Site Plan:

County staff has reviewed the General PD Concept plan for Truex Expansion Lot. The project consists of commercial development with connection to an existing business. The site proposes one new access point off Burlington Ave along with the existing access on S. Access Rd. There are no proposed improvements on the existing commercial development. This project site is 0.46± acres and is located at 3797 S. Access Road, Englewood FL.

1. Please be advised that the subject project will require Stormwater Plan Approval per Charlotte County Stormwater Management Ordinance No. 89-37 / County Code 3-5-111 to 3-5-123. The following link provides the Stormwater Plan Approval submittal procedures & requirements, and a downloadable Stormwater Plan Approval Application:
<https://www.charlottecountyfl.gov/departments/community-development/building-construction/permits/stormwater-permit.shtml>

Please call 941-575-3650 with any questions.

2. Prior to or at the time of building permit application, provide a completed Tree Permit Application as appropriate for this site, along with a tree inventory of location, types, sizes of trees overlaid on a site plan of the building, parking, and other site amenities. Identify the trees proposed to be removed and preserved. All trees to be preserved or removed must be in accordance with Section 3-9-100: Buffers, Landscaping, and Tree Requirements, of the County Code. Tree permits must be obtained prior to any land clearing/ fill activity or the issuance of any building permits.

3. Thank you for providing the species survey dated January 2025. The potentially occupied gopher tortoise located will need to be excavated / bucket-trapped and tortoise relocated if it can't be avoided by 25' prior to tree removal approval.
4. At the time of development, the project must comply with Chapter 3-5, Article IV, Clearing, Filling and Soil Conservation requirements of the County Code. Best Use Management Plans must be documented on final site plans and utilized during all land clearing and development activities.
5. The project must also comply with Chapter 3-5, Article XVI, Open Space/Habitat Reservation Trust requirements of the County Code. Given the presence of habitat for use by listed species, the Final site and Landscape plans should depict, and label as preserved, in perpetuity a minimum of 5% of the development area for preservation area with calculations shown to meet or exceed requirements OR absence of preservation of habitat, the applicant must contribute an equal amount of \$300 per acre or fraction thereof, to the Open Space/Habitat Reservation Fund.
6. Fire hydrant required to within 300' of each building, additional fire hydrants may be required.
7. If the building(s) is required to have a fire sprinkler system, then the FDC (Fire Dept. Connection) shall be within 100' of the fire hydrant.
8. FDC shall be a 5" Storz connection with a height of 30" above finish grade and at a 30-degree angle.
9. Roadways shall be at least 20' wide of clear space for fire department access.
10. Gates/access arms shall be installed with an EVAC System for emergency operation use.
11. Reviewed site plan. All structures are subject to further review at time of building permitting. Please note that any storage/warehouse area require to have access to toilet facilities either in the same structure or in another structure in the same parcel, not further than 500 linear feet and that is accessible to all users.
12. CCU approves the PD concept plan.
A meeting with CCU is required to discuss fire hydrant, potable water and sewer requirements.
To schedule a meeting please send narrative and site plan to
DENISE.ELLIOTT@CHARLOTTECOUNTYFL.GOV requesting a DRT meeting
13. Landscaping, buffers, and tree requirements must be consistent with the conditions established in the PD rezoning and meet all applicable regulations of Section 3-9-100: Buffers, Landscaping, and Tree Requirements (informational comment). Proposed PD conditions have not been provided for review.
14. Endcap islands required at both ends of all rows of parking – verify islands can be accommodated with current proposed site configuration.
15. A full landscape plan will be required at time of PD Final Detail.

16. Must rezone to PD. PD set are 25' to PD boundary. Primary facades shall incorporate a minimum of three (3) design treatments. Blank areas shall not exceed ten (10) feet in a vertical direction or twenty (20) feet in a horizontal direction on a primary facade. Metal panels, plastic siding and/or tiles shall not be used to cover more than fifty (50) percent of any primary facade. All rooftop equipment shall be concealed from public view in a manner consistent with the architectural design of the building.
17. Pedestrian access ways must be provided from the building entry(s) to surrounding streets, external sidewalks, and outparcels. Submit a photometric plan with Final Detail if there will be lights in parking area or on the building.
18. The proposed General PD Concept Plan shall comply with the proposed PD conditions.
19. Final approval will be contingent upon the owner completing an occupation or release of easement for items encroaching into the easements. The shell drive and pavement encroaching into the 10' D.U.E. will require an occupation of easement.

The General PD Concept plan approval shall be valid until a Final Detail Site Plan is approved by the Board of County Commissioners.

Sincerely,

Shaun Cullinan

Shaun Cullinan
Planning and Zoning Official

Exhibit “A”

PD Conditions for Application PD-25-06

This proposed development shall comply with all applicable requirements as set forth in Charlotte County's Code of Laws and Ordinances. In addition, the following shall apply:

- a. Development on the subject property shall occur as generally illustrated in the General PD Concept Plan (Attachment 1: General PD Concept Plan – Truex Expansion Lot) submitted by the applicant, prepared by Banks Engineering, signed January 16, 2025, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the Site Plan Review comments of recommendation of approval per the letter dated February 11, 2025, are required to be met as applicable. Such General PD Concept Plan (DRC-25-011) shall be valid until a Final Detail Site Plan is approved per Section 3-9-45, Planned Development (PD).
- b. Permitted uses and structures:
 1. One existing single story building as shown on the PD Concept Plan for a construction business or other commercial uses.
 2. A maximum of 4,800 square feet of new building for a building trades contractor's office or other commercial general uses located on Lot 20 of Block 3571.
 3. Any redevelopment of the existing structures and improvements on Lot 5 of Block 3571 except for replacement of the existing building is a major modification to the PD subject to Section 3-9-45, PD, as may be amended. However, any and all redevelopment of the buildings and improvements if damaged by a natural disaster may be redeveloped pursuant to the Florida Building Code and such redevelopment shall not constitute a major modification of the PD conditions for application PD-25-06.
- c. Special exceptions shall not be allowed.
- d. Outside storage and outside display of items are permitted pursuant to Section 3-9-61, Accessory Outdoor Retail Sales, Display, and Storage, as may be amended.
- e. The maximum building height for all structures is 30 feet from the base flood elevation or as may be allowed pursuant to the Code sections governing maximum height in the CG zoning district. Other development standards are listed on the General PD Concept Plan.
- f. The elevations for the proposed new building and redevelopment of the existing building are subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code. All other requirements in Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code, as may be amended, shall apply.
- g. No new development or expansion of the existing business shall occur prior to Final Detail Site Plan approval, which will be scheduled on the Board of County Commissioners land use consent agenda for Board consideration.
- h. There is an existing vehicular entrance located on S. Access Road. Subject to approval by the Public Works Department, one gated vehicular entrance shall be permitted from Burlington Avenue.
- i. This planned development is a unified project, which cannot be divided into separate ownership parcels.
- j. Landscaping and buffers: Within the required PD setback, no pavement or other structures are permitted, except for vehicular entrances, driveways, buffer improvements, and the stormwater pond, or others as generally permitted under the Code. Specifically:
 1. The 25-foot PD setback does not apply to Lot 5 of Block 3571 due to the existing development on site; the existing shell drive and the existing chain link fence may remain as currently developed.
 2. The 25-foot PD setback will be reduced to 14 feet along the northern property boundary of Lot 20 of Block 3571; within this setback, at a minimum, a type A buffer is required as shown on the General PD Concept Plan (Attachment 1).


3. The 25-foot PD setback will be reduced to ten feet along the western property boundary of Lot 20 of Block 3571; within this setback, at a minimum, a Type A buffer with at least a six-foot tall opaque fence or wall is required as shown on the General PD Concept Plan (Attachment 1). 100 percent of the required plant material shall be placed outward facing outside of the opaque fence or wall.
4. The 25-foot PD setback will be reduced to 15 feet along the southern property boundary of Lots 19 & 20 of Block 3571; within this setback, a Type D buffer with at least a six-foot tall opaque fence or wall is required as shown on the General PD Concept Plan (Attachment 1). 100 percent of the required plant material shall be placed outward facing outside of the opaque fence or wall.
5. The 25-foot PD buffer will be reduced to 12 feet along the eastern property boundary of Lot 19 of Block 3571; within this setback, a Type D buffer with at least a six-foot tall opaque fence or wall is required as shown on the General PD Concept Plan (Attachment 1). 100 percent of the required plant material shall be placed outward facing outside of the opaque fence or wall.
6. If Conditions j.1. through j.5, regarding the location and type of buffers, creates any perceived ambiguity or confusion, the General PD Concept Plan (Attachment 1) shall control.
- k. The existing pole sign shall remain at the entrance of the project on S. Access Road. All other signage shall comply with the County Sign Ordinance, Section 3-9-85, as may be amended.

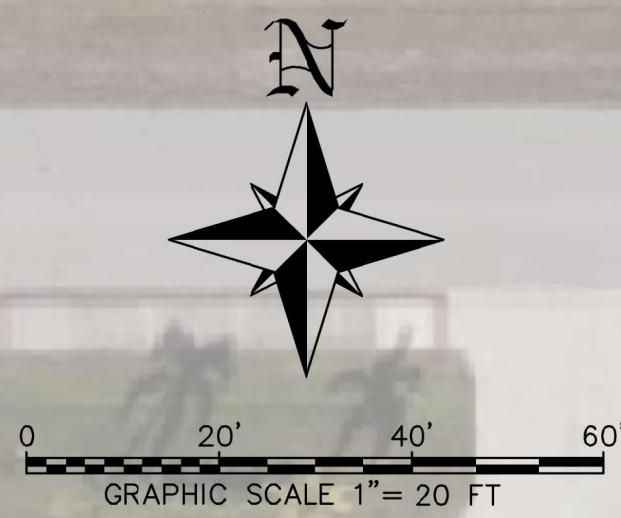
Attachment 1
General PD Concept Plan –
Truex Expansion Lot

EAST BOUND S.R. 776

REVIEWED FOR CODE COMPLIANCE

2/7/2025 DRC-25-011





S. ACCESS ROAD

SUBJECT
PARCEL

BURLINGTON AVENUE

C:\Users\TODD\OneDrive\Documents\4709 - TRUEX EXPANSION LOT\CONCEPT PLAN.DWG - 10/24/2025 2:57:00 PM, DWT, 0.000, BANKS ENGINEERING

PREPARED FOR:

TRUEX PREFERRED CONSTRUCTION, LLC

3797 S. ACCESS ROAD
ENGLEWOOD, FL 34224
PHONE: 941-475-6680

ALL ELEVATIONS ON CIVIL ENGINEERING PLANS REFERENCE: NAVD 1988				
NO.	DATE	REVISION DESCRIPTION	BY	

BANKS

ENGINEERING

Professional Engineers, Planners, & Land Surveyors
Serving South West Florida

4161 TAMiami TRAIL - BLDG 5 UNIT 501
PORT CHARLOTTE, FLORIDA 33952
PHONE: (941) 625-1165
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENGFLA.COM

TODD R. REBOL, P.E.
LICENSE NO. 64040

AERIAL

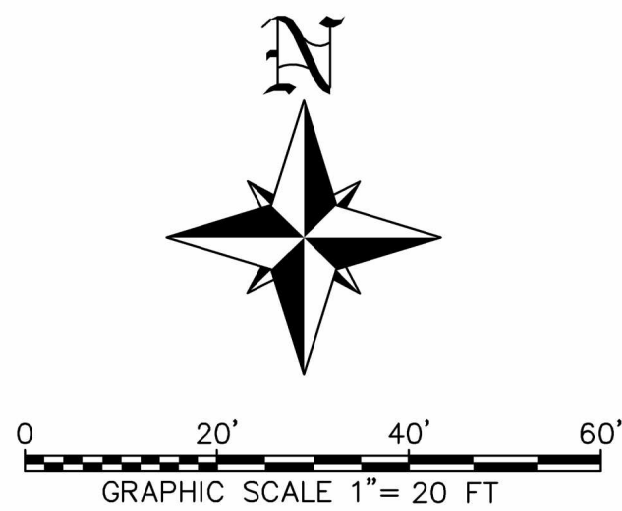
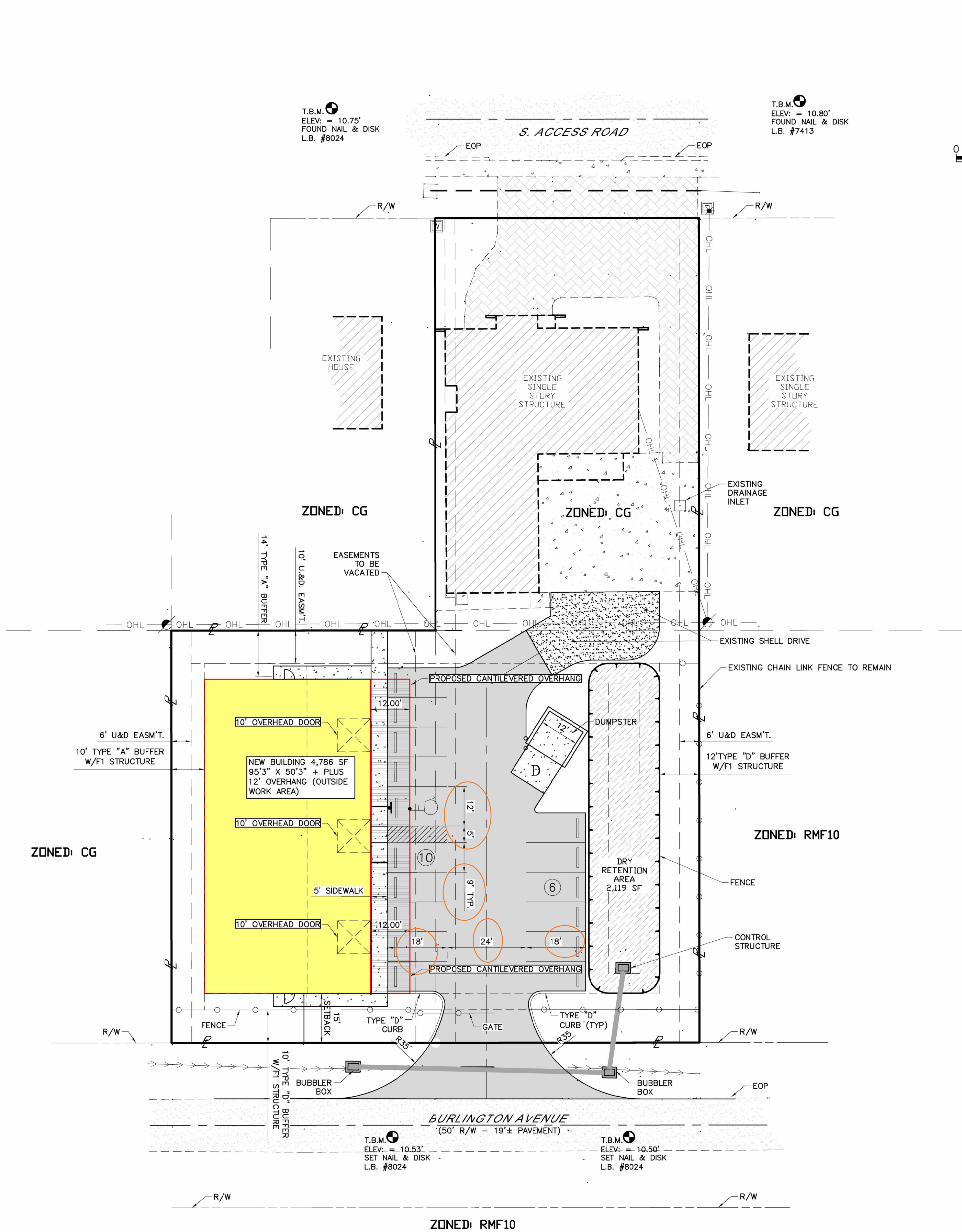
TRUEX EXPANSION LOT

CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SCALE:	SHEET:
10-9-23	4709	TBV	TRR	TRR	1" = 20'	2

4709 - TRUEX EXPANSION LOT

S:\banks\civil\2025\engineering\truex\truex\PD CONCEPT PLAN.dwg 1/15/2025 2:53:53 PM GARY E. REBOL, BANKS ENGINEERING



SITE DATA TABLE:

PROPERTY (PD) AREA:	0.46 ACRES
CURRENT ZONING:	CG, RMF10
PROPOSED ZONING:	PLANNED DEVELOPMENT (PD)
PROPOSED USE:	WAREHOUSE

REVIEWED FOR CODE COMPLIANCE

2/7/2025 DRC-25-011

LAND USE BREKDOWN:

TOTAL PD LIMITS	0.46 AC	(100.0%)
BUILDING AREA:	0.11 AC	(24.2%)
IMPERVIOUS AREA:	0.15 AC	(32.5%)
STORMWATER MANAGEMENT AREA:	0.05 AC	(10.6%)
COMMON OPEN AREA:	0.15 AC	(32.7%)

LANDSCAPING:

ALL LANDSCAPING REQUIREMENTS ARE PROPOSED TO BE CONSISTENT WITH CHARLOTTE COUNTY LAND DEVELOPMENT REGULATIONS SEC. 3-9-100 BUFFERS, LANDSCAPING AND TREE REQUIREMENTS.

FLOOD ZONE:

ZONE: X

PARKING REQUIREMENTS:

PARKING REQUIRED: 1 SP. PER 400 S.F. = 4848/400 = 13 SPACES
1 HANDICAP SPACE

PARKING PROVIDED: 16 SPACES TOTAL INCLUDING 1 HANDICAP SPACE

OPEN SPACE:

REQUIRED
20% OF PROPERTY
20% X 0.46 AC = 0.09 AC

PROVIDED
(STORMWATER MANAGEMENT AREA + COMMON OPEN AREA)
0.05 AC + 0.15 AC = 0.20 AC
0.20 AC / 0.46 AC = 43.5 %

OPEN HABITAT AREA:

NO EXISTING HABITAT AREA IS WITHIN PROPERTY LIMITS. THEREFORE, THE OPEN HABITAT AREA REQUIREMENT IS PROPOSED TO BE WAIVED FOR THIS PROJECT.

PROPOSED DEVELOPMENT STANDARDS:

AREA	9,000 SF
WIDTH	70 FT.
MINIMUM YARD REQUIREMENTS:	
FRONT	15 FT.
SIDE (INTERIOR)	0 FT.
SIDE (STREET)	10 FT.
REAR (INTERIOR)	10 FT.
REAR (STREET)	10 FT.
SIDE OR REAR (ABUTTING WATER)	20 FT.
BULK MAXIMUM:	
LOT COVERAGE (BUILDING)	55 %
HEIGHT (FT.)	30 FT.

PLANNED DEVELOPMENT NOTES:

- THE 25 FOOT PD SETBACK IS PROPOSED TO BE WAIVED FOR THIS PROJECT.

PREPARED FOR:
TRUEX PREFERRED CONSTRUCTION, LLC
3797 S. ACCESS ROAD
ENGLEWOOD, FL 34224
PHONE: 941-475-6680

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PD CONCEPT PLAN
TRUEX EXPANSION LOT
CHARLOTTE COUNTY, FLORIDA

COMPLETION DATE:	PROJECT:	DRAFTED BY:	DESIGNED BY:	REVIEWED BY:	SCALE:	SHEET:
10-9-23	4709	TBV	TRR	TRR	1" = 20'	3