



## Staff Report for: Z-23-33-18

**Meeting Date:** January 8, 2024/February 27, 2024

**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 Zoning Atlas

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### Part 1 – General Information

**Applicant:** Eco-South Services, 2110 West I-65 Service Road South, Mobile, AL 36693

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

**Owner:** Charlotte County Board of County Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948

**Request:** A privately initiated request to amend the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Industrial General (IG).

**Location:** **Commission District V:** A portion of Charlotte County right-of-way, located at 19645 Kenilworth Boulevard, in the Port Charlotte area.

**Area:** The property contains a total of 0.543± acres.



**Z-23-33-18 Area Image**

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

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## Part 2 – Analysis and Conclusion

### ***Request:***

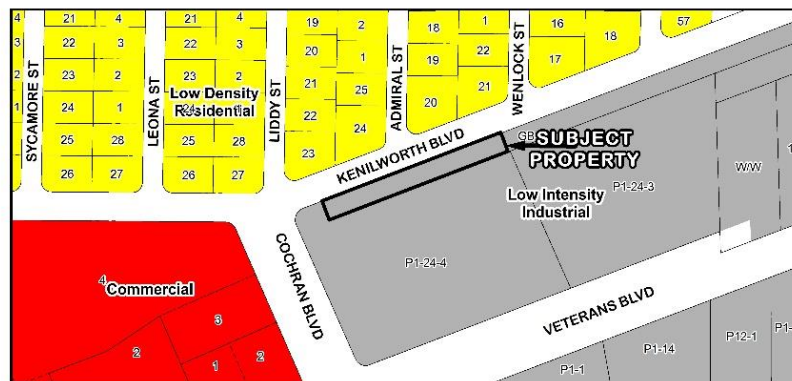
The applicant, Eco-South Services, is requesting a rezoning from Residential Single-family 3.5 (RSF-3.5) to Industrial General (IG) for a portion of Charlotte County right-of-way, located at 19645 Kenilworth Boulevard, in the Port Charlotte area. The stated purpose of this application is to correct an inconsistency between the Future Land Use Map (FLUM) designation and the Zoning district in order to have a potential access from the property owned by the applicant, which is located immediately adjacent to this portion of the right-of-way and is designated as Low Intensity Industrial with an IG zoning.

### ***Compatibility and Impacts on Adjacent Land Uses:***

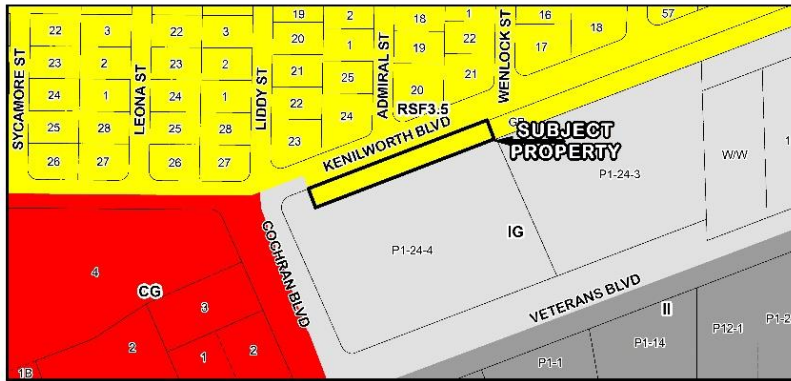
The subject property is a portion of Charlotte County right-of-way, no development will occur on it. Therefore, it should not have any impacts on surrounding uses except that there is an inconsistency between the FLUM and zoning designation for this portion of the right-of-way, which does not permit any access to permitted industrial uses located immediately to the south of this right-of-way.

### ***Consistency with the County's Comprehensive Plan:***

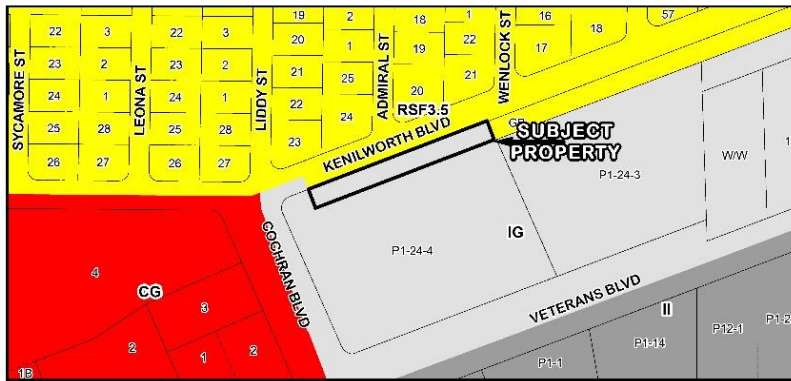
The Comprehensive Plan requires that a property's zoning district shall be consistent with its FLUM designation. In this case, the only zoning districts that can implement the existing Low Intensity Industrial FLUM designation are IG or Planned Development (PD). However, the subject property is part of the County's right-of-way, and no development shall occur on it. In addition, it has been designated as RSF-3.5 since at least 1989 (Attachment 1). Therefore, the proposed rezoning to IG is needed in order to be consistent with the existing FLUM designation of Low Intensity Industrial.



**Z-23-33-18 FLUM Designations**



**Z-23-33-18 Existing Zoning Designations**



**Z-23-33-18 Proposed Zoning Designations**

#### ***Concurrency Issues:***

The subject property is part of the County's right-of-way, and no actual development will occur on it. Therefore, the proposed rezoning from RSF-3-5 to IG should not create any concurrency issues.

#### **Conclusion:**

It is staff's professional opinion that this proposed change is consistent with the County's Comprehensive Plan. It should not create any detrimental impacts on residential properties located across Kenilworth Boulevard to the north.

### **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. Z-23-33-18) is generally consistent with Charlotte County's Comprehensive Plan, Charlotte County's Code of Laws and Ordinances and other applicable guidelines.

#### **Planning and Zoning Board recommendation on January 8, 2024:**

*Approve a motion to forward application Z-23-33-18 to the Board of County Commissioners with a recommendation of **Approval with a 4-0 vote**, based on the findings and analysis in the*

*staff report dated December 16, 2023, 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: N/A** because the 2050 Framework Map is created based on the parcel base. The property located immediately to the south and owned by the applicant is part of 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 is part of the County's right-of-way.** (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:
Low Intensity Industrial (LII)	<p>These lands are designated for limited commercial uses and for facilities which assemble, market, and distribute products or engage in research and development. Low Intensity Industrial lands must have convenient access to principal highways or arterial roads.</p> <p><b>General Range of Uses</b> Low intensity industrial including assembly, distribution and research and development, limited commercial, and public services and facilities.</p> <p><b>Maximum Intensity</b> Maximum FAR shall not exceed 1.0.</p>
Zoning:	Development Standards:
Residential Single-family 3.5 (RSF-3.5)	<p>The purpose and intent of this district is to provide for single-family residential dwellings and other uses normally associated therewith.</p> <ul style="list-style-type: none"> <li>• Minimum lot area is 10,000 square feet.</li> <li>• Minimum lot width is 80 feet.</li> <li>• Setbacks: <ul style="list-style-type: none"> <li>○ Front: 25 feet</li> <li>○ Side (interior): 7.5 feet</li> <li>○ Side (street): 15 feet</li> <li>○ Rear (interior): 20 feet</li> <li>○ Rear (street): 25 feet</li> <li>○ Abutting water: 20 feet</li> </ul> </li> <li>• Maximum lot coverage of all buildings is 40 percent.</li> <li>• Maximum building height is 38 feet.</li> <li>• Maximum density (units per acre): 3.5 units per acre.</li> </ul>

**Table 1**

**5. Proposed Future Land Use and Zoning Designations:**  
(see attached Future Land Use Map and Zoning Map.)

FLUM:	Development Standards:		
No Change Low Intensity Industrial (LII)	<p>These lands are designated for limited commercial uses and for facilities which assemble, market, and distribute products or engage in research and development. Low Intensity Industrial lands must have convenient access to principal highways or arterial roads.</p> <p><b>General Range of Uses</b> Low intensity industrial including assembly, distribution and research and development, limited commercial, and public services and facilities.</p> <p><b>Maximum Intensity</b> Maximum FAR shall not exceed 1.0.</p>		
Zoning:	Development Standards:		
Industrial General (IG)	<p>The purpose and intent of this district is to allow various light industrial and higher-intensity commercial uses. All industrial processes shall take place within completely enclosed buildings unless approved by a Special Exception. Storage of materials and finished products may be permitted within an enclosed yard with appropriate screens and buffering.</p> <ul style="list-style-type: none"><li>Minimum lot area is 12,000 square feet.</li><li>Minimum width is 100 feet.</li><li>Setbacks:</li></ul>		
		Adjacent to industrial uses	Adjacent to non-industrial uses
	Front	10 feet	25 feet
	Side (interior)	0 feet	10 feet
	Side (street)	10 feet	15 feet
	Rear (interior)	10 feet	15 feet
	Rear (street)	10 feet	20 feet
	Abutting water	20 feet	20 feet
	<ul style="list-style-type: none"><li>Maximum lot coverage by all buildings is 50 percent.</li><li>Maximum building height is 60 feet.</li></ul>		

**Table 2**

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

<b>Direction:</b>	<b>Existing Land Use:</b>	<b>FLUM Designation:</b>	<b>Zoning District Designation:</b>
<b>North</b>	Kenilworth Boulevard Single-family homes Vacant platted residential lots	Low Density Residential (LDR)	Residential Single-family 3.5 (RSF-3.5)
<b>West</b>	Cochran Boulevard Improved commercial	Commercial (COM)	Commercial General (CG)

	such as Extra Space Storage		
<b>South</b>	Veterans Boulevard Improved Industrial uses	Low Intensity Industrial (LII)	Industrial General (IG)
<b>East</b>	Vacant lands designated for industrial uses	Low Intensity Industrial (LII)	Industrial Intensive (II)

**Table 3**

**7. Buildout Calculations (square footage or density):**

The subject property is a portion of the County's right-of-way. No development will occur on it.

**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) N/A**

**12. Are there wetlands on the property? .....None.**

**a. Number of acres of Category I: .....None.**

**b. Number of acres of Category II: .....None.**

**13. Natural Resources:**

**a. Significant natural resources or critical habitat for endangered species: N/A, the property is part of the County's right-of-way.**

**b. Possible impacts to groundwater, surface water, wetlands or other significant natural resources: N/A**

**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 Three** 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: A portion of the subject property is located within Flood Zone AE, which is an area where the base flood zone is determined. The balance of the property is located within Flood Zone X, which is an area determined to be outside the 0.2% annual chance floodplain.
- e. Storm Surge Evacuation Zone: **The site is located within Evacuation Zone "C".**
- 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: N/A, because the property is part of the County's right-of-way, and no development will occur on it.**

**16. Concurrency:**

- a. **Roads Level of Service: N/A, because the property is part of the County's right-of-way, and no development will occur on it.**
- b. **Potable Water Level of Service: N/A, because the property is part of the County's right-of-way, and no development will occur on it.**
- c. **Sanitary Sewage Level of Service: N/A, because the property is part of the County's right-of-way, and no development will occur on it.**
- 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 application does not require comments from any other government or agency.

**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:

The zoning district needs to be consistent with the FLUM designation of the property.

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**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 Industrial General (IG) will correct the inconsistency between the Future Land Use Map (FLUM) and zoning designations. The property is designated as Low Intensity Industrial, the proposed IG zoning is consistent with this FLUM designation.

**b. The existing land use pattern in adjacent areas:**

**Finding:** The property is part of the County's right-of-way, and no development will occur on it. There are single-family homes and some vacant platted residential lots located across Kenilworth Boulevard to the north. Improved commercial uses are to the west. Vacant lands designated for industrial uses are located to the east. The applicant-owned property designated for industrial uses is located immediately to the south. Further south, across Veterans Boulevard, there are improved commercial and industrial uses.

**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 property is part of the County's right-of-way, and no development shall occur on it. Therefore, the proposed rezoning to IG shall not have any impacts on the capacity of the County's public facilities and services.

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

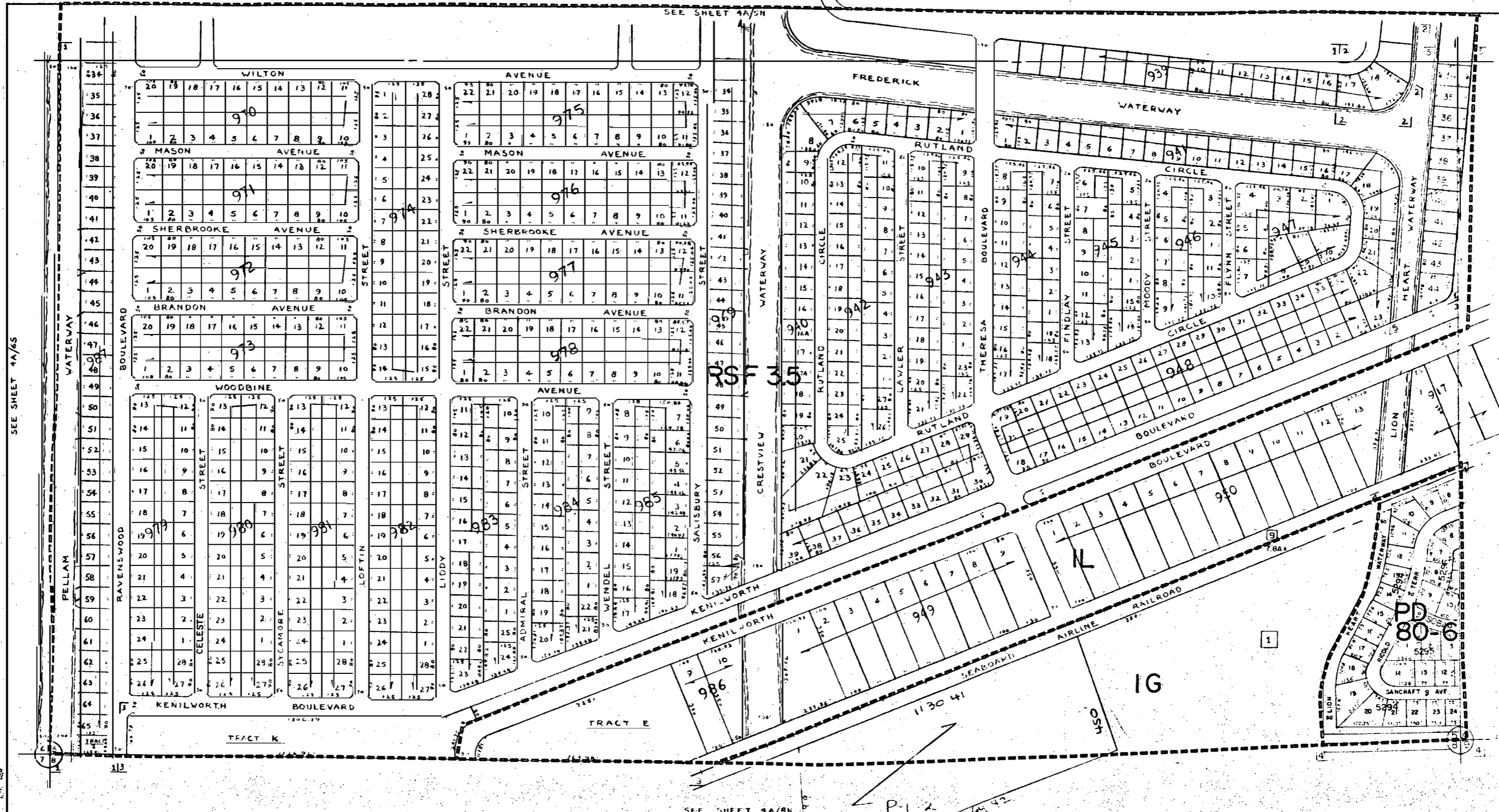
**Finding:** The property is part of the County's right-of-way, and no development shall occur on it. Therefore, the proposed rezoning to IG shall not have any negative impacts on surrounding uses.

**e. Would the proposed change affect public safety?**

**Finding:** The property is part of the County's right-of-way. Therefore, public safety should not be affected by this proposed zoning change from Residential Single-family 3.5 (RSF-3.5) to Industrial General IG).

# **Attachment 1**

THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND NEITHER CHARLOTTE COUNTY NOR HUNNICUTT AND ASSOCIATES, INC. ASSUMES RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON.



SUBDIVISION INDEX			
NO	NAME	PS	PG
1	PORT CHARLOTTE SECTION 17	5	6
2	SECTION 19	5	9
3	SECTION 34	5	38
4	SECTION 96 REPLAT	15	52A-F
5	SECTION 19 REPLAT	5	47



ASSESSMENT MAP  
 CHARLOTTE COUNTY,  
 FLORIDA  
 COMPILED & DRAWN BY  
 HUNNICUTT & ASSOCIATES, INC.  
 ST. PETERSBURG, FLORIDA

SECTION 5 1/2 S  
 TOWNSHIP 40 S  
 RANGE 22 E  
 COMPILED & DRAWN, PLOI  
 REVISION DATES  
 TRACING PRINT

SHEET NUMBER  
 4A  
 5S



## **Qualifications of Jie Shao**

*Position:* Principal Planner

*Years with Charlotte County:* 19

*Position Summary & Experience:* I have worked as a Planner for Charlotte County Community Development Department for over 18 years. My duties include reviewing and making recommendations on plan amendments, zoning map changes and text amendments to the County's Comprehensive Plan as well as the Land Development Regulations to the Planning and Zoning Board and the Board of County Commissioners.

*Education:*

- September 1997 to December 2001  
University of Cincinnati; Cincinnati, Ohio; Obtained a M.S. degree in Community Planning
- September 1986 to July 1990  
Chongqing University China; Obtained a B.S. degree in Architecture

*Professional Associations and Certifications:*

- AICP, American Association of Certified Planners since 2017
- American Planning Association (APA), Member since 2004

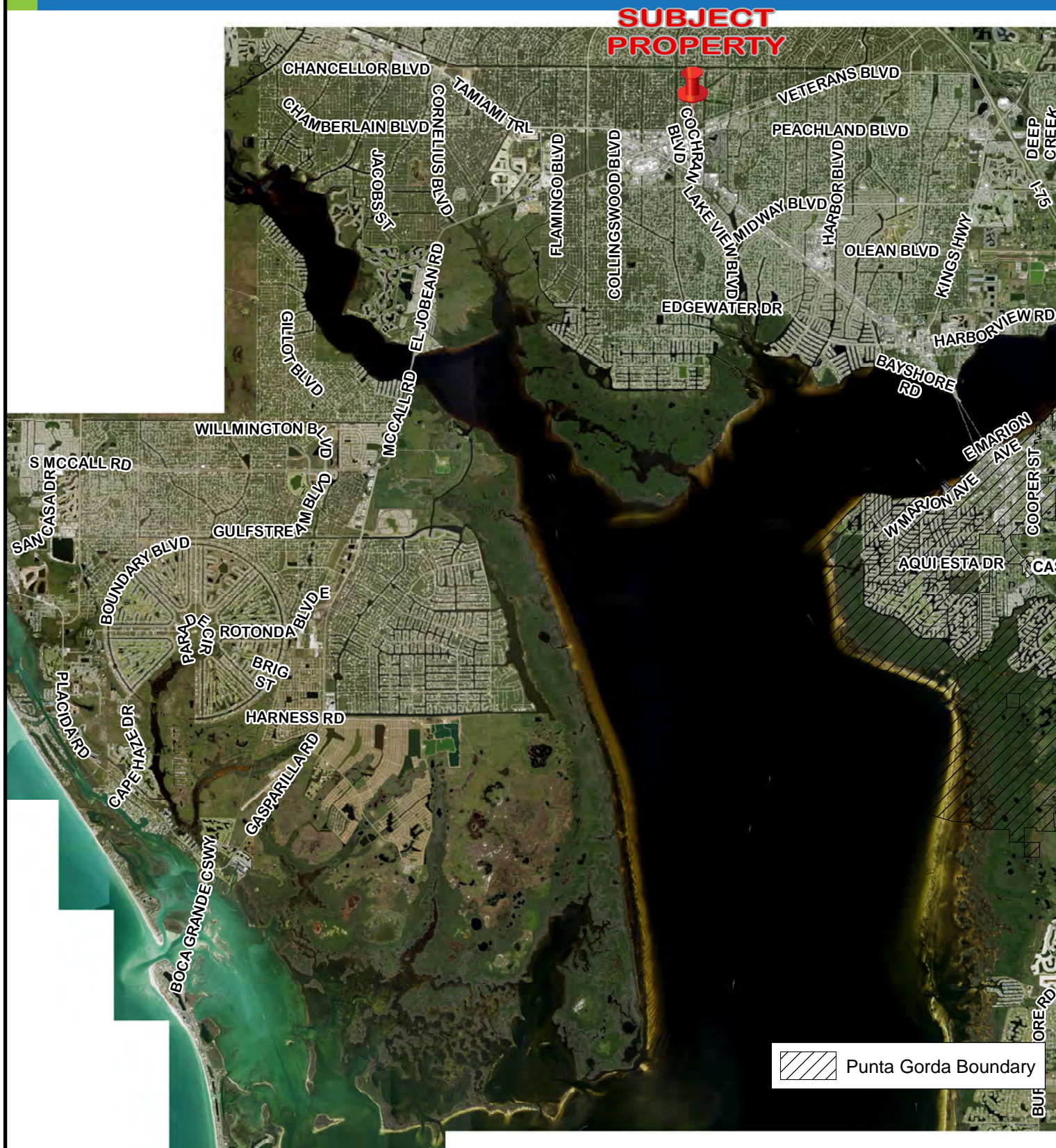
*Related Past Experience:*

- Planner, Architectural Graphics Designer, University Instructor in Architecture, Suzhou Planning Bureau/Institute of Urban Construction & Environmental Protection (1990-1994)

**Exhibit 1**

# CHARLOTTE COUNTY

## Location Map for Z-23-33-18

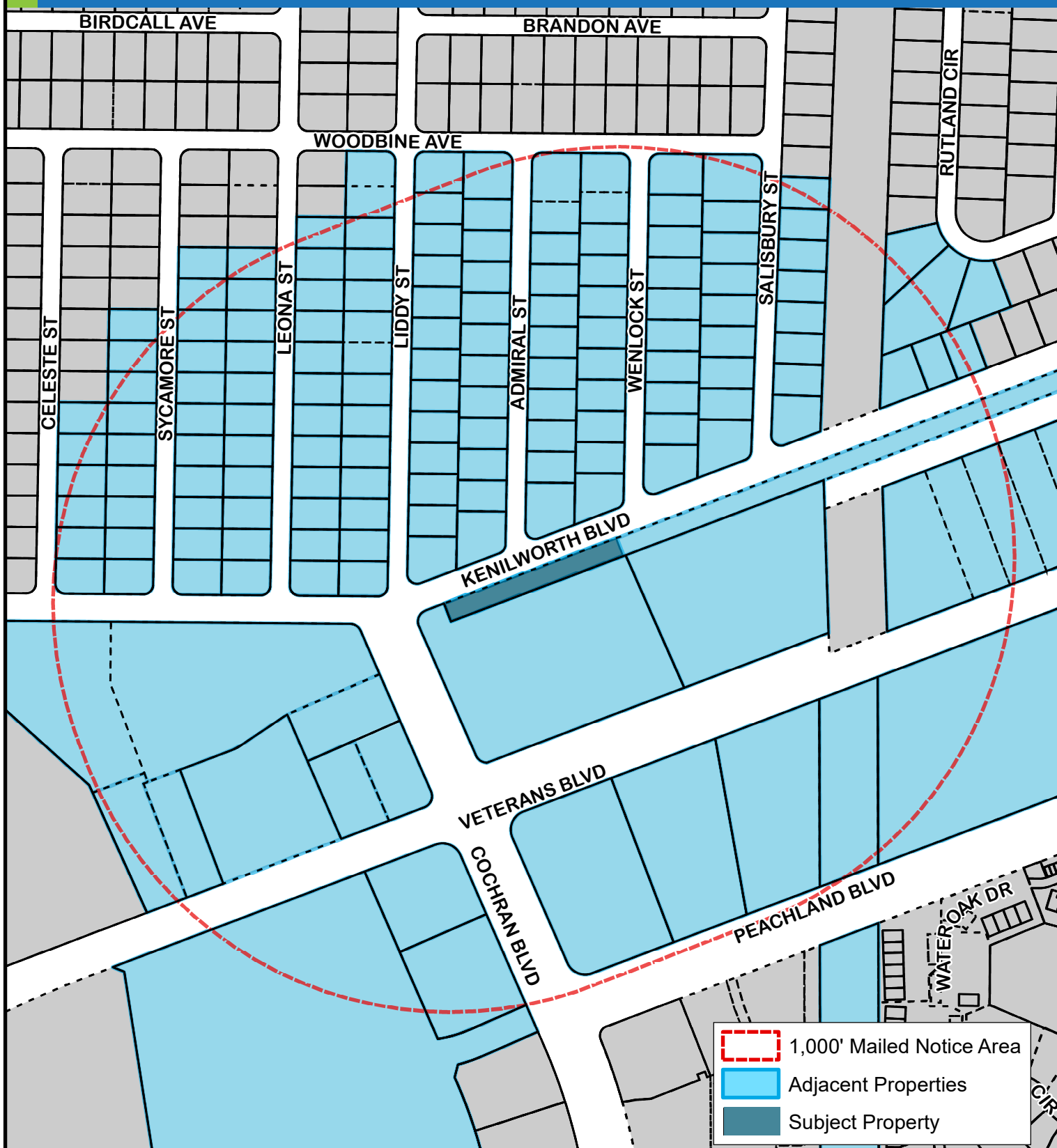


# CHARLOTTE COUNTY

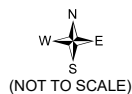
1,000' Foot Mailed Notice of Z-23-13-18



CHARLOTTE COUNTY  
Community Development



05/40/22 Mid-County



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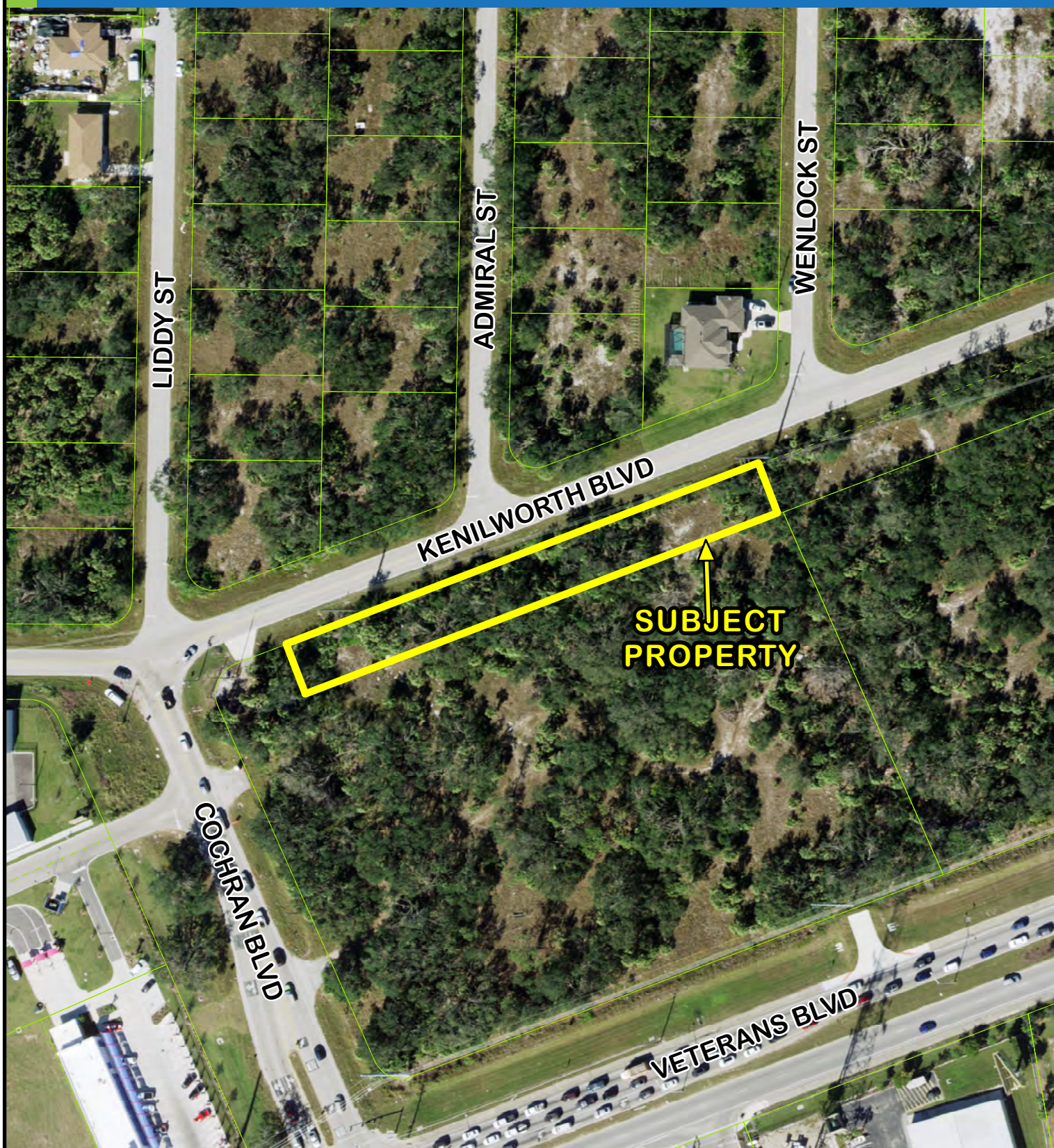
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By: Shaoj-2705

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# CHARLOTTE COUNTY

Area Image for Z-23-33-18



05/40/22 Mid-County



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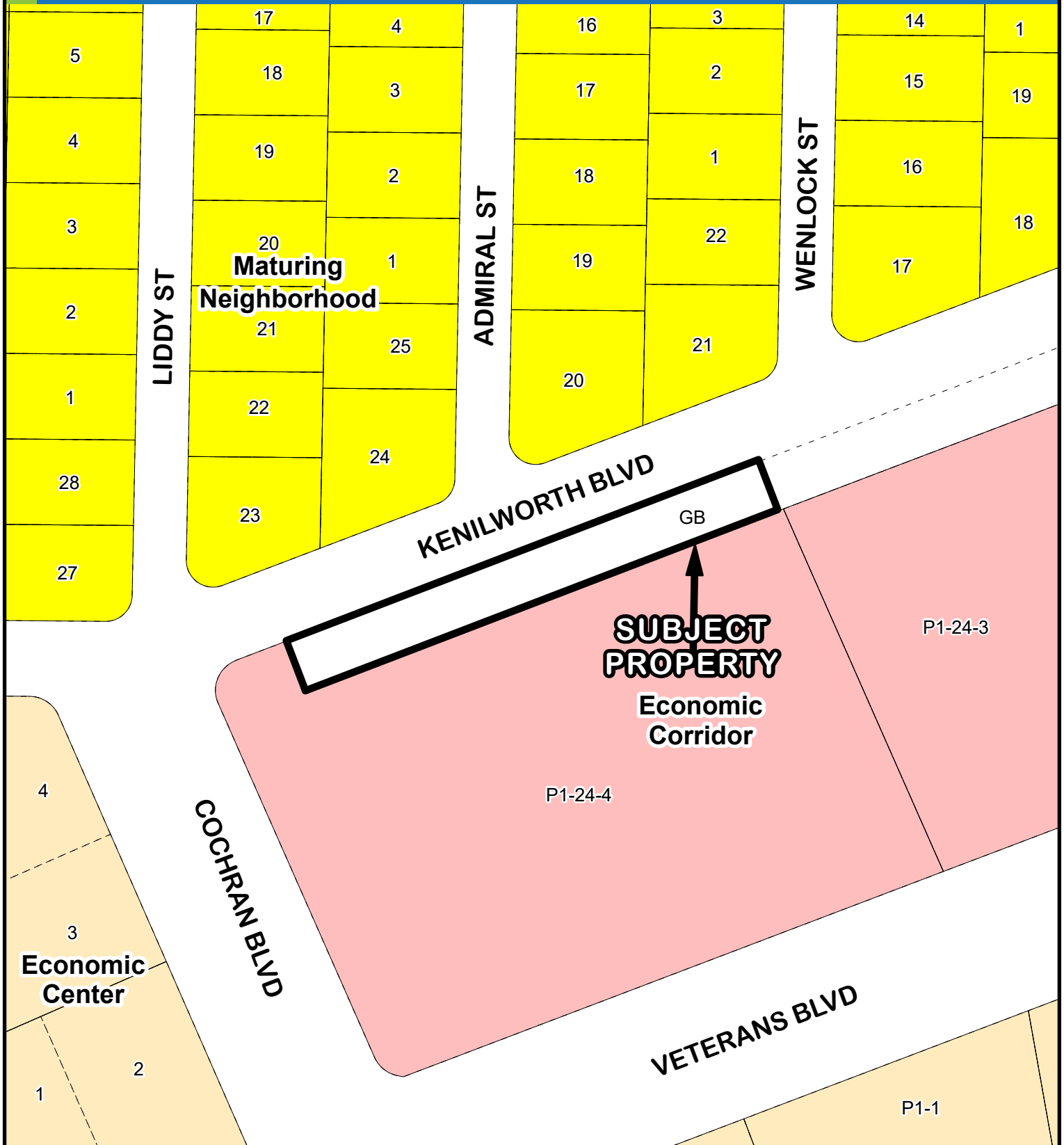
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# CHARLOTTE COUNTY

## Framework for Z-23-33-18

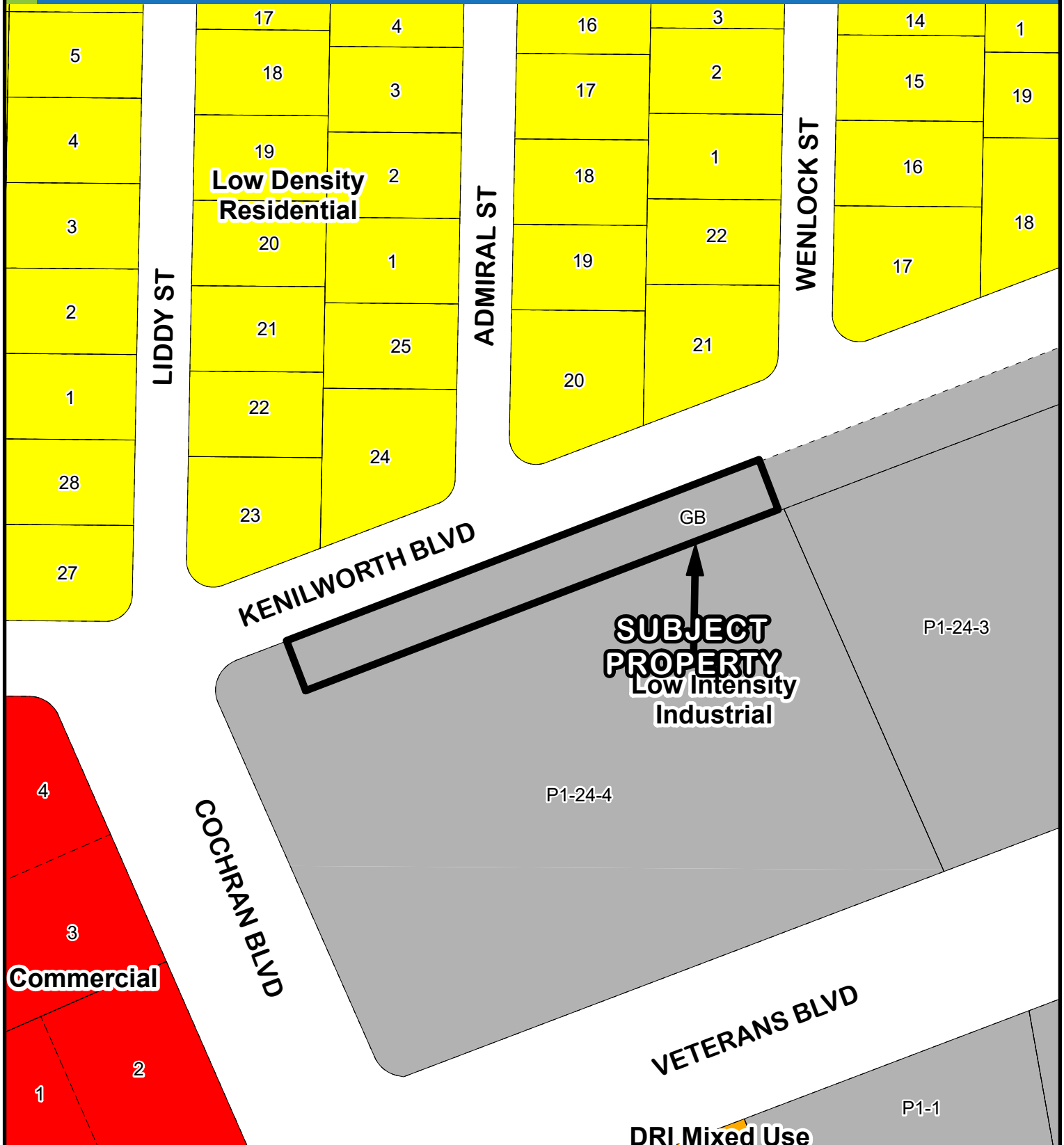


05/40/22 Mid-County



# CHARLOTTE COUNTY

## FLUM Designations for Z-23-33-18

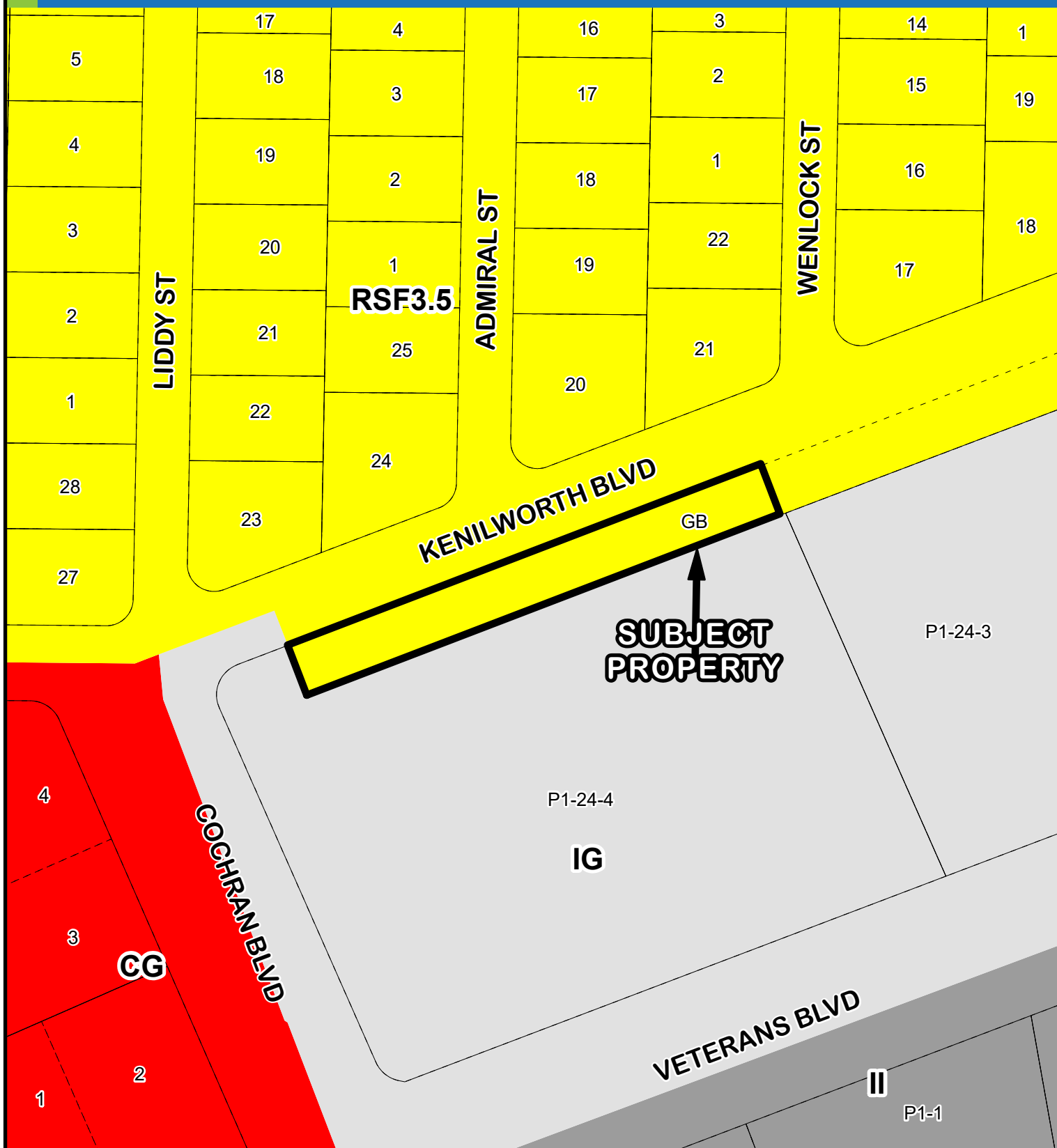


05/40/22 Mid-County



# CHARLOTTE COUNTY

## Zoning Designations for Z-23-33-18



**05/40/22 Mid-County**



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