

City
Boe #14

BARBARA T. SCOTT, CLERK
CHARLOTTE COUNTY
OR BOOK 02421

RESOLUTION
NUMBER 2004- 049

PGS 1656-1664 (9 Pg(s))
FILE NUMBER 1169221
RECORDED 03/16/2004 02:29:29 PM
RECORDING FEES 42.00

A RESOLUTION AMENDING RESOLUTION 88-83.A, DEVELOPMENT ORDER FOR INCREMENT-I OF THE MURDOCK CENTER DEVELOPMENT OF REGIONAL IMPACT (DRI), AS AMENDED AND IMPACTED BY RESOLUTIONS 89-143, 89-368, 92-146, 92-170A, 92-174, AND 2003-053; FINDING THAT KAPT LIMITED PARTNERSHIP'S NOPC TO DELETE SEVEN ACRES MORE OR LESS OF PROPERTY INSIDE THE DRI, LOCATED IN COMMISSION DISTRICT IV, IN THE GENERAL VICINITY OF S.R. 776 AND TAMIAMI TRAIL (U.S. 41) IN CHARLOTTE COUNTY DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION UNDER SECTION 380.06(19)(b), FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on March 3, 1987, the Board of County Commissioners of Charlotte County, Florida ("the Board") adopted Resolution 87-48, a Master Development Order for the Murdock Center Development of Regional Impact (DRI), pursuant to Section 380.06(21), Florida Statutes, consisting of approximately 646 acres located near the intersection of U.S. 41 and S.R. 776 in Charlotte County; and

WHEREAS, on June 14, 1988, the Board passed and approved Resolution 88-83, constituting the development order for a development of regional impact known as Murdock Center Increment-I. consisting of approximately 315 acres of mixed use development; and

WHEREAS, the Development Order adopted by Resolution 88-83 was amended by Resolution 89-143 on July 11, 1989; Resolution 89-368 on December 20, 1989; Resolution 92-147 on July 14, 1992; Resolution 92-170A on August 18, 1992; and Resolution 2003-053, on April 8, 2003, (such Development Order as amended shall hereinafter be referred to as "the Increment-I D.O."), and was impacted by Resolution 89-35 on February 15, 1989, and Resolution 92-174 on August 25, 1992; and

WHEREAS the buildout date for the Increment-I D.O. was recently extended to June 13, 2008; and

IMAGED
3-29-04
AP

IMAGED IN PG



WHEREAS, the Southwest Florida Regional Planning Council reviewed and considered the amendments to the Increment-I D.O. requested by Kapt Limited Partnership in DRI #9-8485-57 and recommended acceptance of the proposed development order language finding that the proposed change does not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities; and

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered NOPC 03-11-05 and also recommends approval, finding that deletion of seven acres more or less of the open space element inside the DRI does not constitute a substantial deviation because it does not individually or cumulatively with other changes create "a decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less" under Section 380.06(19)(b)(13), F.S.; and

WHEREAS, the Board has reviewed and considered the amendments to Increment-I D.O. requested by Kapt Limited Partnership and finds that the amendments are consistent with the Charlotte County Comprehensive Plan, the previously approved Master Development Order, and the Increment-I D.O., and also finds that the amendments do not constitute a substantial deviation under Section 380.06(19)(a) and (b), F.S.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that:

1. The Increment-I D.O., is hereby amended as follows:

A. The Increment-I Conceptual Master Development Plan (Map "H") of the Increment-I D.O. is hereby deleted in its entirety and is replaced with the attached Exhibit "A," consisting of the map prepared by ABS & Associates, Inc., and titled Murdock Center AIDA: INCREMENT I and the chart titled MURDOCK INCREMENT I LAND USES (such Exhibit "A" shall be hereinafter referred to as "the Revised Map").

B. The Revised Map reflects the deletion of seven acres more or less of open space element inside the DRI (i.e., the deletion of the WW site north of Veterans Boulevard, leaving only the ten acre LI site north of Veterans Boulevard).

C. The Increment-I Master Phasing Plan ("Map H-2") of the Increment-I D.O. is hereby deleted in its entirety and is replaced with the revised map attached hereto as Exhibit "B."

2. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the Increment-I D.O.

3. All other terms and conditions of the Increment-I D.O. not affected by this resolution shall remain unchanged and in full force and effect.

4. This resolution shall become effective immediately upon its adoption.

5. The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Roger Wilburn, Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and to Daniel Trescott, Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33918-3909.

PASSED AND DULY ADOPTED this 9 day of March, 2004.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Matthew D. DeBoer
Matthew D. DeBoer, Chairman

ATTEST:

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

By: Anne L. Pfahler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

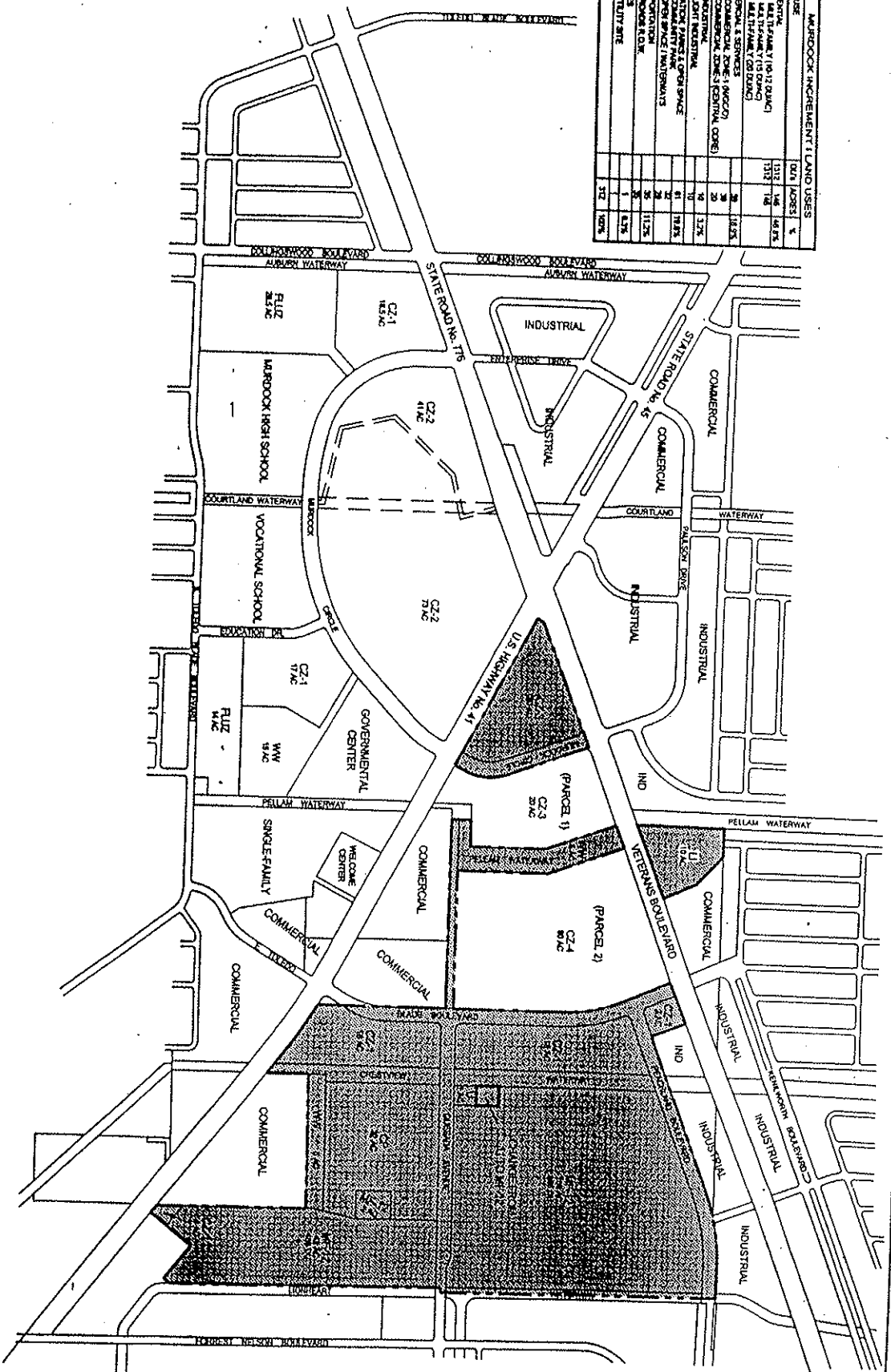
Renée Francis Lee
Renée Francis Lee, County Attorney *MCF*

EXHIBIT A

TYPE OF SKETCH: MURDOCK CENTER ADA: INCREMENT 1

NORTH  1"=1200'

LAND USE	AREA (ACRES)	%
RESIDENTIAL	1312.1	14.8%
COMMERCIAL	1125.0	12.8%
INDUSTRIAL	1125.0	12.8%
GOVERNMENTAL	1125.0	12.8%
RECREATION	1125.0	12.8%
TRANSPORTATION	1125.0	12.8%
UTILITIES	1125.0	12.8%
TOTALS	8850.0	100%



11322

NOTE: BASE DRAWING AND ORIGINAL DATA PROVIDED BY CHARLOTTE ENGINEERING & SURVEYING, INC.


 **ABS & ASSOCIATES, INC.** 3871 D TAMiami TRAIL, PORT CHARLOTTE, FLORIDA 33952
 CIVIL ENGINEERS / LAND PLANNERS PORT CHARLOTTE 1 (941) 627-3151
 ABS F8PE #3969

EXHIBIT A-1

MURDOCK INCREMENT I LAND USES			
LAND USE	DU's	ACRES	%
RESIDENTIAL	1312	146	46.8%
MF-12 MULTI-FAMILY (10-12 DU/AC)	1312	146	
MF-15 MULTI-FAMILY (15 DU/AC)			
MF-20 MULTI-FAMILY (20 DU/AC)			
COMMERCIAL & SERVICES		59	18.9%
CZ-1 COMMERCIAL ZONE-1 (N/GC/O)		39	
CZ-3 COMMERCIAL ZONE-3 (CENTRAL CORE)		20	
LIGHT INDUSTRIAL		10	3.2%
LI LIGHT INDUSTRIAL		10	
RECREATION, PARKS & OPEN SPACE		61	19.6%
CP COMMUNITY PARK		32	
WW OPEN SPACE / WATERWAYS		29	
TRANSPORTATION		35	11.2%
MAJOR ROADS R.O.W.		35	
UTILITIES		1	0.3%
U UTILITY SITE		1	
TOTALS		312	100%

EXHIBIT B

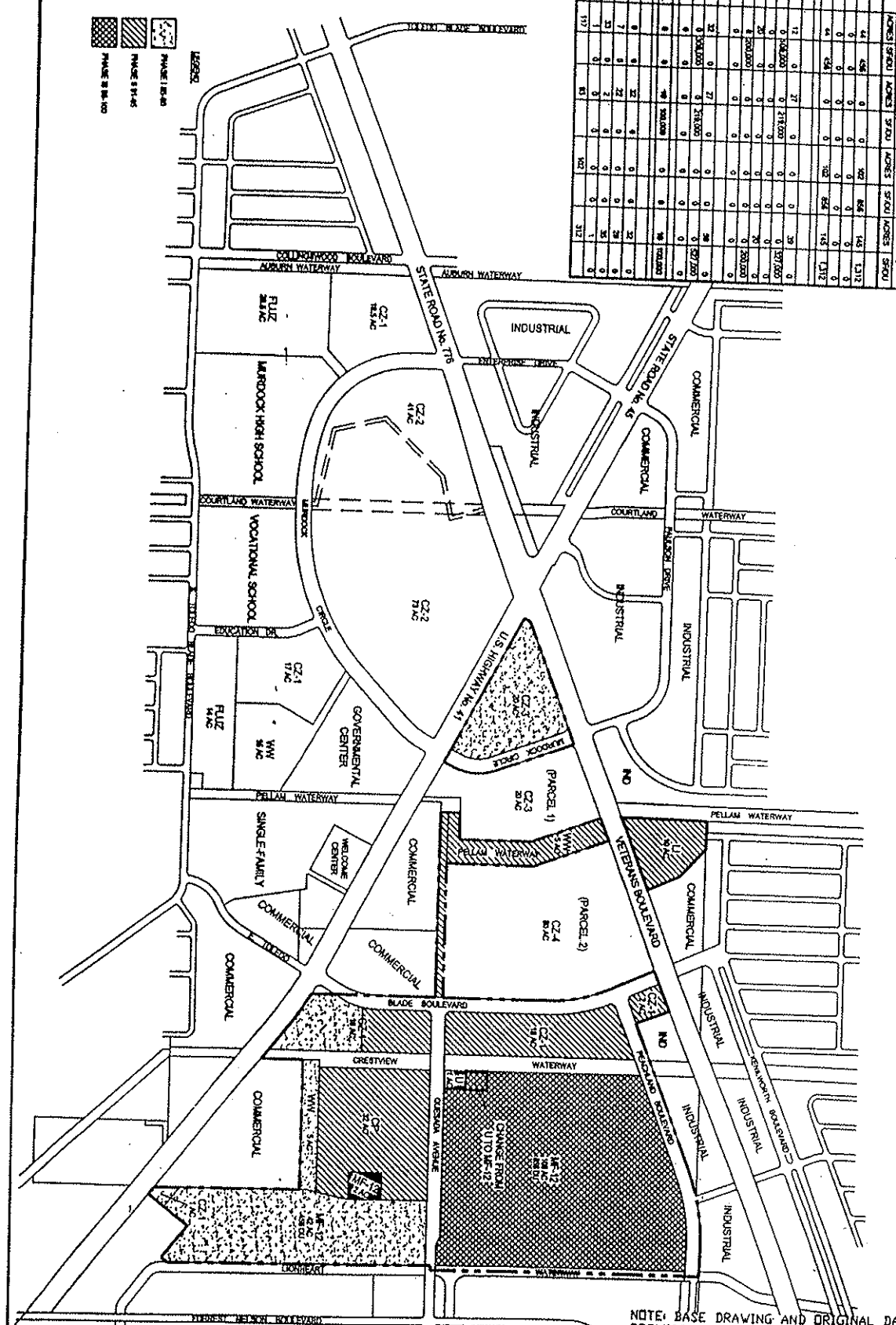
TYPE OF SKETCH:

DOCK CENTER
DATA: INCREMENT 1

NORTH
1" = 1200'



LAND USE	PARCEL 1		PARCEL 2		PARCEL 3		PARCEL 4		TOTAL	
	ACRES	STAC	ACRES	STAC	ACRES	STAC	ACRES	STAC	ACRES	STAC
RESIDENTIAL	0	0	0	0	0	0	0	0	0	0
INDUSTRIAL	0	0	0	0	0	0	0	0	0	0
COMMERCIAL	0	0	0	0	0	0	0	0	0	0
GOVERNMENTAL	0	0	0	0	0	0	0	0	0	0
EDUCATIONAL	0	0	0	0	0	0	0	0	0	0
RECREATION	0	0	0	0	0	0	0	0	0	0
UTILITY	0	0	0	0	0	0	0	0	0	0
WATERWAY	0	0	0	0	0	0	0	0	0	0
UNDEVELOPED	0	0	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0	0	0



NOTE: BASE DRAWING AND ORIGINAL DATA PROVIDED BY CHARLOTTE ENGINEERING & SURVEYING, INC.



ABS & ASSOCIATES, INC.
CIVIL ENGINEERS / LAND PLANNERS

3871 D TAMiami TRAIL, PORT CHARLOTTE, FLORIDA 33952
PORT CHARLOTTE 1 (941) 627-3151
ABS FBPE #3969

11322

EXHIBIT B-1

PROPOSED MURDOCK INCREMENT I LAND USES & PHASING								
LAND USE	PHASE I		PHASE II		PHASE III		TOTAL	
	ACRES	SF/DU	ACRES	SF/DU	ACRES	SF/DU	ACRES	SF/DU
RESIDENTIAL								
MF-12	44	456	0	0	102	856	145	1,312
MF-15	0	0	0	0	0	0	0	0
MF-20	0	0	0	0	0	0	0	0
SUB-TOTAL	44	456	0	0	102	856	145	1,312
COMMERCIAL								
CZ-1	12	0	27	0	0	0	39	0
RETAIL	0	108,000	0	219,000	0	0	0	327,000
OFFICE	0	0	0	0	0	0	0	0
CZ-3	20	0	0	0	0	0	20	0
RETAIL	0	200,000	0	0	0	0	0	200,000
OFFICE	0	0	0	0	0	0	0	0
SUB-TOTALS								
ACRES	32	0	27	0	0	0	59	0
RETAIL	0	308,000	0	219,000	0	0	0	527,000
OFFICE	0	0	0	0	0	0	0	0
LIGHT INDUSTRIAL	0	0	10	100,000	0	0	10	100,000
OTHERS								
PARK	0	0	32	0	0	0	32	0
OPEN SPACE/WW	7	0	22	0	0	0	29	0
ROAD ROW	33	0	2	0	0	0	35	0
UTILITIES	1	0	0	0	0	0	1	0
TOTAL	117		93		102		312	

019/04
V 1-9



PUBLISHER'S AFFIDAVIT OF PUBLICATION
STATE OF FLORIDA
COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, DeSoto Sun, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Public Hearing, was published in said newspaper in the issues of:

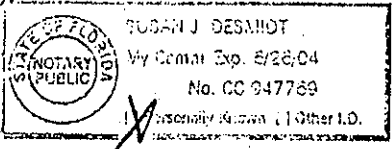
February 28, 2004

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Amber Freeman
(Signature of Affiant)

Sworn and subscribed before me this 1st day of March, 2004.

Susan J. Desmot
(Signature of Notary Public)

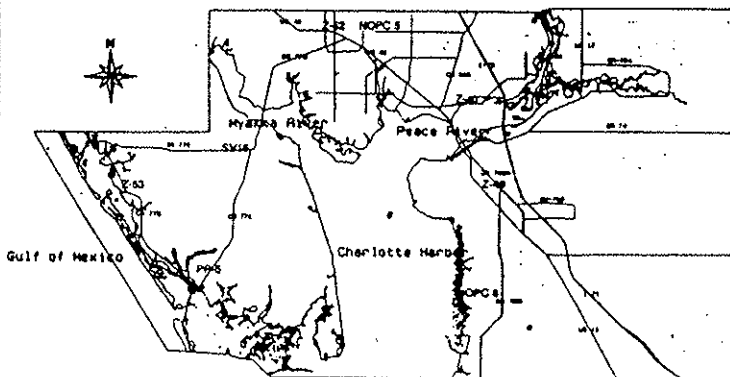


2 x 17.5 x 4.95 = \$ 173.25

CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA
BY: *Amber Freeman*
DEPUTY CLERK

NOTICE OF PUBLIC HEARING NOTICES OF PROPOSED CHANGES, STREET/PLAT VACATION, PRELIMINARY PLAT AND REZONINGS

PURSUANT TO SECTION 125.66 AND CHAPTER 163, CHAPTER 177, FLORIDA STATUTES, CHAPTER 3-9-7, CHAPTER 336, SECTION 3-9-11 AND SECTION 380.06 FLORIDA STATUTES, CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, THE CHARLOTTE COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY GIVE NOTICE OF A PROPOSAL TO CHANGE THE USE OF LAND AS DESCRIBED BELOW.



A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS ON MARCH 9, 2004 AT 2:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE HEARING WILL BE HELD IN THE COMMISSIONERS MEETING ROOM, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE FOLLOWING LOCATIONS:

CHARLOTTE COUNTY COMMUNITY
ALL CHARLOTTE COUNTY PUBLIC LIBRARIES
INTERNET ADDRESS
ALL INTERESTED PERSONS ARE URGED TO ATTEND
THESE PUBLIC HEARINGS

PETITIONS

An ordinance approving an amendment to the Charlotte County Zoning Atlas from Residential Multi-Family-5 (RMF-5) and Agriculture Estates (AE) to Planned Development (PD), for property located in Commission District I, north of Rowley Road, south of Old Landfill Road, west of Rowland Drive, and east of Melissa Court, containing 125.76± acres, more or less, Petition Z-03-11-40, applicant Southwest Florida Land 6 LLC; providing an effective date.

An ordinance approving an amendment to the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Planned Development (PD), for property located in Commission District II, north of Coral Ridge Drive, south of Airport Road, east of Cooper Street, and west of Taylor Road, containing 9.83± acres more or less, Petition Z-03-12-49, applicant Timothy Towles; providing an effective date.

An ordinance approving an amendment to the Charlotte County Zoning Atlas from Commercial General and Residential Multi Family-10 to Commercial Intensive, for property located in Commission District IV, north of Brighton Avenue, south of Geddes Avenue, west of Collingswood Boulevard, and east of Mascot Street, containing 38.67± acres more or less, Petition Z-03-12-52, applicant Charlotte County; providing an effective date.

An ordinance approving an amendment to the Charlotte County Zoning Atlas from Commercial General (CG) and Commercial Intensive (CI) to Industrial Light (IL), for property located in Commission District III, north of C.R. 775, south of S.R. 776 (Oyster Creek development), west of Winchester Blvd., and east of San Casa Blvd, containing 54.93± acres more or less, Petition Z-03-12-53, applicant Charlotte County, providing an effective date.

A resolution amending Resolution 88-83.a, Development Order for Increment-I of the Murdock Center Development of Regional Impact (DRI), as amended and impacted by Resolutions 89-143, 89-368, 92-146, 92-170a, 92-174, and 2003-053; finding that KAPT Limited Partnership's NOPC to delete seven acres more or less of property inside the DRI, located in Commission District IV, in the general vicinity of S.R. 776 and Tamiami Trail (U.S. 41) in Charlotte County does not constitute a substantial deviation under section 380.06(19)(b), Florida Statutes; and providing an effective date.

SV-03-12-16

Gulf Cove United Methodist Church is requesting a Street Vacation for Orange Avenue (aka Oarsman). The site is located in Commission District IV, north of Conway Road, and southeast of S.R. 776, Port Charlotte (McCall) area. The site contains 0.248± acres more or less. A complete legal description is on file.

PP-03-11-5

CCC DR LLC is requesting a Preliminary Plat for Coral Creek Club. The site is located in Commission District III, northwest of C.R. 771 (Placida Road) and northeast of C.R. 775, and south of East Branch Coral Creek, Englewood/Placida area. The site contains 211.8± acres more or less. A complete legal description is on file.

EXHIBIT B

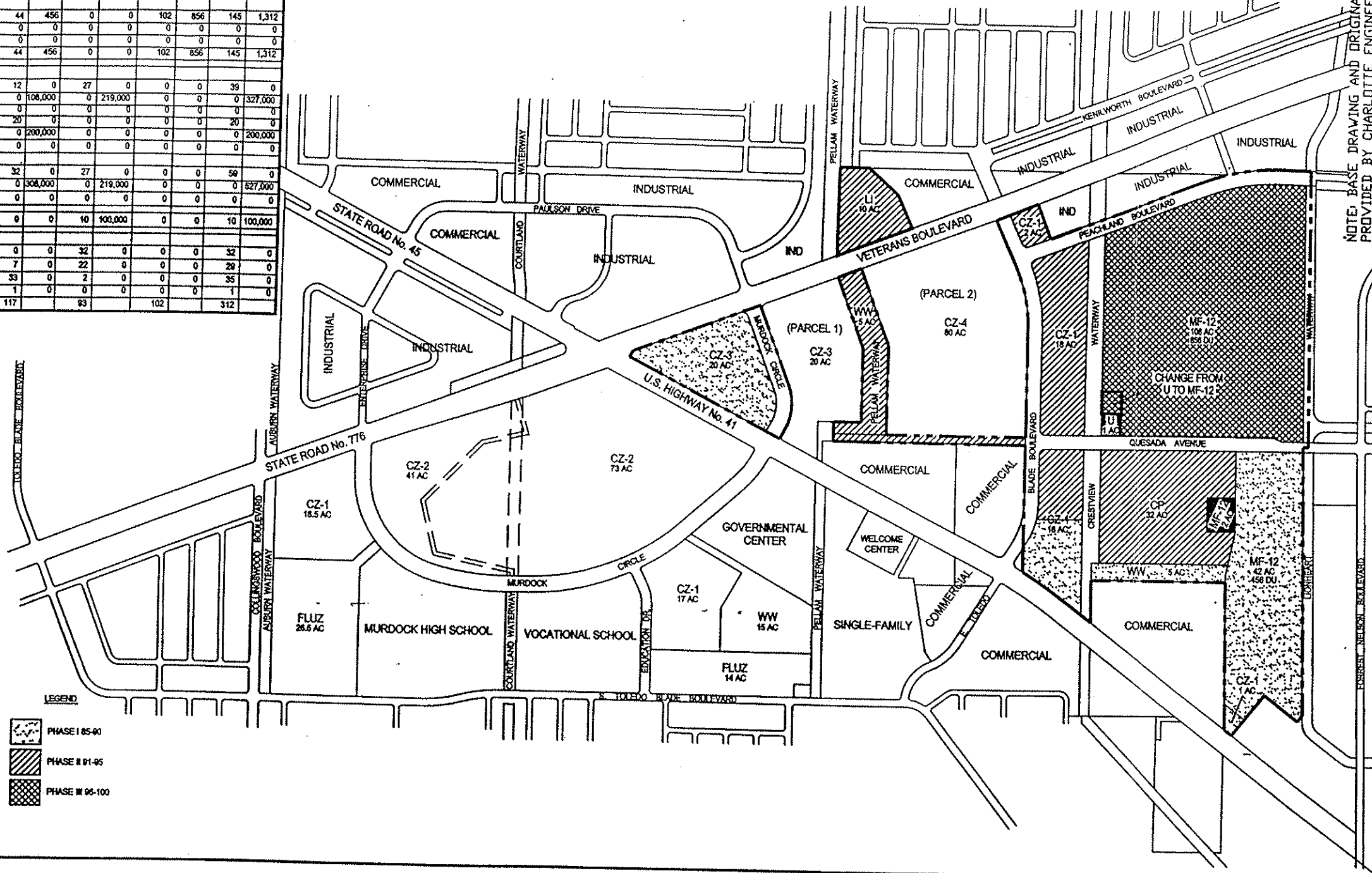
MURDOCK CENTER
AIDA: INCREMENT I
TYPE OF SKETCH:



PROPOSED MURDOCK INCREMENT I LAND USES & PHASING								
LAND USE	PHASE I		PHASE II		PHASE III		TOTAL	
	ACRE	SF/DU	ACRES	SF/DU	ACRES	SF/DU	ACRES	SF/DU
RESIDENTIAL								
MF-12	44	456	0	0	102	856	146	1,312
MF-15	0	0	0	0	0	0	0	0
MF-20	0	0	0	0	0	0	0	0
SUB-TOTAL	44	456	0	0	102	856	146	1,312
COMMERCIAL								
CZ-1	12	0	27	0	0	0	39	0
RETAIL	0	100,000	0	219,000	0	0	0	327,000
OFFICE	0	0	0	0	0	0	0	0
CZ-3	20	0	0	0	0	0	20	0
RETAIL	0	200,000	0	0	0	0	0	200,000
OFFICE	0	0	0	0	0	0	0	0
SUB-TOTALS	0	0	0	0	0	0	0	0
ACRES	32	0	27	0	0	0	59	0
RETAIL	0	300,000	0	219,000	0	0	0	527,000
OFFICE	0	0	0	0	0	0	0	0
LIGHT INDUSTRIAL								
IND	0	0	10	100,000	0	0	10	100,000
OTHERS								
PARK	0	0	32	0	0	0	32	0
OPEN SPACE/WW	7	0	22	0	0	0	29	0
ROAD ROW	33	0	2	0	0	0	35	0
UTILITIES	1	0	0	0	0	0	1	0
TOTAL	117		93		102		312	

LEGEND

	PHASE I 85-90
	PHASE II 91-95
	PHASE III 96-100



NOTE: BASE DRAWING AND ORIGINAL DATA PROVIDED BY CHARLOTTE ENGINEER & SURVEYING, INC.

ABS & ASSOCIATES, INC.
CIVIL ENGINEERS / LAND PLANNERS

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PORT CHARLOTTE 1 (941) 627-3151
ABS FBPE #3969

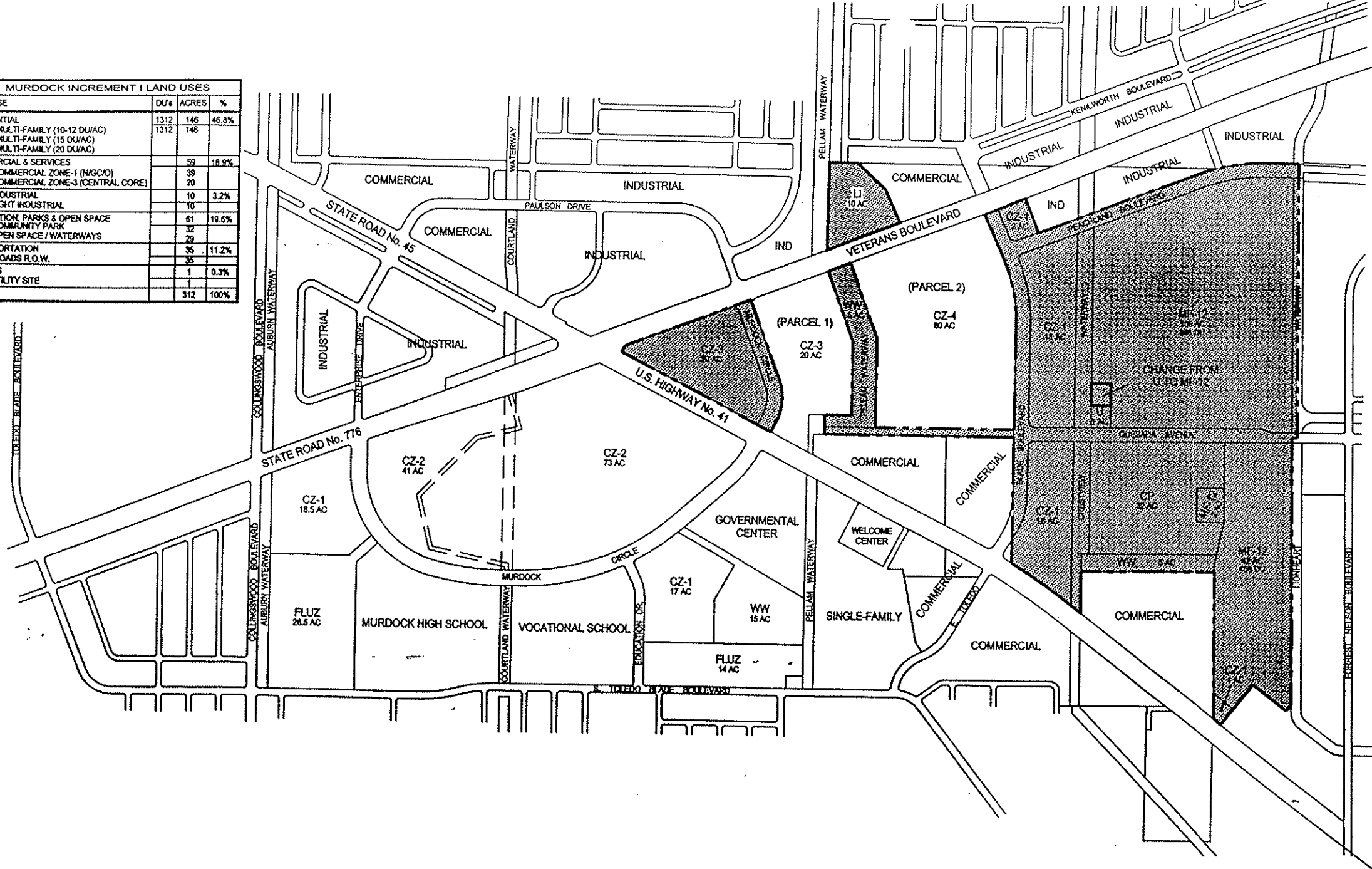


EXHIBIT A

TYPE OF MURDOCK CENTER
SKETCH: AIDA: INCREMENT 1

NORTH
1"=1200'

MURDOCK INCREMENT I LAND USES			
LAND USE	DU's	ACRES	%
RESIDENTIAL	1312	146	46.8%
MF-12 MULTI-FAMILY (10-12 DU/AC)	1312	146	
MF-16 MULTI-FAMILY (15 DU/AC)			
MF-20 MULTI-FAMILY (20 DU/AC)			
COMMERCIAL & SERVICES		59	18.2%
CZ-1 COMMERCIAL ZONE-1 (NGCO)		39	
CZ-3 COMMERCIAL ZONE-3 (CENTRAL CORE)		20	
LIGHT INDUSTRIAL		10	3.2%
LI LIGHT INDUSTRIAL		10	
RECREATION, PARKS & OPEN SPACE		61	19.6%
CP COMMUNITY PARK		13	
WW OPEN SPACE / WATERWAYS		29	
TRANSPORTATION		56	11.2%
MAJOR ROADS R.O.W.		56	
UTILITIES		1	0.3%
U UTILITY SITE		1	
TOTALS		312	100%



11322

NOTE: BASE DRAWING AND ORIGINAL DATA PROVIDED BY CHARLOTTE ENGINEERING & SURVEYING, INC.

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