CHG
BCC

FILED WITH THE DEPARTMENT OF STATE April 28, 2021

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4756 PAGE 1469 PAGE: 1 OF 5
INSTR # 2937710 Doc Type: GOV
Recorded: 4/29/2021 at 9:41 AM
Rec. Fee: RECORDING $44.00
Cashier By: JOANC

ORDINANCE
NUMBER 2021 - 014

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING THE CHARLOTTE COUNTY ZONING ATLAS FROM PLANNED DEVELOPMENT (PD) TO RESIDENTIAL ESTATE 1 (RE-1), FOR PROPERTY LOCATED AT 15401 BURNT STORE ROAD, IN THE BURNT STORE AREA PLAN AREA AND IN THE PUNTA GORDA AREA, CONTAINING 9.24 ACRES MORE OR LESS, COMMISSION DISTRICT II, CHARLOTTE COUNTY, FLORIDA; PETITION Z-21-21-16; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, April 27, 2021, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition Z-21-21-16, submitted by applicant, Board of County Commissioners of Charlotte County, Florida ("Applicant"), which requested a rezoning from Planned Development (PD) to Residential Estate 1 (RE-1) on 9.24 acres more or less of property owned by Applicant, and described as property located at 15401 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, Commission District II, Charlotte County, Florida, and more particularly described in Exhibit "A" which is attached hereto and provided herein ("Property"); and

WHEREAS, the Property was originally rezoned from Agriculture Estates (AE) to Planned Development (PD), as part of the rezoning on February 21, 2006, pursuant to Ordinance Number 2006-012, along with a PD Concept Plan, for 94.72 acres more or less, to allow for a mixed residential development of up to 296 dwelling units; and

MW

WHEREAS, subsequent to the adoption of Ordinance Number 2006-012 and the associated PD Concept Plan, the Applicant acquired the Property for purposes of the Burnt Store Road widening project; and

WHEREAS, at this time, the Applicant seeks a rezoning from Planned Development (PD) to Residential Estate 1 (RE-1) on this Property of 9.24 acres in order to allow for stormwater ponds on the Property for the Burnt Store Road widening project; and

WHEREAS, Petition Z-21-21-16 has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, recommended approval on April 12, 2021; and

WHEREAS, after due consideration, based on the findings and analysis provided by County Staff and the evidence presented to it, the Board found that approval of Petition Z-21-21-16 is consistent with the County's Comprehensive Plan, and that it meets the requirements for the granting of a rezone; and

WHEREAS, based on the above findings, the Board determined it to be in the best interests of the County to rezone the subject property from Planned Development (PD) to Residential Estate 1 (RE-1).

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

SECTION 1. The following petition, made by applicant, Board of County Commissioners of Charlotte County, Florida, for an amendment to the Charlotte County Zoning Atlas is hereby approved:

> Petition Z-21-21-16 requesting rezoning from Planned Development (PD) to Residential Estate 1 (RE-1) for 9.24 acres more or less of property, located at 15401 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, Commission District II, Charlotte County, Florida, and more particularly described in Exhibit "A".

SECTION 2. That the zoning for this property shall run with the property and shall apply to any subsequent owners, heirs and assigns.

SECTION 3. This Ordinance shall take effect upon filing in the Office of the Secretary of State, State of Florida.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 27th day of April, 2021.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
For: William G. Truex, Chairman

SEAL

ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney
LR2021-0274

p:\wp data\public\KAREN\ORD\small scale\Z-21-21-16. 15401 Burnt Store Road. PD to RE-1. BCC.doc
LR2021-0274

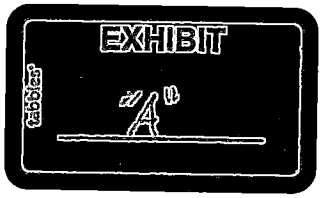
Parcel BSR3-154 – Partial Take

DESCRIPTION:

A PARCEL OR TRACT OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2946, PAGE 232, AS RECORDED IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, LYING AND BEING IN SECTION 20, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. SAID LANDS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF BEGINNING BEING THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD No.765 A.K.A. BURNT STORE ROAD (RIGHT-OF-WAY WIDTH VARIES) AND THE NORTHEASTERLY LIMITS OF THOSE LANDS AS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2946, PAGE 232; THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES, SOUTH 44 DEGREES 56 MINUTES 10 SECONDS WEST A DISTANCE OF 857.34 FEET; THENCE SOUTH 45 DEGREES 03 MINUTES 02 SECONDS WEST A DISTANCE OF 500.00 FEET; THENCE SOUTH 44 DEGREES 58 MINUTES 19 SECONDS WEST A DISTANCE OF 368.92 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF A DRAINAGE CANAL (100' RIGHT-OF-WAY) AS SHOWN ON THE PLAT OF PIRATE HARBOR SUBDIVISION, UNIT No.2, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 28, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES, NORTH 49 DEGREES 00 MINUTES 35 SECONDS WEST A DISTANCE OF 128.72 FEET; THENCE NORTH 69 DEGREES 50 MINUTES 20 SECONDS WEST A DISTANCE OF 25.15 FEET; THENCE NORTH 44 DEGREES 14 MINUTES 18 SECONDS EAST A DISTANCE OF 83.85 FEET; THENCE NORTH 12 DEGREES 12 MINUTES 46 SECONDS EAST A DISTANCE OF 74.42 FEET; THENCE NORTH 69 DEGREES 50 MINUTES 20 SECONDS WEST A DISTANCE OF 405.63 FEET; THENCE NORTH 44 DEGREES 45 MINUTES 46 SECONDS EAST A DISTANCE OF 572.40 FEET; THENCE SOUTH 44 DEGREES 28 MINUTES 20 SECONDS EAST A DISTANCE OF 460.03 FEET; THENCE NORTH 44 DEGREES 54 MINUTES 18 SECONDS EAST A DISTANCE OF 1201.53 TO THE NORTHEASTERLY LIMITS OF SAID LANDS; THENCE SOUTH 45 DEGREES 03 MINUTES 50 SECONDS EAST ALONG SAID NORTHEASTERLY LIMITS A DISTANCE OF 104.41 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 402,404.8 SQUARE FEET MORE OR LESS OR 9.24 ACRES MORE OR LESS.



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 28, 2021

Mr. Roger D. Eaton
Clerk of the Circuit Court
County Comptroller
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Dawn Smoleski

Dear Mr. Eaton:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2021-014, which was filed in this office on April 28, 2021.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

NOTICE OF PUBLIC MEETING AND HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED CHANGES TO THE FUTURE LAND USE MAP AND COMPREHENSIVE PLAN ELEMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, TRANSFER OF DENSITY UNITS (TDU), PRELIMINARY AND FINAL PLATS, DEVELOPER AGREEMENTS, STREET AND PLAT VACATIONS, DRC FINAL DETAIL PLANS OR CHANGES THERETO, TEXT AMENDMENTS AND STREET NAMING

A PUBLIC MEETING AND HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON **TUESDAY, APRIL 27, 2021, at 2:00 P.M.** OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE MEETING AND HEARING WILL BE HELD IN COMMISSION CHAMBERS, ROOM 119, FIRST FLOOR, BUILDING A, THE CHARLOTTE COUNTY ADMINISTRATION CENTER, 18500 MURDOCK CIRCLE, PORT CHARLOTTE, FLORIDA. THE BOARD IS NOT BOUND TO CONSIDER THE PETITIONS IN THE ORDER LISTED IN THIS NOTICE. ANY OF THESE PETITIONS MAY BE CONSIDERED AS SOON AS THE MEETING COMMENCES.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY COMMUNITY DEVELOPMENT DEPARTMENT AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: http://www.charlottecountyfl.gov/boards-committees/planning-zoning-board/agenda.stml

ALL INTERESTED PERSONS ARE URGED TO ATTEND. THE PUBLIC IS WELCOME TO SPEAK; TIME LIMITS ARE SET BY BOARD RULES. IF YOU HAVE SPECIFIC QUESTIONS OR COMMENTS, YOU ARE ENCOURAGED TO CONTACT A STAFF PERSON AT ANY TIME IN ADVANCE OF THE PUBLIC HEARING(S). PLEASE CALL 941-764-4903 AND MENTION THE PETITION NUMBER OF THE MATTER YOU WISH TO DISCUSS.

PETITIONS

LAND USE REGULAR AGENDA

PP-20-12-19 **Quasi-judicial** **Commission District IV**
The Final Plat for The Cove at West Port Phase 1A, consisting of forty-eight (48) residential lots was approved on November 24, 2020 (FP-19-11-15). Forestar (USA) Real Estate Group, Inc is requesting Preliminary Plat approval to replat the subdivision to be named, The Cove at West Port Phase 1A-1, consisting of forty-two (42) residential lots rather than the previously approved 48 residential lots. The site is 115.34± acres, and is located north of El Jobean Rd., south of Tamiami Trail, east of the Cornelius Blvd. and west of Toledo Blade Blvd., in the Port Charlotte area.

PP-21-01-01 **Quasi-judicial** **Commission District IV**
James Harvey of KL JAK WP LLC has requested Preliminary Plat approval for a subdivision to be named, East Landings at West Port, consisting of 82 single-family lots and 4 tracts. The site is 18.89± acres, and is located North of El Jobean Rd., South of South Port Harbour Blvd., East of Centennial Blvd. and West of the Flamingo Waterway, in the Port Charlotte area.

PP-21-01-02 **Quasi-judicial** **Commission District IV**
James Harvey of KL West Port LLC has requested Preliminary Plat approval for a subdivision to be named, Palms at West Port, consisting of 262 residential lots. The site is 65.6± acres, and is located North of El Jobean Rd., South of Tamiami Trl., East of the Crestview Waterway, and West of the Centennial Blvd, in the Port Charlotte area.

SV-20-12-06 **Legislative** **Commission District I**
Bruce and Denise Eshak are requesting to vacate a portion of the undeveloped Hibiscus canal behind their property. The total area to be vacated is 0.08± acres as recorded in Plat Book 4, Page 49, of the Public Records of Charlotte County, Florida, and located North of Neaptide Dr., East of Marine Ct. and West of Hibiscus Ct., in the Port Charlotte area.

PD-20-00009 **Quasi-Judicial** **Commission District II**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to PD; this is a major modification to an existing PD, Ordinance Number 2006-012, to allow for development of single-family detached and attached homes, increasing density from 51 units to 190 units, for property located at 15351 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 85.49± acres; the subject property is part of the property for a PD rezoning, Ordinance Number 2006-012, which contains 94.72± acres; Commission District II; Petition No. PD-20-00009; Applicant: Wilmington Land Company; providing an effective date.

Z-21-21-16 **Quasi-Judicial** **Commission District II**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Residential Estate 1 (RE-1), for property located at 15401 Burnt Store Road, in the Burnt Store Area Plan area and in the Punta Gorda area, containing 9.24± acres; Commission District II; Petition No. Z-21-21-16; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

TCP-20-06 **FY 2020-2021 Capital Improvements Plan Update** **Legislative** **Countywide**
An Ordinance to amend the Capital Improvements Element (CIE) of the County's Comprehensive Plan by updating 1) the Capital Improvements Plan (CIP), set forth in CIE Appendix II: Concurrency Related Capital Improvements Schedule; 2) the Charlotte County School District 5-Year Work Program, set forth in CIE Appendix III: Charlotte County School District 5-Year District Facilities Work Program; and 3) the Charlotte County-Punta Gorda MPO's Transportation Improvement Plan, set forth in CIE Appendix IV: Charlotte County-Punta Gorda MPO Transportation Improvement Program. The updates are required on an annual basis as stated in the County's Comprehensive Plan and Section 163.3177 (3)(b), Florida Statutes. Such updates may not be deemed to be amendments to the County's Comprehensive Plan.

SHOULD ANY AGENCY OR PERSON DECIDE TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING, A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, A VERBATIM RECORD OF THE PROCEEDING IS REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.764.4191, TDD/TTY 941.743.1234, or by email to David.Lyles@CharloiteCountyFL.gov.

Publish: April 12, 2021

8d00e3792764-1