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ORDINANCE  
NUMBER 2012 - 016

AN ORDINANCE PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, ADOPTING A LARGE SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE FROM PARKS AND RECREATION (PKR) TO PRESERVATION (PR), FOR PROPERTY LOCATED NORTHWEST OF SAN CASA DRIVE, SOUTH OF SOUTH MCCALL ROAD (S.R. 776) AND EAST OF OYSTER CREEK DRIVE, IN THE ENGLEWOOD AREA, COMMISSION DISTRICT III, CHARLOTTE COUNTY, FLORIDA, CONTAINING 106.97 ACRES MORE OR LESS; PETITION PA-11-07-18-LS, APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK 3655, PGS 1227-1231 5 pg(s)  
INSTR # 2094242  
Doc Type GOV, Recorded 05/08/2012 at 01:40 PM  
Rec. Fee: \$44.00  
Cashiered By: MARGEC Doc. #: 2

RECITALS

WHEREAS, in a public hearing held on Tuesday, April 17, 2012, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed land use amendment Petition PA-11-07-18-LS, which is a large scale plan amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida ("Applicant"), has filed Petition PA-11-07-18-LS seeking a large scale plan amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use from Parks and Recreation (PKR) to Preservation (PR), for property containing 106.97 acres more or less, which is owned by Applicant, and described as property located Northwest of San Casa Drive, South of South McCall Road (S.R. 776) and East of Oyster Creek Drive, in the Englewood area, Commission District III, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

IMAGED  
5-10-12  
AP

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1           WHEREAS, on September 12, 2011, Petition PA-11-07-18-LS was heard  
2 before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the  
3 findings and analysis presented in the Planning and Zoning Division Staff Report, dated  
4 August 19, 2011, regarding the proposed Petition PA-11-07-18-LS and the evidence  
5 presented to the P&Z Board, the proposed amendment was found to be consistent with the  
6 Smart Charlotte 2050 Comprehensive Plan and the P&Z Board recommended approval of  
7 transmittal of Petition PA-11-07-18-LS to the Department of Economic Opportunity ("DEO")  
8 for review and comments; and

9           WHEREAS, on October 18, 2011, Petition PA-11-07-18-LS was heard by the  
10 Board of County Commissioners of Charlotte County, Florida, and, based on the findings  
11 and analysis presented in the Staff Report dated August 19, 2011 and revised on  
12 December 6, 2011 ("Staff Report"), was approved for transmittal to the DEO for review and  
13 comments; and

14           WHEREAS, the DEO had no comments on Petition PA-11-07-18-LS; and

15           WHEREAS, after due consideration, and based on the findings and analysis  
16 presented in the Staff Report regarding Petition PA-11-07-18-LS and the evidence  
17 presented to the Board, the Board has found that the requirements and conditions of  
18 Chapter 163, Florida Statutes, as they relate to this Petition, have been met, and that it is  
19 in the best interests of the County to approve Petition PA-11-07-18-LS.

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

22           Section 1. Approval. The following petition for amendment to the Charlotte  
23 County FLUM Series Map #1: 2030 Future Land Use be and hereby is approved:

1           Petition PA-11-07-18-LS requesting a large scale amendment  
2           to the Charlotte County FLUM Series Map #1: 2030 Future  
3           Land Use from Parks and Recreation (PKR) to Preservation  
4           (PR), for property located Northwest of San Casa Drive, South  
5           of South McCall Road (S.R. 776) and East of Oyster Creek  
6           Drive, in the Englewood area, containing 106.97 acres more or  
7           less, in Commission District III, Charlotte County, Florida, and  
8           more particularly described in Exhibit "A" attached hereto and  
9           by this reference provided herein.

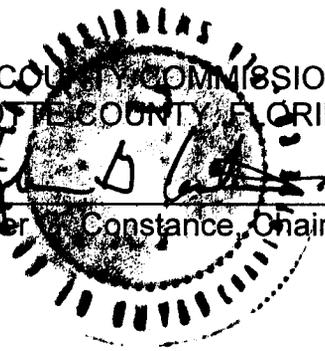
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11           Section 2. Effective date. The effective date of this plan amendment, if the  
12 amendment is not timely challenged, shall be 31 days after the state land planning agency  
13 notifies the local government that the plan amendment package is complete. If timely  
14 challenged, this amendment shall become effective on the date the state land planning  
15 agency or the Administration Commission enters a final order determining this adopted  
16 amendment to be in compliance. No development orders, development permits, or land  
17 uses dependent on this amendment may be issued or commence before it has become  
18 effective. If a final order of noncompliance is issued by the Administration Commission,  
19 this amendment may nevertheless be made effective by adoption of a resolution affirming  
20 its effective status, a copy of which resolution shall be sent to the state land planning  
21 agency.

22           Section 3. Transmittal. County staff is hereby directed to forward a copy of  
23 this ordinance and its attachments to the Department of Economic Opportunity, 107 East  
24 Madison Street, Tallahassee, FL 32399-4120, and to the Executive Director, Southwest  
25 Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

1 PASSED AND DULY ADOPTED this <sup>12<sup>th</sup> u</sup> ~~24<sup>th</sup>~~ day of April, 2012.

2  
3 BOARD OF COUNTY COMMISSIONERS  
4 OF CHARLOTTE COUNTY, FLORIDA

5  
6 By: *Christopher Constance*  
7 Christopher Constance, Chairman



8 ATTEST:  
9 Barbara T. Scott, Clerk of Circuit  
10 Court and Ex-officio Clerk to the  
11 Board of County Commissioners

12  
13 By: *Susan F. Carleton*  
14 Deputy Clerk

15 APPROVED AS TO FORM  
16 AND LEGAL SUFFICIENCY:

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19 By: *Janette S. Knowlton*  
20 Janette S. Knowlton, County Attorney *Dr*  
21 LR2011-1575

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### Legal Description for Oyster Creek Preservation

Lots 1 through 6, Lots 11 through 14, Lots 19 and 20 and Lots 26 through 31 in Sections 8 and 9, Township 41 South, and Range 20 East, according to the Plat thereof, as recorded in Plat Book1, Page 4 of the Public Records of Charlotte County, Florida.

Account Number	Short Legal	Legal Description
412008277001	ZZZ 084120 P14	08 41 20 P-14 5 AC. M/L LOTS 60 & 61 SUB N1/2 232/484 1533/314 1571/1333-1356 1892/1669 AFF1892/1676 E3223/853
412008430001	ZZZ 084120 P20	08 41 20 P-20 11 AC. LOTS 1 AND 2 SUB THAT PART OF SE 1/4 E OF S BRANCH OF OYSTER CREEK 232/484 1533/314 1571/1333-13561892/1669 AFF1892/1676
412009155001	ZZZ 094120 P9-1	09 4120 P9-1 5.0 AC. M/L THE S1/2 LT 13 GROVE CITY LAND CO 2037/1374
412009301001	ZZZ 094120 LT4	09 41 20 LT4 LOTS 4 & 5 SUB SW1/4 232/484 1533/314 1571/1333-13561892/1669
412009301002	ZZZ 094120 LT1	09 41 20 LTS 12 13 20 SUB SW1/4 1533/314 1571/1333-1356 1892/1669 RES2793/1610 RES3122/1294 E3354/1808 E3354/1813
412009301003	ZZZ 094120 LT2	09 41 20 LT 2 LTS 2 3 6 11 14 19 27 28 29 30 IN SW1/4 1533/314 1571/1333-56 1892/1669 RES2949/75
412009376001	ZZZ 094120 P1 (only a portion of the property)	09 41 20 P-1 TRACTS 26 & 31 LYING W OF SAN CASA DR 555/345 RES1155/2087 E1182/459 RES1219/366 1533/314 1571/1333-1356 1892/1662 EAS3099/717

**EXHIBIT A**

*PA-11-07-18-LS*

# SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

**PUBLISHER'S AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
 COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the Charlotte Sun, Englewood Sun, and North Port Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Hearing, was published in said newspaper in the issues of:

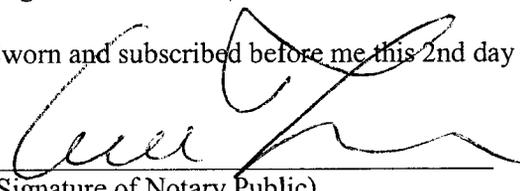
April 2, 2012

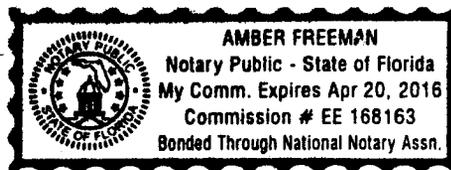
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has 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.

Diane Brinckman  
 (Signature of Affiant)

#612.50

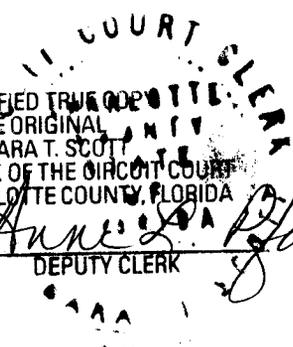
Sworn and subscribed before me this 2nd day of April 2012.

  
 (Signature of Notary Public)  
Amber Freeman  
 (Print Name of Notary Public)



Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

  
 CERTIFIED TRUE COPY  
 OF THE ORIGINAL  
 BARBARA T. SCOTT  
 CLERK OF THE CIRCUIT COURT  
 CHARLOTTE COUNTY, FLORIDA  
 BY: Anne S. Bahler  
 DEPUTY CLERK

# NOTICE OF PUBLIC HEARING FOR ONE OR MORE OF THE FOLLOWING MATTERS: PROPOSED COMPREHENSIVE PLAN AMENDMENTS, ZONING REGULATION AMENDMENTS, DEVELOPMENTS OF REGIONAL IMPACT OR CHANGES THERETO, REZONINGS, PRELIMINARY PLATS, STREET AND PLAT VACATIONS

A PUBLIC HEARING ON PROPOSALS AND PETITIONS AS DESCRIBED BELOW WILL BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, APRIL 17, 2012, AT 9:00 A.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD DURING THE COURSE OF ACTION. THE 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 (RM. B-205) AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.com/agenda.asp>

ALL INTERESTED PERSONS ARE URGED TO ATTEND THESE PUBLIC HEARINGS. THE PUBLIC IS WELCOME TO SPEAK; THERE WILL BE A FIVE-MINUTE TIME LIMIT FOR EACH CITIZEN'S PRESENTATION ON AN AGENDA ITEM. 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

- Z-11-12-24**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) and Residential Multi-family 5 (RMF-5) to Environmentally Sensitive (ES), for property located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area; containing 106.97± acres; Commission District III; Petition No. Z-11-12-24; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-25**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property located northeast of Palm Island, south of Stump Pass Beach State Park and west of Lemon Bay, on a bridgeless barrier island in the West County area; containing 35.04± acres; Commission District III; Petition No. Z-11-12-25; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-26**      **Quasi-Judicial**      **Commission District IV**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family 3.5 (RSF-3.5) to Environmentally Sensitive (ES), for property located north of Carbon Avenue, south of Joppa Avenue, east of Flamingo Waterway and west of Flamingo Boulevard, in the Port Charlotte area; containing 28.63± acres; Commission District IV; Petition No. Z-11-12-26; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-27**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG), Office, Medical and Institutional (OMI) and Commercial Tourist (CT) to Environmentally Sensitive (ES), for property located southeast of Oakland Hills Road, northwest of the State-owned environmentally sensitive lands and east of Annapolis Lane, in the Rotonda area; containing 16.68± acres; Commission District III; Petition No. Z-11-12-27; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-11-12-28**      **Quasi-Judicial**      **Commission District III**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family Tourist (RMF-T) and Residential Multi-family 10 (RMF-10) to Environmentally Sensitive (ES), for property located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the Placida area; containing a total of 239.04± acres; Commission District III; Petition No. Z-11-12-28; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-12-01-01**      **Quasi-Judicial**      **Commission District IV**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Commercial General (CG), for property located northeast of Hayward Avenue, southwest of Hollis Avenue, east of Railroad Avenue and west of El Jobcan Road, in the Port Charlotte area; containing 0.31± acres; Commission District IV; Petition No. Z-12-01-01; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-12-01-03**      **Legislative**      **Commission District IV**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Preservation (PR) to Parks and Recreation (PKR); for property located north of the Charlotte County Gulf Cove Sewer Plant, southwest of the Myakka River, and east of C.R. 771, in the Port Charlotte area; containing 7.09± acres; Commission District IV; Petition No. PA-12-01-03; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-13-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) to 235.8± acres and Coastal Residential (CR) for 3.24± acres to Preservation (PR); for property located north and east of the Gulf of Mexico and of Little Gasparilla Island, and southwest of Placida Road (C.R. 775), in the West County area, containing a total of 239.04± acres; Commission District III; Petition No. PA-11-07-13-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-15-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment consists of: 1) a change to Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) to Preservation (PR); 2) a change to Charlotte County FLUM Series Map #2, 2050 Framework from Maturing Neighborhood to Agricultural/Rural; and 3) a change to Charlotte County FLUM Series Map #3: 2030 Service Area Delineation, removing the subject property from the Urban Service Area; for property located southeast of Oakland Hills Road, northwest of the State-owned environmentally-sensitive lands and east of Annapolis Lane, in the Rotonda area, containing 16.68± acres; Commission District III; Petition No. PA-11-07-15-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-16-LS**      **Legislative**      **Commission District IV**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Preservation (PR); for property located north of Carbon Avenue, south of Joppa Avenue, east of Flamingo Waterway and west of Flamingo Boulevard, in the Port Charlotte area, containing 28.63± acres; Commission District IV; Petition No. PA-11-07-16-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-17-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Coastal Residential (CR) to Preservation (PR); for property located northeast of Palm Island, south of Stump Pass Beach State Park and west of Lemon Bay, in the West County area, containing 35.04± acres; Commission District III; Petition No. PA-11-07-17-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-11-07-18-LS**      **Legislative**      **Commission District III**  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Parks and Recreation (PKR) to Preservation (PR); for property located northwest of San Casa Drive, south of S McCall Road (S.R. 776) and east of Oyster Creek Drive, in the Englewood area, containing 106.97± acres; Commission District III; Petition No. PA-11-07-18-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- SVAR-2011-001**      **Quasi-judicial**      **Commission District II**  
Gary and Roxana Sloan have applied for a Subdivision Variance to Section 3-7-105(e) of the Charlotte County Subdivision Regulations, requesting to allow a Land Split that would otherwise be denied for lack of road frontage. The subject property consists of 2.5 acres, more or less, and is located south of Leatherwood Circle, north of Roanoke Circle, east of Wheeler Place, and west of I-75, in Section 27, Township 41 South, Range 23 East, in Commission District II.
- Z-11-11-23**      **Quasi-Judicial**      **Commission District V**  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas. The rezoning is from Planned Development (PD) to PD. This is a major modification of an existing PD to add a new site plan and conditions of approval; for property located at 3358 and 3362 Tamiami Trail (U.S. 41), in the Port Charlotte area, containing 1.35± acres; Commission District V; Petition No. Z-11-11-23; Applicant: James W. Herston/Save It All Self Storage LLC; providing an effective date.

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.

The Charlotte County Commission meeting room is accessible to the physically disabled. However, if you need assistance or require auxiliary aids and services please contact our office at 941-743-1392. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Desk.





# FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 2, 2012

Ms. Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County  
350 East Marion Avenue  
Punta Gorda, Florida 33950

Attention: Ms. Anne Pfahler, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 25, 2012 and certified copies of Charlotte County Ordinance Nos. 2012-009 through 2012-016, which were filed in this office on April 30, 2012.

Sincerely,

Liz Cloud  
Program Administrator

LC/jmc

RECEIVED AT  
MURDOCK BRANCH  
2012 MAY -7 PM 1:18  
BARBARA T. SCOTT  
CLERK OF CIRCUIT COURT  
CHARLOTTE COUNTY, FL

IMAGED  
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