

CHG
BCC
#14

ORDINANCE
NUMBER 2012-028

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING AN AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE FROM COMMERCIAL (COM) TO OFFICE AND INSTITUTIONAL (OI), FOR PROPERTY LOCATED NORTH OF SOUTH MCCALL ROAD (SR 776), SOUTH OF EAST 1ST STREET, EAST OF PINE STREET, AND WEST OF HICKORY DRIVE, IN THE ENGLEWOOD AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT III, CONTAINING 0.85 ACRES MORE OR LESS; PETITION PA-12-09-09; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, November 13, 2012, the Board of County Commissioners of Charlotte County, Florida ("Board"), reviewed land use amendment Petition PA-12-09-09, which is an amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use; and

WHEREAS, the Board, as the applicant, filed Petition PA-12-09-09, seeking an amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use from Commercial (COM) to Office and Institutional (OI), for property containing 0.85 acres more or less, described as located North of South McCall Road (SR 776), South of East 1st Street, East of Pine Street, and West of Hickory Drive, in the Englewood area, Charlotte County, Florida, Commission District III, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PA-12-09-09 has previously been heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and



1 analysis presented in the Planning Division Staff Report dated September 27, 2012, has
2 been recommended for approval by the P&Z Board; and

3 WHEREAS, after due consideration, the Board has found that the
4 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,
5 have been met and that it is in the best interests of the County to approve Petition
6 PA-12-09-09.

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

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

11 Petition PA-12-09-09, submitted by the Board of County
12 Commissioners of Charlotte County, Florida ("Applicant"), requesting
13 an amendment to the Charlotte County FLUM Series Map #1: 2030
14 Future Land Use from Commercial (COM) to Office and Institutional
15 (OI), for property containing 0.85 acres more or less, described as
16 property located North of South McCall Road (SR 776), South of East
17 1st Street, East of Pine Street, and West of Hickory Drive, in the
18 Englewood area, Charlotte County, Florida, Commission District III,
19 and more particularly described in Exhibit "A" attached hereto and by
20 this reference provided herein.
21

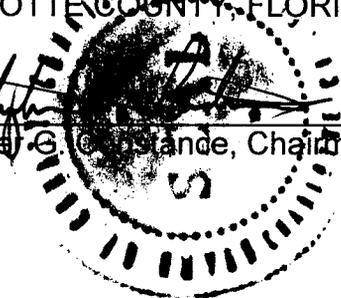
22 Section 2. Effective date. This ordinance shall take effect upon the filing of
23 this ordinance in the Office of the Secretary of State, State of Florida.

24
25
26
27
28
29
30
31
32
33

1 PASSED AND DULY ADOPTED this 13th day of Nov, 2012.

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

7
8 By: *Christopher G. Stande*
9 Christopher G. Stande, Chairman
10
11
12
13



14 ATTEST:
15 Barbara T. Scott, Clerk of
16 Circuit Court and Ex-officio Clerk to
17 the Board of County Commissioners
18

19 By: *Michelle J. DiBerardino*
20 Deputy Clerk
21
22
23
24

25 APPROVED AS TO FORM
26 AND LEGAL SUFFICIENCY:

27
28 By: *Janette S. Knowlton*
29 Janette S. Knowlton, County Attorney
30 LR2012-2096
31



Legal Description for Petition PA-12-09-09

Account Number	Short Legal	Legal Description
412005156009	RCP 000 000A 0001	ROCK CREEK PK BLK A LTS 1 2 3 LESS THE FOLLOWING DESC PARCEL BEG AT INTXN OF E ROW PINE ST & S ROW FIRST ST TH E ALG ROW 15FT M/L S142 FT M/L W 25FT M/L TO E ROW PINE ST TH N ALG ROW 142FT M/L TO POB 295/675 340/24 373/582 496/250 598/1546

EXHIBIT A



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 26, 2012

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948

Attention: Ms. Michelle L. DiBerardino, 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 November 16, 2012 and certified copies of Charlotte County Ordinance Nos. 2012-026 and 2012-028 through 2012-033, which were filed in this office on November 21, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

RECEIVED AT
MURDOCK BRANCH
2012 DEC -4 PM 1:27
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

SUN NEWSPAPERS

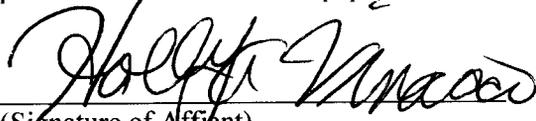
Charlotte • DeSoto • Englewood • North Port • Venice

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

Before the undersigned authority personally appeared Holly Vinacco, 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:

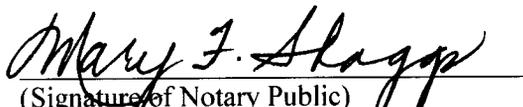
October 29, 2012

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.


(Signature of Affiant)

Sworn and subscribed before me this 29th day of October, 2012.

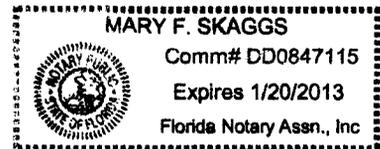
\$ 568.75


(Signature of Notary Public)

MARY F. SKAGGS
(Print Name)

Personally known OR Produced Identification

Type of Identification Produced _____



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, NOVEMBER 13, 2012, 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 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-12-06-04 **Quasi-Judicial** **Commission District III**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Environmentally Sensitive (ES), for property located north of Buck Creek, southwest of Placida Road and east of Lemon Bay, in the Grove City area; containing 69.9± acres; Commission District III; Petition No. Z-12-06-04; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-12-06-05 **Quasi-Judicial** **Commission District I**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Environmentally Sensitive (ES), for property located north of Washington Loop Road, south of the DeSoto County line, east of Duncan Road (U.S.17) and west of S.R 31, in the East County area; containing 1,638.44± acres; Commission District I; Petition No. Z-12-06-05; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-12-06-06 **Quasi-Judicial** **Commission District I**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Environmentally Sensitive (ES), for property located north of Bermont Road (C.R. 74), southeast of Washington Loop Road, east of Duncan Road (U.S.17) and west of S.R 31, in the East County area; containing 366.57 ± acres; Commission District I; Petition No. Z-12-06-06; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-12-08-08 **Quasi-Judicial** **Commission District I**
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 Harbour Point Drive, south of Sandhill Boulevard, east of Sulstone Drive and west of the Peace River, in the Deep Creek area; containing 101.83± acres; Commission District I; Petition No. Z-12-08-08; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

PP-12-08-02 **Quasi-Judicial** **Commission District IV**
Centex Homes has applied for Preliminary Plat for Myakka Pointe 2-A (1st Replat), being a replat of Myakka Pointe at Riverwood Unit 2, as recorded in Plat Book 19, Pages 17A-17E, of the official records of Charlotte County, Florida. The replat is a change from 24 multi-family units to 12 single-family lots on 12.68 acres, more or less, located north of River Beach Road, east of the Myakka River, south of Columbia Avenue, and west of Gulf Pointe Drive, in Section 29, Township 40 South, Range 21 East, in Commission District IV.

SV-12-07-04 **Legislative** **Commission District III**
John Pizzi and Arthur & Ethel Hatfield are requesting to vacate the portion of Manor Road that runs between East 3rd Street and Snook Bayou. The segment is 0.13 acres, more or less, and is located south of East 3rd Street, north of Snook Bayou, west of Rocky Creek, and east of Hickory Drive, in Rock Creek Park 2nd Addition, as recorded in Plat Book 4, Page 29, of the Official Records of Charlotte County, Florida, in Section 5, Township 41, Range 20, in Commission District III.

PA-12-09-09 **Legislative** **Commission District III**
An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the Future Land Use Map of the Charlotte County Comprehensive Plan from Commercial (COM) to Office and Institutional (OI); for property located north of S McCall Road (SR 776), south of E 1st Street, east of Pine Street and west of Hickory Drive, in the Englewood area, containing 0.85± acres; Commission District III; Petition No. PA-12-09-09; applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-12-09-10 **Quasi-Judicial** **Commission District III**
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Planned Development (PD) to Commercial General (CG) for 0.9± acres and Office, Medical, and Institutional (OMI) for 0.85± acres; for property located north of S McCall Road (SR 776), south of E 1st Street, east of Pine Street and west of Hickory Drive, in the Englewood area, containing 1.75± acres; Commission District III; Petition No. Z-12-09-10; applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-12-09-11 **Quasi-Judicial** **Commission District III**
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 north of S McCall Road (SR 776), south of E 1st Street, east of Pine Street and west of Hickory Drive, in the Englewood area, containing 1± acres; Commission District III; Petition No. Z-12-09-11; applicant: Peninsula Property Holdings VI LLC; providing an effective date.

A Resolution of the Board of County Commissioners of Charlotte County, Florida, granting a Variance, Section 3-5-433, to the Transfer of Density Units Code for Realmark Tuckers Grade, LLC, for relief from Section 3-5-429(h)(1)(i)B, Code of Laws and Ordinances, Charlotte County, Florida, for property located north of Tuckers Grade, south and west of I-75, and east of U.S. 41, in the Tropical Gulf Acres area, Charlotte County, Florida, containing 363.75 acres more or less, 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.

