

CHG
BCC

#14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

ORDINANCE
NUMBER 2012 -034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING A SMALL SCALE AMENDMENT TO THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM COMMERCIAL (COM) AND LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (COM), FOR PROPERTY LOCATED NORTH AND EAST OF SANTA MARIA DRIVE, SOUTH OF MORNINGSIDE DRIVE, AND WEST OF TAMIAMI TRAIL (U.S. 41), IN THE PUNTA GORDA AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT II, CONTAINING 1.01 ACRES MORE OR LESS; PETITION PA-12-09-12; APPLICANTS, THOMAS FREY AND MARIE C. FREY; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3725, PGS 288-291 4 pg(s)
INSTR # 2149022
Doc Type GOV, Recorded 01/09/2013 at 08:37 AM
Rec. Fee: \$35.50
Cashiered By: MARGEC Doc. # 2

RECITALS

WHEREAS, in a public hearing held on Tuesday, December 11, 2012, the Board of County Commissioners of Charlotte County, Florida ("Board"), reviewed land use amendment Petition PA-12-09-12, which is a small scale plan amendment; and

WHEREAS, applicants, Thomas Frey and Marie C. Frey ("Applicants"), filed Petition PA-12-09-12, seeking a small scale plan amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Commercial (COM) and Low Density Residential (LDR) to Commercial (COM), for property containing 1.01 acres more or less, described as property located North and East of Santa Maria Drive, South of Morningside Drive, and West of Tamiami Trail (U.S. 41), in the Punta Gorda area, Charlotte County, Florida, Commission District II, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PA-12-09-12 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 October 19, 2012, has been
2 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-12-09-12.

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 amendment to the Charlotte
10 County FLUM Series Map #1: 2030 Future Land Use, be and hereby is approved:

11 Petition PA-12-09-12, submitted by Thomas Frey and Marie C. Frey
12 (“Applicants”), requesting a small scale plan amendment to the 2030
13 Future Land Use Map, for property containing 1.01 acres more or
14 less, described as property located North and East of Santa Maria
15 Drive, South of Morningside Drive, and West of Tamiami Trail (U.S.
16 41), in the Punta Gorda area, Charlotte County, Florida, Commission
17 District II, and more particularly described in Exhibit “A” attached
18 hereto and by this reference provided herein.
19

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

22
23
24
25
26 [SIGNATURE PAGE FOLLOWS]
27
28
29
30
31
32
33
34

1 PASSED AND DULY ADOPTED this 11th day of Dec, 2012.

2
3
4
5 BOARD OF COUNTY COMMISSIONERS
6 OF CHARLOTTE COUNTY, FLORIDA
7
8
9
10 By: Christopher G. Constance
11 Christopher G. Constance, Chairman
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
20 By: Michelle DiBernardo
21 Deputy Clerk XREFORD 2012-035
22
23
24

25 APPROVED AS TO FORM
26 AND LEGAL SUFFICIENCY:
27

28
29 By: Janette S. Knowlton
30 Janette S. Knowlton, County Attorney
31 LR2012-2145
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Pd by Visa



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:

November 26, 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)

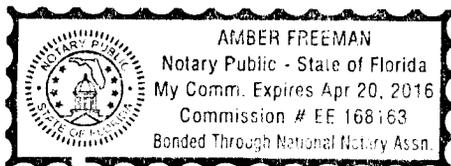
Sworn and subscribed before me this 26th day of November, 2012.

Amber Freeman
(Signature of Notary Public)

Amber Freeman
(Print Name)

Personally known OR Produced Identification

Type of Identification Produced _____



NOTARY PUBLIC
AMBER FREEMAN
1000 N. W. 10th St.
Punta Gorda, FL 33950
888-888-8888
www.amberfreeman.com

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, DECEMBER 11, 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/agsenda.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

PA-12-09-12

Legislative
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Small Scale Plan Amendment to change Charlotte County FLUM Series Map #: 2030 Future Land Use, from Commercial (COM) and Low Density Residential (LDR) to Commercial (COM), for property located north and east of Santa Maria Drive, south of Morningside Drive and west of Tamiami Trail (U.S. 41), in the Punta Gorda area, containing 1.01± acres; Commission District II; Petition No. PA-12-09-12; applicants: Thomas Frey and Marie C. Frey; providing an effective date.

Z-12-09-13

Quasi-Judicial
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial Intensive (CI), Residential Multi-family 5(RMF-5) and Residential Single-family 3.5 (RSF-3.5) to Commercial Intensive (CI), for property located north and east of Santa Maria Drive, south of Morningside Drive and west of Tamiami Trail (U.S. 41), in the Punta Gorda area, containing 1.01± acres; Commission District II; Petition No. Z-12-09-13; applicants: Thomas Frey and Marie C. Frey; 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.

Publish: November 26, 2012





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 17, 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 December 13, 2012 and certified copies of Charlotte County Ordinance Nos. 2012-034 and 2012-035 which were filed in this office on December 17, 2012.

Sincerely,

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

Liz Cloud
Program Administrator

LC/elr

RECEIVED ALI
MURDOCK BRANCH
2012 DEC 31 AM 10:30
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL