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BCC FILED WITH THE DEPARTMENT OF STATE : September 23, 2015

ORDINANCE  
NUMBER 2015 - 041

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4 AN ORDINANCE OF THE BOARD OF COUNTY  
5 COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA,  
6 PURSUANT TO SECTION 163.3184(3), FLORIDA  
7 STATUTES, AMENDING THE TRANSPORTATION (TRA)  
8 ELEMENT BY REVISING TRA POLICY 1.3.4: AIRPORT  
9 GROUND ACCESS TO ENSURE THAT ALL ROADWAY  
10 WORK WITHIN THE ECAP OVERLAY SHALL HAVE NO  
11 NEGATIVE IMPACT ON ACCESS TO THE AIRPORT;  
12 PETITION NO. PA-15-04-04-LS; APPLICANT: BOARD OF  
13 COUNTY COMMISSIONERS OF CHARLOTTE COUNTY,  
14 FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING  
15 FOR TRANSMITTAL OF ADOPTED ORDINANCE; AND  
16 PROVIDING AN EFFECTIVE DATE.

17  
18 RECITALS

19  
20 WHEREAS, this proposed text amendment is part of the County's  
21 Comprehensive Plan revisions determined to be necessary in an Evaluation and Appraisal  
22 review sent to the Department of Economic Opportunity in March of 2014; and

23 WHEREAS, the Evaluation and Appraisal review stated that the County's  
24 Comprehensive Plan needs to address the airport within the transportation network; and

25 WHEREAS, it is necessary to amend existing TRA Policy 1.3.4: Airport  
26 Ground Access in order to make it more generally applicable to roadway improvements  
27 within the Enterprise Charlotte Airport Park (ECAP) Overlay and to ensure that changes to  
28 the existing roadway network do not reduce access to the airport; and

29 WHEREAS, on May 11, 2015, Petition PA-15-04-04-LS was heard by the  
30 Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis  
31 provided by County Staff regarding the amendments and the evidence presented to the  
32 P&Z Board, the proposed amendment has been recommended for approval by the P&Z

MIN 143  
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1 Board to be transmitted to the Department of Economic Opportunity (“DEO”) for review and  
2 comments; and

3 WHEREAS, on May 12, 2015, Petition PA-15-04-04-LS was heard by the  
4 Board of County Commissioners of Charlotte County, Florida (“Board”) and, based on the  
5 findings and analysis provided by County Staff regarding the amendments and the  
6 evidence presented to the Board, was approved for transmittal to the DEO for review and  
7 comments; and

8 WHEREAS, on July 9, 2015, DEO issued a letter stating that it  
9 had no comments regarding Petition PA-15-04-04-LS; and

10 WHEREAS, other relevant state agencies also reviewed Petition  
11 PA-15-04-04-LS and had no comments; and

12 WHEREAS, after due consideration regarding Petition PA-15-04-04-LS and  
13 the analysis and evidence presented to the Board, the Board has found the proposed  
14 amendment is in the best interests of the health, safety, and welfare of the County and the  
15 future the County envisions and desires for itself.

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

18 Section 1. Adoption of the Revisions to TRA Policy 1.3.4: Airport Ground  
19 Access. TRA Policy 1.3.4: Airport Ground Access of the County’s Comprehensive Plan is  
20 hereby amended by the deletion of the strike through language and addition of the  
21 underlined language as provided in Exhibit “A,” which is attached hereto and by reference  
22 made a part hereof be and the same is hereby adopted.

1           Section 2. Severability. If any section, subsection, clause, phrase, or  
2 provision of this ordinance or its accompanying County's Comprehensive Plan element is  
3 for any reason held invalid or unconstitutional by any court or body of competent  
4 jurisdiction, such holding shall not be construed to render the remaining provisions of this  
5 ordinance or its accompanying County's Comprehensive Plan element invalid or  
6 unconstitutional.

7           Section 3. Transmittal of Adopted Ordinance. County staff is hereby directed  
8 to forward a copy of this ordinance and any attachments to the Department of Economic  
9 Opportunity, 107 East Madison Street, Tallahassee, FL 32399-4120, and to the Executive  
10 Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers,  
11 FL 33901.

12           Section 4. Effective Date. The effective date of this plan amendment, if the  
13 amendment is not timely challenged, shall be 31 days after the state land planning agency  
14 notifies the local government that the plan amendment package is complete. If timely  
15 challenged, this amendment shall become effective on the date the state land planning  
16 agency or the Administration Commission enters a final order determining this adopted  
17 amendment to be in compliance. No development orders, development permits, or land  
18 uses dependent on this amendment may be issued or commence before it has become  
19 effective. If a final order of noncompliance is issued by the Administration Commission,  
20 this amendment may nevertheless be made effective by adoption of a resolution affirming  
21 its effective status, a copy of which resolution shall be sent to the state land planning  
22 agency.

1 PASSED AND DULY ADOPTED this 22<sup>nd</sup> day of September, 2015.

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

5  
6 By: William G. Trues  
7 William G. Trues, Chairman



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

14 By: Michelle D. Bernardino  
15 Deputy Clerk  
16

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18  
19 APPROVED AS TO FORM AND  
20 LEGAL SUFFICIENCY:

21  
22 By: Janette S. Knowlton  
23 Janette S. Knowlton, County Attorney  
24 LR2015-3397

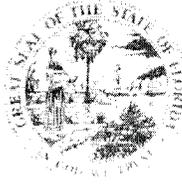


EXHIBIT A

**TRA Policy 1.3.4: Airport Ground Access**

~~The County shall continue the design, permitting, funding, and land acquisition to implement the Piper Road airport access modifications, as shown in the preliminary alignment study and widening plan approved by the Board of County Commissioners, FDOT, and the Airport Authority~~  
Any changes to existing roadways within the Enterprise Charlotte Airport Park Overlay District shall have no negative impact on access to the airport.

**EXHIBIT A**



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

September 23, 2015

Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Attention: Ms. Michelle DiBerardino

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2015-041, which was filed in this office on September 23, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

# 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 Natalie Musser, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each 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 issue(s) of:

September 7, 2015

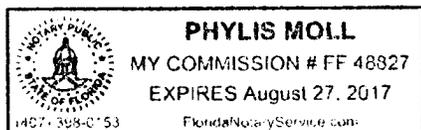
Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one 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 said newspaper.

  
(Signature of Affiant)

Sworn and subscribed before me this 8<sup>th</sup> day of September, 2015.

  
(Signature of Notary Public)

\$ 394—



Personally known  OR Produced Identification

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

# NOTICE OF PUBLIC 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, 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, SEPTEMBER 22, 2015, 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 AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS:  
<http://www.charlottecountyfl.gov/Pages/BCC-meeting-agendas.aspx>

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

### STN-15-00001

#### Legislative

#### Commission District IV

Robert H. Berntsson is requesting a street name change for a portion of Wintergarden Avenue, located east of Pear Street, north of Geranium Avenue, west of Flamingo Boulevard, and south of Joppa Avenue, changing the name to Pear Street. The subject street is 0.086 acres, more or less, located in Port Charlotte Subdivision Section 46, as recorded in Plat Book 5, Page 57C of the Public Records of Charlotte County, Florida, in Section 23, Township 40, Range 21, in Commission District IV.

### PA-15-02-01-LS

#### Legislative

#### Commission District II

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment request is to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from High Intensity Industrial (HI) (357.7± acres), Preservation (PR) (12.87± acres), and Commercial (COM) (45.36± acres) to Low Density Residential (LDR) with an annotation to the 2030 Future Land Use Map to limit the overall density of the site to 999 units; for property located at the northwest portion of the interchange of I-75 and Tuckers Grade, in the Punta Gorda area, containing 415.93±b1 acres; Commission District II; Petition No. PA-15-02-01-LS; Applicant: Crimson Tamiami Trail Holdings LLC; providing an effective date.

### PA-14-10-14-LS

#### Legislative

#### Countywide

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; this request is to amend the Potable Water and Sanitary Sewer (WSW) subelement of the Infrastructure Element to update the Water Supply Facilities Work Plan; to amend Intergovernmental Coordination (ICE) Policy 1.1.11: Coordination with Water Management Districts, to reference the adopted Water Management District regional water supply plans; and to amend CIE Policy 1.1.8: Financially Feasible CIE Schedule, to remove a reference to deleted Chapter 9J-5, F.A.C.; Petition No. PA-14-10-14-LS; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

### PA-15-04-04-LS

#### Legislative

#### Countywide

Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment; the amendment request is to amend the Transportation (TRA) Element by revising TRA Policy 1.3.4: Airport Ground Access, to ensure that all roadway work within the ECAP Overlay shall have no negative impact on access to the airport; Petition No. PA-15-04-04-LS; Applicant: Charlotte County Board of County Commissioners; 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.

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 941-743-1381, TDD/TTY 941-743-1234, or by email to: [Terri.Hendriks@charlottefl.com](mailto:Terri.Hendriks@charlottefl.com)

Publish: September 7, 2015

