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ORDINANCE
NUMBER 2010-036

AN ORDINANCE PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, ADOPTING A LARGE SCALE PLAN AMENDMENT TO THE 2030 FUTURE LAND USE MAP OF THE SMART CHARLOTTE 2050 COMPREHENSIVE PLAN FROM LIMITED DEVELOPMENT TO BURNT STORE VILLAGE RESIDENTIAL, FOR PROPERTY LOCATED NORTH OF THE LEE COUNTY LINE, SOUTH OF ZEMEL ROAD, EAST OF BURNT STORE ROAD (SR 765), AND WEST OF TAMIAMI TRAIL (US 41), IN THE BURNT STORE AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT II, CONTAINING 101.44 ACRES MORE OR LESS; PETITION PA-09-09-14-LS, APPLICANTS, HAWKS LANDING OF PUNTA GORDA, LLC AND NEWFOUNDLAND SIX, INC.; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, July 20, 2010, the Board of County Commissioners of Charlotte County ("Board") reviewed land use amendment Petition PA-09-09-14-LS, which is a large scale amendment to the 2030 Future Land Use Map of the Smart Charlotte 2050 Comprehensive Plan ("Comprehensive Plan"); and

WHEREAS, Hawks Landing of Punta Gorda, LLC and Newfoundland Six, Inc. ("Applicants") have filed Petition PA-09-09-14-LS seeking a large scale plan amendment to the 2030 Future Land Use Map of the Comprehensive Plan from Limited Development to Burnt Store Village Residential for property containing 101.44 acres more or less, which is owned by Applicants, and described as property located North of the Lee County line, South of Zemel Road, East of Burnt Store Road (SR 765), and West of Tamiami Trail (US 41), in the Burnt Store area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

IMAGED
8-12-10 AP

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MIN 8

1 WHEREAS, on November 9, 2009, Petition PA-09-09-14-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 regarding
4 the proposed Petition PA-09-09-14-LS and the evidence presented to the P&Z Board, the
5 P&Z Board recommended approval of transmittal of Petition PA-09-09-14-LS to the
6 Department of Community Affairs ("DCA") for an Objections, Recommendations, and
7 Comments report; and

8 WHEREAS, on December 15, 2009, Petition PA-09-09-14-LS was heard by
9 the Board of County Commissioners of Charlotte County, Florida, and was approved for
10 transmittal to DCA for an Objections, Recommendations, and Comments report; and

11 WHEREAS, on March 5, 2010, DCA issued an Objections,
12 Recommendations, and Comments report which is provided in the Planning Division Staff
13 Report dated April 27, 2010 ("Staff Report"); and

14 WHEREAS, after due consideration, and based on the findings and analysis
15 presented in the Staff Report regarding Petition PA-09-09-14-LS and the evidence
16 presented to the Board, the Board has found that the requirements and conditions of
17 Chapter 163, Florida Statutes, as they relate to this Petition, have been met, and that it is
18 in the best interests of the County to approve Petition PA-09-09-14-LS.

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

21 Section 1. Approval. The following petition for a large scale plan amendment
22 to the 2030 Future Land Use Map of the Smart Charlotte 2050 Comprehensive Plan is
23 hereby approved as follows:

1 Petition PA-09-09-14-LS requesting a large scale plan
2 amendment to the 2030 Future Land Use Map of the Smart
3 Charlotte 2050 Comprehensive Plan from Limited
4 Development to Burnt Store Village Residential, for property
5 containing 101.44 acres more or less, described as property
6 located North of the Lee County line, South of Zemel Road,
7 East of Burnt Store Road (SR 765), and West of Tamiami Trail
8 (US 41), in the Burnt Store area, Commission District II,
9 Charlotte County, Florida, and more particularly described in
10 Exhibit "A" attached hereto and by this reference provided
11 herein.
12

13 Section 2. Effective date. The effective date of this plan amendment shall
14 be the date a final order is issued by the Department of Community Affairs or the
15 Administration Commission finding the adopted amendment to be in compliance with
16 Section 163.3184, Florida Statutes, whichever occurs earlier; provided this ordinance has
17 been filed in the Office of the Secretary of State, State of Florida. No development orders,
18 development permits, or land uses dependent on this amendment may be issued or
19 commenced before it has become effective.

20 Section 3. Transmittal. County staff is hereby directed to forward a copy of
21 this ordinance and its attachments to the Florida Department of Community Affairs, 2555
22 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, and to the Executive Director,
23 Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort
24 Myers, FL 33918-3909.
25
26

27 [SIGNATURE PAGE FOLLOWS]
28
29

1 PASSED AND DULY ADOPTED this 20th day of July, 2010.

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

5
6 By: Robert J. Starr
7 Robert J. Starr, Chairman

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

14
15 By: Susan F. Carleton
16 Deputy Clerk
17 Ordinance 2010-036
18 July 20, 2010

19
20 APPROVED AS TO FORM
21 AND LEGAL SUFFICIENCY:

22
23 By: Janette S. Knowlton
24 Janette S. Knowlton, County Attorney *JK*
25 LR 2010-393

LEGAL DESCRIPTION

(O.R. 2904, PG. 1034)

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA. BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 3" IRON PIPE, MARKING THE NORTHEAST CORNER OF THE NORTHWEST ¼ ALONG THE NORTH LINE OF SAID NORTHWEST ¼, A DISTANCE OF 141.42 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED:

THENCE CONTINUE NORTH 89° 24' 29" WEST, A DISTANCE OF 975.89 FEET; THENCE SOUTH 00° 35' 31" WEST, A DISTANCE OF 456.15 FEET; THENCE NORTH 89° 20' 19" WEST, A DISTANCE OF 1478.51 FEET TO THE EAST RIGHT-OF-WAY OF BURNT STORE ROAD (S.R. 765); THENCE SOUTH 00° 06' 57" WEST, ALONG SAID RIGHT-OF-WAY A DISTANCE OF 475.16 FEET; THENCE SOUTH 89° 34' 47" EAST, DEPARTING FROM SAID RIGHT-OF-WAY, A DISTANCE OF 219.84 FEET; THENCE SOUTH 00° 07' 32" WEST, A DISTANCE OF 250.01 FEET; THENCE NORTH 89° 34' 37" WEST, A DISTANCE OF 219.80 FEET TO THE RIGHT-OF-WAY OF SAID BURNT STORE ROAD (S.R. 765); THENCE SOUTH 00° 06' 52" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 115.57 FEET; THENCE SOUTH 89° 37' 31" EAST, DEPARTING FROM SAID RIGHT-OF-WAY, A DISTANCE OF 2603.99 FEET TO THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 32; THENCE NORTH 00° 05' 06" WEST ALONG SAID EAST LINE, A DISTANCE OF 1143.92 FEET; THENCE NORTH 44° 44' 48" WEST, A DISTANCE OF 201.18 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

AND

(O.R. 2904, PG. 1036)

A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 32 RUN SOUTH 00° 48' 23" WEST ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32, A DISTANCE OF 929.70 FEET TO THE POINT OF BEGINNING OF THE LAND DESCRIBED HEREIN: THENCE SOUTH 89° 22' 57" EAST, A DISTANCE OF 232.07 FEET; THENCE SOUTH 00° 19' 23" WEST, A DISTANCE OF 250.00 FEET; THENCE NORTH 89° 22' 57" WEST, A DISTANCE OF 274.18 FEET TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 32; THENCE NORTH 00° 48' 23" EAST ALONG SAID WEST LINE, A DISTANCE OF 250.01 FEET TO THE POINT OF BEGINNING.

SAID LAND SITUATE, LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

SAID LAND SUBJECT TO THE ROAD WAY RIGHT-OF-WAY OF STATE ROAD NO. S 765 (BURNT STORE ROAD)

S:\Jobs\32xx\3258\SURVEY\3258-legal desc.doc

PA-09-09-14-LS

Exhibit A
2 of 4

LEGAL DESCRIPTION: (PARCEL B)(PROVIDED BY CLIENT)

THE SOUTH 1/4 OF THE NW 1/4 OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 23 EAST, CHARLOTTE COUNTY, FLORIDA.

LESS RIGHT-OF WAY FOR STATE ROAD #765.

PA-09-09-14-LS

Exhibit A
3 of 4

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

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

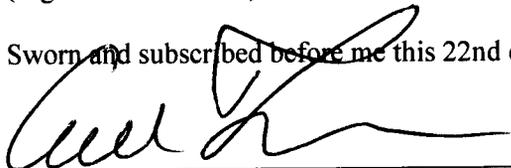
Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

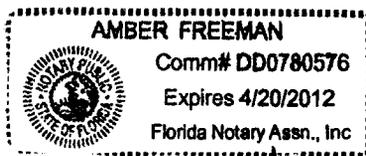
June 22, 2010

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 22nd day of June, 2010.


(Signature of Notary Public)



Amber Freeman

Personally known OR Produced Identification

Type of Identification Produced _____

14 x 5 x 8.75 =
\$ 612.50

**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 TO UPDATE CHARLOTTE COUNTY'S COMPREHENSIVE PLAN (SMART CHARLOTTE 2050) AND ON RELATED PETITIONS FOR LARGE SCALE PLAN AMENDMENTS, WHICH WAS ORIGINALLY ADVERTISED TO BE CONDUCTED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING ON TUESDAY, JUNE 15, 2010, AT 9:00 A.M., HAS BEEN RESCHEDULED.

BY DIRECTION OF THE COUNTY COMMISSIONERS, THIS HEARING IS NOW SCHEDULED TO BE HEARD ON JULY 6, 2010, 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.

COPIES OF SAID PETITIONS WITH COMPLETE LEGAL DESCRIPTIONS AND SUBSEQUENT STAFF REPORTS WILL BE AVAILABLE FOR REVIEW AT THE CHARLOTTE COUNTY GROWTH MANAGEMENT DEPARTMENT, AND ALL CHARLOTTE COUNTY PUBLIC LIBRARIES. A MEETING AGENDA AND PETITION PACKETS MAY BE REVIEWED AT THE FOLLOWING INTERNET ADDRESS: <http://www.charlottecountyfl.com/aggenda.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-10-04-13-LS Legislative Commission Districts I & II
Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments Report; the amendment request is to revise the text of Policy 2.2.28, Objective 2.7, Policies 2.7.1 to 2.7.15 of the Future Land Use Element of the 1997-2010 Comprehensive Plan regarding the Rural Community Mixed Use Future Land Use Map designation; Petition No. PA-10-04-13-LS; Applicant: Charlotte County Board of County Commissioners.

PA-10-01-09-LS Legislative Commission District II
Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments Report; the amendment request is to change the Charlotte County Future Land Use Map from Agriculture to Rural Community Mixed Use for property located north of the Lee County Line, south of Zemel Road, east of Tamiami Trail (US 41) and west of I-75, in the South County Planning District, containing 1,554.51± acres; Commission District II; Petition No. PA-10-01-09-LS; Applicant: Harper Property Holdings, LLC and McNew Property Holdings, LLC.

PA-10-02-10-LS Legislative Commission District I
Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Community Affairs for an Objections, Recommendations, and Comments Report; the amendment request is to change the Charlotte County Future Land Use Map from Agriculture to Rural Community Mixed Use for property located north of Belmont Road (CR 74), south of Washington Loop Road, east of Duncan Road (US 17) and west of CR 31, in the East County area, containing 740± acres; Commission District I; Petition No. PA-10-02-10-LS; Applicant: Belmont Road Partnership.

PA-09-09-13-LS Legislative Commission District IV
An Ordinance to adopt a Large Scale Plan Amendment to the Charlotte County Future Land Use Map from Low Density Residential to RV Park; for property located north of the Myakka River, east and south of Riverwood Development of Regional Impact, and west of State Road 776; containing 20.53± acres; Commission District IV; Petition No. PA-09-09-13-LS; Applicant: G2 ProVentures LLC; providing an effective date.

PA-09-09-14-LS Legislative Commission District II
An Ordinance to adopt a Large Scale Plan Amendment to the Charlotte County Future Land Use Map from Limited Development to Village Residential; for property located north of the Lee County Line, south of Zemel Road, east of Burnt Store Road, and west of US 41; containing 101.44± acres; Commission District II; Petition No. PA-09-09-14-LS; Applicant: Hawks Landing of Punta Gorda and Newfoundland Six, Inc.; providing an effective date.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Future Land Use Element of the 1997-2010 Charlotte County Comprehensive Plan with the Future Land Use Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Natural Resources and Coastal Planning Element of the 1997-2010 Charlotte County Comprehensive Plan with the Natural Resources Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Natural Resources and Coastal Planning Element of the 1997-2010 Charlotte County Comprehensive Plan with the Coastal Planning Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Recreation and Open Space Element of the 1997-2010 Charlotte County Comprehensive Plan with the Parks, Recreation and Cultural Resources Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Housing Element of the 1997-2010 Charlotte County Comprehensive Plan with the Housing Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Infrastructure Element of the 1997-2010 Charlotte County Comprehensive Plan with the Infrastructure Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Public School Facilities Element of the 1997-2010 Charlotte County Comprehensive Plan with the Public School Facilities Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Intergovernmental Coordination Element of the 1997-2010 Charlotte County Comprehensive Plan with the Intergovernmental Coordination Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Transportation Element of the 1997-2010 Charlotte County Comprehensive Plan with the Transportation Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

PA-09-09-15-LS Legislative Countywide
An Ordinance replacing the Capital Improvements Element of the 1997-2010 Charlotte County Comprehensive Plan with the Capital Improvements Element of the Smart Charlotte 2050 Comprehensive Plan; Providing an Effective Date. Applicant, Board of County Commissioners of Charlotte County.

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.



CERTIFIED TRUE COPY OF THE ORIGINAL OF BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT CHARLOTTE COUNTY, FLORIDA
BY *[Signature]* DEPUTY CLERK



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

July 27, 2010

Ms. Barbara T. Scott
Clerk of the Circuit Court
Charlotte County
18500 Murdock Circle, Room 416
Port Charlotte, Florida 33948-1094

Attention: Ms. Joanne Lansing, 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 July 22, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-033, 2010-034, 2010-036 through 2010-048, which were filed in this office on July 26, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dliis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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850.245.6270 • FAX: 850.245.6282

RECEIVED AT
MURDOCK BRANCH
2010 JUL 30 PM 4:29
BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

IMAGED

8-12-10
AP