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ORDINANCE
NUMBER 2010 - 055

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AN ORDINANCE PURSUANT TO SECTION 163.3187 (1) (c), FLORIDA STATUTES, ADOPTING A SMALL SCALE AMENDMENT TO THE 1997-2010 FUTURE LAND USE MAP OF THE CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM COASTAL RESIDENTIAL TO NEIGHBORHOOD BUSINESS RESIDENTIAL AND TO THE 2030 FUTURE LAND USE MAP FROM CHARLOTTE HARBOR COASTAL RESIDENTIAL TO CHARLOTTE HARBOR NEIGHBORHOOD BUSINESS/RESIDENTIAL FOR PROPERTY LOCATED NORTH OF SENECA AVENUE, SOUTH OF HARPER AVENUE, EAST OF JACKSON STREET, AND WEST OF OAKLEY STREET, IN THE CHARLOTTE HARBOR AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICTS I & V, CONTAINING 4.86 ACRES MORE OR LESS; AND ADDING AN ANNOTATION TO BOTH FUTURE LAND USE MAPS STATING BASE DENSITY OF THESE PROPERTIES REMAIN AT 3.5 UNITS PER ACRE; PETITION PA-10-06-17; APPLICANT, BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, September 21, 2010, the Board of County Commissioners of Charlotte County ("Board"), reviewed land use amendment Petition PA-10-06-17, which is a small scale plan amendment; and

WHEREAS, applicant, Board of County Commissioners of Charlotte County, Florida ("Applicant"), filed Petition PA-10-06-17, seeking a small scale plan amendment to the Charlotte County Comprehensive Plan from Coastal Residential to Neighborhood Business Residential on the 1997-2010 Future Land Use Map and from Charlotte Harbor Coastal Residential to Charlotte Harbor Neighborhood Business/Residential on the 2030 Future Land Use Map, for property containing 4.86 acres more or less, described as property located North of Seneca Avenue, South of Harper Avenue, East of Jackson Street, and West of Oakley Street, in the Charlotte Harbor area, Charlotte County, Florida,

IMAGED
10-19-10 Ap



1 Commission Districts I and V, and more particularly described in Exhibit "A" attached
2 hereto and by this reference incorporated herein, and owned by various property owners
3 as listed in Exhibit "B" attached hereto and by this reference incorporated herein; and

4 WHEREAS, Petition PA-10-06-17 has previously been heard before the
5 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and
6 analysis presented in the Planning Division Staff Report dated July 30, 2010, has been
7 recommended for approval by the P&Z Board; and

8 WHEREAS, after due consideration, the Board has found that the
9 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,
10 have been met and that it is in the best interests of the County to approve Petition
11 PA-10-06-17.

12 NOW, THEREFORE, BE IT ORDAINED by the Board of County
13 Commissioners of Charlotte County, Florida:

14 Section 1. Approval. The following petition for amendment to the 1997-2010
15 Future Land Use Map and the 2030 Future Land Use Map of the Charlotte County
16 Comprehensive Plan be and hereby is approved with an annotation to both Future Land
17 Use Maps limiting base density of these properties to 3.5 units per acre:

18 Petition PA-10-06-17, submitted by the Board of Commissioners of
19 Charlotte County, Florida ("Applicant"), requesting a small scale
20 comprehensive plan amendment to the Charlotte County
21 Comprehensive Plan from Coastal Residential to Neighborhood
22 Business Residential on the 1997-2010 Future Land Use Map and
23 from Charlotte Harbor Coastal Residential to Charlotte Harbor
24 Neighborhood Business/Residential on the 2030 Future Land Use
25 Map, for property containing 4.86 acres more or less, described as
26 property located North of Seneca Avenue, South of Harper Avenue,
27 East of Jackson Street, and West of Oakley Street, in the Charlotte
28 Harbor area, Charlotte County, Florida, Commission Districts I and V
29 and more particularly described in Exhibit "A" attached hereto and by
30 this reference provided herein, and owned by various property owners

1 as listed in Exhibit "B" attached hereto and by this reference provided
2 herein.
3

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

6 PASSED AND DULY ADOPTED this 21st day of September, 2010.
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10 BOARD OF COUNTY COMMISSIONERS
11 OF CHARLOTTE COUNTY, FLORIDA
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14 By: Robert J. Starr
15 Robert J. Starr, Chairman
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20 ATTEST:
21 Barbara T. Scott, Clerk of
22 Circuit Court and Ex-officio Clerk to
23 the Board of County Commissioners
24

25 By: Susan F. Carleton
26 Deputy Clerk
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30 APPROVED AS TO FORM
31 AND LEGAL SUFFICIENCY:
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34 By: Janette S. Knowlton DR
35 Janette S. Knowlton, County Attorney
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Legal Description

ACCOUNT #	SHORT LEGAL	LEGAL DESCRIPTION
402225351001	SCH 000 0000 0005	SCHMIDTS SUB LT 5 126/601 394/723 862/373 866/496 866/497 896/986961/760 1016/741 CT1151/389 1157/822 1235/1514 1329/1 FJ1417/891 1498/1467 1544/906 CT1796/2043 1821/30 1871/1203 2102/1201 2102/1202
402225351008	SCH 000 0000 0008	SCHMIDTS SUB LT 8 400/668 588/1243 619/1361 1488/1517 DC1509/1574(AV) TR/AFF1509/1575 1509/1582 2683/920
402225355008	CHR 000 0024 0001	C HARBOR RESUB BLK 24 LT 1 & S 26FT OF LT 2 PB1 PG 30 376/244 DC538/281 P-4 635/1143 1396/1434 2158/1308
402225360007	CHR 000 0025 000A	CHARLOTTE HARBOR BLK25 LT A RESUB S1/2 BLK25 & E 62FT OF LT 3 RP0624178-79 ***1/3INT IN ACCT*** RP0624176-77 300/636 436/963 599/2127 651/1732 1216/1373 1476/1974 2358/1042 2867/1383 2927/837
402226438006	JAS 000 0001 0013	JACKSON SEWARD ADD CHAR HRBR BLK 1 LTS 13 14 15 16 & 1/2 VAC ALLEY ADJ THERETO 313/844 315/868-69 557/1092-93 560/1372 997-1000 1350/1721 1668/1251
402225351006	SCH 000 0000 0006	SCHMIDTS SUB LT 6 437/452 571/1055 1405/1987 CT1794/0393 1807/478 1856/1427 ASSN/D1860/2025 2007/2068 DC3153/343-TCC 3153/829
402225351009	SCH 000 0000 0009	SCHMIDTS SUB LTS 9 10 401/147403/524 437/858 571/1713 1760/1501
402225360005	CHR 000 0025 0004	C HARBOR BLK 25 W 25FT LT 4 & ALL LT 5
402225360008	CHR 000 0025 000B	C HARBOR BLK 25 LTS B & CRESUB S 1/2 BLK 25 287/307 DC476/716 647/625 1931/2812039/820
402226477001	KNI 000 0007 0000	KNIGHTS ADD TO CHAR HARBOR BLK 7 ALL BLK LYING E OF JACKSON ST & W OF BAY ST LESS THAT PART 60FT WIDE TO COUNTY FOR JACKSON ST 81/510 DC483/45 343/255 762/914 PR92-430 L/E1282/2186 AFF1422/1174-JW
402225351007	SCH 000 0000 0007	SCHMIDTS SUB LT 7 411/19582/1884 590/80 597/1824 2683/920
402225355005	CHR 000 0024 0008	C HARBOR BLK 24 LT 8 & S 35FT OF LT 9 P-1 PB1 PG 30 371/385 600/758 606/126 646/1363 857/719
402225360006	CHR 000 0025 0003	CHAR HARBOR BLK 25 W 25FT OF LOT 3 & E 62FT LOT 4 DC417/133 455/544 470/668 DC542/305 552/650 AFF1397/1709
402226438005	JAS 000 0001 0007	JACKSON SEWARD ADD TO CHAR HARBOR BLK1 S 15FT LT 7 & 1/2 VAC ALLEY LTS 9 10 11 12 & 1/2 VAC ALLEY THERETO RP624068 374/127 560/1372 572/1159 698/537 714/1094 1044/144 1062/931 1374/740&60
402226478001	KNI 000 0007 0000	KNIGHTS ADD TO CHAR HAR BLK 7 ALL E OF BAY ST 126/130 DC683/1983798/1599 TD1150/453 1350/1562

EXHIBIT A

OWNERS:

LaCoursiere Christopher 20049 Isobar Ave Port Charlotte, FL 33954	Charlotte Harbor Ventures LLP 8433 Enterprise Cir, #210 Bradenton, FL 34202	Hohnholz Willi 7604 NW 14 th St Ocala, FL 34482
Caterson Beryl L & KPB & DS 1950 Pima Dr N Lake Havasu City, AZ 86403	Judah Enterprises Inc. c/o Cheryl Wynn PO Box 511144 Punta Gorda, FL 33951	Peake Joseph R Jr PO Box 512107 Punta Gorda, FL 33951
Benning Chanthima 4449 Parmely St Punta Gorda, FL 33980	Trinity United Meth Church PO Box 495895 Port Charlotte, FL 33949	Merod LLC 19000 SW 192 ST Miami, FL 33187
Wilson Phillip F & L Wilson 741 Sabal Palm Ln Punta Gorda, FL 33983	Verhoeven James A 4388 Jackson St Port Charlotte, FL 33980	Civitella Family LTD Partnership 4557 Colleen St Port Charlotte, FL 33952
Roberts Martha Margorie R 4399 Sibley Bay Port Charlotte, FL 33980		

GENERAL LOCATION: The subject site is located in Commission District I & V, north of Seneca Avenue, south of Gulfocast Avenue, east of Jackson Street and west of Oakley Street, in the Charlotte Harbor area.

ACCOUNT NUMBER: 402225351001, 402225351006, 402225351007,
402225351008, 402225351009, 402225355005,
402225355008, 402225360005, 402225360006,
402225360007, 402225360008, 402226438005,
402226438006, 402226477001, 402226478001

EXHIBIT B



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:

September 6, 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 8th day of September, 2010.

[Signature]
(Signature of Notary Public)

Amber Freeman

\$ 478.50

Personally known OR Produced Identification _____

Type of Identification Produced _____

[Signature]

[Signature]

CHARLOTTE
CERTIFIED TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

BY: *[Signature]*
DEPUTY CLERK

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 21, 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. 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 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/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

DO-10-02-01

Legislative

Commission District I

A Resolution amending Resolution 92-62, as amended by Resolutions 93-66, 2004-071 and 2006-093, approving a Substantial Deviation to the Development Order for Harborview, a Development of Regional Impact; and providing for an effective date.

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 1997-2010 Future Land Use Map from Agriculture to Rural Community Mixed Use and to change the Charlotte County 2030 Future Land Use Map from Agriculture (AG) to Rural Community Mixed Use (RCMU); for property located north of Bermont 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: Bermont Road Partnership.

PA-10-06-17

Legislative

Commission District I & V

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 1997-2010 Future Land Use Map of the Charlotte County Comprehensive Plan from Coastal Residential to Neighborhood Business Residential and to the 2030 Future Land Use Map from Charlotte Harbor Coastal Residential to Charlotte Harbor Neighborhood Business/Residential; applying an annotation to both Future Land Use Maps stating base density of these properties remains at 3.5 units per acre; for property located north of Seneca Avenue, south of Harper Avenue, east of Jackson Street and west of Oakley Street, in the Charlotte Harbor area; containing 5.42± acres; Commission District I & V; Petition No. PA-10-06-17; applicant: Charlotte County Board of County Commissioners; providing an effective date.

Z-10-06-18

Quasi-Judicial

Commission District I & V

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Coastal Residential (CR-3.5) to Neighborhood Business Residential (NBR); for property located north of Seneca Avenue, south of Harper Avenue, east of Jackson Street and west of Oakley Street, in the Charlotte Harbor area; containing 5.426± acres; Commission District I & V; Petition No. Z-10-06-18; Applicant: Charlotte County Board of County Commissioners; providing an effective date.

PA-10-06-19

Legislative

Commission District III

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 1997-2010 Future Land Use Map of the Charlotte County Comprehensive Plan from High Density and Medium Density Residential to Commercial Center and to the 2030 Future Land Use Map from High Density and Medium Density Residential to Commercial; for property located at 1035, 1040 and 1060 Shore View Drive, and 935, 945, 950, and 985 Gulf Boulevard, on Manasota Key; containing 5.13± acres; Commission District III; Petition No. PA-10-06-19; Applicant: Harmonie Development Group, LLC; providing an effective date.

Z-10-06-20

Quasi-Judicial

Commission District III

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Manasota Multi-family 12 (MMF-12) and Manasota Multi-family 7.5 (MMF-7.5) to Manasota Commercial Tourist (MCT), for property located at 1035, 1040 and 1060 Shore View Drive, and 935, 945, 950, and 985 Gulf Boulevard, on Manasota Key; containing 5.13± acres; Commission District III; Petition No. Z-10-06-20; Applicant: Harmonie Development Group, 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

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

October 1, 2010

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

Attention: Ms. Anne L. Pfahler, Deputy Clerk Commission Minutes

Dear Ms. Scott:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated September 23, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-054 through 2010-056, which were filed in this office on September 29, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

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BARBARA T. SCOTT
CLERK OF CIRCUIT COURT
CHARLOTTE COUNTY, FL

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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COMMUNITY DEVELOPMENT
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850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
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