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ORDINANCE  
NUMBER 2011-028

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 2030 FUTURE LAND USE MAP FROM LOW DENSITY RESIDENTIAL (LDR) TO OFFICE AND INSTITUTIONAL (OI) FOR PROPERTY LOCATED AT 25325 RAMPART BOULEVARD, IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT I, CONTAINING 5.47 ACRES MORE OR LESS; PETITION PA-11-04-07; APPLICANT, PORT CHARLOTTE HEALTHCARE ASSOCIATES, LTD.; PROVIDING AN EFFECTIVE DATE.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK 3589, PGS 538-541 4 pg(s)  
INSTR # 2034994  
Doc Type GOV, Recorded 08/05/2011 at 04:01 PM  
Rec. Fee: \$35.50  
Cashiered By: MARGEC Doc. #2

RECITALS

WHEREAS, in a public hearing held on Tuesday, July 19, 2011, the Board of County Commissioners of Charlotte County, Florida ("Board"), reviewed land use amendment Petition PA-11-04-07, which is a small scale plan amendment; and

WHEREAS, applicant, Port Charlotte Healthcare Associates, Ltd. ("Applicant"), filed Petition PA-11-04-07, seeking a small scale plan amendment to the 2030 Future Land Use Map from Low Density Residential (LDR) to Office and Institutional (OI), for property containing 5.47 acres more or less, described as property located at 25325 Rampart Boulevard, in the Port Charlotte area, Charlotte County, Florida, Commission District I, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PA-11-04-07 has previously been heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis presented in the Planning Division Staff Report dated May 20, 2011, has been recommended for approval by the P&Z Board; and

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WHEREAS, after due consideration, the Board has found that the requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition, have been met and that it is in the best interests of the County to approve Petition PA-11-04-07.

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

Section 1. Approval. The following petition for amendment to the 2030 Future Land Use Map of the Charlotte County Comprehensive Plan be and hereby is approved:

Petition PA-11-04-07, submitted by Port Charlotte Healthcare Associates, Ltd. ("Applicant"), requesting a small scale plan amendment to the 2030 Future Land Use Map, for property containing 5.47 acres more or less, described as property located at 25325 Rampart Boulevard, in the Port Charlotte area, Charlotte County, Florida, Commission District I, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein.

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

[SIGNATURE PAGE FOLLOWS]

1 PASSED AND DULY ADOPTED this 19th day of July, 2011.  
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5 BOARD OF COUNTY COMMISSIONERS  
6 OF CHARLOTTE COUNTY, FLORIDA  
7

8 By: Robert J. Starr  
9 Robert J. Starr, Chairman  
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13 ATTEST:  
14 Barbara T. Scott, Clerk of  
15 Circuit Court and Ex-officio Clerk to  
16 the Board of County Commissioners  
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20 By: Susan F. Carleton  
21 Deputy Clerk  
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25 APPROVED AS TO FORM  
26 AND LEGAL SUFFICIENCY:  
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29 By: Janette S. Knowlton  
30 Janette S. Knowlton, County Attorney  
31 LR2011-1455  
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## Legal Description

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF RAMPART BOULEVARD (HAVING A WIDTH OF 100 FEET) AND THE WESTERLY LINE OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE RUN SOUTH 89°53'19" EAST ALONG SAID SOUTHERLY LINE OF RAMPART BOULEVARD, A DISTANCE OF 40.00 FEET TO THE POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 40.00 FEET EASTERLY OF SAID WEST LINE OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 17, AS MEASURED AT RIGHT ANGLES; THENCE SOUTH 00°19'22" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 635.45 FEET TO THE POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 660 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17 AS MEASURED AT RIGHT ANGLES; THENCE SOUTH 89°46'20" EAST, ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 293.71 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE SOUTH 00°32'40" WEST ALONG SAID EASTERLY LINE, A DISTANCE OF 635.06 FEET TO THE POINT OF INTERSECTION WITH A LINE PARALLEL WITH AND 25 FEET NORTHERLY OF THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17, AS MEASURED AT RIGHT ANGLES; THENCE NORTH 89°47'29" WEST ALONG THE LAST DESCRIBED PARALLEL LINE, A DISTANCE OF 333.82 FEET TO A POINT ON THE WEST LINE OF THE WEST ONE-HALF OF THE EAST ONE-HALF OF NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 17; THENCE NORTH 00°26'17" EAST ALONG SAID WEST LINE, A DISTANCE OF 1270.54 FEET TO THE SOUTHERLY LINE OF RAMPART BOULEVARD AND THE POINT OF BEGINNING.

SAID LANDS CONTAINING 5.47 ACRES MORE OR LESS.

SAID LANDS SITUATED LYING AND BEING IN CHARLOTTE COUNTY, FLORIDA.

**EXHIBIT A**

# SUN NEWSPAPERS

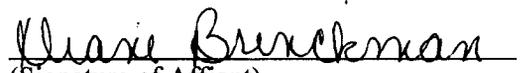
Charlotte • DeSoto • Englewood • North Port • Venice

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

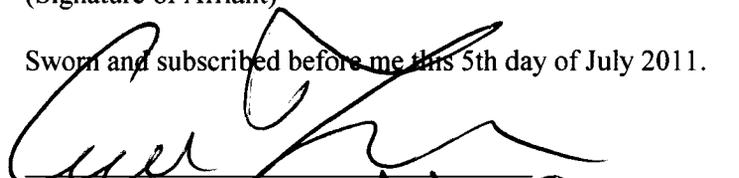
Before the undersigned authority personally appeared Diane Brinckman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

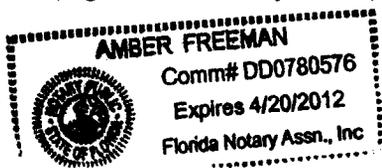
July 4, 2011

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 5th day of July 2011.

  
(Signature of Notary Public) Amber Freeman



\$415.63

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, JULY 19, 2011, 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 BUILDING AND GROWTH MANAGEMENT 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

### PA-11-04-07

#### Legislative

#### Commission District I

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 2030 Future Land Use Map of the Charlotte County Comprehensive Plan from Low Density Residential (LDR) to Office and Institutional (OI), for property located at 25325 Rampart Boulevard, in the Port Charlotte area, containing 5.47± acres; Commission District I; Petition No. PA-11-04-07; applicant: Port Charlotte Healthcare Associates; providing an effective date.

### Z-11-04-08

#### 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 Office, Medical and Institutional (OMI), for property located at 25325 Rampart Boulevard, in the Port Charlotte area, containing 5.47± acres; Commission District I; Petition No. Z-11-04-08; Applicant: Port Charlotte Healthcare Associates; providing an effective date.

### PD-80-6B

#### Quasi-Judicial

#### Commission District V

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas. The rezoning is from Planned Development (PD) to PD. This is a major modification of an existing PD to revise conditions of approval, for property located at 20212 Peachland Boulevard, in the Port Charlotte area, containing 21± acres; Commission District V; Petition No. PD-80-6B; Applicant: New Day Christian Church at Port Charlotte, Inc. f/k/a First Christian Church of Port Charlotte, Inc.; providing an effective date.

### Z-11-03-06

#### Quasi-Judicial

#### Commission District I

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial General (CG) to Commercial Intensive (CI), for property located at 3131 Foley Drive, in the Harbour Heights area, containing 0.66± acres; Commission District I; Petition No. Z-11-03-06; Applicant: Brad Felker; providing an effective date.

### PV-06-02-01

#### Legislative

#### Commission District IV

Wells Fargo Bank, represented by Fowler White Boggs, is requesting a resolution to correct the scrivener's error of an erroneous legal description that appeared in Resolution #2010-085 granted by the Board of County Commissioners on September 28, 2010, and recorded on October 1, 2010, in OR Book 3514, Pages 1791-1796, for Petition #PV-06-02-01. A corrected legal description has been provided by Fowler White Boggs to replace the incorrect one, along with a letter of explanation as to how the error occurred. The subject site is located north of McCall Road, east of Kevitt Boulevard, west of Wilmington Boulevard, and south of Buffing Road, in Section 5, Township 41 South, Range 26 East, in Commission District IV.

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.

P.O. #: 2011002567.AA  
Publish: July 4, 2011





**FLORIDA DEPARTMENT of STATE**

**RICK SCOTT**  
Governor

**DIVISION OF LIBRARY AND INFORMATION SERVICES**

**KURT S. BROWNING**  
Secretary of State

July 27, 2011

Ms. Barbara T. Scott  
Clerk of the Circuit Court  
Charlotte County  
350 East Marion Avenue  
Punta Gorda, Florida 33950

Attention: Ms. Susan F. Carleton, 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 20, 2011 and certified copies of Charlotte County Ordinance Nos. 2011-027, 2011-028 and 2011-029, which were filed in this office on July 26, 2011.

Sincerely,

Liz Cloud  
Program Administrator

LC/vm

RECEIVED AT  
MURDOCK BRANCH  
2011 AUG - 3 PM 12: 09  
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  
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

COMMUNITY DEVELOPMENT  
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850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA  
850.245.6700 • FAX: 850.488.4894

CAPITOL BRANCH  
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES  
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282

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