

CLC
BCC
#14

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK 3506, PGS 491-498 8 pg(s)
INSTR # 1960623
Doc Type GOV, Recorded 08/26/2010 at 12:42 PM
Rec. Fee: \$69.50
Cashiered By: CAROLINEH Doc. #: 1

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

ORDINANCE
NUMBER 2010 - 052

AN ORDINANCE APPROVING AN AMENDMENT TO THE CHARLOTTE COUNTY ZONING ATLAS FROM AGRICULTURE ESTATES (AE) TO PLANNED DEVELOPMENT (PD), FOR PROPERTY LOCATED NORTH OF MINORCA DRIVE, SOUTH OF ZEMEL ROAD, EAST OF BURNT STORE ROAD, AND WEST OF CHARLOTTE COUNTY LANDFILL AND WEIGH STATION, IN THE BURNT STORE PLANNING DISTRICT AREA, CHARLOTTE COUNTY, FLORIDA, CONTAINING 96.99 ACRES MORE OR LESS; PETITION Z-10-04-14-TDU; APPLICANT, PRINCE RANCH, LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, August 17, 2010, the Board of County Commissioners of Charlotte County ("Board") reviewed Petition Z-10-04-14-TDU which requested a rezoning from Agriculture Estates (AE) to Planned Development (PD) on 96.99 acres more or less of property owned by Prince Ranch, LLC ("Applicant"), described as property located North of Minorca Drive, South of Zemel Road, East of Burnt Store Road, and West of Charlotte County Landfill and Weigh Station, in the Burnt Store Planning District area, Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

WHEREAS, the Applicant seeks a rezoning to allow for the development of a mixed residential development including single-family units as well as multi-family units.

WHEREAS, Petition Z-10-04-14-TDU has previously been heard by the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on



1 the findings and analysis presented in the Planning and Zoning Division staff
2 report dated June 25, 2010, and the evidence presented to the P&Z Board, has
3 been recommended for approval; and

4 WHEREAS, after due consideration, based on the Planning &
5 Zoning Division staff report dated June 25, 2010, and the evidence presented to
6 it, the Board has found that approval of Petition Z-10-04-14-TDU is consistent
7 with the 1997-2010 Charlotte County Comprehensive Plan, and that it meets the
8 requirements for the granting of a rezoning, and;

9 WHEREAS, based on the above findings, the Board has
10 determined it to be in the best interests of the County to rezone the subject
11 property from Agriculture Estates (AE) to Planned Development (PD).

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

14 SECTION 1. The following petition for an amendment to the
15 Charlotte County Zoning Atlas is hereby approved subject to the conditions
16 contained in the attached Exhibit "B":


17 Petition Z-10-04-14-TDU requesting rezoning from
18 Agriculture Estates (AE) to Planned Development
19 (PD) for 96.99 acres more or less of property owned
20 by Prince Ranch, LLC ("Applicant"), described as
21 located North of Minorca Drive, South of Zemel Road,
22 East of Burnt Store Road, and West of Charlotte
23 County Landfill and Weigh Station, in the Burnt Store
24 Planning District area, Charlotte County, Florida, and
25 more particularly described in Exhibit "A" attached
26 hereto and by this reference incorporated herein.

27
28 SECTION 2. That the zoning for this property shall run with the
29 property and shall apply to any subsequent owners, heirs and assigns.

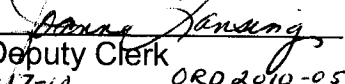
1 SECTION 3. This ordinance shall take effect upon filing in the
2 Office of the Secretary of State, State of Florida.

3
4 PASSED AND DULY ADOPTED this 17 day of August, 2010.

5
6
7
8 BOARD OF COUNTY COMMISSIONERS
9 OF CHARLOTTE COUNTY, FLORIDA

10
11
12 By: 
13 Robert J. Starr, Chairman

14
15
16
17 ATTEST:
18 Barbara T. Scott, Clerk of
19 Circuit Court and Ex-Officio
20 Clerk to the Board of County
21 Commissioners

22
23
24 By: 
25 Deputy Clerk
26 8-17-10 ORD 2010-052

27
28 APPROVED AS TO FORM
29 AND LEGAL SUFFICIENCY:

30
31
32 By: 
33 Janette S. Knowlton, County Attorney *DR*

Prince Ranch LLC PD Rezoning Conditions (Petition Number Z-10-04-14-TDU):

- a. Development on the subject property shall occur as generally illustrated in the PD Concept Plan submitted by the applicant, prepared by Waldrop Engineering, dated April 16, 2010, revised on June 25, 2010, except such modifications as may be required to meet the conditions of the PD zoning district. In addition, the site plan review conditions of approval, per letter dated May 13, 2010 and signed by Nicole C. E. Dozier, Charlotte County Zoning Official, are required to be met. The open space area shall be no less than 40.99 acres. Areas indicated for single-family development and multi-family development will be developed as such. Revisions consistent with the notes on the approved PD Concept Plan shall be permitted. Residential development standards shall be as indicated on the PD Concept Plan, with minor modifications allowed only to increase lot sizes.
- b. The subject property currently retains 9 units of density. The applicant is proposing to develop a total of 355 units including 180 multi-family units and 175 single-family units. The mix of multi-family units and single family units may be changed consistent with the PD Concept Plan. The subject property shall require 346 units of transferred density. The transfer of density units must be approved by the Board of County Commissioners prior to Preliminary Plat application or Final Site Plan Review application, whichever shall occur first.
- c. If more than 175 single-family units are proposed, the applicant shall submit a revised Traffic Impact Statement and proportionate share analysis.
- d. A development time line and phasing plan for the entire PD shall be submitted prior to Final Site Plan Review approval. A monitoring report shall be submitted annually from the day of Final Site Plan Review approval until buildout, identifying the development activities which occurred during the past year and summarizing current and previous year statistics (as applicable).
- e. The maximum building heights:
 - i. For single-family development: 35 feet from the base flood elevation.
 - ii. For multi-family development: 60 feet from the base flood elevation.
 - iii. For the recreation area: 35 feet from the base flood elevation.
- f. The roadways for this development shall be constructed to Charlotte County standards. If the roadways for this development are to be private, following Final Site Plan Review approval, the developer, and subsequently, the homeowner's association, will be required to maintain all private roads within the development area. The proposed roadway within the wetland area shall be designed such that impacts to the wetland are minimized. Such design will be in accordance with SWFWMD regulations concerning storm water management and wetland permitting, and the proposed roadway shall not impede any surface water movement.
- g. The applicant shall provide 50' of right-of-way along its Zemel Road frontage as part of transportation corridor preservation.

- h. A Developers Agreement to fund the widening of Burnt Store Road shall be finalized and approved by the Board prior to the Final Site Plan Review application for the first phase of development.
- i. The developer is required to provide a sidewalk throughout the subject site, with a minimum width of five (5) feet along at least one side of all internal roadways. An eight (8) foot wide bicycle/pedestrian trail is required along the northern property line on Zemel Road running from the western property boundary to the wetlands. The developer shall coordinate with the Department of Public Works. The sidewalk must be completed at the time of that the 177th residential dwelling unit is approved for development.
- j. There will be one major entrance located on Zemel Road, and one 20-foot emergency access located adjacent to the eastern 25-foot PD setback.
- k. The development must use potable water and sanitary sewer utilities. The potable water and sanitary sewer lines must be connected to the site before any certificates of occupancy shall be issued. When available, the developer must also extend re-use water utility lines along with the potable water and sanitary sewer lines throughout the development. A Developers Agreement with Charlotte County Utilities for the extension of potable water, sanitary sewer, and re-use lines must be approved by the Board of County Commissioners prior to the Final Site Plan Review application for the first phase of development.
- l. The site shall be developed with a unified landscaping theme. Only Florida Friendly landscaping shall be allowed within the common areas. The developer shall also make every effort to ensure that residential property owners within the development also use Florida Friendly landscaping. The applicant shall institute an education program for all homeowners on the correct use of pesticides, herbicides, and fertilizers. A partnership with the Cooperative Extension Service of the University of Florida to interact with the Florida Yards and Neighborhoods program is encouraged. Only organic or other slow release forms of fertilizers shall be utilized throughout the development.
- m. All landscaping must be irrigated as necessary to ensure survival. When made available by the Utility, non-potable water shall be utilized for common area and private irrigation throughout the development. The developer is encouraged to construct re-use water retention basins on site if at all possible. The developer, a homeowner's association, community development district or similar entity, is required to maintain all common areas within the development area.
- n. The development must comply with Chapter 3-2, Article IX, Tree Requirements, of the Charlotte County Code. As shown on the PD Concept Plan, two existing heritage oak trees located within the 0.67 acre of open space area shall be preserved.
- o. Landscaping and Buffer requirements:
 - i. At a minimum, a Type A buffer must be placed within the 25-foot PD setback for the property boundary adjacent to Zemel Road between the

- western property boundary and the wetlands, except the entrances. Lakes may encroach into the 25-foot setback.
- ii. At a minimum, a Type B buffer must be placed within the 25-foot PD setback along the southern, eastern, and western portion of the property lines which are adjacent to the property zoned AE and RSF-3.5.
 - iii. At a minimum, a Type B Buffer must be placed within the multi-family development area which is adjacent to the internal single-family development.
 - iv. At a minimum, a type C buffer must be provided around the recreation area as it is considered to be similar to an "active use park". The applicant must comply with Chapter 3-5, Article XVIII, Landscaping and Buffer Requirements, of the County Code.
 - v. The developer is required to remove exotic/nuisance species from the subject property.
- p. The developer shall maintain the hydrogeology of all of the wetlands. The project must comply with Chapter 3-5, Article XV, Upland Buffer Zone requirements of the County Code. A naturally vegetated upland buffer zone shall be preserved along the perimeter of all wetlands and natural surface waters to the edge of development. The buffer shall be a minimum of thirty (30) feet in width as measured from the landward limit of the wetland or surface water.
 - q. A Conservation Easement preserving in perpetuity all wetlands and associated buffer uplands in the area shall be granted to the County or the Southwest Florida Water Management District. A copy of the easement shall be sent to the County Attorney's Office and Planning Division of the Growth Management Department for review and approval prior to being filed with the Clerk of the Circuit Court. The filing shall be completed prior to Preliminary Plat application or Final Site Plan Review application, whichever shall occur first.
 - r. The recreation area shall be a total of 2.24± acres. At a minimum, it shall include a clubhouse with a swimming pool, a playground, and a parking area. The final design of the recreation area shall be determined at Final Site Plan Review approval. The clubhouse shall be built to the highest wind-bearing loads required by Charlotte County and will be made available for use as a post-storm hurricane refuge to the proposed neighborhood following a natural disaster. It is understood that the clubhouse will not be able to accommodate all residents of the community.
 - s. The applicant shall work with the Charlotte County Public Schools Transportation Department to provide a bus stop and shelter for the community's children. Should the pick up and drop off point be located at the entrance of the development, sufficient room for a parent drop-off and bus pick-up along with an adequate means for traffic circulation will be needed along with a shelter for the children and a bicycle rack at the pick-up area. This addition must be shown on the Final Site Plan for approval.
 - t. If outdoor lighting is proposed, it will be shielded or directed in such a way that the light does not shine beyond the boundaries of the subject property.

Pole or standing lights will be no higher than 10 feet. No outdoor lighting shall be allowed within 50 feet of the upland buffer of any wetland and any lighting beyond that point shall be shielded so that no light shines into the buffer/wetland area.

- u. No development shall occur prior to Final Site Plan Review approval.
- v. The developer shall minimize impervious surfaces within the development wherever practicable.
- w. In order to provide "Green" features within the overall site design to the highest degree practicable, the owner/applicant shall provide that, at a minimum:
 - i. Bioretention areas or rain gardens are required as part of landscaping features for this development;
 - ii. Water conservation measures such as use of low flow plumbing fixtures and rain sensors for control of irrigation systems; and
 - iii. Parking spaces for recreation area shall use pervious concrete.

SUN NEWSPAPERS

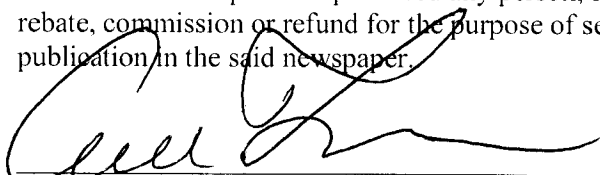
Charlotte • DeSoto • Englewood • North Port • Venice

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

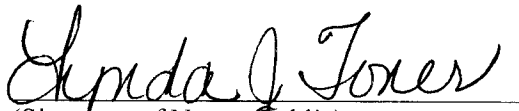
Before the undersigned authority personally appeared Amber Freeman, who on oath says that she is legal clerk of the (Charlotte Sun, Englewood Sun, The Arcadian, North Port Sun, Venice Gondolier Sun), a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement,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

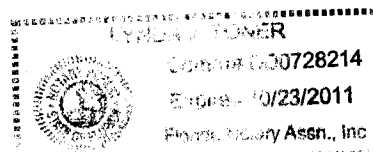
August 2, 2010

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.


(Signature of Affiant)

Sworn and subscribed before me this 2nd day of August, 2010.


(Signature of Notary Public)
LYNDA J. JONES



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, AUGUST 17, 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/petitions.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

Z-04-14-TDU

Quasi-Judicial

Commission District II

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estate (AE) to Planned Development (PD) for property located north of Minorca Drive, south of Zemel Road, east of Burnt Store Road and west of Charlotte County Landfill and Weigh Station, in the Burnt Store Planning District area; containing 96.99± acres; Commission District II; Petition No. Z-10-04-14-TDU; Applicant: Prince Ranch, LLC c/o Stephen Hagenbuckle; providing an effective date.

Rezoning of Manasota and Sandpiper Key

Legislative

Commission District III

An ordinance amending Chapter 3-9 of the Code of Laws and Ordinances of Charlotte County, Florida, by amending Section 3-9-53, Manasota and Sandpiper Key zoning district overlay; providing for conflict with other ordinances; providing for severability; and, providing an effective date. Applicant: Charlotte County Board of County Commissioners.

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

August 20, 2010

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

Attention: Ms. Annie 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 letter dated August 17, 2010 and certified copy of Charlotte County Ordinance No. 2010-052, which was filed in this office on August 20, 2010.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/srd

RECEIVED AT
MURDOCK BRANCH
2010 AUG 25 AM 11:54
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: 850.245.6735 • TDD: 850.922.4085 • http://dlis.dos.state.fl.us

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
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

IMAGED
8-27-10
AP