

ORDINANCE
NUMBER 2025 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, ADOPTING A SMALL SCALE PLAN AMENDMENT TO CHANGE THE CHARLOTTE COUNTY FLUM SERIES MAP #1: 2030 FUTURE LAND USE, FROM LOW DENSITY RESIDENTIAL (LDR) TO COMMERCIAL (COM), FOR PROPERTY, CONTAINING 15 PLATTED LOTS, LOCATED AT 13343, 13377, 13385, 13393, 13401, AND 13405 SOUTH ACCESS ROAD, 6937 PINEDALE DRIVE, 13420, 13410, 13402, 13394, 13386, 13378, 13370, AND 13362 HOPKINTON AVENUE, IN THE WEST COUNTY AREA, CONTAINING 3.52 ACRES MORE OR LESS; CHARLOTTE COUNTY, FLORIDA; COMMISSION DISTRICT IV; PETITION PAS-23-00002; APPLICANT, CASTO JBCC HWY 70 LLC; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Tuesday, February 25, 2025, the Board of County Commissioners of Charlotte County, Florida ("Board") reviewed Petition PAS-23-00002, which is a small scale plan amendment under Section 163.3187, Florida Statutes; and

WHEREAS, applicant, Casto JBCC Hwy 70 LLC ("Applicant"), filed Petition PAS-23-00002, seeking a small scale plan amendment to change the Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM), for property consisting of 15 platted lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 South Access Road, 6937 Pinedale Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinton Avenue, containing 3.52 acres more or less, in the West County area, Commission District IV, and more particularly described in Exhibit "A" which is attached hereto and by this reference incorporated herein ("Property"); and

WHEREAS, the Property is owned by various owners as provided in Exhibit "B" which is attached hereto and by this reference incorporated herein; and

WHEREAS, Petition PAS-23-00002 was heard before the Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and analysis provided by County Staff and the evidence presented to the P&Z Board, the P&Z Board recommended approval on November 18, 2024; and

WHEREAS, after due consideration, based on the findings and analysis provided by County Staff and the evidence presented to it, the Board finds that approval of Petition PAS-23-00002 is consistent with the County's Comprehensive Plan and meets the requirements for the granting of a small scale plan amendment; and

WHEREAS, based on the above findings, the Board finds that the Petition satisfies the requirements of Section 163.3187, F.S. and that it is in the best interests of the County and its citizens to approve Petition PAS-23-00002.

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

Section 1. Approval. The following petition for a small scale amendment to the Charlotte County FLUM Series Map #1: 2030 Future Land Use, is hereby approved:

Petition PAS-23-00002, submitted by Casto JBCC Hwy 70 LLC ("Applicant"), requesting a small scale plan amendment to change Charlotte County FLUM Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Commercial (COM), for property consisting of 15 platted lots, located at 13343, 13377, 13385, 13393, 13401, and 13405 South Access Road, 6937 Pinedale Drive, 13420, 13410, 13402, 13394, 13386, 13378, 13370, and 13362 Hopkinton Avenue, containing 3.52 acres more or less, in the West County area, Charlotte County, Florida, Commission District IV, and more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein.

65 Section 2. Effective Date. The effective date of this plan amendment, if the
66 amendment is not timely challenged, shall be 31 days after the state land planning agency
67 notifies the local government that the plan amendment package is complete. If timely
68 challenged, this amendment shall become effective on the date the state land planning
69 agency or the Administration Commission enters a final order determining this adopted
70 amendment to be in compliance. No development orders, development permits, or land
71 uses dependent on this amendment may be issued or commence before it has become
72 effective. If a final order of noncompliance is issued by the Administration Commission, this
73 amendment may nevertheless be made effective by adoption of a resolution affirming its
74 effective status, a copy of which resolution shall be sent to the state land planning agency.

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PASSED AND DULY ADOPTED this 25th day of February, 2025.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Joseph M. Tiseo, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney

 LR2023-0449

ITEMS CORRESPONDING TO SCHEDULE B-II

6. Restrictions, covenants, conditions and easements as shown on the Plat of Port Charlotte Subdivision, Section Nine Five, recorded in Plat Book 10, pages 1-A through 1-233, of the Public Records of Charlotte County, Florida, including but not limited to a 20 foot easement along lot lines abutting and adjacent to drainage rights of ways and waterways, 10 foot easement along rear and 6 foot easement along side lot lines for drainage and utilities, said easements assigned to Charlotte County by instrument recorded in Official Records Book 670, page 1559, Official Records Book 1348, page 2008 and Official Records Book 1371, page 1205, and assigned to AmeriGas Propane, L.P. in Official Records Book 1602, page 1169, together with Agreement to Release and Grant Utility Easements recorded in Official Records Book 4218, page 1570, all of the Public Records of Charlotte County, Florida. THIS ITEM IS PLOTTED HEREON.
7. Restrictions, covenants, conditions and easements as contained in the Declaration of Restrictions for Port Charlotte Subdivision, Section 95, recorded in Official Records Book 305, page 853, which state on all other lots, other than water front lots, no building shall be erected on said lots nearer than 25 feet to the front lot line, nor nearer than 7.5 feet to any side lot line, nor nearer than 25 feet to the rear lot line, said restrictions amended by instruments recorded in Official Records Book 409, pages 494, 496 and 498, O.R. Book 408, Page 245, O.R. Book 555, Page 1919, O.R. Book 555, Page 1922, O.R. Book 555, Page 1924, Official Records Book 813, Page 911 and O.R. Book 1456, Page 590, as Amended and Restated in Official Records Book 3377, page 1814, as further amended in Official Records Book 3848, page 2137, and Official Records Book 3662, page 590, Official Records Book 4195, page 1018, Official Records Book 4195, page 1055, Official Records Book 4195, Page 1057, and all amendments thereto, of the Public Records of Charlotte County, Florida. THIS ITEM IS PLOTTED HEREON.
8. Assignment of Easements to Charlotte County, a political subdivision of the State of Florida recorded in Official Records Book 1348, Page 2008, of the Public Records of Charlotte County, Florida. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET EASEMENT AND IS NOT PLOTTED HEREON.
9. Assignment of Easement(s) in favor of AmeriGas Propane, L.P. set forth in instrument(s) recorded in Official Records Book 1602, Page 1169, of the Public Records of Charlotte County, Florida. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET EASEMENT AND IS NOT PLOTTED HEREON.
10. Utility Easement Agreement by and among Atlantic Gulf Community Corporation, General Development Utilities, Inc. and Board of County Commissioners of Charlotte County, Florida as recorded in Official Records Book 1665, Page 1539, and re-recorded in Official Records Book 1668, Page 2092, of the Public Records of Charlotte County, Florida. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET AGREEMENT AND IS NOT PLOTTED HEREON.
11. Notice of Preservation of Use Restrictions Under Marketable Record Title Act recorded 7/10/2001 in Official Records Book 1915, Page 1810, of the Public Records of Charlotte County, Florida. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET AGREEMENT AND IS NOT PLOTTED HEREON.
12. Ordinance No. 86-3 creating the Charlotte County Fire Rescue Department and Ordinance 86-224 providing for the levy of assessments within the boundaries of the Charlotte County Fire Rescue Department boundaries, recorded in O.R. Book 682, Page 869, as amended, of the Public Records of Charlotte County, Florida. Assessment is included in the real estate taxes and not yet due and payable. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET EASEMENT AND IS NOT PLOTTED HEREON.
13. Resolution Number 92-20 creating within the unincorporated area of Charlotte County certain MSBUs known as Charlotte County Fire Rescue Department, and Vist Charlotte Stormwater System, to collect non-ad valorem special assessments within these units by uniform method authorized by S 197.3632 F.S., as set forth in instrument recorded in O.R. Book 1158, Page 1917. Assessments are included in the real estate taxes and not yet due and payable. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET AGREEMENT AND IS NOT PLOTTED HEREON.
14. Ordinance(s) Creating the Englewood East (Non Urban) Street and Drainage Unit, as amended, together with Agreement with Charlotte County Property Appraiser to, among other provisions, impose non-ad valorem assessments by uniform method of notice, levy, collection and enforcement of such assessments, as authorized by Section 197.3632, Florida Statutes, and as set forth in Official Records Book 1335, Page 1039. Assessment is included in the real estate taxes and not yet due and payable. THE SURVEYED PROPERTY LIES ENTIRELY WITHIN THIS BLANKET EASEMENT AND IS NOT PLOTTED HEREON.

MISCELLANEOUS NOTES

- *** ITEMS 12 AND 13 HAVE BEEN INTENTIONALLY OMITTED ***
1. THERE WAS NO POSTED ADDRESS ON THE SURVEYED PROPERTY AT TIME OF SURVEY.
2. THE SURVEYED PROPERTY CONTAINS AN AREA OF 3.52 ACRES (153481.75 SQUARE FEET), MORE OR LESS.
3. ONLY OBSERVABLE SURFACE AND ABOVE GROUND STRUCTURES WERE LOCATED. NO UNDERGROUND IMPROVEMENTS, SUCH AS FOUNDATION FOOTINGS, WERE LOCATED. SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
4. THERE ARE 00 STRIPED REGULAR PARKING SPACES AND 0 STRIPED HANDICAPPED PARKING SPACES FOR A TOTAL OF 00 STRIPED PARKING SPACES ON THE SURVEYED PROPERTY.
5. ONLY OBSERVABLE ABOVE GROUND UTILITIES WERE LOCATED. NO UNDERGROUND UTILITIES WERE LOCATED. ALWAYS CALL SUNSHINE 811 BEFORE YOU DIG. THEY NOTIFY UTILITY COMPANIES WHERE YOU ARE PLANNING TO DIG. THE UTILITY SENDS A LOCATOR TO MARK THE APPROXIMATE LOCATION OF UNDERGROUND LINES, PIPES AND CABLES ON THE SURVEYED PROPERTY. THE PROCESS TAKES TWO FULL BUSINESS DAYS - DAY 1 STARTS THE DAY AFTER YOU CALL. LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION AND/OR A PRIVATE UTILITY LOCATE REQUEST MAY BE NECESSARY.
6. THE SURVEYED PROPERTY HAS ACCESS TO KAPLAN TERRACE AND HOPKINTON AVENUE, BOTH 50' WIDE DEDICATED PUBLIC RIGHT-OF-WAYS, AS SHOWN HEREON.
7. THERE ARE NO GAPS, GORES, OVERLAPS OR HIATUS INHERENT TO THE SURVEYED PROPERTY BASED ON THE FIELD SURVEY PERFORMED AND THE TITLE COMMITMENTS PROVIDED. AND ALL PARCELS ARE CONTIGUOUS.
8. ADJOINER INFORMATION IF SHOWN HEREON WAS OBTAINED FROM THE COUNTY'S PROPERTY APPRAISER WEB SITE.
9. NO BUILDINGS EXIST ON THE SURVEYED PROPERTY.

PROPERTY ADDRESS: 13343, 13377, 13385, 13393, 13401, 13405 SOUTH ACCESS ROAD, 6937 AND 6945 PINEDALE, PORT CHARLOTTE, FL 33981

LEGEND	NOTES
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
CENTERLINE	CENTERLINE
NAME AND TYPE	NAME AND TYPE
RIGHT-OF-WAY	RIGHT-OF-WAY
CRAN LINE	CRAN LINE
STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
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CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
CRAN LINE	CRAN LINE
STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
POINT OF TANGENCY	POINT OF TANGENCY
ARC	ARC
ARC LENGTH	ARC LENGTH
CENTRAL ANGLE	CENTRAL ANGLE
CURVE DATA	CURVE DATA
DRAINAGE/UTILITY EASEMENT	DRAINAGE/UTILITY EASEMENT
CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
CRAN LINE	CRAN LINE
STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
POINT OF TANGENCY	POINT OF TANGENCY
ARC	ARC
ARC LENGTH	ARC LENGTH
CENTRAL ANGLE	CENTRAL ANGLE
CURVE DATA	CURVE DATA
DRAINAGE/UTILITY EASEMENT	DRAINAGE/UTILITY EASEMENT
CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
CRAN LINE	CRAN LINE
STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
POINT OF TANGENCY	POINT OF TANGENCY
ARC	ARC
ARC LENGTH	ARC LENGTH
CENTRAL ANGLE	CENTRAL ANGLE
CURVE DATA	CURVE DATA
DRAINAGE/UTILITY EASEMENT	DRAINAGE/UTILITY EASEMENT
CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
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STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
POINT OF TANGENCY	POINT OF TANGENCY
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CENTRAL ANGLE	CENTRAL ANGLE
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DRAINAGE/UTILITY EASEMENT	DRAINAGE/UTILITY EASEMENT
CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
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STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
POINT OF TANGENCY	POINT OF TANGENCY
ARC	ARC
ARC LENGTH	ARC LENGTH
CENTRAL ANGLE	CENTRAL ANGLE
CURVE DATA	CURVE DATA
DRAINAGE/UTILITY EASEMENT	DRAINAGE/UTILITY EASEMENT
CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION
CRAN LINE	CRAN LINE
STREET LINE	STREET LINE
PERMANENT CONTROL POINT	PERMANENT CONTROL POINT
PROPERTY CORNER	PROPERTY CORNER
POINT OF TANGENCY	POINT OF TANGENCY
ARC	ARC
ARC LENGTH	ARC LENGTH
CENTRAL ANGLE	CENTRAL ANGLE
CURVE DATA	CURVE DATA
DRAINAGE/UTILITY EASEMENT	DRAINAGE/UTILITY EASEMENT
CONCRETE	CONCRETE
POINT OF BEGINNING	POINT OF BEGINNING
POINT OF INTERSECTION	POINT OF INTERSECTION

Owners: There are multiple owners as follows:

Account Number	Owner's Name	Address
412105456014	FULLENKAMP DENNIS J TRUSTEE	%DENNIS J FULLENKAMP MANAGER 3405 HANCOCK BRIDGE PKWY STE A NORTH FORT MYERS FL 33903
412105477004	UTTARAPONK NAPAPAN & P U	1617 ASTOR AVE BRONX NY 10469
412105456003	HALVORSON RICHARD & CHRISTINE	11590 BRIDLE PATH LN PLACIDA FL 33946
412105477002	SAI-NGARM VICHAI & MALIWAN	3524 62ND ST WOODSIDE NY 11377-2136
412105456012	FULLENKAMP DENNIS J & JHF TR & SMF TR	3405 HANCOCK BRIDGE PKWY STE A NORTH FORT MYERS FL 33903
412105456013	FLECHAS MARIA T&CARMENA DUREN	41-31 51ST APT 6L WOODSIDE NY 11377
412105456004 412105456005 412105456011	BOCA VM LLC	%DENNIS J FULLENKAMP MANAGER 3405 HANCOCK BRIDGE PKWY STE A NORTH FORT MYERS FL 33903
412105456006	FULLENKAMP DENNIS J	%DENNIS J FULLENKAMP MANAGER 3405 HANCOCK BRIDGE PKWY STE A NORTH FORT MYERS FL 33903
412105477001, 412105477003	MCCARTHY JACK E & CANDACE L	239 BAHIA VISTA DR ENGLEWOOD FL 34223
412105456009	RIVERA MOSES V	1610 ISLAMORADA BLVD UNIT 16B PUNTA GORDA FL 33955
412105456001	HALVORSON RICHARD & CHRISTINE	11590 BRIDLE PATH LN PLACIDA FL 33946
412105456010	FORRESTER JAMES H TR & SMF TR & DJF	%DENNIS FULLENKAMP 3405 HANCOCK BRIDGE PKWY STE A NORTH FORT MYERS FL 33903

