

RESOLUTION
NUMBER 2017 -

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, GRANTING A VARIANCE, PURSUANT TO SECTION 3-5-433, TO THE TRANSFER OF DENSITY UNITS (TDU) CODE TO LUX BISCAYNE PROPERTIES, LLC, FOR RELIEF FROM SECTION 3-5-429(h)(1)(i)B, CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA, FOR PROPERTY LOCATED NORTHWEST OF STATE ROAD 776 (EL JOBEAN ROAD), NORTHEAST OF BISCAYNE DRIVE, SOUTH AND WEST OF THE MURDOCK VILLAGE COMMUNITY REDEVELOPMENT AREA, AND SOUTHEAST OF THE CRESTWOOD WATERWAY, IN THE PORT CHARLOTTE AREA, CHARLOTTE COUNTY, FLORIDA, CONTAINING 106.96 ACRES MORE OR LESS; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Lux Biscayne Properties, LLC (“Applicant”) owns property located North of State Road 776 (El Jobean Road) and East of Biscayne Drive, in the Port Charlotte area, containing 106.96 acres more or less (the “Property”), and more particularly shown in Exhibit “A” attached hereto and by this reference provided herein; and

WHEREAS, Chapter 3-5, Article XX, of the Code of Laws and Ordinances of Charlotte County, Florida (“TDU Code”), establishes processes and requirements for approval of petitions for transfers of density; and

WHEREAS, Section 3-5-433 of the TDU Code provides that a petition not meeting the substantive requirements of the TDU Code may be appealed to the Board for

relief from such requirements and sets forth procedures for variance requests and criteria that must be met for a granting of a variance; and

WHEREAS, the Applicant desires to certificate 428 units of density on the site instead of transferring them to a new RZ concurrently with revisions to the FLUM and Zoning Atlas and, pursuant to Section 3-5-433 of the TDU Code, is requesting a variance from Section 3-5-429(h)(1)(i)B of the TDU Code; and

WHEREAS, the Applicant has successfully demonstrated to the Board of County Commissioners of Charlotte County, Florida, that all criteria concerning the granting of a variance from the TDU Code have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida (“Board”):

1. The Board finds that all of the criteria required under Section 3-5-433 of the Code of Laws and Ordinances of Charlotte County, Florida, have been met:

- 1) That the conditions giving rise to the prohibition or hardship were not created by any person presently having an interest in the affected properties; and
- (2) That the variance requested is the minimum modification of the regulation at issue to effectuate the relief necessary; and
- (3) That the granting of the variance would not be injurious to or incompatible with the surrounding neighborhood or otherwise detrimental to the public welfare; and
- (4) Owing to the specific circumstances which gave rise to the prohibition or hardship, the spirit and intent of this article has been preserved by granting the variance; and
- (5) That the requested variance is consistent with the Charlotte County Comprehensive Plan.

2. The request for a variance from Section 3-5-429(h)(1)(i)B of the TDU Code is hereby granted.

3. The effective date of this Resolution shall be the date this Resolution is recorded.

PASSED AND DULY ADOPTED this 10th day of January, 2017.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Barbara T. Scott, Clerk of Circuit
Court and ex-officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
 Janette S. Knowlton, County Attorney
LR2016-0757



Subject Site



Murdock Village Community Redevelopment Area

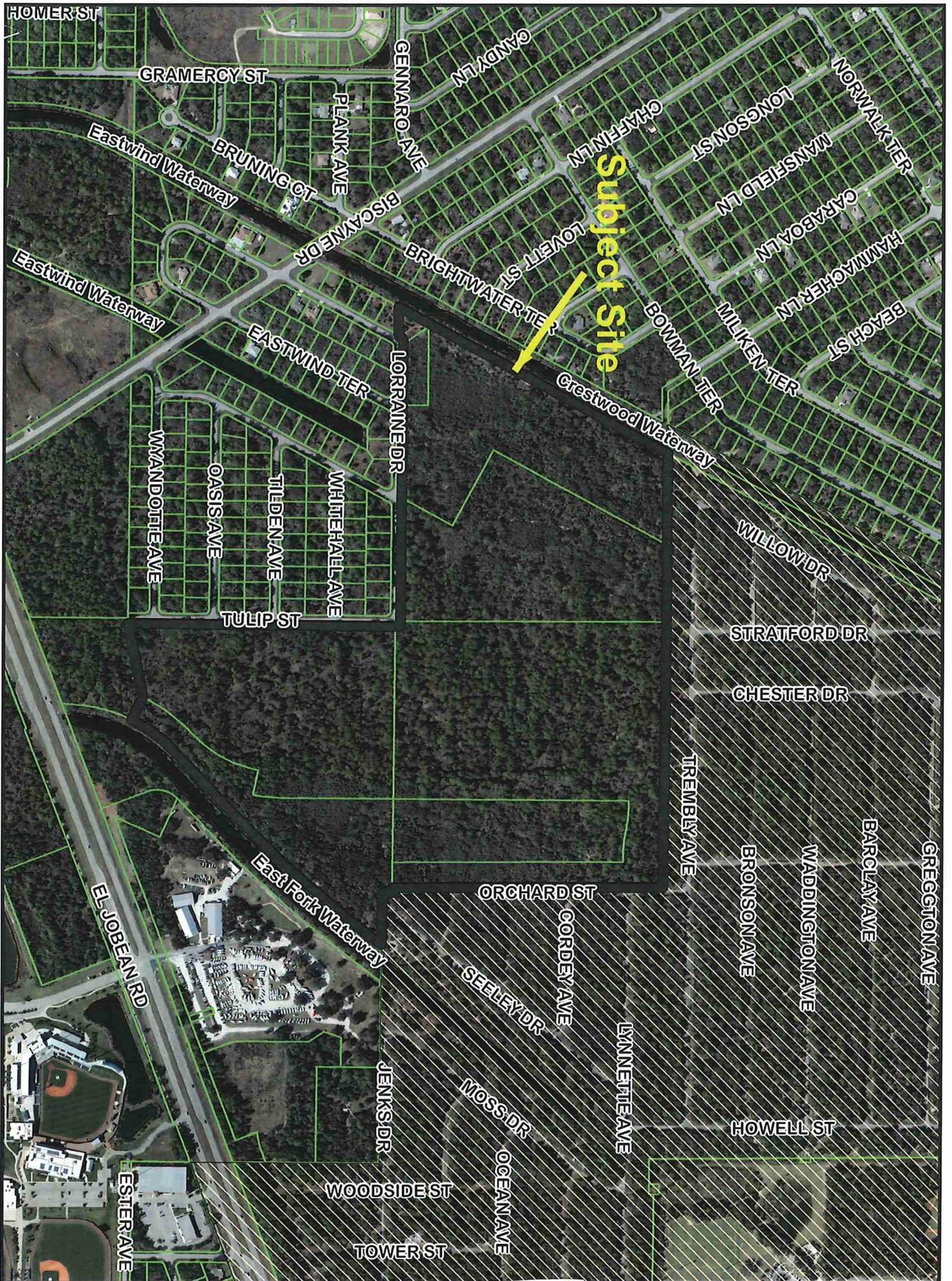


EXHIBIT "A"