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ORDINANCE  
NUMBER 2010 - 070

AN ORDINANCE PURSUANT TO SECTION 163.3187 (1)(c), FLORIDA STATUTES, ADOPTING A SMALL SCALE FUTURE LAND USE MAP AMENDMENT TO THE CHARLOTTE COUNTY COMPREHENSIVE PLAN FROM HIGH DENSITY RESIDENTIAL (HDR) TO COMMERCIAL CENTER ON THE 1997-2010 FUTURE LAND USE MAP AND PROVIDING FOR THE READOPTION INTO THE 2030 FUTURE LAND USE MAP TO COMMERCIAL, FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF CARMALITA STREET AND COOPER STREET, IN THE PUNTA GORDA AREA, CHARLOTTE COUNTY, FLORIDA, COMMISSION DISTRICT II, CONTAINING 1.05 ACRES MORE OR LESS; PETITION PA-10-08-28; APPLICANT, ONMI LLC C/O JAMES WHITE; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, in a public hearing held on Monday, October 18, 2010, the Board of County Commissioners of Charlotte County ("Board"), reviewed land use amendment Petition PA-10-08-28, which provides for a small scale plan amendment to the 1997-2010 Future Land Use Map and the re adoption into the 2030 Future Land Use Map of the Charlotte County Comprehensive Plan (such plan shall herein be referred to as "the Charlotte County Comprehensive Plan"); and

WHEREAS, applicant, ONMI LLC c/o James White, whose address is 21481 Harborside, Port Charlotte, Florida 33952 ("Applicant"), filed Petition PA-10-08-28, seeking a small scale plan amendment to the Charlotte County Comprehensive Plan from High Density Residential (HDR) to Commercial Center on the 1997-2010 Future Land Use Map and the re adoption into the 2030 Future Land Use Map to Commercial, for property containing 1.05 acres more or less, which is owned by ONMI LLC, located at the Northeast corner of the intersection of Carmalita Street and Cooper Street, in the Punta Gorda area,

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
OR BOOK 3522, PGS 2152-2156 5 pg(s)  
INSTR # 1975442  
Doc Type GOV, Recorded 11/02/2010 at 03:55 PM  
Rec. Fee: \$44.00  
Cashiered By: MARGEC Doc. #:2

IMAGED  
*11-5-10 AP*



1 Commission District II, Charlotte County, Florida, and more particularly described in Exhibit  
2 "A" attached hereto and by this reference incorporated herein; and

3 WHEREAS, Petition PA-10-08-28 has previously been heard before the  
4 Charlotte County Planning and Zoning Board ("P&Z Board") and, based on the findings and  
5 analysis presented in the Planning Division Staff Report dated September 24, 2010, and  
6 the evidence presented to the P&Z Board, the proposed amendment has been found to be  
7 consistent with the Charlotte County Comprehensive Plan and has been recommended for  
8 approval by the P&Z Board; and

9 WHEREAS, after due consideration, the Board has found that the  
10 requirements and conditions of Section 163.3187(1)(c), F.S., as they relate to this Petition,  
11 have been met and that it is in the best interests of the County to approve Petition  
12 PA-10-08-28.

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

15 Section 1. Approval. The following petition for amendment to the 1997-2010  
16 Future Land Use Map and to the 2030 Future Land Use Map of the Charlotte County  
17 Comprehensive Plan be and hereby is approved:

18 Petition PA-10-08-28, submitted by ONMI LLC c/o James White  
19 ("Applicant"), requesting a small scale plan amendment to the  
20 Charlotte County Comprehensive Plan from High Density Residential  
21 (HDR) to Commercial Center on the 1997-2010 Future Land Use Map  
22 and for readoption into the 2030 Future Land Use Map to  
23 Commercial, for property containing 1.05 acres more or less, which is  
24 owned by ONMI LLC, located at the Northeast corner of the  
25 intersection of Carmalita Street and Cooper Street, in the Punta  
26 Gorda area, Charlotte County, Florida, and more particularly  
27 described in Exhibit "A" attached hereto and by this reference  
28 provided herein.  
29

1            Section 2. Effective date. This plan amendment as it pertains to the 1997-  
2 2010 Comprehensive Plan shall take effect upon filing this ordinance in the Office of the  
3 Secretary of State, State of Florida. The effective date of this plan amendment as to its  
4 readoption into the Smart Charlotte 2050 Comprehensive Plan shall be the effective date  
5 of the Smart Charlotte 2050 Comprehensive Plan.

6  
7            PASSED AND DULY ADOPTED this 18 day of October, 2010.

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11            BOARD OF COUNTY COMMISSIONERS  
12            OF CHARLOTTE COUNTY, FLORIDA

13  
14            By: Robert J. Starr  
15            Robert J. Starr, Chairman  
16  
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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: Jeannine Lansing  
26            Deputy Clerk  
27  
28  
29

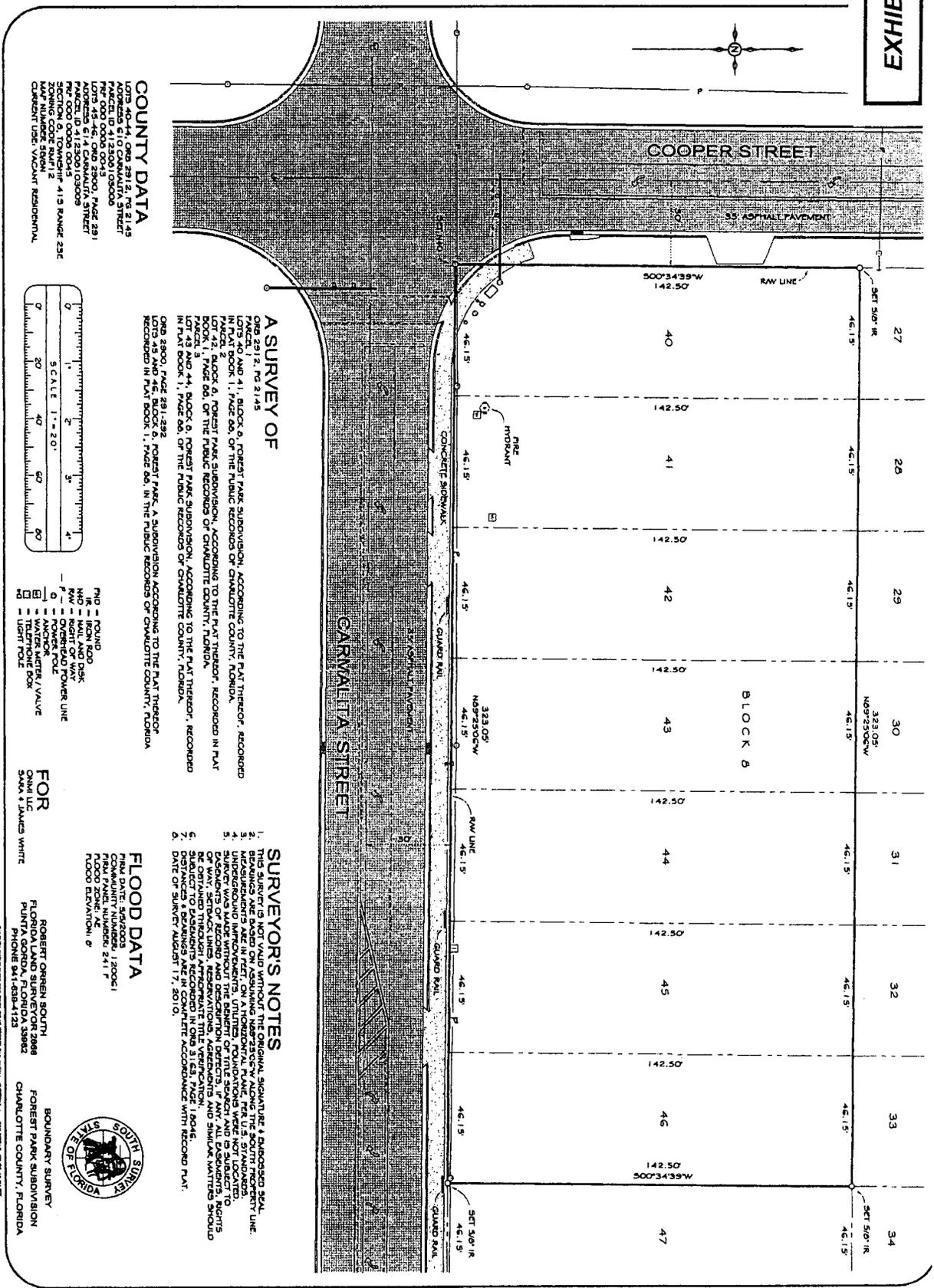
30  
31            APPROVED AS TO FORM  
32            AND LEGAL SUFFICIENCY:

33  
34            By: Janette S. Knowlton  
35            Janette S. Knowlton, County Attorney  
36            LR2010-1106 *JK*  
37  
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**LEGAL DESCRIPTION**  
PA-10-08-28

**Lots 40 through 46, Block 8, FOREST PARK, a subdivision according to the Plat thereof, recorded in Plat Book 1, Page 88, of the Public Records of Charlotte County, Florida. (See Attachment 1)**

***EXHIBIT A***



**COUNTY DATA**  
 FOREST PARK SUBDIVISION  
 ADDRESS 610 CARMELITA STREET  
 PARCEL ID 412300109000  
 FOR 030 0000 00130, PAGE 291  
 ADDRESS 514 CARMELITA STREET  
 PARCEL ID 412300109008  
 SECTION 9, TOWNSHIP 41S RANGE 23E  
 ZONING CODE RMP12  
 CARRANT USE: VACANT RESIDENTIAL



- PH - ROUND
- NR - IRON ROD
- ND - IRON DISK
- FW - RIGHT OF WAY
- OV - OVERHEAD POWER LINE
- PO - POWER POLE
- WA - WATER METER / VALVE
- TR - TELEPHONE BOX
- UR - URN POLE

**FOR**  
 SMM LUCAS WHITE

ROBERT GARDEN SOUTH  
 FLORIDA LAND SURVEYOR 2886  
 PUNTA GORDA, FLORIDA 33982  
 PHONE 841-638-4123



**A SURVEY OF**  
 ONE 291.2, PG 2145  
 PARCEL / LOTS 41, BLOCK 6, FOREST PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 66, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.  
 PARCEL 2, BLOCK 6, FOREST PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 66, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.  
 PARCEL 3 AND 44, BLOCK 6, FOREST PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 66, OF THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.  
 ONE 2900, PAGE 291, 292  
 PARCEL / LOTS 27, 28, 29, 30, 31, 32, 33, 34, BLOCK 6, FOREST PARK, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 66, IN THE PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA.

**SURVEYOR'S NOTES**

1. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE & ENDORSED SEAL.
2. ALL DISTANCES ARE IN FEET, UNLESS OTHERWISE NOTED.
3. MEASUREMENTS ARE IN FEET, ON A HORIZONTAL PLANE, PER U.S. STANDARD.
4. UNDERGROUND IMPROVEMENTS, UTILITIES, FOUNDATIONS WERE NOT LOCATED.
5. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY ENGINEER'S OFFICE FOR RECORDS OF RECORD AND DESCRIPTION, DEEDS, IF ANY, ALL DEEDS, RIGHTS OF WAY, STRIPES, RESERVATIONS, AGREEMENTS AND SIMILAR MATTERS SHOULD BE OBTAINED BY THE SURVEYOR.
6. DISTANCES & BEARINGS ARE IN COMPLIANCE WITH RECORD PLAT.
7. DATE OF SURVEY: AUGUST 17, 2010.

**FLOOD DATA**  
 FINAL DATE: 5/9/2008  
 COUNTY NUMBER: 120001  
 PARCEL NUMBER: 2117  
 FLOOD ZONE: A  
 FLOOD ELEVATION: 0'

# SUN NEWSPAPERS

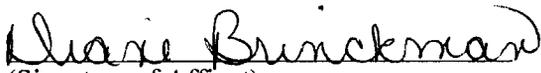
Charlotte • DeSoto • Englewood • North Port • Venice

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:

October 3, 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 4th day of October, 2010.

  
(Signature of Notary Public) Amber Freeman  
AMBER FREEMAN  
Comm# DD0780576  
Expires 4/20/2012  
Florida Notary Assn., Inc

Personally known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

#590.63

CERTIFIED TRUE COPY  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA  
BY:   
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 MONDAY, OCTOBER 18, 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

- PA-10-08-22** Legislative Commission District IV  
An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, for an amendment to the 2030 Future Land Use Map from Low Density Residential (LDR) to Office and Institutional (OI); for property located at 16954 Toledo Blade Boulevard, in the Port Charlotte area, containing 0.7± acres; Commission District IV; Petition No. PA-10-08-22; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- Z-10-08-23** Quasi-Judicial Commission District IV  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Commercial Neighborhood (CN) to Office, Medical, and Institutional (OMI), for property located at 16954 Toledo Blade Boulevard, in the Port Charlotte area, containing 0.7± acres; Commission District IV; Petition No. Z-10-08-23; Applicant: Charlotte County Board of County Commissioners; providing an effective date.
- PA-10-08-24** Legislative Commission District II  
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 Low Density Residential to Parks and Recreation and to the 2030 Future Land Use Map from Low Density Residential (LDR) to Parks and Recreation (PKR); for property located southeast of Coral Ridge Drive and southwest of Taylor Road, in the Punta Gorda area; containing 8.7± acres; Commission District II; Petition No. PA-10-08-24; applicant: ONMI LLC c/o James White; providing an effective date.
- Z-10-08-25** Quasi-Judicial Commission District II  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Commercial Intensive (CI); for property located southeast of Coral Ridge Drive, and southwest of Taylor Road, in the Punta Gorda area; containing 8.7± acres; Commission District II; Petition No. Z-10-08-25; Applicant: ONMI LLC c/o James White; providing an effective date.
- PA-10-08-26** Legislative Commission District II  
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 Low Density Residential to Commercial Center and to the 2030 Future Land Use Map from Low Density Residential (LDR) to Commercial (COM); for property located northwest of Coral Ridge Drive, south of Airport Road, and southwest of Taylor Road, in the Punta Gorda area; containing 2.38± acres; Commission District II; Petition No. PA-10-08-26; applicant: ONMI LLC c/o James White; providing an effective date.
- Z-10-08-27** Quasi-Judicial Commission District II  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Agriculture Estates (AE) to Commercial Intensive (CI); for property located northwest of Coral Ridge Drive, south of Airport Road, and southwest of Taylor Road, in the Punta Gorda area; containing 2.38± acres; Commission District II; Petition No. Z-10-08-27; Applicant: ONMI LLC c/o James White; providing an effective date.
- PA-10-08-28** Legislative Commission District II  
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 Residential to Commercial Center and to the 2030 Future Land Use Map from High Density Residential (HDR) to Commercial (COM); for property located at the north-east corner of the intersection of Carmalita Street and Cooper Street, in the Punta Gorda area; containing 1.05± acres; Commission District II; Petition No. PA-10-08-28; applicant: ONMI, LLC; providing an effective date.
- Z-10-08-29** Quasi-Judicial Commission District II  
An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Multi-family 12 (RMF-12) to Commercial Neighborhood (CN); for property located at the north-east corner of the intersection of Carmalita Street and Cooper Street, in the Punta Gorda area; containing 1.05± acres; Commission District II; Petition No. Z-10-08-29; Applicant: ONMI, LLC; 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.
- PA-10-04-13-LS** Legislative Commission Districts I & II  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to revise the text of Policy 2.2.28, Objective 2.7, Policies 2.7.1 to 2.7.15 of the Future Land Use Element of the 1997-2010 Comprehensive Plan regarding the Rural Community Mixed Use Future Land Use Map designation, Petition No. PA-10-04-13-LS; Applicant: Charlotte County Board of County Commissioners.
- PA-10-01-09-LS** Legislative Commission District II  
Pursuant to Section 163.3184(3), Florida Statutes, adopt a Large Scale Plan Amendment to the Charlotte County 1997-2010 Comprehensive Plan and the Smart Charlotte 2050 Comprehensive Plan from Agriculture to Rural Community Mixed Use including a Master Development Plan, for property located north of the Lee County Line, south of Zemel Road, east of Tamiami Trail (US 41) and west of I-75, in the South County area, containing 1554.51± acres; Commission District II; Petition No. PA-10-01-09-LS; Applicants: Harper Property Holdings, LLC and McNew Property Holdings, LLC.

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 27, 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 October 21, 2010 and certified copies of Charlotte County Ordinance Nos. 2010-063 and 2010-065 through 2010-070, which were filed in this office on October 26, 2010.

Sincerely,

Liz Cloud  
Program Administrator

LC/srd

RECEIVED AT  
MURDOCK BRANCH  
2010 NOV - 1 PM 12: 03  
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://dhis.dos.state.fl.us>

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ADMINISTRATIVE CODE AND WEEKLY  
850.245.6270 • FAX: 850.245.6282

IMAGED  
11-5-10 AP