CHG BCC. ROGER D. EATON, CHARLOTTE COUNTY CLERK OF CIRCUIT COURT # PAGE: 12

INSTR #: 3314703 Doc Type: GOV Recorded: 09/13/2023 at 04:13 PM Rec. Fee: RECORDING \$103.50

# RESOLUTION 2023- NO

A RESOLUTION PURSUANT TO SECTION J(1)(K) OF THE SANDHILL DEVELOPMENT OF REGIONAL (DRI) DEVELOPMENT ORDER (DO), RESOLUTION NUMBER 2022-083, SECTION 380.06(7), FLORIDA SECTION STATUTES (F.S.), AND 3-9-10.1, OF DEVELOPMENT REGIONAL IMPACT DEVELOPMENT ORDER (DO) **AMENDMENT** PROCESS AND PROCEDURE UNDER CHAPTER 3-9. ZONING, CODE OF LAWS AND ORDINANCES, CHARLOTTE COUNTY, FLORIDA, AMENDING THE SANDHILL DRI DO, RESOLUTION NUMBER 2023-118, BY USING THE APPROVED EQUIVALENCY MATRIX TO EXCHANGE 8.553.7 SQUARE FEET OF COMMERCIAL USES (OUT OF 25,978 SQUARE OF REMAINING **ENTITLEMENTS** FEET PARCELS C-13 AND C-23 OF TRACT 2 OF THE SANDHILL DRI) FOR 122,053 SQUARE FEET OF MINI-WAREHOUSE ON PARCELS C-13 AND C-23 OF TRACT 2 OF THE SANDHILL DRI; 2) REDUCING PARCEL C-13'S ENTITLEMENTS BY 17,424.3 SQUARE FEET OF COMMERCIAL USES. AND RETAINING THE RELINQUISHED 17,424.3 SQUARE FEET OF COMMERCIAL USES WITHIN THIS DRI; AND 3) REVISING EXHIBIT B, MAP H NOTES #1 AND MAP H, EXHIBIT #2 NOTES TO MEMORIALIZE THE EXCHANGE OF SQUARE FOOTAGE; FOR 2.83± ACRES OF THE PROPERTY LOCATED AT 1147 AND 1185 KINGS HIGHWAY, IN THE PORT CHARLOTTE AREA: COMMISSION DISTRICT I: PETITION NO. 23LAD-00000-00004; APPLICANT: GROUP: **BRAINTREE** PROVIDING FOR EFFECTIVE DATE. THE SANDHILL DRI LOCATED SOUTH OF THE DESOTO COUNTY LINE, NORTH OF RAMPART BOULEVARD, EAST OF LOVELAND BOULEVARD AND WEST OF THE DEEP CREEK AREA; SECTION 7, TOWNSHIP 40 SOUTH, AND RANGE 23 EAST, IN THE PORT CHARLOTTE AREA, CURRENTLY CONTAINING A TOTAL OF 713.12± ACRES.



#### RECITALS

WHEREAS, on February 17, 1981, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted a Development Order ("DO") for the Sandhill Development of Regional Impact (DRI) Planned Development (PD-80-4) (the "Sandhill DO"), pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Sections 6 & 7, Township 40 South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

WHEREAS, the Sandhill DO has been amended on numerous occasions since its initial adoption; and

WHEREAS, Braintree Group, is requesting an Amendment, 23LAD-00000-00004, to the Sandhill DRI DO to 1) use the approved equivalency matrix to exchange 8,553.7 square feet of commercial uses (out of 25,978 square feet of remaining entitlements on Parcels C-13 and C-23 of Tract 2 of the Sandhill DRI) for 122,053 square feet of Mini-Warehouse on Parcels C-13 and C-23 of Tract 2 of the Sandhill DRI; 2) reduce Parcel C-13's entitlements by 17,424.3 square feet of commercial uses, and retain the relinquished 17,424.3 square feet of commercial uses within this DRI; and 3) revise Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes to memorialize the exchange of square footage; for 2.83± acres of the property located at 1147 and 1185 Kings Highway, in the Port Charlotte area, in the Port Charlotte area, and more particularly described in Exhibit "B" attached hereto and by this reference provided herein; and

WHEREAS, the Board held a public hearing on September 12, 2023, in accordance with Section 380.06, Florida Statutes and Section 3-9-10.1, Development of Regional Impact Development Order Amendment Process and Procedure to consider this application and adopted by motion Amendment 23LAD-00000-00004; and

WHEREAS, the adopted amendment will be incorporated into the Sandhill DRI DO pursuant to the terms described herein.

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

1. The development rights within the Sandhill DRI are hereby amended follows:

Residential ***Commercial	193.61 acres <del>207.88</del> - <u>205.05</u> acres	3,171 units <del>1,597,553</del> 1,552,553 gross square feet
Mini-Warehouse	1.45 <u>4.28</u> acres	109,000-231,053 square feet
Hotel/Motel		397 units
*Research & Development	4.2 acres	42,000
	•	gross square feet
**Park/Public/Semi-Public	44.3 acres	65,000
	•	gross square feet
Lake	61.4 acres	
Public	2.6 acres	
Mitigation	84.7 acres	
Preservation	6.55 acres	
Roads	37.9 acres	
Nursing Home/ACLF	19.56 acres	458 beds
Industrial	47.64 acres	365,000
Retail Parking Spaces		gross square feet 8,030

\*261,000 gross square feet of the originally approved Research and Development gross square footage was analyzed as commercial retail for traffic purposes

\*\*Building area only applies to Tract 2 Public/Semi-Public 24.78 acres for government offices

\*\*\*On Parcel C-24 of Tract 2, 17,000 square feet of commercial and 120 hotel/motel units.

2. Amendments to "Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes" are hereby amended follows:

(page 1)

		Allocated	Allocated	Allocated	Allocated	Allocated	Allocated	Allocated
Tract	Parcel	Commercial (SF)	Park/Public/ Semi-Public (SF)	Research & Development (SF)	Residential (DUs)	Assisted	Self- Storage/Mini-	
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<sup>\*</sup>A total allocation of 344 units across both parcels (74 single-family residential units and 270 multi-family residential units).

### Sandhill DRI Map H, Exhibit #2 Notes

#### **Revision Notes:**

- 1. July 2002 Revisions:
  - a. Tract 1: Revised Parcels, lakes & wetlands
  - b. Tract 3: Revised Parcel C-16 & removed wetland
  - c. Tract 4: Revised Parcel C-19 & increased wetland
- 2. January 2006 (NOPC-051283) Revisions:
  - a. Subdivided C-16, C-17, C-18, C-20, Newport Golf
- 3. January 2006 (NOPC-051284) Revisions:
  - a. Reallocated Commercial S.F. & residential units between existing tracts 1 & 4
    - i. Transferred 320 residential units from R-1 (Tract 1) to R-2 (Tract 4)
    - ii. Transferred 75,000 S.F. of commercial from R-2 (Tract 4) to C-21 & C-25 (Tract 1)
- 4. Added Parcel 5-19A
- 5. Add commercial parcel 5-19A
- 6. July 14, 2006 revise acreages
- 7. July 17, 2006 Revise acreages and 5-16
- 8. November 9, 2006 add S.F. to 5-19H
- 9. August 14, 2007 consolidation of resolutions
- 10. October 16, 2007 add 65,000 S.F. to Tract 2 Public/Semi-Public site
- 11. March 18, 2008 Revision to C-24, 30,400 SF to 17,000 SF & 120 hotel rooms
- 12. December 16, 2008 relocate mitigation area, allow access to Loveland, incorporate road improvement obligations
- 13. August 18, 2009 Correct scrivener's errors; reallocate dwelling units from 5-4 to R-5; remove portions of R-5 and 5-4 from Sandhill DRI and add to Victoria Estates DRI
- 14. December 9, 2014 Correct scrivener's errors; eliminate 84.09 acre golf course and replace with 6.48 acres and 43,000 SF of commercial, 19.56 acres and 458 ACLF beds; 47.64 acres and 430,000 SF of industrial; 16.35 acres and 26 multi-family units; the increased 26 dwelling units shall be transferred to the site through the County's Transfer of Density Units process according to the provisions set forth in the Transfer of Density Units Code; add equivalency matrix
- 15. June 13, 2017 Revision to C-21 and C-25 of Tract 1 by adding 375 multifamily units and eliminating 62,625 SF of commercial utilizing the equivalency matrix, retaining 150,000 SF of commercial development for future projects, and creating Parcel C-25A retaining 4,721 square feet of commercial development rights

- 16. March 27, 2018 Revision to C-19B of Tract 4 by adding 44 single-family residential units and eliminating 12,000 SF of commercial utilizing the equivalency matrix. Revision to R-2 of Tract 4 by adding 70 single-family residential units and reducing multi-family residential units from 320 units to 207 units, creating a total allocation of 321 units across both parcels
- 17. April 24, 2018 Revision to C-21 and C-25 of Tract 1 by adding 120 hotel rooms and reducing commercial square footage from 150,000 SF to 130,560 SF utilizing the equivalency matrix
- 18. February 26, 2019 Revision to 5-13 of Tract 5 by adding 83 hotel rooms and reducing commercial square footage from 67,300 SF to 53,854 SF utilizing the equivalency matrix
- 19. June 25, 2019 Revision to C-21 and C-25 of Tract 1 by increasing multifamily units from 375 to 521 and reducing commercial square footage from 130,560 SF to 106,178 SF utilizing the equivalency matrix
- 20. October 22, 2019 Revision to C-21, C-25, and C-1 of Tract 2 by reassigning 59,000 SF of Commercial from C-21 and C-25 to C-1 resulting in 47,178 SF on C-21 and C-25 and 100,000 SF on C-1
- 21. July 13, 2021 Revision to C-19B and R-2 of Tract 4 by adding 63 multifamily residential units and eliminating 40 single-family residential units utilizing the equivalency matrix, creating a total allocation of 344 units across both parcels
- 22. June 13, 2023 Revision to Parcel 5-10 of Tract 5 by adding 74 hotel rooms and eliminating 12,000 SF of commercial utilizing the equivalency matrix
- 23. July 11, 2023 Revision to Exhibit E Equivalency Matrix by adding Self-Storage/Mini-Warehouse to this matrix, and revision to Parcel C-5A (Old "C-4") of Tract 1 by adding 109,000 SF of mini-warehouse and eliminating 11,200 square feet SF of commercial utilizing the revised equivalency matrix
- 24. Proposed Revision to Parcels C-13 and C-23 of Tract 2 by exchanging 8,553.7 SF of commercial uses (out of 25,978 SF of remaining entitlements) for 122,053 square feet of Mini-Warehouse on Parcels C-13 and C-23 of Tract 2 of the Sandhill DRI, reducing Parcel C-13's entitlements by 17,424.3 SF of commercial uses, and retaining the relinquished 17,424.3 square feet of commercial uses within this DRI.

#### General Notes:

- 1. Roads and other improvements are conceptual
- 2. Wetlands shown are based on Southwest Florida Water Management District Master Drainage Permit (MSW 492947.049), as amended.
- 3. All parcels not included in the most recently approved substantial deviation (Resolution 92-285) were assigned to Tract 5.
- 4. This map and associated exhibits were revised by Charlotte County staff.

- 3. Amendment 23LAD-00000-00004 is hereby adopted.
- 4. The proposed mini-warehouse development on Parcels C-13 and C-23 of Tract 2 of the Sandhill DRI must be subject to the provisions of Chapter 3-5, Article XXIV, Commercial Design Standards, of the Charlotte County Code, as may be amended.
- 5. All other terms and conditions of the Sandhill DO not amended by this resolution shall remain unchanged and in full force and effect.
- 6. Severability. If any section, subsection, clause, phrase, or provision of this Resolution is for any reason held invalid or unconstitutional by any court or body of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Resolution invalid or unconstitutional.
- 7. Effective Date. This revisions to the Sandhill Development of Regional Impact (DRI) Development Order, Petition Number 23LAD-00000-00004 shall become effective as provided by law.

## PASSED AND DULY ADOPTED this 12th day of September, 2023.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY: FLORIDA...

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Christopher G. Constance,

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ATTEST:

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

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Janette S. Knowlton, County Attorney
LR 2023-0349

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#### Legal Description for the Sandhill DRI

#### EXHIBIT A

All of Section 6, Township 40 South, Hange 23 East, Charlotte County. Florida, LESS therefrom the following:

1. A parcel of land in said Section 6, Township 40 South, Range 23 East, being more particularly described as follows: Begin at the Northeast corner of said Section 6, the same being the Northeast corner of Lot 1, THE corner of said Section 6, the same being the Northeast corner of Lot 1, THE LINKS, according to the Plat thereof as recorded in Plat Book 15, at Page 18A. of the Public Records of Charlotte County, Florida; thence 188°30'39"R. [Bearings based on 0.0.T. Right-of-Way Naps for State Road No. 93 (1-75). Section 01075-24041 along the North line of said Section 6 and along the North boundary of said plat of THE LINKS for 2651.15 feat; thence \$00°07'52"W along the West line of Lot 25 of THE LINKS subdivision and along its northerly extension for 320.00 feet to the Southwest corner of said Lot 26; thence \$89°30'39"E along the South houndary of the aforementioned plat of THE LINKS for 2651.22 feet to an intersection with the East line of the Northeast 1/4 of said Section 6; thence No°16'25"E along the last described East line for 320.00 feet to the POINT OF BEGINNING.

2. The existing right-of-ways leither deeded by tenarate instrument or

BEGINNING.

2. The existing right-of-ways (either deeded by separate instrument or dedicated by prescriptive rights) of interstate 75. Kings Highway, and Peachland Boulevard that lies within the above mentioned Section 6. Subject to two existing florida Power and Light Essements recorded in Deed Book 6, Page 104, and Official Records Book 350, Page 128, both of the Public Records of Charlotte County, Florida—AND

The North 901.25 feet of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, bounded on the West by the D.O.T. Easterly Right-of-Way of Kings Highway and bounded on the East by the D.O.T. Westerly Right-of-Way of Interstate 75, as shown on the Right-of-Way Maps for State Road No. 93 (1-75). Section 01075-2404. Subject to maintained Right-of-Ways for Kings Highway and Peachland Boulevard.

AND
That portion of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, lying West of Kings Highway and South of Peachland Boulevard, 1,655 the following described parcei; COYMENCE at the Southwest corner of Section 7, Township 40 South, Range 23 East; thence NO°12'18"E [Bearings based on D.D.T. Right-of-Hay Maps for State Road No. 93 (1-75), Section 01075-2404] along the West line of said Section 7 for 2971.01 feet; thence S89°47'42"E for 863.64 feet to the PolNT OF BEGINNING of the herein described parcel; thence S2°27'18"H for 450.35 feet; thence S89°47'44"E for 401.03 feet to the centerline of Kings Highway; thence N8°36'56"E along the centerline of Kings Highway for 454.89 feet; thence N8°34'742"M for 209.87 feet; thence N0°12'18"E for 571.24 feet; thence N8°34'742"M for 217.56 feet; thence S2°27'18"H for 571.68 feet to the POLNT OF BEGINNING.

AND
A parcel of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, more particularly described as follows:
Commence at the Northwest corner of said Section 7, Township 40 South, Range 23 East; thence run S88°40'59°E [Bearings based on 0.0.1. Right-of-Nay Maps for State Road No. 93 (1-75), Section 01075-2404] along the North Line of said Section 7 for 1694.45 feet to a point of intersection with the Northerly Right-of-Nay line of Peachland Boulevard as shown as the aforementioned Right-of-Nay Maps, said point being the POINT OF BEGINNING



of the herein described parcel; thence continue S89\*40\*59\*E along the last obscribed Korth'line for 296.33 feet to an intersection with the Westerly obscribed Korth'line for 296.33 feet to an intersection with the Westerly Right-of-Way line of Kings Kighway; thence along the Westerly Right-of-Way Right-of-Way Highway for-the following three (3) described courses: (1) 536\*54\*32\*K for 44.03 feet; (2) 553\*05\*20\*E for 10.00 feet; (3) 536\*54\*32\*K for 120.00 feet; thence N53\*05\*28\*N for 205.01 feet; thence \$36\*54\*32\*N for 10.00 feet to a point on a circular curve concave to the Southwest, said point bearing N36\*54\*32\*E from the center of said curve; thence Horthwesterly-along the arc of said curve having a radius of 360.00 feet and a central angle of 6\*50\*00\* for 42.93 feet to the Point Of BEGINHING. Subject to Right-of-Way for Peschland Boulevard.

Township 40 South, Range 23 East. Thence North 00° 04' 11" West, along the West line of Section 7, 2,971.01 feet; Thence North, 69° 55' 49" Fast, 863.64 feet to the Point of Beginning; North, 69° 55' 49" East, 571.68 feet; Thence North, 89° 55' 49" East, 571.68 feet; Thence North, 89° 55' 49" East, 217.56 feet; Thence South, 00° 04' 11" Fast, 571.24 feet; Thence, South, 89° 55' 49" West, 240.00 feet to the Point of Beginning and containing 3.00 acres, more or less and subject to a 15,00 toot side easement along the Westerly line thereof, as more particularly set forth in that revised July 27, 1976, survey prepared by John C. Smith, Certificate Number 235%.

Less and except;

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S 89°20'10" E, ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING;

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THENCE CONTINUES 89'20'10" E, ALONG SAID SOUTH LINE, A DISTANCE OF 482.57 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF KINGS HIGHWAY; THENCE N 18°16'41" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 645.79 FEET; THENCE N.53°28'53." W; LAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 356.03 FEET; THENCE N. 21:18:14" W, A DISTANCE OF 26.58 FEET; THENCE N. 89°20'10" W, A DISTANCE OF 69.75 FEET; THENCE N 47°04'08" W, A DISTANCE OF 26.21 FEET; THENCE N 00°37'29" E, A DISTANCE OF 119.38 FEET; THENCE S 89°22'31" E, A DISTANCE OF 65.00 FEET; THENCE N 00°37'29" E, A DISTANCE OF 161.86 FEET; THENCE S 89°18'10" E, A DISTANCE OF 489.36 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS POINT LIES N 73°51'18" W, A DISTANCE OF 3091.90 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 05°04'49" A DISTANCE OF 274.16 FEET TO A POINT OF NON-TANGENCY; THENCE'N 79°23'08"'W, A DISTANCE OF 54.37 FEET; THENCE'S 83°49'54"W, A DISTANCE OF 69.10 FEET; THENCE N 79°48'37" W, A DISTANCE OF 129,54 FEET; THENCE S 41°38'29" W, A DISTANCE OF 39.22 FEET; THENCE N 89°18'10" W, A DISTANCE OF 434.36 FEET; THENCE S 00°41'50" W, A DISTANCE OF 259.98 FEET; THENCE N 89°18'10" W, A DISTANCE OF 83.59 FEET; THENCE S 00°39'50" W, A DISTANCE OF 74.48 FEET; THENCE S 45°25'54" W, A DISTANCE OF 63.90 FEET; THENCE N 89°48'02" W, A DISTANCE OF 75.47 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF LOVELAND BOULEVARD; THENCE S 00°11'58" W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1027 35 FEET TO THE POINT OF BEGINNING.

CONTAINING 748,523 SQUARE FEET (17.18 ACRES).

