

DEVELOPMENT ORDER

Sandhill Properties

SANDHILL

ATTACHMENT II

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FL.

IN RE: The Application of Sandhill Properties, Inc., for PD Zoning and Development Approval.

PD 80 PD 80-4
Feb 1981

DEVELOPMENT ORDER

This matter came on for hearing before the Board of County Commissioners of Charlotte County on the 3rd day of February, 1981, on the request for rezoning of Sandhill Properties, Inc., pursuant to the Charlotte County Zoning Regulations and the Application for Development Approval of Sandhill Properties, Inc., pursuant to the terms of Chapter 380, Florida Statutes, relating to developments of regional impact, and the Board of County Commissioners, having conducted the required public hearings, all upon due notice, and having considered the comments of all concerned and being duly advised in the premises, now finds:

FINDINGS OF FACT

1. That on the 3rd day of September, 1980, Sandhill Properties, Inc., filed with Charlotte County its request for rezoning to PD of certain properties within the unincorporated area of Charlotte County as described by Attachment B to such request.
2. That the application is in accordance with Section 380.06(b), Florida Statutes.
3. That the grant of such rezoning would constitute approval of a development of regional impact as that term is defined in Chapter 380, Florida Statutes.
4. Charlotte County is not within an area of critical state concern.
5. That all conditions precedent to the granting of development approval and rezoning required by Chapter 380 and the Charlotte County Zoning Regulations have occurred.

6. That the development does not unreasonably interfere with the achievement or the objectives of the adopted State Land Development Plan applicable to Charlotte County.

7. That the granting of PD zoning for the development and the preliminary approval of the development itself are consistent with the local land Development Regulations.

8. That the granting of PD zoning for the development and the preliminary approval of the development itself are consistent with the report and recommendations of the Regional Planning Agency submitted pursuant to Chapter 380, Florida Statutes, provided that certain conditions are established for the approval of the development plan required by the Charlotte County Zoning Regulations for the development of PD properties.

9. That a description of the land affected hereby is attached hereto, incorporated by reference herein and marked Exhibit "A".

10. That Article VIII of the Charlotte County Zoning Regulations requires final development plan approval by the Board of County Commissioners prior to the issuance of construction or other permits by Charlotte County, and establishes standards and requirements for the approval of a final development plan.

11. That the recommendations of Sarasota County in its letter of January 20, 1981, paragraph A, Transportation, expresses a legitimate concern about the overall lowering of the service level of U. S. 41 between the Charlotte/Sarasota County line and Venice, Florida, (which is outside the five mile study area of this DRI). However, this Board finds that the lowering of the service level on U. S. 41 between the Charlotte/Sarasota County line and Venice, Florida, is contributed to and shall continue to be contributed to during the next 20 years by tourism, general commerce and transportation, large residential and commercial projects built on or near U. S. 41 in the area between the Charlotte County/Sarasota County line and Venice, Florida, by the impact of the City of North Port, which U. S. 41 bisects between the Charlotte /Sarasota County line, and Venice, Florida, and by

other major factors and that they are the prime source of the reduction of the service level of U. S. 41 in the area discussed above. That Sarasota County and Charlotte County both agree that the service level of U. S. 41 between the Charlotte County/Sarasota County line and Venice, Florida, will be reduced to the point that six laning shall be required within the next 20 years with or without the development of this project by the applicant. That Charlotte County finds that this applicant should not be tied to the study of or construction of this major U. S. Federal Highway for which it has no legal responsibility nor to which it will add enough traffic so as to materially impact U. S. 41 and cause the material lowering of the service area on that portion of U. S. 41 described above.

Therefore, this Board of County Commissioners finds that this recommendation expresses a legitimate concern for both Sarasota County and Charlotte County as it relates to the development of U. S. 41 in the future and should not be a part of this development order but should be addressed at another forum.

ORDER

NOW, THEREFORE, it is ordered as follows:

1. That the above and described properties be, from the effective date of this order, reclassified as PD as that term is defined in the Zoning Regulations of Charlotte County.

2. That the development is approved, subject to the requirements of the Charlotte County Zoning and Subdivision Regulations and subject to the following further conditions being included in any required development plan.

a. Bicycle paths and walkway systems and preservation of the natural vegetation as outlined in the application for development approval.

b. The demonstration by the developer to the satisfaction of the Board of County Commissioners that the developer has considered the following in site design for each phase of the development.

i. The percentage of the project area covered by parking lots, streets, pavements, concrete, rock landscaping or similiar materials, being kept to the lowest feasible amount while still providing necessary access and meeting requirements for the public health, safety and welfare.

ii. Where such materials are required, that trees, vegetation and other means are being used to obtain the maximum feasible shading - especially during the cooling season.

c. There shall be no deed restrictions prohibiting the use of alternative energy devices such as solar collectors (except for when necessary to protect the public health, safety and welfare).

d. Dedication to Harbour Heights Volunteer Fire District of a portion of the public service area at a time mutually agreeable to the developer and the district.

e. Consideration by the Charlotte County fire official and representatives of the Harbour Heights Fire District to determine what additional equipment and fulltime paid manpower will be required to provide adequate fire protection to the development and what changes, if any, could be made to the district's method of assessment to insure sufficient revenues.

f. The requirements that the Charlotte County fire official and Harbour Heights Fire District meet with the developer after such determination to determine what portion of the costs the developer should bear in the purchase of equipment and the construction of a fire station, and how large a part of the 2.6 acre site should be sufficient for the station's construction. The costs to be borne by the developer shall be those not covered by projected revenues of the district from the subject development.

g. Strong encouragement to the developer to include a reasonable percentage of affordable units for median income families.

h. Prior to the completion of the final development plan, an adequate number of specific sites for parks shall be included in the development to meet the needs of the residents at a ratio of ten (10) acres per one thousand (1000) persons.

i. Any final development plan shall include the creation of a homeowners association and the clear specification of its role in owning and maintaining the recreation and conservation areas. All costs for maintaining and installing additional recreation facilities are to be borne by the developer and/or homeowners association.

j. A letter shall be obtained from Florida Power & Light granting permission to use their easement as part of the proposed golf course.

→ k. The dedication of sufficient right of way, as determined by the County Engineer, to the county to enable the four laning of Kings Highway to the south line of Section 7, Township 40 South, Range 23 East. Charlotte County.

l. At the time that Charlotte County determines the four laning of Kings Highway from the I-75 intersection south to Midway Boulevard is needed, the developer shall pay a portion of the costs proportionate to the traffic flow from the development in relationship to the total traffic flow along the proposed improvement. If such determination is not made by the commencement of phase 2, annual monitoring shall be undertaken by the County Engineer to ensure road capacity is not reached.

m. At the time Charlotte County and/or DOT determines that additional lanes to the portion of Kings Highway between I-75 and Peachland Boulevard are needed,

the developer shall pay its pro rata share of such costs, based upon the amount of traffic from the development in relationship to the total traffic along such section. If such determination is not made by the commencement of phase 4, annual monitoring shall be undertaken by the County Engineer to ensure road capacity is not reached.

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i. Upon a determination by Charlotte County to extend the four laning of Kings Highway to Harborview Road, the developer shall be required to pay its proportionate share of the cost of construction, based upon the amount of traffic that the project impacts on Kings Highway, based on a traffic count of traffic entering and leaving the development. If such determination is not made by the commencement of phase 3, annual monitoring shall be undertaken by the County Engineer to ensure road capacity is not reached.

ii. Upon a determination of Charlotte County to four lane Harborview from Kings Highway to U. S. 41, the developer shall be required to pay its proportionate share of the cost of construction, based on a traffic count of traffic entering and leaving the development. If such determination is not made by the commencement of phase 4, annual monitoring shall be undertaken by the County Engineer to ensure road capacity is not reached.

o.

i. At the time Charlotte County proceeds to signalize and construct stacking lanes at the intersections of Kings Highway with East and West Peachland Boulevards, Midway Boulevard, Harborview Road and the proposed access road to the northern quadrant of Sandhill, the developer shall be required to pay

a share of such costs based upon the proportion of traffic from the development to total traffic utilizing such intersections of Kings Highway. If such action is not taken by the commencement of phase 2, annual monitoring shall be undertaken by the County Engineer to ensure such improvements are not required.

ii. At the time Charlotte County determines that additional signalization and/or stacking lanes are needed at the intersection of Harborview Road and U. S. 41, the developer shall be required to pay a share of such costs based upon the proportion of traffic from the development to total traffic utilizing the intersection. If such action is not taken by the commencement of phase 2, annual monitoring shall be undertaken by the County Engineer to ensure such improvements are not required.

p. The developer shall be required to obtain commitments for adequate water supply prior to the issuance of building permits for each increment or phase of the development.

q. The developer shall utilize particulate emission reduction techniques during each construction phase.

r. The developer shall apply to Florida Department of Environmental Regulation for a complex source permit for Kings Highway prior to the commencement of phase 4, if such permit at that time is required.

s. In conformity with the Charlotte County Zoning Regulations, the drainage for the project shall be approved by the County Engineer.

t. Prior to final development plan approval, the developer shall grant to the School Board of Charlotte County an irrevocable option for twenty (20) years from the date of approval of the final development plan to purchase the designated school site at a price of Thirty Thousand Dollars (\$30,000.00) per acre.

u. At the time Charlotte County approves the four laning of West Peachland Boulevard from Kings Highway to Loveland Boulevard, the developer shall pay a share of the cost, based on the relationship of traffic from the development to total traffic utilizing that section of road.

v. The developer shall be required at the time such construction is approved by Charlotte County to provide signalization and stacking lanes at the intersections of Peachland Boulevard and Loveland Boulevard and at the intersection of Peachland Boulevard with the major access road to the northwest portion of the project.

w. The developer shall be required to provide crossings wherever the golf course crosses the proposed major access road in the north quadrant of Sandhill Properties. If the crossings are at the same grade as the roadway, the developer shall provide signalization at each crossing.

x. Prior to the issuance of building permits for the forty one (41) acre commercial tract, the developer shall be required to contact Port Charlotte Village to determine whether they desire direct vehicular access to the commercial tract. If access is desired, the applicant shall construct his internal road system for the commercial site with at least one (1) connection with the existing road system in Port Charlotte Village.

→ (y) The developer shall be required to align internal access roads in the portion of the development north of West Peachland Boulevard and west of I-75 with existing roads to the west.

→ (z) The developer shall be required to dedicate a right of way width of one hundred sixty five feet (165') for Peachland Boulevard from Loveland Boulevard to Kings Highway.

aa. The developer shall dedicate an additional thirty five feet (35') of right of way along the entire westerly property line for Loveland Boulevard.

bb. The developer shall obtain letters of commitment prior to final development plan approval for adequate waste water treatment and provide berms around golf course lakes to reduce direct runoff and a natural lake edge and bottom, all in accordance with the requirements of the County Engineer in his approval of final drainage plans.

3. That the preliminary development plan, also known as the Application for Development Approval with supplemental Information dated October 8, 1980, be and hereby is approved in accordance with the recommendations of the Development Review Committee.

4. That in accordance with existing Charlotte County Zoning Regulations, developer shall submit a final development plan and supporting documents within twelve (12) months unless extension is granted. Otherwise, the property, in conformance with the existing Zoning Regulations, shall revert to the zoning classification existing prior to the entry of this order.

5. The existing procedures for the granting of building permits being adequate to insure compliance with this order, the Director of Zoning, the Director of Planning, the County Energy Officer, the Director of Building and the County Engineer are designated as the local officials responsible for insuring compliance.

6. The developer's annual report required by Chapter 380, Florida Statutes, shall contain copies of all documents filed with the county in connection with final development approval and after final development approval, shall contain a report by date and filing number of all building and other permits applied for and a statement of all acts taken toward compliance with the conditions of the final development approval. The developer shall submit the report beginning March 1, 1982 and each subsequent March 1 until project buildout. The developer shall submit the

annual report to Charlotte County, the Southwest Florida Regional Planning Council, the Florida Bureau of Land and Water Management and all affected State permitting agencies. If the annual report is not received, the Southwest Florida Regional Planning Council or the Florida Bureau of Land and Water Management shall notify Charlotte County. If Charlotte County does not receive the annual report or receives notification that the Southwest Florida Regional Planning Council or the Florida Bureau of Land and Water Management has not received the report, Charlotte County shall request in writing that the developer submit the report within thirty (30) days. Failure to submit the report after thirty (30) days shall result in Charlotte County temporarily suspending this Development Order.

7. This order shall become effective on the 17th day of February, 1981.

PASSED AND DULY ADOPTED this 17th day of February, 1981.

= BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By *Franz H. Ross, Sr.*
Franz H. Ross, Sr., Chairman

ATTEST:

Euddy C. Alexander, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

BY: *Bernie Wuthrich*
Deputy Clerk

APPROVED AS TO FORM:

H. William Thompson
H. William Thompson, County Attorney