

RESOLUTION NO. 92-285

A RESOLUTION OF THE BOARD OF COUNTY COMMISSION OF CHARLOTTE COUNTY PERTAINING TO A MAJOR MODIFICATION CHANGE IN THE PLAN DEVELOPMENT ZONING (PD-80-4Q) AND A SUBSTANTIAL DEVIATION APPLICATION FOR DEVELOPMENT APPROVAL FOR THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, a Development Order for a Development of Regional Impact was issued for the original Sandhill Properties Planned Development (PD-80-4) on February 17, 1981, pursuant to Section 380.06, Florida Statutes; and

WHEREAS, pursuant to Resolution #86-230, adopted on September 9, 1986 by the Board of County Commissioners of Charlotte County, a substantial deviation application for development approval submitted by Sandhill Properties, Inc., was considered and an Amended Development Order issued; and

WHEREAS, pursuant to Resolutions #87-07, #87-156, #87-289, #88-56, #88-57, #89-42, #89-90, #89-324, 90-258 and #91-99 adopted by the Board of County Commissioners of Charlotte County, individual properties were adjusted; and

WHEREAS, pursuant to Ordinance #86-68 adopted by the Board of County Commissioners of Charlotte County, a Municipal Services Taxing Unit (MSTU/BU) was established for all property comprising the Sandhill DRI, said MSTU/BU was authorized to provide fire protection, law enforcement, recreation services and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, engineering studies, monitoring and other essential facilities and municipal services as authorized in Section 125.01(1)(q), Florida Statutes, funding to be derived from special assessments, ad valorem taxes or other methods of taxation permitted within the area; and

WHEREAS, pursuant to Resolution #87-171, duly adopted by the Charlotte County Board of County Commissioners, on July 28, 1987, utilization of the assessment for collection of assessments levied by the Sandhill MSTU/BU was authorized, putting in place the mechanism whereby goals of the MSTU/BU can be accomplished; and

WHEREAS, the applicant has requested an amendment to the Development Order as amended by Resolution #86-230 to eliminate phasing in the Sandhill property describing the land uses permitted in the Sandhill DRI to now be authorized as a single buildout phase; and

WHEREAS, the applicant has requested a change of land use on Tracts 1, 2, 3 and 4 of the project described on Exhibit "1" attached hereto; and

WHEREAS, the applicant has requested changes to this development which constitute a Substantial Deviation from the approved Development of Regional Impact and a Substantial Deviation

Barbara T. Scott, Clerk of the Circuit Court - Charlotte County  
File Number: 204382 OR BOOK 1253 PAGE 1083  
Recorded: 12-21-92 05:00 P.M.

Recording \$ 100.50  
Record Verified: JANA S HUBBARD, D.C.

25 MINUTES - 22

Application for Development Approval ("ADA") was submitted by Wallace B. Hinshaw, Jr. and James E. Moore, III, as Trustees on October 23, 1991, as well as one supplemental sufficiency statement on February 10, 1992; and

WHEREAS, the applicant is not requesting or proposing an extension to buildout date or termination date of the original Development Order, said date being the year 2001; and

WHEREAS, as used herein, the terms "applicant" or "developer" are defined as the present owners, their heirs and assigns, of Tracts 1, 2, 3 and 4 which are a portion of the property contained within the Sandhill MSTU/BU and covered by the original Sandhill DRI and all conditions and requirements of this Development Order shall run with the land; and

WHEREAS, the Board of County Commissioners of Charlotte County has considered the recommendations of the Southwest Florida Regional Planning Council, the Planning and Zoning Board, the Development Review Committee, and the comments of all concerned and present at public hearing; and

WHEREAS, the public notice and hearing requirements of the Charlotte County Zoning Regulations and Section 380.06, Florida Statutes, have been met; and

WHEREAS, the Board of County Commissioners of Charlotte County, having heard upon due notice the above-referenced request at hearing convened on the 15th day of December, 1992, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Sandhill DRI, as described in Resolution #86-230 and in Ordinance #86-68, as amended by Ordinance 90-45, establishing the Sandhill MSTU/BU, is not in an area of critical State concern designated pursuant to the provisions of Section 380.05, F.S.

2. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State land development plan applicable to Charlotte County.

3. The granting of the requested amendment to the Development Order as described in the Master Plan submitted by the applicant, attached as Exhibit "2" hereto, is consistent with the local Land Development Regulations, the local Comprehensive Plan, and Ordinance #86-68, the State Land Development Plan and the State Comprehensive Plan.

4. The conditions as specified in Resolution #86-230 required by the Substantial Deviation Determinations for the Sandhill DRI are hereby incorporated, except as amended herein.

5. Section 3-9-49 of the Charlotte County Code requires final development plan approval by the Board of County Commissioners prior to the issuance of construction or other permits by Charlotte County consistent with the Concept Plan and conditions attached hereto and establishes the standards and requirements for the approval of a final development plan.

6. In compliance with Paragraph 7 of the Amended Development Order, Resolution #86-230, the Municipal Service Taxing Unit has been established for the whole project area to meet the requirements for essential services and municipal services and capital improvements. In addition, right-of-way dedications listed pursuant to Resolution #86-230 have been made.

7. The removal of phasing within the Sandhill DRI as authorized pursuant to the Development Order as amended by Resolution #86-230, and subsequently adjusted for individual properties pursuant to Resolutions #87-07, #87-289, #88-56, #88-57, #89-42, #89-90, #89-324 and #91-99, and amended herein, permits the individual PD-zoned properties to develop in accordance with the Master Plan submitted for the DRI, and in accordance with Capital Improvements commitments and funding made through the MSTU/BU established for the overall DRI, as well as commitments through developer agreements and designated improvements under the Charlotte County Comprehensive Plan. It is consistent with all conditions and commitments made within the original Development Order for the Sandhill DRI, as amended by Resolution #86-230 and as amended herein.

8. The Sandhill site contains 727 acres as in the original DRI. The applicant has requested an amendment to the Development Order, as amended by Resolution #86-230 and as amended by those resolutions listed above, to revise the land uses as follows:

reduce residential units from 4,022 on 273.3 acres to 3,682 on 184.92 acres, increase the commercial from 946,000 gross square feet on 180.3 acres to 1,606,000 gross square feet of commercial retail use on 190.4 acres; reduce 28.9 acres of research and development from 362,000 gross square feet to 26.2 acres of research and development with 261,000 gross square feet analyzed as retail commercial for traffic purposes, increase in park/public/semi-public area from 35.4 acres to 50.18 acres, decrease the lake area from 73 acres to 60.7 acres. The golf course acreages, the public area and road areas remain the same. A maximum of 8,030 parking spaces will be built to accommodate the retail commercial use.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Charlotte County, Florida, in public hearing, duly constituted and assembled this 15th day of December, 1992, that the Substantial Deviation Development of Regional Impact Application for Development Approval and amended Master Development Plan are hereby approved and the Development of Regional Impact Development Order for the Sandhill DRI is hereby amended as follows:

A. Drainage/Water Quality:

Condition 2. Drainage/Water Quality a) through e) in Resolution #86-230 is hereby eliminated and replaced by the following:

- (1) Subsequent to the issuance of Amended Development Order pursuant to Resolution #86-230, the Sandhill Master Drainage Plan has been submitted and approved by the Southwest Florida Water Management District (SWFWMD), and the Sandhill MSTU/BU is in place with authorization to assess the properties in the DRI for drainage improvements. For each sub-basin, the following has been completed:
  - (a) Detailed survey, design and analysis of downstream discharge capabilities;
  - (b) Submission of the information and design to the County engineer for review and approval;
  - (c) Approval of the construction and funding for the drainage facilities as necessary by the Sandhill MSTU/BU or developer.
- (2) Individual sites will not be approved for storm water by Charlotte County until any and all downstream facilities for each sub-basin related to that site are in place and certified as proper and functional by an engineer of record registered in the State of Florida except on-site stormwater retention for individual properties will be permitted as a temporary means of accommodating stored drainage provided that they be designed to tie into the master drainage system as soon as downstream facilities are in place.
- (3) All costs for surveying, engineering and monitoring shall be assessed through the MSTU/BU on a sub-basin basis. Where benefit accrues to a sub-basin, that cost shall not be assessed on parcels outside the sub-basin, however, the benefit shall be assessed on a fair proportionate basis on all parcels in the sub-basin including parcels owned by the government.
- (4) Prior to any construction associated with this substantial deviation, the applicant shall be required to receive written notice from the Southwest Florida Water Management District stating that the proposed changes do not require a modification of the previously issued conceptual permit or shall obtain such modified permits as required.

- (5) The development parcels near the roosting area within Tract 2 shall have shielded lighting (i.e., no spotlights or overhead dusk to dawn lights which may light up the roosting area).
- (6) Any site development plan for the public/semi-public park area near the roosting area shall be reviewed by Charlotte County, the Florida Game and Freshwater Fish Commission and the Southwest Florida Regional Planning Council for potential impacts to the roost site.

Passive types of recreation shall be encouraged to protect the roosting area.

- (7) In order to provide an added buffer to the roosting area, the oak hammock located in the public/semi-public park area on the eastern edge of the roost shall be preserved and, if possible, a fringe of oaks shall be preserved in parcel C-22, and if not possible, there shall be mitigation at the time of final plan approval by providing additional vegetation in the public/semi-public parcel to provide a visual buffer, however, cross access of sixty feet (60') shall be permitted through parcel C-22, parallel to Kings Highway.
- (8) Implementation of the Southwest Florida Water Management District permit requires buffering of existing and created wetlands and the creation of three islands which are intended to function like the existing willow-heads to provide a visual barrier to wetlands and nesting and roosting areas for wading birds.
- (9) All of the wetlands shall be incorporated into the overall design of the project surface water management system.
- (10) Restoration of hydroperiod to wetlands which have been partially drained by past activities.

B. Energy:

- (1) All provisions as incorporated into the original Development Order as amended by Resolution #86-230 shall remain in effect.

C. Fire Protection:

- (1) All conditions and commitments as contained in the DRI Development Order as amended by Resolution #86-230 shall remain in effect.

D. Flood Plain/Hurricane Evaluation:

- (1) All conditions and commitments as specified in the DRI Development Order as amended by Resolution #86-230 shall remain in effect.

E. Market Analysis:

All conditions and commitments in Condition 6 appearing on pages 7 and 8 of Resolution #86-230 are hereby eliminated.

F. Solid Waste:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

G. Wastewater:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

H. Water Supply:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

I. Education:

- (1) The Development Order for the Sandhill DRI, as amended by Resolution #86-230, shall remain in full force and effect.

J. Transportation:

Condition 12. Transportation (a) through (e) in Resolution #86-230 is hereby eliminated and replaced by the following:

Condition 12. Transportation

- (a) Site Related Improvements - The property owners and their successors within Sandhill shall be responsible for their site-related roadway and intersection improvements required within the Sandhill Properties DRI. The property owners or their successors shall be required to pay the full cost for any of their site-related intersection improvements (including but not limited to signalization,

turn lanes and additional through lanes) found to be necessary by Charlotte County or the Florida Department of Transportation (FDOT) for the project's access intersections. The MSTU/BU, which has been created for Sandhill, shall be responsible for funding the cost of an Interchange Modification Report, when needed, as shown by the annual monitoring report, to identify any improvements to the interchange.

(b) Significant Impacts - Contributions shall be made by the property owners in Sandhill through impact fees and by Charlotte County in order to provide the necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain the adopted level of service for the following significantly impacted regional and local roadways through project buildout in 2001:

(1) Regional Road Segments

Kings Highway

- DeSoto County line to Sandhill Boulevard: 4 lanes (2 additional lanes)
- Sandhill Boulevard to I-75: 6 lanes (2 additional lanes)
- I-75 to Hillsborough Boulevard: 8 lanes (4 additional lanes)
- Hillsborough Boulevard to Midway Boulevard: 6 lanes (2 additional lanes)

Hillsborough Boulevard

- Kings Highway to Peachland Boulevard: 6 lanes (2 additional lanes)
- Peachland Boulevard to Harbor Boulevard: 4 lanes (2 additional lanes)

I-75 ramps

- Kings Highway to southbound lanes: 2 lanes (1 additional lane)
- Southbound lanes to Kings Highway: 2 lanes (1 additional lane)
- Northbound lanes to Kings Highway: 3 lanes (2 additional lanes)

Local Road Segments

Peachland Boulevard  
-Loveland Boulevard to Yorkshire Street:  
4 lanes (2 additional lanes)

Sandhill Boulevard  
-Kings Highway to Deep Creek Boulevard: 4  
lanes (2 additional lanes)

Rampart Boulevard  
-Rio de Janeiro Avenue to I-75: 4 lanes  
(2 additional lanes)  
-I-75 to Kings Highway: 6 lanes (4  
additional lanes)

(2) Regional Intersections

Kings Highway/Sandhill  
-Signalization/turn lanes

Kings Highway/I-75 NB Ramps  
-Signalization/turn lanes

Kings Highway/I-75 SB Ramps  
-Signalization/turn lanes

Kings Highway/Hillsborough Boulevard  
-Turn lanes

Kings Highway/Rampart Boulevard  
-Turn lanes

Kings Highway/Midway Boulevard  
-Turn lanes

Hillsborough Boulevard/Peachland Blvd.  
-Signalization/turn lanes

Hillsborough Boulevard/Loveland Avenue  
-Turn lanes

Hillsborough Boulevard/Harbor Boulevard  
-Signalization/turn lanes

Local Intersections

Peachland Boulevard/Loveland Avenue  
-Signalization/turn lanes

Peachland Boulevard/Orlando Avenue  
-Turn lanes



Peachland Boulevard/Harbor Boulevard  
-Signalization/Turn lanes

Midway Boulevard/Loveland Avenue  
-Turn lanes

Midway Boulevard/Beacon Avenue  
-Turn lanes

Midway Boulevard/Conway Boulevard  
-Turn lanes

Midway Boulevard/Harbor Boulevard  
-Turn lanes

Significant Impacts - The estimated cost of construction of the above road links and intersection improvements is \$18,420,000. These improvements would serve Sandhill at buildout in the year 2001 and serve the projected growth in the surrounding area. The proportionate share of Sandhill's impact of the above improvements is:

Link-Related	\$7,344,150
Intersection-Related	<u>\$1,697,850</u>
Total Project Impacts	\$9,042,000

(c) Mitigation - As mitigation for the above transportation impacts of the Sandhill DRI, the property owners or their successors shall pay Charlotte County road impact fees in effect at the time building permits are issued pursuant to the Charlotte County Road Impact Fee Ordinance. (Road impact fees are estimated to generate \$10,205,126. In addition, \$1,324,214 of right-of-way donation has been received by Charlotte County. Total project contributions towards needed road improvements are estimated to be \$11,529,340.)

(d) Monitoring - The timing for the initiation of the improvements outlined in Condition 12 (b) above shall be made at the time that a road segment or intersection is projected to exceed the level of service standard adopted in the local comprehensive plan. To determine the existing and projected levels of service on regional and local facilities in need of improvements in a timely manner, the Sandhill DRI through the Sandhill MSTU/BU shall submit an annual monitoring report to Charlotte County, FDOT, the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council for review and

approval. This first monitoring report shall be submitted one year after the issuance of this development order for the Sandhill Properties DRI Substantial Deviation and annually thereafter until after buildout of the project in year 2001.

At a minimum, the report shall contain p.m. peak hour trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed above in Condition 12 (b)(2), and a calculation of the peak season peak hour level of service at these intersections and on the road segments indicated above Condition 12 (b) (1). The levels of service shall be calculated according to current professional standards. Prior to submitting each annual monitoring report, the property owners shall coordinate with the reviewing agencies to review the methodology. The applicant will furnish all traffic analysis in a format compatible with Charlotte County's Comprehensive Plan, Traffic Element, Policy 1.1 and Charlotte County's Concurrency Management System; that is: traffic data in the format of "Average Adjusted Daily Trips" and "Peak Season/Peak Hour".

The annual monitoring report shall, in addition to current counts and traffic information, provide a projection of project traffic for the following year to be based on anticipated construction for the same period of one year on all of the above listed regional roads and intersections. The projection will include traffic generated by all of the completed project development, all of the portion of the project for which building permits have been issued, and the amount of project development for which the property owners intend to seek building permits in the following year. Also, the annual monitoring report should indicate the status of those road improvements from the County's Capital Improvements Element that were assumed to be committed for this analysis.

- (e) If the analysis from the annual monitoring report indicates that any of the identified roadways now exceeds or will exceed during the next year the level of service standards adopted by the County and the project is

utilizing or is projected to utilize more than 5% of the level of service "D" capacity for urban areas or "C" for rural areas, then further building permits shall not be granted until the standards of the County's concurrency management system have been met and the affected roadway improvement, as identified in this Development Order, is listed as committed for construction based on the criteria listed below.

No building permits for developments beyond those projected in the annual monitoring report shall be issued until the next annual monitoring report with projections is performed.

A committed roadway improvement for the purpose of meeting the requirements of Section 380.06(15) (e)2., Florida Statutes, shall be recognized as either:

1) A roadway improvement scheduled for construction to commence in or before the third year of the appropriate local government's Comprehensive Plan capital improvement element;

2) A roadway improvement scheduled for construction within the first three years of the Florida Department of Transportation's Five Year Work Program; or

3) Any alternative agreed upon by the Charlotte County, SWFRPC, FDCA, and the property owners in Sandhill. The property owners have the right to propose as an alternative, the use of a Local Government Development Agreement pursuant to Section 163.3220, Florida Statutes, which contains commitments by the property owners (potentially including a proportionate share payment) and the local government to provide the necessary improvements which ensures concurrency on all significantly impacted regional and local roads and intersections. As an alternative, the MSTU/BU may provide the necessary improvements.

(f) The location of individual access points to the project shall be determined in consultation with the County Engineer's Department prior to submission of detail plans for approval; access points and curb cuts onto

public roads shall be minimized and arterial and collector roads within the project should be constructed to minimize the need for offsite circulation, and an interior roadway and frontage road concept should be utilized within the commercial and research and development areas to enable access to adjoining development without accessing existing streets.

- (g) Parcel C-22 (Parcel 4 in Comprehensive Plan Amendment) shall not have direct access onto Kings Highway; Parcel C-13 (Parcel 5 in Comprehensive Plan Amendment) shall be limited to one access onto Kings Highway.

K. Master Concept Plan:

- (1) The Sandhill DRI Master Concept Plan is approved for Tracts 1, 2, 3 and 4 and is attached and incorporated herein as Exhibit "2", page 1. Attachment "B" as incorporated into Resolution #86-230 is hereby null and void as to Tracts 1, 2, 3 and 4.

- (a) Condition 13 in Resolution #86-230 is hereby eliminated and replaced by the following:

Condition 13, changes to the PD-Concept Plan, for the parcels listed on Exhibit "2", page 2, are hereby approved in accordance with the Sandhill Master Development Plan (Revised Map H) attached as Exhibit "2", page 1. All commercial areas are to be restricted to uses permitted in the CG (Commercial, General Classification) of the Charlotte County Zoning Regulations and all listed special exceptions, excluding multi-family, schools and fleamarkets, and billiard parlors and game arcades, in effect as of the date of Development Review Committee site plan approval. The uses permitted are subject to the following requirements:

- (i) the landscaping plans for perimeter landscaping of all street parking areas and interior landscaping for drive-thru restaurants and gasoline pumping stations shall be in compliance with regulations in existence at the time of local permitting.

- (ii) All signage shall be in compliance with existing regulations at the time of permitting.
  - (iii) the internal circulation system shall comply with regulations in effect at the time of permitting.
  - (iv) all perimeter interior landscaping, interior circulation system and signs shall be consistent with the regulations in effect at the time of permitting.
- (b) Research and development areas to be restricted to uses found in the OMI (office, medical, institutional) zoning classification as of the date of Development Review Committee site plan approval and to light manufacturing in completely enclosed buildings and warehousing.
  - (c) Substantial buffers shall be provided to protect residential areas from the research and development sites.
  - (d) Development standards are to be provided to the Zoning Director and Planning Director for review prior to final detail plan submissions.
  - (e) All wetlands shall be preserved, or, when preservation is not possible, mitigated on a one-to-one basis.
  - (f) Upland areas which are considered to be important habitat or quality passive recreational sites, including, but not limited to, oak hammocks, shall be identified by the appropriate County employee and the developer prior to site planning. These areas shall be the primary consideration for recreation and/or preservation of natural areas of each development stage. Evidence of compliance with this item shall be the burden of the developer.
  - (g) Public recreation areas are those identified on the public park plan Map HP included in Attachment A of Resolution #86-230 except for Tracts 1, 2, 3 and 4. As to Tracts 1, 2, 3 and 4, public recreation areas are those areas identified on Exhibit "2" of this Resolution. Map HP and Attachment A of Resolution #86-230 are specifically eliminated and are of no force and effect as to Tracts 1, 2, 3 and 4.

- (h) Phasing of recreation areas shall be by section and allocated proportionately to each multi-family project.
- (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 62 acres of private recreation area and the 160.5 acres of parks and open space including the 90 acres of parks and lakes to be open to the public included in the Concept Plan Map HP. All costs for maintaining and installing additional recreation facilities are to be borne by the developer and/or homeowners association. The MSTU/BU was established by December 31, 1986, and the costs for maintaining the public park and open space areas may be funded through it. A site and design plan shall be submitted to Florida Power and Light for approval for those areas within its easement. The 24.78 acre public/semi-public parcel in Tract 2 is excluded from this section and the County shall provide facilities and maintenance as specified in the Agreement for Park and Surface Water Management Retention Area.
- (j) The Planned Development stipulations and the conditions of this development order are to run with the land.
- (k) The lands designated as mitigation on Exhibit 2 are those lands in the Water Management District permit that are or will be part of the surface water management system and includes but is not limited to preservation of existing wetlands and mitigation wetlands to be created in the future. Although the precise boundaries of the mitigation areas will be established at the time of final plan approval, the acreage figures are binding.

L. Phasing:

Condition 14 of Resolution #86-230 is hereby amended so that the development phasing schedule indicated as Attachment "B" of Resolution #86-230 and in Condition #14 of Resolution #86-230 are specifically eliminated and of no force. Specific properties in land uses incorporated into the Sandhill DRI shall submit detailed preliminary and final plans in accordance with Charlotte County Zoning Regulations as governed by the conditions and commitments contained herein.

M. Housing:

Prior to issuing any building permits for any retail commercial square footage that will cause the total developed retail commercial area within the Sandhill DRI to exceed 946,000 gross square feet, the property owners shall undertake an affordable housing study. The analysis shall be submitted and approved by Charlotte County, the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council before any building permits will be issued for any commercial development beyond the originally approved 946,000 gross square feet. The results of the approved analysis and any appropriate mitigation shall be reviewed as a notice of proposed change by the Southwest Florida Regional Planning Council.

N. Conditions #15, #17 and #18 of Resolution #86-230 shall remain in full force and effect.

O. Condition #16 of Resolution #86-230 shall remain in full force and effect except that the following language shall be added:

This report shall specify the number of parking spaces approved for the commercial and research and development uses.

LEGAL EFFECT AND LIMITATIONS  
OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS

BE IT FURTHER RESOLVED, by the Board of County Commissioners of Charlotte County, Florida that:

A. This Resolution shall constitute the Amended Development Order of this Board issued in response to the Development of Regional Impact known as the Sandhill DRI.

B. All commitments and impact mitigating actions committed to by the project in the original Development Order, subsequent Resolution #86-230, within the September 30, 1985 and October 25, 1991 Substantial Deviation Applications for Development Approval (and supplementary documents) not in conflict with the conditions or stipulations specifically enumerated herein are hereby incorporated to this Amended Development Order by reference.

C. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Amended Development Order.

D. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such

proceedings, including reasonable attorneys' fees, shall be paid by the defaulting party.

E. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.

G. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the applicant to comply with any County ordinance or other regulations not in conflict with the provisions herein adopted after the effective date of this Amended Development Order.

H. The Clerk of Courts shall send a certified copy of this document to Dan Trescott, the Southwest Florida Regional Planning Council, P.O. Box 3455, North Fort Myers, FL 33918-3455 and to Thomas Beck, the Department of Community Affairs, 605 Suwannee St., Tallahassee, FL 32339.

DULY PASSED AND ADOPTED THIS 15TH DAY OF DECEMBER, 1992.

BOARD OF COUNTY COMMISSIONERS

By: [Signature]

ATTEST:

By: [Signature] Deputy Clerk.  
Barbara T. Scott, Clerk of  
the Circuit Court, ex officio  
Clerk to the Board of County  
Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

By: [Signature]  
for Matthew G. Minter  
County Attorney



A parcel of land lying in Sections 6 and 7, Township 40 South, Range 23 East, Charlotte County, Florida, said parcel being more particularly described as follows:

Commence at the Northwest Corner of said Section 7; run South  $89^{\circ}40'59''$  East, along the North Line of said Section 7, a distance of 35.00 feet to a point on the Easterly Right-of-Way Line of Loveland Boulevard, said point also being the Point of Beginning:

Thence South  $00^{\circ}11'30''$  West, along said Easterly Right-of-Way Line and parallel with the West Line of said Section 7, a distance of 110.11 feet to the point of cusp of a circular curve to the right, having as elements, a central angle of  $90^{\circ}07'31''$ , a radius of 50.00 feet and a chord bearing of North  $45^{\circ}15'16''$  East, said point also being at the fillet of Peachland Boulevard Extension; thence along the arc of said curve, an arc length of 78.65 feet to the point of tangency; thence South  $89^{\circ}40'59''$  East, along the Southerly Right-of-Way Line of Peachland Boulevard Extension, a distance of 817.58 feet to the point of curvature of a circular curve to the left, having as elements, a central angle of  $26^{\circ}17'02''$ , a radius of 760.00 feet and a chord bearing of North  $77^{\circ}10'30''$  East; thence along the arc of said curve and said Southerly Right-of-Way Line, an arc length of 348.64 feet to the point of tangency; thence North  $64^{\circ}01'59''$  East along said Southerly Right-of-Way Line, a distance of 206.32 feet to the point of curvature of a circular curve to the right, having as elements, a central angle of  $83^{\circ}25'14''$ , a radius of 50.00 feet and a chord bearing of South  $74^{\circ}15'24''$  East; thence along the arc of said curve, an arc length of 72.80 feet to a point on the Southwesterly Right-of-Way Line of Hillsborough Boulevard Extension, said point also being the point of reverse curvature of a circular curve to the left, having as elements, a central angle of  $20^{\circ}32'41''$ , a radius of 910.00 feet and a chord bearing of South  $42^{\circ}49'08''$  East; thence along the arc of said curve and said Southwesterly Right-of-Way Line, an arc length of 328.30 feet to the point of tangency; thence South  $53^{\circ}05'28''$  East, along said Southwesterly Right-of-Way Line, a distance of 85.00 feet to the point of curvature of a circular curve to the right, having as elements, a central angle of  $90^{\circ}00'00''$ , a radius of 50.00 feet and a chord bearing of South  $08^{\circ}05'28''$  East; thence along the arc of said curve and said Southwesterly Right-of-Way Line, an arc length of 78.54 feet to the point of cusp, said point also being on the Northwest Right-of-Way Line of Kings Highway; thence North  $36^{\circ}54'32''$  East, along said Northwest Right-of-Way Line, a distance of 787.62 feet; thence North  $32^{\circ}37'26''$  East, along said Northwest Right-of-Way Line, a distance of 337.76 feet to the Westerly Right-of-Way Line of Interstate I-75 as shown on F.D.O.T. Right-of-Way Map Section No. 01075-2404; thence along said Westerly Right-of-Way Line of I-75 the following courses: North  $10^{\circ}59'18''$  East, a distance of 333.09 feet; North  $14^{\circ}55'56''$  West, a distance of 358.63 feet; North  $16^{\circ}50'37''$  West, a distance of 559.00 feet; North  $20^{\circ}45'47''$  West, a distance of 378.79 feet; North  $24^{\circ}40'57''$  West, a distance of 518.75 feet; North  $28^{\circ}40'57''$  West, a distance of 1,888.54 feet to the point of curvature of a circular curve to the left, having as elements, a central angle of  $03^{\circ}53'50''$ , a radius of 17,070.13 feet and a chord bearing of North  $30^{\circ}37'52''$  West; thence along the arc of said curve and said Westerly Right-of-Way Line, an arc length of 1,161.10 feet to the North Line of said Section 6; thence North  $89^{\circ}29'55''$  West, along said North Line, a distance of 338.54 feet to a point 35.00 feet (as measured at right angles) East of the West Line of said Section 6; thence South  $00^{\circ}18'55''$  West, parallel with said West Line, a distance of 5,332.13 feet to the Point of Beginning.

Said lands containing 206.5608 acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

DESCRIPTION - TRACT 2:

A parcel of land lying in Sections 6 & 7, Township 40 South, Range 23 East, Charlotte County, Florida, said parcel being further described as follows:

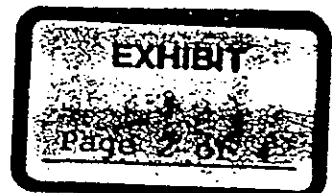
Commencing at the Northwest Corner of said Section 7, run thence South  $89^{\circ}40'59''$  East, a distance of 35.00 feet; thence South  $00^{\circ}11'30''$  West, parallel with the West Line of said Section 7, a distance of 60.00 feet to the Southerly Right-of-Way Line of Peachland Boulevard Extension and the Point of Beginning:

Thence continue South  $00^{\circ}11'30''$  West, along said West Line, a distance of 4,114.15 feet; thence South  $89^{\circ}19'50''$  East, a distance of 933.35 feet to a circular curve, concave to the left, having as elements a central angle of  $07^{\circ}00'29''$ , a radius of 3,166.90 feet, and a chord bearing of North  $12^{\circ}06'21''$  East, said point also being on the Westerly Right-of-Way Line of Kings Highway; thence along the arc of said curve and said Westerly Right-of-Way Line, an arc distance of 387.36 feet to a point of tangency; thence North  $06^{\circ}36'07''$  East along said Westerly Right-of-Way Line, a distance of 1,013.18 feet; thence North  $89^{\circ}48'30''$  West, a distance of 350.49 feet; thence North  $02^{\circ}26'30''$  East, a distance of 1,022.04 feet; thence South  $89^{\circ}48'30''$  East, a distance of 217.56 feet; thence South  $00^{\circ}11'30''$  West, a distance of 571.24 feet; thence South  $89^{\circ}48'30''$  East, a distance of 82.22 feet to a point on the Westerly Right-of-Way Line of Kings Highway; thence North  $06^{\circ}37'51''$  East along said Westerly Right-of-Way Line, a distance of 1,053.74 feet; thence North  $89^{\circ}40'59''$  West, a distance of 184.82 feet; thence North  $54^{\circ}03'27''$  West, a distance of 23.54 feet; thence North  $46^{\circ}09'07''$  West, a distance of 68.95 feet; thence North  $48^{\circ}55'58''$  West, a distance of 91.30 feet; thence North  $59^{\circ}01'28''$  West, a distance of 100.55 feet; thence North  $84^{\circ}59'57''$  West, a distance of 172.00 feet; thence North  $89^{\circ}43'10''$  West, a distance of 83.15 feet; thence South  $89^{\circ}41'49''$  West, a distance of 145.43 feet; thence North  $81^{\circ}38'50''$  West, a distance of 107.38 feet; thence North  $00^{\circ}11'30''$  East, a distance of 246.18 feet; thence South  $89^{\circ}40'59''$  East, a distance of 1,000.44 feet to a point on the Westerly Right-of-Way Line Kings Highway, said point also being on a circular curve, to the right, having as elements a central angle of  $17^{\circ}34'58''$ , a radius of 1,270.92 feet, and a chord bearing of North  $27^{\circ}24'00''$  East; thence along the arc of said curve and said Westerly Right-of-Way Line, an arc distance of 390.01 feet; thence North  $36^{\circ}54'32''$  East along said Westerly Right-of-Way Line, a distance of 310.00 feet to the point of curvature of a circular curve, to the left, having as elements a central angle of  $90^{\circ}00'00''$ , a radius of 50.00 feet, and a chord bearing of North  $06^{\circ}05'28''$  West; thence along the arc of said curve, an arc distance of 78.54 feet to the point of tangency, said point also being on the Southerly Right-of-Way Line of Hillsborough Boulevard Extension; thence North  $53^{\circ}05'28''$  West along the said Southerly Right-of-Way Line, a distance of 85.00 feet to the point of curvature of a circular curve, to the right, having as elements a central angle of  $20^{\circ}32'39''$ , a radius of 910.00 feet, and a chord bearing of North  $42^{\circ}49'06''$  West; thence along the arc of said curve and said Southerly Right-of-Way Line, an arc distance of 326.30 feet to the point of reverse curvature of a circular curve, to the left, having as elements a central angle of  $83^{\circ}25'13''$ , a radius of 50.00 feet, and a chord bearing of North  $74^{\circ}15'25''$  West; thence along the arc of said curve, an arc distance of 72.80 feet to the point of tangency, said point also being on the Southerly Right-of-Way Line of Peachland Boulevard Extension; thence South  $64^{\circ}01'58''$  West along said Southerly Right-of-Way Line, a distance of 206.32 feet to the point of curvature of a circular curve, to the right, having as elements a central angle of  $26^{\circ}17'03''$ , a radius of 760.00 feet and a chord bearing of South  $77^{\circ}10'30''$  West; thence along the arc of said curve and said Southerly Right-of-Way Line, an arc distance of 348.65 feet to the point of tangency; thence North  $89^{\circ}40'59''$  West along said Right-of-Way Line, a distance of 867.69 feet to the Point of Beginning.

Said lands containing 105.2381 acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

OR BOOK 1253 PAGE 1100



DESCRIPTION - TRACT 3:

A parcel of land lying in Sections 6 and 7, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

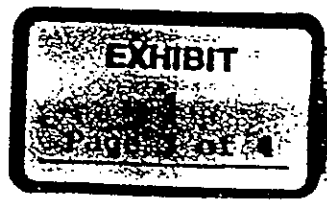
Commence at the Southwest corner of said Section 6; run South  $89^{\circ}40'59''$  East, along the South Line of said Section 6, a distance of 2,295.83 feet to a point on the Southeasterly Right-of-Way Line of Kings Highway, as described in Official Records Book 750, Pages 2136 thru 2137 of the Public Records of Charlotte County, Florida, said point also being the Point of Beginning:

Thence North  $36^{\circ}54'32''$  East, along said Southeasterly Right-of-Way Line, a distance of 14.20 feet; thence North  $40^{\circ}00'30''$  East, along said Southeasterly Right-of-Way Line, a distance of 482.24 feet; thence North  $87^{\circ}52'32''$  East, a distance of 335.57 feet to the Southwesterly Right-of-Way Line of Interstate I-75 as shown on F.D.O.T. Right-of-Way Map Section No. 01075-2404; thence along said Southwesterly Right-of-Way Line the following courses: South  $41^{\circ}09'28''$  East, a distance of 358.63 feet; South  $39^{\circ}14'55''$  East, a distance of 304.90 feet; South  $34^{\circ}32'15''$  East, a distance of 455.14 feet; South  $29^{\circ}49'35''$  East, a distance of 468.80 feet; thence leaving said Southwesterly Right-of-Way Line, run North  $89^{\circ}40'59''$  West, a distance of 2,184.36 feet to a point on said Southeasterly Right-of-Way Line of Kings Highway, said point also being on a circular curve to the right, having as elements, a central angle of  $16^{\circ}16'36''$ , a radius of 1,020.92 feet, and a chord bearing of North  $28^{\circ}45'14''$  East; thence Northeasterly, along the arc of said curve and the Southeasterly Right-of-Way Line of Kings Highway, an arc distance of 290.02 feet to the point of tangency; thence North  $36^{\circ}54'32''$  East, along said Right-of-Way Line, a distance of 805.98 feet to the Point of Beginning.

Said lands containing 39.0921 acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

OR BOOK 1253 PAGE 1101



DESCRIPTION - TRACT 4:

A parcel of land lying in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, said parcel being further described as follows:

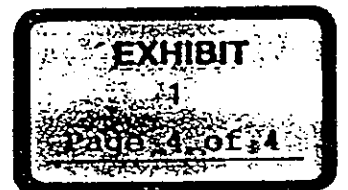
Commencing at the Northeast Corner of said Section 6 run thence North  $00^{\circ}16'17''$  West, a distance of 50.00 feet to the Northerly Right-of-Way Line of Peachland Boulevard and the Point of Beginning of lands hereinafter described:

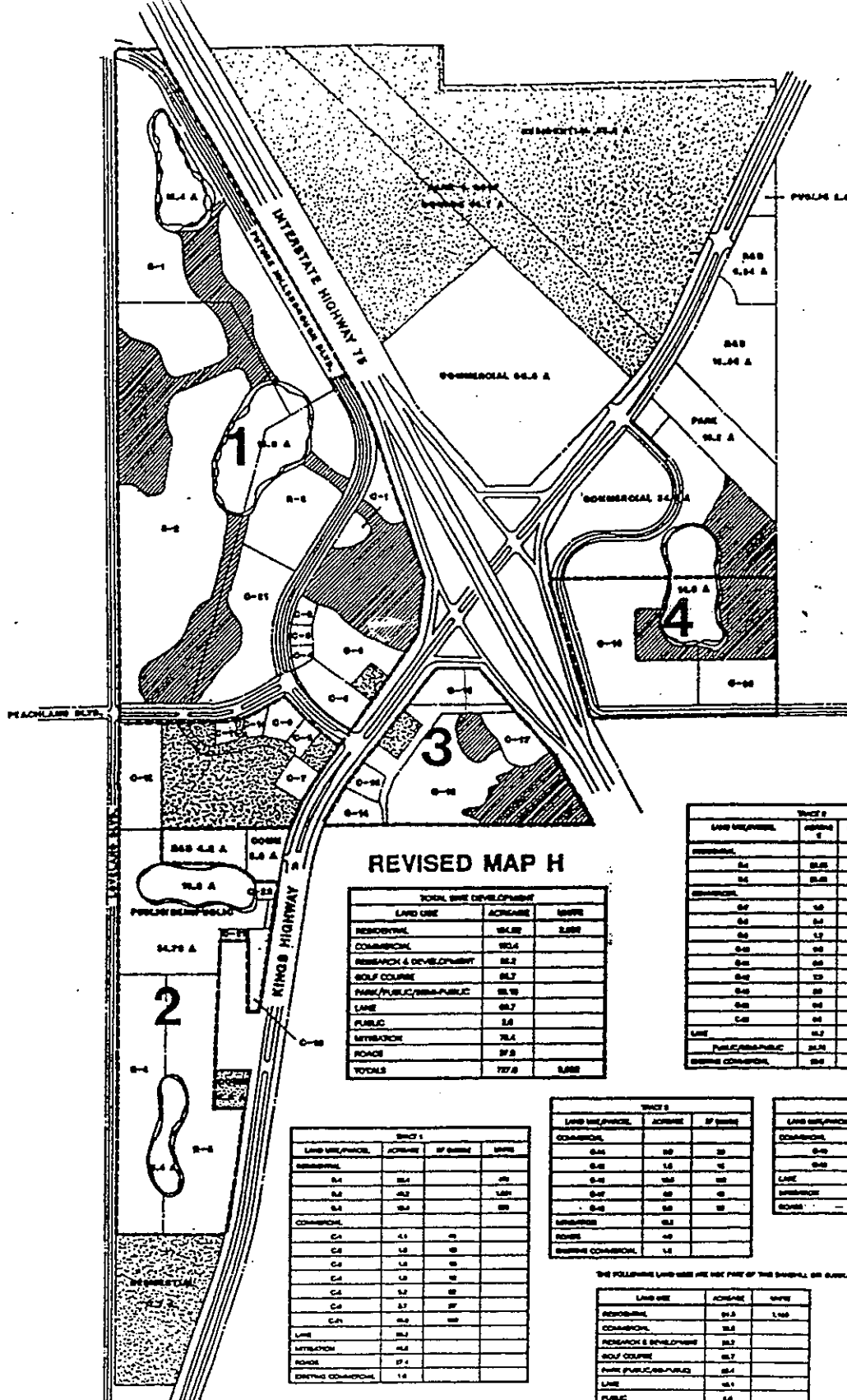
Thence continue North  $00^{\circ}16'17''$  West, a distance of 994.43 feet along the East Line of said Section 6; thence North  $89^{\circ}40'56''$  West, a distance of 1,744.92 feet to a point on the Easterly Right-of-Way Line of Kings Highway Access Road; thence North  $12^{\circ}10'43''$  West, a distance of 348.37 feet; thence North  $14^{\circ}05'16''$  West, a distance of 347.92 feet; thence North  $19^{\circ}23'03''$  West, a distance of 406.38 feet to the Northerly Right-of-Way Line of Peachland Boulevard; thence North  $89^{\circ}40'56''$  West, a distance of 1,461.24 feet to the Northeast Corner of said Section 6 and the Point of Terminus.

Said lands containing 36.949 acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

OR BOOK 1253 PAGE 1102





**REVISED MAP H**

TOTAL SITE DEVELOPMENT		
LAND USE	ACREAGE	SHARE
RESIDENTIAL	18.82	2.887
COMMERCIAL	18.4	
RESEARCH & DEVELOPMENT	18.2	
GOLF COURSE	18.7	
PARK/PUBLIC/RECREATION	18.12	
LANE	18.7	
PUBLIC	18.0	
MITIGATION	18.4	
ROADS	18.0	
TOTALS	177.8	1.000

TRACT 1			
LAND USE/PURPOSE	ACREAGE	SP. SHARE	SHARE
RESIDENTIAL			
COMMERCIAL			
RESEARCH & DEVELOPMENT			
GOLF COURSE			
PARK/PUBLIC/RECREATION			
LANE			
PUBLIC			
MITIGATION			
ROADS			
EXISTING COMMERCIAL			

TRACT 2			
LAND USE/PURPOSE	ACREAGE	SP. SHARE	SHARE
RESIDENTIAL			
COMMERCIAL			
RESEARCH & DEVELOPMENT			
GOLF COURSE			
PARK/PUBLIC/RECREATION			
LANE			
PUBLIC			
MITIGATION			
ROADS			
EXISTING COMMERCIAL			

TRACT 3			
LAND USE/PURPOSE	ACREAGE	SP. SHARE	SHARE
COMMERCIAL			
RESEARCH & DEVELOPMENT			
GOLF COURSE			
PARK/PUBLIC/RECREATION			
LANE			
PUBLIC			
MITIGATION			
ROADS			
EXISTING COMMERCIAL			

TRACT 4			
LAND USE/PURPOSE	ACREAGE	SP. SHARE	SHARE
COMMERCIAL			
RESEARCH & DEVELOPMENT			
GOLF COURSE			
PARK/PUBLIC/RECREATION			
LANE			
PUBLIC			
MITIGATION			
ROADS			
EXISTING COMMERCIAL			

THE FOLLOWING LAND USES ARE NOT PART OF THE SANDHILL OR OVERLAPPING DISTRICTS:

LAND USE	ACREAGE	SHARE
RESIDENTIAL	18.4	1.000
COMMERCIAL	18.4	
RESEARCH & DEVELOPMENT	18.2	
GOLF COURSE	18.7	
PARK/PUBLIC/RECREATION	18.4	
LANE	18.1	
PUBLIC	18.0	
ROADS	1.0	
MITIGATION	1.0	

BIT 2  
1

NOTE: ROADS AND OTHER IMPROVEMENTS ARE CONCEPTUAL.

WETLANDS SHOWN ARE BASED ON THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT MASTER DRAINAGE PERMIT. (MSW 492947.00)

BOUNDARY OF SUBSTANTIAL DEVIATION TRACTS 1-4

- WETLANDS AND MITIGATION AREAS
- EXISTING DEVELOPMENT

# Sandhill PD/DRI

NOVEMBER 17, 1991



REQUESTED ZONING CHANGES\*

Revised Map H Parcel Designation	Current Zoning	Proposed Zoning	Acreage
C-20	R & D	CG	5.0
C-21	RMF	CG	10.0
C-22	Park	CG	.5
C-12	Park	CG	7.3
C-13	RMF	CG	2.0
C-23	RMF	CG	.5
Public/Semi-Public	RMF	Public/Semi-Public	24.78

\*Note: All of the above designations are within the Sandhill PD with the Development Order defining the specific uses such as the commercial uses are meant to mean all the uses in the conventional commercial general zoning category.