

R E S O L U T I O N 93 - 59

AMENDING R E S O L U T I O N NUMBER 92-285

A RESOLUTION APPROVING THE DEVELOPMENT ORDER FOR THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, pursuant to Section 380.06, Florida Statutes, the Board of County Commissioners of Charlotte County, Florida, passed and adopted Resolution 92-285 on December 15, 1992. The State of Florida Department of Community Affairs filed an appeal of the Development Order on February 5, 1993; and

WHEREAS, the Board of County Commissioners of Charlotte County has considered the reports and recommendations of the Planning and Zoning Board, and has entered into a settlement agreement on the appeal which incorporates modification of the terms and conditions of Section J.(b)(1), Section J.(b)(2) and Section J.(e) of Resolution 92-285.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida, that Resolution 92-285 be amended as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

J. Transportation:

b. Significant Impacts

(1) Regional Road Segments

Hillsborough Boulevard

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

-Peachland Boulevard to ~~Harbor~~ Boulevard
~~Murdock Circle~~: 4 lanes (2 additional lanes)

(2) Regional Intersections

Significant Impacts - The estimated cost of construction of the above road links and intersection improvements is ~~\$18,420,000~~ ~~\$20,980,000~~. 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 improvement is:

Link-Related	\$7,344,150	7,600,150
Intersection Related	\$1,697,850	
Total Project Impacts	\$9,042,000	9,298,000

- (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" capacity 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~~ ~~first~~ year of the appropriate local government's comprehensive plan capital improvement element. A roadway improvement scheduled for construction to commence in or before the third year of Charlotte County's Comprehensive Plan capital improvements element will be recognized as a committed roadway improvement, with no additional amendment to this Development Order required, when Charlotte County amends its adopted comprehensive plan and the comprehensive plan amendment is found to be in compliance by final agency action with Rule 9J-5.0055(2)(c), Florida Administrative Code, except insofar as (2)(c) would allow concurrency to be satisfied by using the provision in Rule 9J-5.0055(2)(a)1. - 4., Florida Administrative Code or Rule 9J-5.0055(2)(b)1. and 2., Florida Administrative Code.

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 pursuant to the above described agreement. Any agreed upon alternative shall be incorporated into this Development Order by amendment pursuant to the procedures set forth in Section 380.06(19), Florida Statutes.

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

1. All terms and conditions of the Development Order not affected by this resolution shall remain unchanged and in full force and effect.

2. This resolution shall become effective immediately upon its adoption.

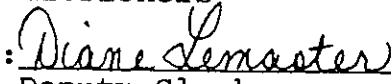
DULY PASSED AND ADOPTED THIS 4th DAY OF MAY, 1993.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

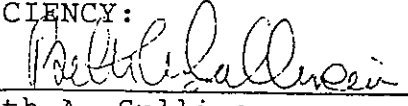
By: 
RICHARD J. LEONARD, Chairman

ATTEST:

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

By: 
Deputy Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By: 
Beth A. Sullivan
Assistant County Attorney