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IMAGED
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R E S O L U T I O N
NUMBER 97-0610A0

A RESOLUTION AMENDING RESOLUTION #86-230, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER AS AMENDED BY RESOLUTIONS #92-285 AND #93-59; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

FINDINGS

1. On February 17, 1981, the Charlotte County Board of County Commissioners passed and approved a Resolution constituting the Sandhill DRI Development Order.
2. On September 9, 1986, the Charlotte County Board of County Commissioners passed and approved Resolution #86-230, which replaced the original development order.
3. The Sandhill DRI Development Order was amended by Charlotte County Resolution 86-325 on November 18, 1986, by Resolution 87-07 on January 20, 1987, by Resolution 87-156 on July 21, 1987, by Resolution 87-289 on December 15, 1987, by Resolution 88-56 on April 19, 1988, by Resolution 88-57 on April 19, 1988, by Resolution 88-235 on October 4, 1988, by Resolution 88-282 on December 20, 1988, by Resolution 89-42 on February 21, 1989, by Resolution 89-90 on April 25, 1989, by Resolution 89-324 on October 24, 1989, by Resolution 89-330A on October 31, 1989, by Resolution 90-258 on October 16, 1990, by Resolution 91-99 on May 21, 1991, and by Resolution 91-123 on June 18, 1991.
4. A second substantial deviation amendment was passed and approved by Charlotte County Resolution 92-285 on December 15, 1992.
5. The substantial deviation Resolution 92-285 was amended by Resolution 93-59 on May 4, 1993.
6. The Southwest Florida Regional Planning Council has reviewed and considered the amendments requested by James E. Moore, III, Trustee, in petition #NOPC-97-5-2, and recommends approval subject to the applicant addressing staff concerns regarding potential transportation, stormwater management and wildlife impacts, finding that this is not a substantial deviation.

BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT - CHARLOTTE COUNTY

RECORDED: 7/17/97 15:00:03
FILE: 499424 OR BOOK/PAGE: 1343/4188
Recording
Recorded By: Sandra O. Wells D.C.

LEGISLATIVE

★ 75
minutes

7. The Planning and Zoning Board has reviewed and considered petition #NOPC-97-5-2, and also recommends approval subject to the conditions set forth in 6. above, finding that this is not a substantial deviation.

8. The Board of County Commissioners has reviewed and considered the amendments requested by James E. Moore, III, Trustee, and finds that they are consistent with the Charlotte County Comprehensive Plan and with the previously approved Sandhill Development Order, and also finds that pursuant to F.S. §380.06(19), they do not constitute a substantial deviation.

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

SECTION ONE

Resolution #92-285 as amended, is hereby further amended as follows [additions **bold shaded**, deletions striken]:

“WHEREAS, the applicant has requested a change of land use on the Tracts 1, 2, 3, and 4 of the project described on Exhibit “1” attached hereto, ~~as revised July 15, 1997, in Exhibit 1 attached;~~ and

FINDINGS OF FACT AND CONCLUSIONS OF LAW

“8. The Sandhill site contains ~~727~~ 730± acres ~~as in the original DRP.~~ 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~~ 193.4± 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 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 acreage, 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.

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, ~~as revised July 15, 1997, in Exhibit 2 attached~~, 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 1. All commercial areas are to be restricted to uses permitted in the CG (Commercial, General Classification) of the Charlotte County Zoning Regulation 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, ~~and adding as a use "automotive convenience maintenance service" to the commercial areas which would include: cleaning windshields, checking tire pressure, filling the fluid reservoirs and battery, changing lubricants and filters and replacing bulbs and other items that require periodic maintenance.~~ The uses permitted are subject to the following requirements:"

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

A. Drainage/Water Quality:

"(5) The development parcels near the roosting area within Tract 2, ~~which includes the expanded parcel C-13 as shown in Exhibit 2 (attached~~

hereto and by reference incorporated herein), shall have shielded lighting (i.e., no spotlights or overhead dusk to dawn lights which may light up the roosting area).

(11) ~~The building site and stormwater management system for the automotive convenience maintenance service shall be designed to include appropriate structural elements such as oil water separators, spill containment barriers, sediment collectors, and detention areas to prevent, to the greatest extent technically feasible, automobile generated pollutants from entering receiving bodies. Furthermore, a regular monitoring and maintenance program shall be established by the applicant (developer of the individual site) to ensure that the proper storage and treatment functions of the stormwater management system are maintained, in accordance with the SWFWMD permit.~~

J. Transportation:

(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 ~~1. shall be allowed access in compliance with the Charlotte County Access Management Ordinance.~~

SECTION TWO:

- A. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the development order.
- B. All other terms and conditions of the development order, not affected by this resolution, shall remain unchanged and in full force and effect.
- C. This resolution shall become effective immediately upon its adoption.

D. The Clerk of Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Mr. Tom Beck, Bureau Chief, Florida Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 and to Mr. Wayne E. Daltry, Executive Director, Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33918-3909.

PASSED AND DULY ADOPTED this 15th day of July, 1997.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: Matthew DeBoer
Matthew DeBoer
Chairman



Attest:
Barbara T. Scott, Clerk of
Circuit Court and Ex-officio
Clerk to the Board of County
Commissioners

By: Caroline L. Sandhill
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Renee Francis Lee
RENEE FRANCIS LEE
County Attorney

A:\SANDHILL.RE

Exhibit 1

Revised July 15, 1997

DESCRIPTION - TRACT 1:

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 326.30 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 337.78 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 1,868.54 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 $00^{\circ}18'56''$ 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:

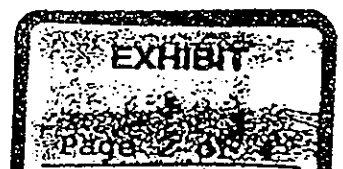
Commencing at the Northwest Corner of said Section 7, run thence South 89°40'59" East, a distance of 35.00 feet; thence South 00°11'30" West, parallel with the West Line of said Section 7, a distance of 60.00 feet to the Southerly Right-of-Way Line of Peachland Boulevard Extension and the Point of Beginning:

Thence continue South 00°11'30" West, along said West Line, a distance of 4,114.15 feet; thence South 89°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°00'29", a radius of 3,166.90 feet, and a chord bearing of North 12°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°36'07" East along said Westerly Right-of-Way Line, a distance of 1,013.18 feet; thence North 89°48'30" West, a distance of 350.49 feet; thence North 02°26'30" East, a distance of 1,022.04 feet; thence South 89°48'30" East, a distance of 217.56 feet; thence South 00°11'30" West, a distance of 571.24 feet; thence South 89°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°37'51" East along said Westerly Right-of-Way Line, a distance of 1,053.74 feet; thence North 89°40'59" West, a distance of 184.82 feet; thence North 54°03'27" West, a distance of 23.54 feet; thence North 46°09'07" West, a distance of 68.95 feet; thence North 48°55'58" West, a distance of 91.30 feet; thence North 59°01'28" West, a distance of 100.55 feet; thence North 84°59'57" West, a distance of 172.00 feet; thence North 89°43'10" West, a distance of 83.15 feet; thence South 89°41'49" West, a distance of 145.43 feet; thence North 81°38'50" West, a distance of 107.38 feet; thence North 00°11'30" East, a distance of 246.18 feet; thence South 89°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°34'58", a radius of 1,270.92 feet, and a chord bearing of North 27°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°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°00'00", a radius of 50.00 feet, and a chord bearing of North 08°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°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°32'39", a radius of 910.00 feet, and a chord bearing of North 42°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°25'13", a radius of 50.00 feet, and a chord bearing of North 74°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 84°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°17'03", a radius of 780.00 feet and a chord bearing of South 77°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°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.

Together with:



DESCRIPTION TRACT 2 (CONT.):

DESCRIPTION: (Supplied by Client): O.R. Book 681, Page 0378

3 ACRE TRACT: Commence at the Southwest corner of Section 7, Township 40 South, Range 23 East, Thence North $00^{\circ} 04' 11''$ West, along the West line of Section 7, 2,971.01 feet; Thence North, $89^{\circ} 55' 49''$ East, 863.64 feet to the Point of Beginning; Thence North, $02^{\circ} 10' 49''$ East, 571.68 feet; Thence North, $89^{\circ} 55' 49''$ East, 217.56 feet; Thence South, $00^{\circ} 04' 11''$ East, 571.24 feet; Thence, South, $89^{\circ} 55' 49''$ West, 240.00 feet to the Point of Beginning and containing 3.00 acres, more or less and subject to a 15.00 foot wide 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 2357.

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 462.24 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.



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:

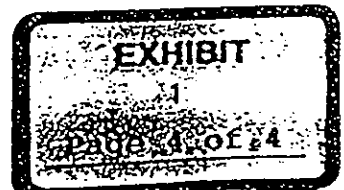
Commencing at the Northeast Corner of said Section 6 run thence North $00^{\circ}16'17''$ West, a distance of 50.00 feet to the Northerly Right-of-Way Line of Peachland Boulevard and the Point of Beginning of lands hereinafter described:

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.

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WAS UNSATISFACTORY FOR
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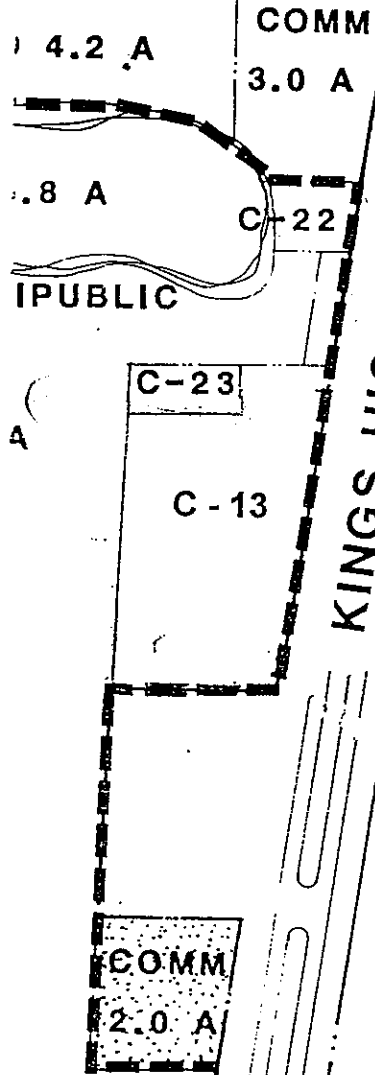
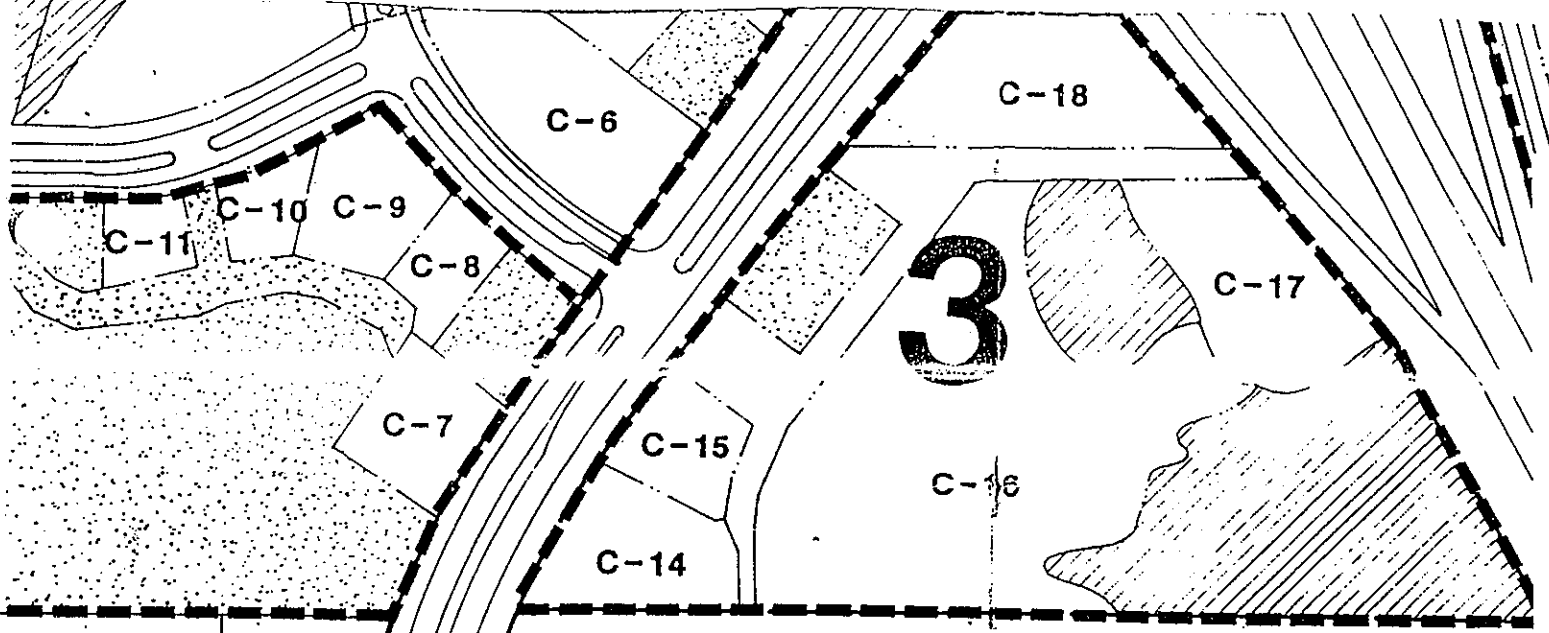


Exhibit 2

REVISED MAP H

7/15/97 Revision to Parcel C-13 and DRI Boundary Line

TOTAL SITE DEVELOPMENT		
LAND USE	ACREAGE	UNITS
RESIDENTIAL	184.92	3,682
COMMERCIAL	193.4	
RESEARCH & DEVELOPMENT	26.2	
GOLF COURSE	95.7	
PARK, PUBLIC/SEMI-PUBLIC	50.18	
LAKE	60.7	
PUBLIC	2.6	
MITIGATION	78.4	
ROADS	37.9	
TOTALS	730.0	3,682

TRACT 1			
LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL			
R-1	29.4		478

LAND USE
COMMERCIAL

Exhibit 2 (cont.)

TRACT 2			
LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL			
R-4	22.96		312
R-5	25.66		498
COMMERCIAL			
C-7	1.0	10	
C-8	0.4	4	
C-9	1.3	10	
C-10	0.9	9	
C-11	0.9	9	
C-12	7.3	73	
C-13	5.0	40	
C-22	0.5	5	
C-23	0.5	5	
LAKE			
PUBLIC/SEMI-PUBLIC	24.78		
EXISTING COMMERCIAL			
	26.9		

Exhibit 2 (cont.)

TRACT 1			
LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL			
R-1	29.4		478
R-2	42.2		1,001
R-3	13.4		233
COMMERCIAL			
C-1	4.1	41	
C-2	1.0	10	
C-3	1.0	10	
C-4	1.0	10	
C-5	5.2	52	
C-6	3.7	17	
C-21	10.0	100	
LAKE	28.2		
MITIGATION	48.8		
ROADS	27.4		
EXISTING COMMERCIAL	1.0		