

**BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT**

COMMISSION MINUTES



RECEIVED

MAY 31 2002

May 29, 2002

Daniel Trescott
Southwest Florida Regional Planning Council
4980 Bayline Drive, 4th Floor
North Fort Myers, FL 33918-3909

**S.W. FLORIDA REGIONAL
PLANNING COUNCIL**

Dear Mr. Trescott:

We are forwarding a certified copy of Resolution #2002-064 as required per direction of the resolution. This resolution was approved by the Board of Charlotte County Commissioners on Tuesday, May 28, 2002. Please advise if you will require another certified copy of the resolution after recording.

If you have any questions, please contact me directly at (941) 743-1539.

Sincerely,

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT

By:

Anne L. Pfahle
Anne L. Pfahle
Deputy Clerk

Enclosure (1)
BTS/alp

ARTICLE #7000 0600 0028 9683 3680

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BCC

RESOLUTION
NUMBER 2002-064

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION 86-230, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER, AS AMENDED BY RESOLUTIONS 92-285, 93-59, AND 97-0610AO, TO EXTEND THE BUILDOUT DATE OF THE SANDHILL DRI TO SEPTEMBER 30, 2006; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

FINDINGS

WHEREAS, on February 17, 1981, the Charlotte County Board of County Commissioners ("the Board") passed and approved a resolution constituting the Sandhill Development of Regional Impact Development Order; and

WHEREAS, on September 9, 1986, the Board adopted Resolution 86-230, which approved the Development Order for the Sandhill Development of Regional Impact in Charlotte County, Florida ("Sandhill DRI"), and approved the rezoning to Planned Development and the concept plan of the 727 ± acres comprising the Sandhill DRI (such rezoning and concept plan approval shall be referred to herein as "PD-80-4"); and

WHEREAS, the Board amended the Sandhill DRI Development Order by 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

CERTIFIED, TRUE COPY
OF THE ORIGINAL
BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT
CHARLOTTE COUNTY, FLORIDA

BY: Hane L. Pahlke
DEPUTY CLERK

Minutes

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; and

WHEREAS, the Board approved a second substantial deviation amendment to the Sandhill DRI Development Order by Resolution 92-285 on December 15, 1992; and

WHEREAS, the substantial deviation Resolution 92-285 was amended by Resolution 93-59 on May 4, 1993, and by Resolution 97-0610AO on July 15, 1997; and

WHEREAS, by adoption of numerous resolutions on various dates, the Board approved partial final detail plans for several parcels located within the Sandhill DRI and within PD-80-4; and

WHEREAS, Resolution 86-230 directed that the Sandhill DRI Development Order terminate upon completion of the project or as of October 2001, whichever occurred first; and

WHEREAS, the applicant, James E. Moore, III, as Successor Trustee under an unrecorded Trust Agreement dated May 27, 1981, and known as the Sabbia and Monti Trust, has requested that the Board consider an additional amendment to the Sandhill DRI Development Order to provide an extension of the project's buildout date in accordance with the provisions of Section 380.06(19)(c), Florida Statutes; and

WHEREAS, several applications have been made to develop certain projects within the Sandhill DRI which will require extension of the buildout date; and

WHEREAS, the Board has reviewed and considered the amendment requested by Trustee and finds that it is not inconsistent with the Charlotte County

Comprehensive Plan or local land use regulations, or with the previously approved Sandhill DRI Development Order, and also finds that pursuant to F.S. §380.06(19) the amendment consisting of the extension of the Sandhill DRI Development Order for a period of less than five (5) years does not constitute a substantial deviation.

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

1. Paragraph 17 of Resolution 86-230, as amended, is hereby amended as follows (additions **bold double underlined**, deletions ~~stricken~~):

This order shall terminate **September 30, 2006**, ~~October, 2004~~, or upon the completion of the project, whichever shall have occurred first. This order shall become effective on the 9th day of September, 1986.

2. The amendment incorporated herein does not constitute a substantial deviation to the conditions of the Sandhill DRI Development Order adopted by Resolution 86-230, as amended.

3. All other terms and conditions of the Sandhill DRI Development Order adopted by Resolution 86-230, as amended, not affected by this resolution, shall remain unchanged and in full force and effect.

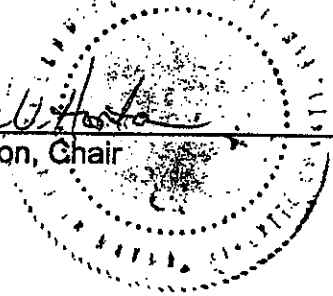
4. This resolution shall become effective immediately upon its adoption.

5. The Clerk of the Circuit Court is hereby directed to forward certified copies of this resolution to Roger Wilburn, Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; and to Daniel Trescott, Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33918-3909.

PASSED AND DULY ADOPTED this 28 day of May, 2002.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Mac V. Horton
Mac V. Horton, Chair



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

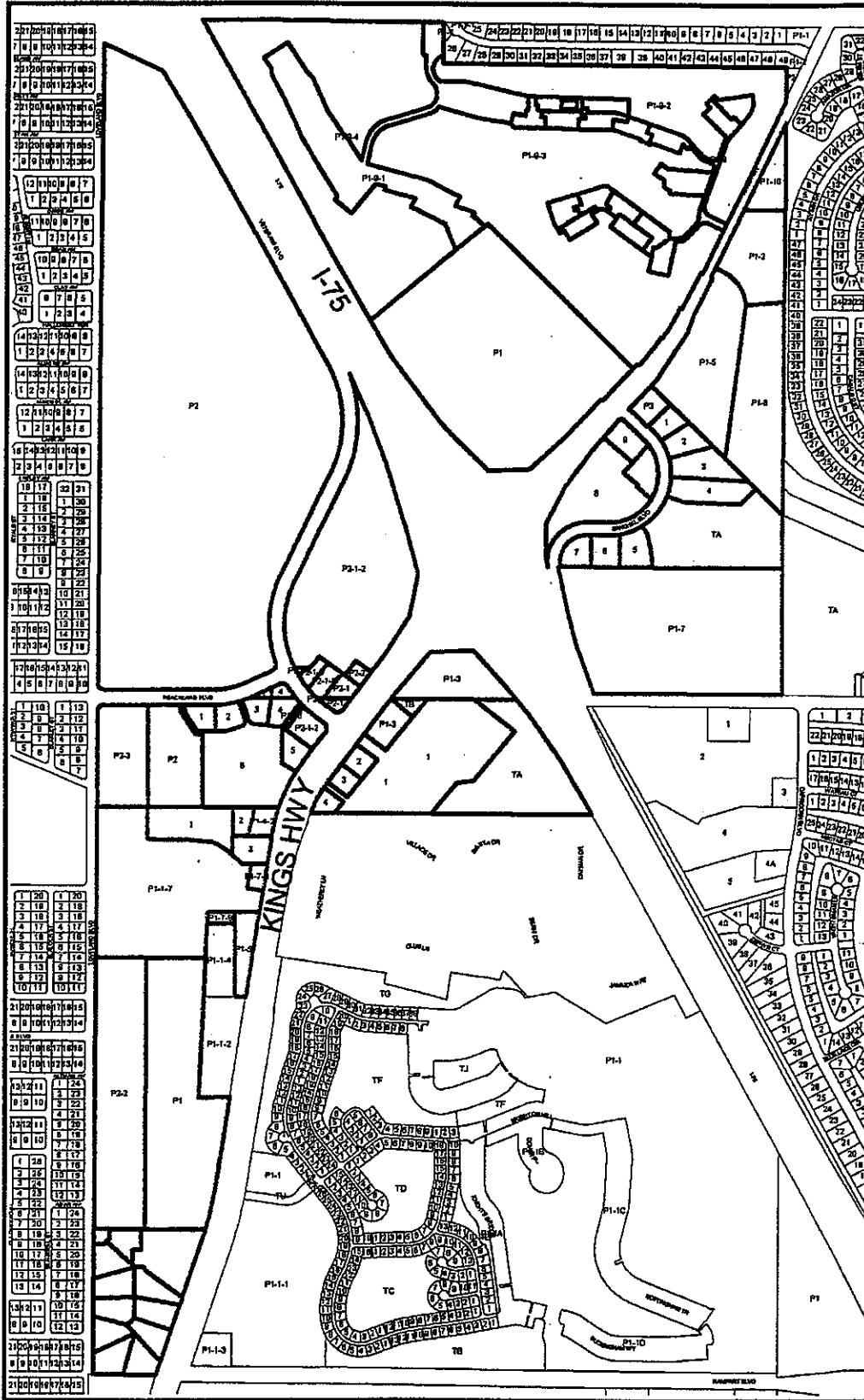
By Anne L. Pphler
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney *ADB*

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SANDHILL DRI



Charlotte County Community Development Department
Land Information Services
Map prepared by Maggie Hayes




**STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 SHUMARD OAK BLVD., TALLAHASSEE, FLORIDA 32399
1-850-488-4925**

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **JAMES E. MOORE, III, AS SUCCESSOR TRUSTEE UNDER AN UNRECORDED TRUST AGREEMENT DATED MAY 27, 1981 AND KNOWN AS THE SABBIA AND MONTI TRUST**, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **SANDHILL DEVELOPMENT OF REGIONAL IMPACT**, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to Charlotte County to the Southwest Florida Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

Date: 1/15/07


**JAMES E. MOORE, III, AS
SUCCESSOR TRUSTEE UNDER
AN UNRECORDED TRUST
AGREEMENT DATED MAY 27,
1981 AND KNOWN AS THE
SABBIA AND MONTI TRUST**

2. Applicant (name, address, phone).

**JAMES E. MOORE, III, AS SUCCESSOR TRUSTEE UNDER AN
UNRECORDED TRUST AGREEMENT DATED MAY 27, 1981 AND KNOWN AS
THE SABBIA AND MONTI TRUST**

**c/o Moore and Waksler, P.L.
1625 W. Marion Avenue, Ste. 2
Punta Gorda, FL 33950
(941) 637-1955**

3. Authorized Agent (name, address, phone).

**Geri L. Waksler
Moore and Waksler, P.L.
1625 W. Marion Avenue, Ste. 2
Punta Gorda, Florida 33950
(941) 637-1955**

4. Location (City, County, Township, Range/Section) of approved DRI and proposed change.

**Port Charlotte, Charlotte County, Sections 6 and 7, Township 40 South, Range 23
East**

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development; phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representation contained in either the development order or the Application for Development Approval.

**Amend the termination date of the DRI development order from October, 2001 to
September 30, 2006.**

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

Not applicable

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

No change

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e. any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

Resolutions:

- 86-230, September 9, 1986 **First Substantial Deviation**
86-325, November 18, 1986 **Proposing the addition of a golf course and a reduction in the maximum number of dwelling units and finding no need for additional DRI review**
87-07, January 20, 1987 **Adding a golf course and reducing the maximum number of dwelling units**
87-156, July 21, 1987 **Altering the phasing plan by transferring a 1.7 acre retail parcel from Phase IV to Phase II**
87-289, December 15, 1987 **Altering the phasing plan by transferring a 3.8 acre retail parcel from Phase III to Phase II**
88-56, April 19, 1988 **Altering the phasing plan for two retail parcels and a research and development parcel**
88-57, April 19, 1988 **Land use change on two acres and altering the phasing plan**
88-235, October 4, 1988 **Extending the deadline for developer submission of a Master Plan for a portion of Phase II**
88-282, December 20, 1988 **Incorporating amended road construction requirements**
89-42, February 21, 1989 **Altering the phasing plan by transferring a 180,000 square foot retail parcel from Phase III to Phase II**
89-90, April 25, 1989 **Altering the phasing plan**
89-324, October 24, 1989 **Permitting development of a 320,000 square foot shopping center**
89-330A, October 31, 1989 **Permitting development of a telephone switching station**
90-258, October 16, 1990 **Altering the phasing plan, transferring commercial square footage within the DRI, realigning Sandhill Boulevard**
91-99, May 21, 1991 **Changing 2.99 acres of Research and Development to Commercial**
91-123, June 18, 1991 **Restating Resolution 91-99**
92-285, December 15, 1992 **Substantial Deviation removing phasing and revising land use allocations**
93-59, May 4, 1993 **Modifying Development Order to reflect terms of settlement agreement between DCA and Charlotte**

97-0610A0, July 15, 1997

County

Adding three acres of commercial retail use to the DRI and expanding the uses allowed in commercial areas to include automotive convenience maintenance service

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project uses within 1/2 mile on a project master site plan or other map.

None

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06 (19)(b), Florida Statutes.

None of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes is applicable to this request.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES X NO

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

The proposed new termination date is September 30, 2006

11. Will the proposed change require an amendment to the local government comprehensive plan?

No

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S. and 9J-2.025, Florida Administrative Code.

1. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Not applicable

2. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing and buildout date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements include locations, square footage, number of units; and other major characteristics or components of the proposed change;
- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previous approved plan of development.
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development.
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable, and
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.

Existing language of Resolution 86-230, as amended, Paragraph 17:

This order shall terminate October, 2001 or upon the completion of the project, whichever shall have occurred first. This order shall become effective on the 9th day of September, 1986.

Proposed language:

This order shall terminate September 30, 2006 or upon the completion of the project, whichever shall have occurred first. This order shall become effective on the 9th day of September, 1986.



Southwest Florida Regional Planning Council

4980 Bayline Drive, 4th Floor, N. Ft. Myers, FL 33917-3909 (941) 656-7720

P.O. Box 3455, N. Ft. Myers, FL 33918-3455 SUNCOM 749-7720

FAX 941-656-7724

March 22, 2002

Gerri L. Waksler
Moore and Waksler, P.L.
1625 W. Marion Ave. Suite 2
Punta Gorda, FL 33950

Dear Gerri:

On Thursday March 21, 2002 the Southwest Florida Regional Planning Council (SWFRPC) adopted the Notice of Proposed Change (NOPC) staff assessment for the Sandhill NOPC without changes. If you have any questions, please let me know.

Sincerely, ...

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Daniel L. Trescott
Principal Planner/DRI Coordinator

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL RECEIPT AND REVIEW FEE
AGREEMENT FOR REVIEW OF DEVELOPMENTS OF REGIONAL IMPACT**

APPLICANT (Name, Address and Telephone)

James E. Moore, III, as Successor Trustee
under an unrecorded Trust Agreement
dated May 27, 1981 and known as The
Sabbia and Monti Trust
c/o Moore and Waksler, P. L.
1625 W. Marion Av St 2

Punta Gorda, FL 33950
1-941-637-1955

**Authorized Agent (Name, Address
Telephone)**

Geri L. Waksler
Moore and Waksler, P. L.
1625 W. Marion Av. St 2

Punta Gorda, FL 33950
1-941-637-1955

Location of Project

Section 6.7 Township 40 S Range 23 E

County Charlotte **GENERAL LOCATION** The four (4) quadrants of the I-75/

Kings Highway interchange

Name of Project Sandhill Development of Regional Impact

The Southwest Florida Regional Planning Council (SWFRPC) and James E. Moore, III, As Successor
(Developer) on this _____ day of _____, 19_____, agree as follows: Trustee

1. The Developer is submitting an application for development approval of a ~~DRI~~ ~~Preliminary~~
~~Development Agreement~~, ~~Substantial Deviation~~, ~~Development Designation for Florida Quality~~
~~Development (FQD)~~, Application for abandonment of a ~~DRI~~ or a Notice of Proposed Change to
a previously approved DRI (Circle appropriate type of submittal).

2. This application is submitted with a non-refundable/refundable (circle appropriately) deposit
of \$2,500.00 additional deposit of \$ n/a, except that a Preliminary Development
Agreement's fee shall be filed in accord with Rule 9J-2.0252.

3. It is understood the Developer is liable for 100 percent of the direct and indirect costs for
the SWFRPC to review these applications or notice of proposed change.

4. It is understood the Developer must notify the Department of Community Affairs (DCA) and
the SWFRPC in writing if any specific expenses which exceeds \$75,000.00 and which are disputed and

DEVELOPMENT OF REGIONAL IMPACT (DRI) APPLICATION
CHARLOTTE COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

DATE RECEIVED:	RECEIPT #:
PROJECT: Sandhill DRI	PETITION #:
APPLICANT: James E. Moore, III as Successor Trustee	AGENT: Geri L. Waksler, Moore & Waksler, P.L.L.C. phone: 637-1955 fax: 637-8485

Please indicate which application(s) are relevant to this project:

- Application for Development Approval
- Application for Master Development Approval
- Application for Incremental Development Approval
- Substantial Deviation
- Development Order Amendment (Notice of Proposed Change)
- Substantial Deviation Determination

Do you intend to submit any of following associated applications? No If so, please indicate below:

- Rezoning
- Planned Development (PD) Concept Plan Approval
- Future Land Use Map (FLUM) Amendment
- Comprehensive Plan Text Amendment

The following items must be submitted as part of your DRI Application:

- 20 copies of the State's Application for Development Approval (includes master, increment, and substantial deviation) or the Southwest Florida Regional Planning Council's (SWFRPC) Notice of Proposed Change.
- A draft copy of the proposed development order or proposed amendment resolution on computer disk and submitted as 8 1/2 x 11 size printed copy.
- n/a Adjacent property owners map showing the subject property and all property located within 200 feet highlighted (excluding street right-of-ways).
- n/a Adjacent property owners list of the names, addresses, and corresponding lot or parcel numbers of all property owners located within 200 feet of the subject property as shown on the adjacent property owners map using the current Charlotte County Tax Role information.
- n/a One set of corresponding adjacent property owner address mailing labels.
- n/a 20 copies of the Conceptual Development Plan Map H (or two copies at a reproducible size, if legible, at 11 x 17 or smaller).
- Appropriate filing fee with check made payable to the Charlotte County Board of County Commissioners or CCBCC.

state why they are not reasonable and necessary within 15 days of its receipt of the notice to pay or any such dispute is waived. Within 15 days of any notice of dispute, the SWFRPC shall inform the DCA how and why the disputed expenses are reasonable and necessary. The DCA shall determine the expenses that are reasonable and necessary within 30 days.

5. The SWFRPC shall within 60 days, refund deposited funds which exceed its direct and indirect costs or that remain at the time the Developer withdraws the application or notice of proposed change.

6. Any direct or indirect costs of the SWFRPC in excess of the Developers deposits shall be billed to the Developer which shall be paid within 30 days.

7. The SWFRPC shall maintain records of all direct and indirect costs associated with the coordination of the preapplication conference, any Preliminary Development Agreement, issue methodology meetings and other activities through the review of the application for development approval (ADA) or abandonment, or notice of proposed change to a previously approved DRI and of the final or amended development order, its presentation to the Council and comments issued to the local government preparation for and attendance of hearings that are reasonable and necessary in respect to the regional review of the impacts of the development.

8. The Developer shall provide additional deposits from time to time as required within 15 days after the receipt of notice from the SWFRPC that it estimates costs will exceed the funds on deposits.

1/15/02
Date

Date Received and Signed

J. S. Miller in Fido
Approval of the Applicant or Authorized Agent

Southwest Florida Regional Planning Council

FILE NAME: c:\driltrs\agreement.fee
1/92 (cgh)