

BARBARA T. SCOTT
CLERK OF THE CIRCUIT COURT

COMMISSION MINUTES

November 14, 2002

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

We are forwarding a certified copy of Resolution #2002-178 as required within the resolution per paragraph 6. This resolution was approved by the Board of Charlotte County Commissioners on Tuesday, November 12, 2002.

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. Pfahley
Deputy Clerk

Enclosure (1)
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S.W. FLORIDA REGIONAL
PLANNING COUNCIL



RESOLUTION
NUMBER 2002- 178

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, TO REDUCE MULTI-FAMILY RESIDENTIAL ACREAGE ON ONE PARCEL, REDUCE COMMERCIAL SQUARE FOOTAGE ON ONE PARCEL, AND TO ADD COMMERCIAL SQUARE FOOTAGE WITH THE CREATION OF A NEW PARCEL; 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 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

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

BY Jane L. Parker
DEPUTY CLERK

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, by Resolution 97-0610AO on July 15, 1997, and Resolution 2002-064 on May 28, 2002; 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, Obbo Properties, N.V. ("the Applicant"), has requested the Board consider additional amendments to the Sandhill DRI Development Order to reduce the acreage of multi-family residential property in Parcel R-5, Tract 2, reduce the commercial retail square footage on Parcel C-17, Tract 3, and add commercial square footage with the creation of a new parcel C-24, to Tract 2, all in the Sandhill DRI property ("the proposed amendments"); and

WHEREAS, the Southwest Florida Regional Planning Council reviewed and considered the proposed amendments submitted by the Applicant and recommended acceptance of the proposed amendments to the Sandhill DRI Development Order finding that they do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities; and

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered the proposed amendments and recommends approval, finding the proposed amendments do not constitute a substantial deviation; and

WHEREAS, the Board has reviewed and considered the amendments requested by the Applicant and finds that they are 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 amendments consisting of the

requested reduction in multi-family acreage and reallocation of commercial square footage do not constitute a substantial deviation.

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

1. Paragraph 8 of the Findings of Fact and Conclusions of Law section of Resolution #86-230, as amended, is hereby further amended as follows (additions **bold double underlined**, deletions ~~stricken~~):

8. The Sandhill site contains 730± acres. The applicant has requested an amendment to the Development Order, as amended by Resolution #86-230, and as amended by ~~these~~ **subsequent** resolutions listed ~~above~~, **of the Board of County Commissioners**, to revise the land uses as follows: reduce residential units from 4,022 on 273.3 acres to ~~3,682~~ **3,608** on ~~184.92~~ **181.12** 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 ~~193.4±~~ **197.2±** 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.

2. Paragraph K., entitled Master Concept Plan, of Resolution 86-230, as amended, is hereby further amended as follows (additions **bold double underlined**, deletions ~~stricken~~):

(1) The Sandhill DRI Master Concept Plan is approved for Tracts 1, 2, 3 and is attached and incorporated herein as Exhibit "2", page 1, ~~as revised July 15, 1997, in Exhibit 2 attached~~ **Revised Map H by Charlotte Engineering & Surveying, Inc., dated April, 2002**. Attachment "B" as incorporated into Resolution #86-230 is hereby null and void as to Tracts 1, 2, 3, and 4.

3. 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.

4. 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.

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

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

PASSED AND DULY ADOPTED this 12 day of November 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. Pahlke
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Anne E. Bast
Reneé Francis Lee, County Attorney

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