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RESOLUTION
NUMBER 2006-027

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING RESOLUTION 86-230, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER, AS AMENDED, TO INCREASE RESIDENTIAL ACREAGE, TO DECREASE COMMERCIAL ACREAGE, REALLOCATE 320 RESIDENTIAL UNITS FROM PARCEL R-1 IN TRACT 1 TO A NEWLY CREATED RESIDENTIAL PARCEL ABUTTING SANDHILL BOULEVARD IN TRACT 4, REALLOCATE 75,000 SQUARE FEET OF COMMERCIAL SQUARE FOOTAGE FROM PARCELS C-19 AND C-20 IN TRACT 4 TO PARCELS C-21 AND C-25 IN TRACT 1; PROVIDING FOR A REVISED MAP H DATED JANUARY 11, 2006; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR 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 (DRI) 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 730.3 ± 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,

BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY
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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

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, Resolution 97-0610AO on July 15, 1997, Resolution 2002-064 on May 28, 2002, Resolution 2002-178 on November 12, 2002 and Resolution 2003-028 on February 11, 2003; 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, American Invest, LC ("the Applicant"), has requested the Board consider additional amendments to the Sandhill DRI Development Order to increase residential acreage, to decrease commercial acreage, reallocate 320 residential units from Parcel R-1 in Tract 1 to a newly created residential parcel abutting Sandhill Boulevard in Tract 4, reallocate 75,000 square feet of commercial square footage from Parcels C-19 and C-20 in Tract 4 to Parcels C-21 and C-25 in Tract 1, and provide for a revised Map H, dated January 11, 2006, all in the Sandhill Development of Regional Impact, in Applicant's Petition #NOPC-05-12-84 ("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 increase in residential acreage, the decrease in commercial acreage, the reallocation of residential units and the 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 that:

1. The seventh (7th) "Whereas" clause of Resolution #92-285, as amended is hereby further amended as follows (hereafter all additions **bold double underlined**, deletions ~~stricken~~):

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 as further revised by Sandhill Master Development Plan (Revised Map H dated January 11, 2006, as amended)**; and

2. Paragraph 8 of the Findings of Fact and Conclusions of Law section of Resolution

#92-285, as amended, is hereby further amended as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

8. The Sandhill site contains 730.3 ± acres. 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 2,496 on ~~125.8~~ 151.9 acres; increase the commercial from 946,000 gross square feet on 180.3 acres to 1,965,800 gross square feet of commercial retail use on ~~240.3~~ 214.2 ± 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 retail commercial for traffic purposes, increase in park/public/semi-public area from 35.4 acres to 50.2 acres, increase the lake area from 60.7 acres to 61.4 acres, increase the mitigation area from 78.4 acres to 84.7 acres, and add 6.55 acres of preservation. 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.

3. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the Sandhill 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.

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6. The Clerk of the Circuit Court is hereby directed to forward certified copies of this resolution and its attachments to Thomas Tuminia, the Florida Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, to Daniel L. Trescott, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901 and to DRI Coordinator, Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, Florida 33948.

PASSED AND DULY ADOPTED this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS OF
CHARLOTTE COUNTY, FLORIDA

By: Thomas G. Moore
Thomas G. Moore, Chairman

RB
LR 2006-136

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

By: Deil Manley
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney



