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RESOLUTION
2023-091

A RESOLUTION PURSUANT TO SECTION 380.06(7), FLORIDA STATUTES (F.S.), SECTION 3-9-10.1, DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER (DO) AMENDMENT PROCESS AND PROCEDURE UNDER CHAPTER 3-9, ZONING, THE COUNTY'S LAND DEVELOPMENT REGULATIONS, AND SECTION J(1)(K) OF THE SANDHILL DRI DO, RESOLUTION NUMBER 2022-083, AMENDING THE SANDHILL DRI DO TO 1) USE THE APPROVED EQUIVALENCY MATRIX TO EXCHANGE 12,000 SQUARE FEET OF COMMERCIAL USES FOR 74 HOTEL ROOMS ON PARCEL 5-10 OF TRACT 5 OF THE SANDHILL DRI, AND 2) REVISE EXHIBIT B, MAP H NOTES #1 AND MAP H, EXHIBIT #2 NOTES; FOR 1.29± ACRES OF THE PROPERTY LOCATED AT 24490 SANDHILL BOULEVARD, IN THE PORT CHARLOTTE AREA; COMMISSION DISTRICT I; PETITION NO. 23LAD-00000-00001; APPLICANT: LEGACY DEVELOPMENT, RYAN RIVETT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

WHEREAS, on February 17, 1981, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted a Development Order ("DO") for the Sandhill Development of Regional Impact (DRI) Planned Development (PD-80-4) (the "Sandhill DO"), pursuant to Section 380.06, Florida Statutes; and

WHEREAS, the Sandhill DRI is located south of the DeSoto County Line, north of Rampart Boulevard, east of Loveland Boulevard and west of the Deep Creek area; Sections 6 & 7, Township 40 South, and Range 23 East, in the Port Charlotte area, currently containing a total of 713.12± acres, and more particularly described in Exhibit "A" attached hereto and by this reference provided herein; and

WHEREAS, the Sandhill DO has been amended on numerous occasions since its initial adoption; and

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF
CIRCUIT COURT

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MIN

WHEREAS, Legacy Development, Ryan Rivett, is requesting an Amendment, 23LAD-00000-00001, to the Sandhill DO to use the approved equivalency matrix to exchange 12,000 square feet of commercial uses for 74 hotel rooms on Parcel 5-10 of Tract 5 of the Sandhill DRI, and to revise Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes; for 1.29± acres of the property located at 24490 Sandhill Boulevard, in the Port Charlotte area, and more particularly described in Exhibit "B" attached hereto and by this reference provided herein; and

WHEREAS, the Board held a public hearing on June 13, 2023, in accordance with Section 380.06, Florida Statutes and Section 3-9-10.1, Development of Regional Impact Development Order Amendment Process and Procedure to consider both applications and adopted by motion Amendment 23LAD-00000-00001; and

WHEREAS, the adopted amendments will be incorporated into the Sandhill DRI DO pursuant to the terms described herein.

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

1. The development rights within the Sandhill DRI are hereby amended follows:

Residential	193.61 acres	3,171 units
***Commercial	<u>209.33</u> 210.62 acres	
	<u>1,620,753</u> 1,608,753	
	gross square feet	
Hotel/Motel		<u>323</u> 397 units
*Research & Development	4.2 acres	42,000
		gross square feet
**Park/Public/Semi-Public	44.3 acres	65,000
		gross square feet
Lake	61.4 acres	
Public	2.6 acres	
Mitigation	84.7 acres	
Preservation	6.55 acres	
Roads	37.9 acres	
Nursing Home/ACLF	19.56 acres	458 beds
Industrial	47.64 acres	365,000
		gross square feet
Retail Parking Spaces		8,030

*261,000 gross square feet of the originally approved Research and Development gross square footage was analyzed as commercial retail for traffic purposes

**Building area only applies to Tract 2 Public/Semi-Public 24.78 acres for government offices

***On Parcel C-24 of Tract 2, 17,000 square feet of commercial and 120 hotel/motel units.

2. Amendments to "Exhibit B, Map H Notes #1 and Map H, Exhibit #2 Notes" are hereby amended follows:

SANDHILL DEVELOPMENT OF REGIONAL IMPACT
 Exhibit B, Map H Notes #1 - Vested Rights As of 06/13/2023

Tract	Parcel	Allocated	Allocated	Allocated	Allocated	Allocated	Allocated
		Commercial (SF)	Park/Public/ Semi-Public (SF)	Research & Development (SF)	Residential (DUs)	Assisted Living Area (beds)	Hotel/Motel (Rooms)
1	R-1	0	0	0	280		0
1	C-1	100,000					
1	C-2	11,000					
1	C-3	10,000					
1	C-4	8,200					
1	C-5A (old "C-4")	11,200					
1	C-5B	7,500					
1	C-5C	54,000					
1	C-5D	8,200					
1	C-6	17,000					
	C-21	0					120
1	C-21 & C-25	47,178	0	0	521	0	0
1	C-25A	4,721					
1	CE-1	1,074					
1	Lakes						
1	Mitigation						
1	Preservation						
1	Roads						
2	R-4	0	0	0	436		0
2	R-5	0	0	0	542		0
2	C-7 (old "5-19H")	10,000					
2	C-8	4,000					
2	C-9	13,000					
2	C-10	9,000					
2	C-11	9,000					
2	C-12	73,000					
2	C-13	40,000					
2	C-22	5,000					
2	C-23	5,000					
2	C-24	17,000	0	0	0		120
2	Public/Semi-Public	0	65,000	0	0		0
2	CE-2	7,013					
2	CE-3	4,495					
2	CE-4	91,747					
2	CE-5	89,300					
2	Lakes						
2	Roads						
3	C-14A	8,000					
3	C-14	6,800					
3	C-15	4,000					
3	C-16A	1,900					
3	C-16B/C/F & C-17	90,100					
3	C-16D	56,000					
3	C-16E	12,000					
3	C-18A	10,175					
3	C-18B	39,825					
3	CE-6	4,000					
3	Mitigation						
3	Roads						

Exhibit B, Map H Notes #1 - Vested Rights As of 06/13/2023 (page 2)

4	C-19A	43,000						
4	C-19B	0			344*			
4	R-2	0	0	0				0
4	Lakes							
4	Mitigation							
4	Roads							
5	5-1 R&D	0	0	42,000	0			0
5	5-2	4,136						
5	5-3	2,160						
5	5-4	0	0	0	54			0
5	5-5	3,260						
5	5-6							
5	5-7	24,000						
5	5-8	36,900						
5	5-9	35,670						
5	5-10	42,000	0	0	0	0		74
5	5-11	12,000						
5	5-12	8,000						
5	5-13	53,854	0	0	0	0		83
5	5-14	3,952						
5	5-15	3,225						
5	5-16	0	0	0	104			0
5	5-18	300,000						
5	5-19A	3,500						
5	5-19B	0	0	0	0	0	0	0
5	5-19C	0	0	0	144	0	0	0
5	5-19D	0	0	0	48	0	0	0
5	5-19E	0	0	0	48	0	0	0
5	5-19F,G,J	0	0	0	650	0	0	0
5	5-19H	88,000	0	0	0	0	0	0
5	5-19I	365,000 (ind)	0	0	0	0	0	0
5	5-19K	43,000	0	0	0	0	0	0
5	5-19L	0	0	0	0	458 (beds)		0
5	Lakes							
5	Mitigation							
5	Parks							
5	Public							
5	Roads							
Unallocated Commercial Rights		53,668						
Calculated Totals (Industrial):		365,000						
Calculated Totals (Commercial):		1,620,753	1,608,753	65,000	42,000	3,171	458 (beds)	323,397

*A total allocation of 344 units across both parcels (74 single-family residential units and 270 multi-family residential units).

**Sandhill DRI
Map H, Exhibit #2
Notes**

Revision Notes:

1. July 2002 Revisions:
 - a. Tract 1: Revised Parcels, lakes & wetlands
 - b. Tract 3: Revised Parcel C-16 & removed wetland
 - c. Tract 4: Revised Parcel C-19 & increased wetland
2. January 2006 (NOPC-051283) Revisions:
 - a. Subdivided C-16, C-17, C-18, C-20, Newport Golf
3. January 2006 (NOPC-051284) Revisions:
 - a. Reallocated Commercial S.F. & residential units between existing tracts 1 & 4
 - i. Transferred 320 residential units from R-1 (Tract 1) to R-2 (Tract 4)
 - ii. Transferred 75,000 S.F. of commercial from R-2 (Tract 4) to C-21 & C-25 (Tract 1)
4. Added Parcel 5-19A
5. Add commercial parcel 5-19A
6. July 14, 2006 – revise acreages
7. July 17, 2006 – Revise acreages and 5-16
8. November 9, 2006 – add S.F. to 5-19H
9. August 14, 2007 – consolidation of resolutions
10. October 16, 2007 – add 65,000 S.F. to Tract 2 Public/Semi-Public site
11. March 18, 2008 – Revision to C-24, 30,400 SF to 17,000 SF & 120 hotel rooms
12. December 16, 2008 – relocate mitigation area, allow access to Loveland, incorporate road improvement obligations
13. August 18, 2009 – Correct scrivener's errors; reallocate dwelling units from 5-4 to R-5; remove portions of R-5 and 5-4 from Sandhill DRI and add to Victoria Estates DRI
14. December 9, 2014 – Correct scrivener's errors; eliminate 84.09 acre golf course and replace with 6.48 acres and 43,000 SF of commercial, 19.56 acres and 458 ACLF beds; 47.64 acres and 430,000 SF of industrial; 16.35 acres and 26 multi-family units; the increased 26 dwelling units shall be transferred to the site through the County's Transfer of Density Units process according to the provisions set forth in the Transfer of Density Units Code; add equivalency matrix
15. June 13, 2017 – Revision to C-21 and C-25 of Tract 1 by adding 375 multi-family units and eliminating 62,625 SF of commercial utilizing the equivalency matrix, retaining 150,000 SF of commercial development for future projects, and creating Parcel C-25A retaining 4,721 square feet of commercial development rights

16. March 27, 2018 – Revision to C-19B of Tract 4 by adding 44 single-family residential units and eliminating 12,000 SF of commercial utilizing the equivalency matrix. Revision to R-2 of Tract 4 by adding 70 single-family residential units and reducing multi-family residential units from 320 units to 207 units, creating a total allocation of 321 units across both parcels
17. April 24, 2018 - Revision to C-21 and C-25 of Tract 1 by adding 120 hotel rooms and reducing commercial square footage from 150,000 SF to 130,560 SF utilizing the equivalency matrix
18. February 26, 2019 - Revision to 5-13 of Tract 5 by adding 83 hotel rooms and reducing commercial square footage from 67,300 SF to 53,854 SF utilizing the equivalency matrix
19. June 25, 2019 - Revision to C-21 and C-25 of Tract 1 by increasing multi-family units from 375 to 521 and reducing commercial square footage from 130,560 SF to 106,178 SF utilizing the equivalency matrix
20. October 22, 2019 - Revision to C-21, C-25, and C-1 of Tract 2 by reassigning 59,000 SF of Commercial from C-21 and C-25 to C-1 resulting in 47,178 SF on C-21 and C-25 and 100,000 SF on C-1
21. July 13, 2021 - Revision to C-19B and R-2 of Tract 4 by adding 63 multi-family residential units and eliminating 40 single-family residential units utilizing the equivalency matrix, creating a total allocation of 344 units across both parcels
22. Proposed - Revision to Parcel 5-10 of Tract 5 by adding 74 hotel rooms and eliminating 12,000 SF of commercial utilizing the equivalency matrix

General Notes:

1. Roads and other improvements are conceptual
2. Wetlands shown are based on Southwest Florida Water Management District Master Drainage Permit (MSW 492947.049), as amended.
3. All parcels not included in the most recently approved substantial deviation (Resolution 92-285) were assigned to Tract 5.
4. This map and associated exhibits were revised by Charlotte County staff.

3. Amendment 23LAD-00000-00001 is hereby adopted.

4. All other terms and conditions of the Sandhill DO not amended by this resolution shall remain unchanged and in full force and effect.

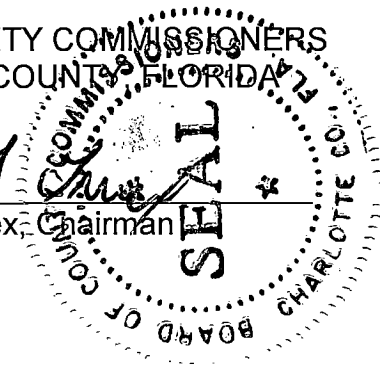
5. Severability. If any section, subsection, clause, phrase, or provision of this Resolution is for any reason held invalid or unconstitutional by any court or body of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Resolution invalid or unconstitutional.

6. Effective Date. This revisions to the Sandhill Development of Regional Impact (DRI) Development Order, Petition Number 23LAD-00000-00001 shall become effective as provided by law.

PASSED AND DULY ADOPTED this 13th day of June, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: William G. Truex
William G. Truex, Chairman



ATTEST:

Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk of the
Board of County Commissioners

By: Roger D. Eaton
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR 2023-0145

Legal Description for the Sandhill DRI

EXHIBIT A

All of Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, LESS therefrom the following:

1. A parcel of land in said Section 6, Township 40 South, Range 23 East, being more particularly described as follows: Begin at the Northeast corner of said Section 6, the same being the Northeast corner of Lot 1, THE LINKS, according to the Plat thereof as recorded in Plat Book 15, at Page 18A, of the Public Records of Charlotte County, Florida; thence N89°30'39"W. [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the North line of said Section 6 and along the North boundary of said plat of THE LINKS for 2661.15 feet; thence S00°07'52"W along the West line of Lot 26 of THE LINKS subdivision and along its northerly extension for 320.00 feet to the Southwest corner of said Lot 26; thence S89°30'39"E along the South boundary of the aforementioned plat of THE LINKS for 2661.22 feet to an intersection with the East line of the Northeast 1/4 of said Section 6; thence N0°16'25"E along the last described East line for 320.00 feet to the POINT OF BEGINNING.

2. The existing right-of-ways (either deeded by separate instrument or dedicated by prescriptive rights) of Interstate 75, Kings Highway, and Peachland Boulevard that lies within the above mentioned Section 6. Subject to two existing Florida Power and Light Easements recorded in Deed Book 6, Page 104, and Official Records Book 350, Page 128, both of the Public Records of Charlotte County, Florida.

AND

The North 901.25 feet of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, bounded on the West by the D.O.T. Easterly Right-of-Way of Kings Highway and bounded on the East by the D.O.T. Westerly Right-of-Way of Interstate 75, as shown on the Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404. Subject to maintained Right-of-Ways for Kings Highway and Peachland Boulevard.

AND

That portion of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, lying West of Kings Highway and South of Peachland Boulevard, LESS the following described parcel: COMMENCE at the Southwest corner of Section 7, Township 40 South, Range 23 East; thence N0°12'18"E [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the West line of said Section 7 for 2971.01 feet; thence S89°47'42"E for 863.64 feet to the POINT OF BEGINNING of the herein described parcel; thence S2°27'18"W for 450.35 feet; thence S89°47'44"E for 401.03 feet to the centerline of Kings Highway; thence N8°36'56"E along the centerline of Kings Highway for 454.89 feet; thence N89°47'42"W for 209.87 feet; thence N0°12'18"E for 571.24 feet; thence N89°47'42"W for 217.56 feet; thence S2°27'18"W for 571.68 feet to the POINT OF BEGINNING.

AND

A parcel of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida, more particularly described as follows: Commence at the Northwest corner of said Section 7, Township 40 South, Range 23 East; thence run S89°40'59"E [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (1-75), Section 01075-2404] along the North line of said Section 7 for 1694.45 feet to a point of intersection with the Northerly Right-of-Way line of Peachland Boulevard as shown on the aforementioned Right-of-Way Maps, said point being the POINT OF BEGINNING



of the herein described parcel; thence continue S89°40'59"E along the last described North line for 296.33 feet to an intersection with the Westerly Right-of-Way line of Kings Highway; thence along the Westerly Right-of-Way line of Kings Highway for the following three (3) described courses: (1) S36°54'32"W for 44.03 feet; (2) S53°05'20"E for 10.00 feet; (3) S36°54'32"W for 120.00 feet; thence N53°05'28"W for 205.01 feet; thence S36°54'32"W for 10.00 feet to a point on a circular curve concave to the Southwest, said point bearing N36°54'32"E from the center of said curve; thence Northwesterly along the arc of said curve having a radius of 350.00 feet and a central angle of 6°50'00" for 42.93 feet to the POINT OF BEGINNING. Subject to Right-of-Way for Peachland Boulevard.

AND

Commence at the Southwest corner of Section 7, Township 40 South, Range 23 East. Thence North 00° 04' 11" West, along the West line of Section 7, 2,971.01 feet; Thence North, 89° 55' 49" East, 863.64 feet to the Point of Beginning; Thence North, 02° 10' 49" East, 571.68 feet; Thence North, 89° 55' 49" East, 217.56 feet; Thence South, 00° 04' 11" East, 571.24 feet; Thence, South, 89° 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.

Less and except:

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE S 89°20'10" E, ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE S 89°20'10" E, ALONG SAID SOUTH LINE, A DISTANCE OF 482.57 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF KINGS HIGHWAY; THENCE N 18°16'41" E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 645.79 FEET; THENCE N 53°28'53" W, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 356.03 FEET; THENCE N 21°18'14" W, A DISTANCE OF 26.58 FEET; THENCE N 89°20'10" W, A DISTANCE OF 69.75 FEET; THENCE N 47°04'08" W, A DISTANCE OF 26.21 FEET; THENCE N 00°37'29" E, A DISTANCE OF 119.38 FEET; THENCE S 89°22'31" E, A DISTANCE OF 65.00 FEET; THENCE N 00°37'29" E, A DISTANCE OF 161.86 FEET; THENCE S 89°18'10" E, A DISTANCE OF 489.36 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS POINT LIES N 73°51'18" W, A DISTANCE OF 3091.90 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 05°04'49" A DISTANCE OF 274.16 FEET TO A POINT OF NON-TANGENCY; THENCE N 79°23'08" W, A DISTANCE OF 54.37 FEET; THENCE S 83°49'54" W, A DISTANCE OF 69.10 FEET; THENCE N 79°48'37" W, A DISTANCE OF 129.54 FEET; THENCE S 41°38'29" W, A DISTANCE OF 39.22 FEET; THENCE N 89°18'10" W, A DISTANCE OF 434.36 FEET; THENCE S 00°41'50" W, A DISTANCE OF 259.98 FEET; THENCE N 89°18'10" W, A DISTANCE OF 83.59 FEET; THENCE S 00°39'50" W, A DISTANCE OF 74.48 FEET; THENCE S 45°25'54" W, A DISTANCE OF 63.90 FEET; THENCE N 89°48'02" W, A DISTANCE OF 75.47 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF LOVELAND BOULEVARD; THENCE S 00°11'58" W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1027.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 748,523 SQUARE FEET (17.18 ACRES).

