

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

COMMISSION MINUTES

Department of Community Affairs  
Community Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

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

**Re: Resolution #2003-028  
Charlotte County Board of County Commissioners**

Dear Sirs:

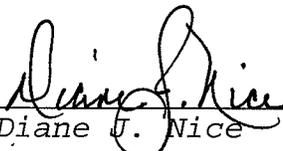
The above-referenced resolution was adopted by the Board of County Commissioners on Tuesday, February 11, 2003, during the Land Development portion of the meeting. Pursuant to paragraph 7, enclosed is a certified copy of the resolution.

Should you need further assistance, please do not hesitate to contact me at 941/743-1403.

Sincerely,

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

By

  
Diane J. Nice  
Deputy Clerk

Enclosure

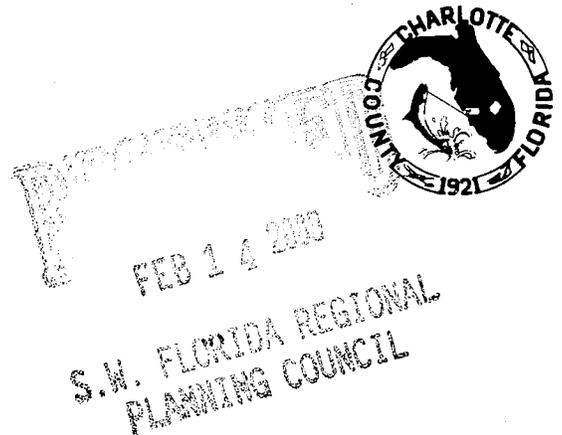
Certified Mail Nos.

7002 2030 0002 5217 5114 - DCA

7002 2030 0002 5217 5121 - RPC

Return Receipt Requested

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RESOLUTION  
NUMBER 2003- 028

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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 CONSOLIDATE CERTAIN PARCELS, REDUCE RESIDENTIAL UNITS, INCREASE LAKE, MITIGATION AND PRESERVATION ACREAGE, AND INCREASE COMMERCIAL SQUARE FOOTAGE ON CERTAIN PARCELS; 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:   
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, Resolution 2002-064 on May 28, 2002, and Resolution 2002-~~164~~<sup>135</sup> on November 12, 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, James E. Moore, III, as Successor Trustee under an unrecorded Trust Agreement dated May 27, 1981, and known as the Sabbia & Monti Trust ("the Applicant"), has requested the Board consider additional amendments to the Sandhill DRI Development Order to consolidate Parcels R-1, R-2 and R-3 into new Parcel R-1, reduce residential units on the new Parcel R-1, increase lake, mitigation and preservation acreage, consolidate Parcel C-16 and C-17, and increase commercial square footage in Tract 1 and Tract 3, all in the Sandhill DRI property, in Applicant's Petition #NOPC-02-12-03 ("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 subsequent resolutions of the Board of County Commissioners, to revise the land uses as follows: reduce residential units from 4,022 on 273.3 acres to ~~3,608~~ **2,496** on ~~481.12~~ **125.8** acres; increase the commercial from 946,000 gross square feet on 180.3 acres to 1,606,000 **1,965,800** gross square feet of commercial retail use on ~~497.2±~~ **240 +/-** 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 50.18 **50.2** acres, decrease ~~increase~~ the lake area from ~~73 acres~~ to 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.

2. Condition 12, Subsection (g), of Paragraph J., entitled Transportation, of Resolution 86-230, as amended, is hereby further amended as follows (additions **bold double underlined**, deletions ~~stricken~~):

J. Transportation

Condition 12. 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 allowed access in compliance with the Charlotte County Access Management Ordinance; **Parcel C-25 shall not have direct access onto Loveland Boulevard.**

3. Subsection (1) of Paragraph K., entitled Master Concept Plan, of Resolution 86-230, as amended, is hereby further amended as follows (additions **bold double underlined**, deletions ~~stricken~~):

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 Revised Map H **November, 2002**, 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.

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

5. 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.

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

7. 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 11th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer  
Matthew D. DeBoer, Chair

ATTEST:

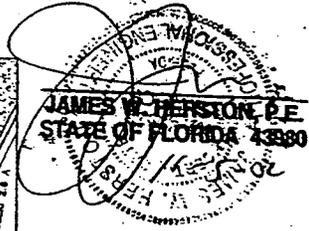
Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By Christine J. Rice  
Deputy Clerk

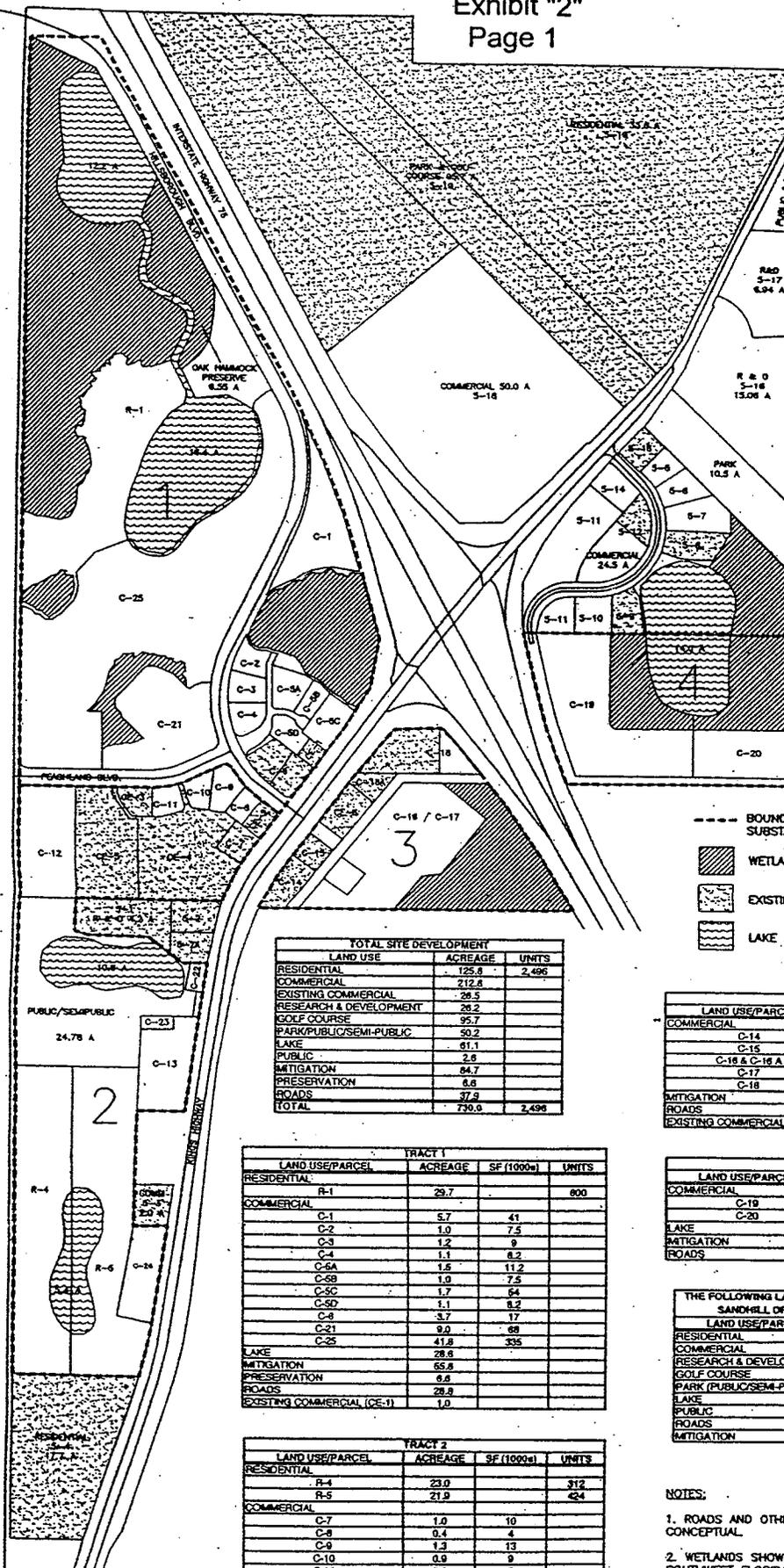
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

Renee Francis Lee  
Renee Francis Lee, County Attorney *RF*

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James Moore.Sandhill DRI  
LR02-88



REVISED MAP H  
NOVEMBER 2002



- BOUNDARY OF PREVIOUSLY APPROVED SUBSTANTIAL DEVIATION, TRACTS 1-4.
- [Hatched Pattern] WETLAND, MITIGATION, AND PRESERVE AREAS
- [Dotted Pattern] EXISTING DEVELOPMENT AREAS
- [Wavy Pattern] LAKE AREAS

TOTAL SITE DEVELOPMENT		
LAND USE	ACREAGE	UNITS
RESIDENTIAL	125.8	2,496
COMMERCIAL	212.8	
EXISTING COMMERCIAL	28.5	
RESEARCH & DEVELOPMENT	29.2	
GOLF COURSE	95.7	
PARK/PUBLIC/SEMI-PUBLIC	50.2	
LAKE	61.1	
PUBLIC	2.6	
MITIGATION	84.7	
PRESERVATION	8.6	
ROADS	37.9	
TOTAL	730.0	2,496

TRACT 3		
LAND USE/PARCEL	ACREAGE	SF (1000s)
COMMERCIAL		
C-14	2.0	20
C-15	1.5	15
C-16 & C-16 A	12.0	132.0
C-17	3.0	30
C-18	5.0	50
MITIGATION	7.9	
ROADS	3.5	
EXISTING COMMERCIAL (CE-9)	1.8	

TRACT 1			
LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL	29.7		600
R-1			
COMMERCIAL			
C-1	5.7	41	
C-2	1.0	7.5	
C-3	1.2	9	
C-4	1.1	8.2	
C-6A	1.5	11.2	
C-6B	1.0	7.5	
C-6C	1.7	14	
C-6D	1.1	8.2	
C-8	3.7	17	
C-21	9.0	69	
C-25	41.8	335	
LAKE	28.8		
MITIGATION	65.6		
ROADS	6.6		
PRESERVATION	28.9		
EXISTING COMMERCIAL (CE-1)	1.0		

TRACT 4		
LAND USE/PARCEL	ACREAGE	SF (1000s)
COMMERCIAL		
C-19	14.6	161
C-20	5.0	50
LAKE	6.2	
MITIGATION	11.6	
ROADS	3.8	

THE FOLLOWING LAND USES ARE NOT PART OF THIS SANDHILL OR SUBSTANTIAL DEVIATION		
LAND USE/PARCEL	ACREAGE	UNITS
RESIDENTIAL	51.3	1,180
COMMERCIAL	79.5	
RESEARCH & DEVELOPMENT	29.2	
GOLF COURSE	95.7	
PARK (PUBLIC/SEMI-PUBLIC)	35.4	
LAKE	10.1	
PUBLIC	2.6	
ROADS	1.8	
MITIGATION	9.5	

TRACT 2			
LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL			
R-4	23.0		312
R-5	21.9		424
COMMERCIAL			
C-7	1.0	10	
C-8	0.4	4	
C-9	1.3	13	
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	
C-24	3.8	30.4	
LAKE	16.2		
PUBLIC/SEMI-PUBLIC	24.8		
EXISTING COMMERCIAL	22.9		

NOTES:

1. ROADS AND OTHER IMPROVEMENTS ARE CONCEPTUAL.
2. WETLANDS SHOWN ARE BASED ON THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT MASTER DRAINAGE PERMIT. (MSW 492947.049).
3. ALL PARCELS NOT INCLUDED IN THE MOST RECENTLY APPROVED SUBSTANTIAL DEVIATION, WERE ASSIGNED TO TRACT "5". 19 PARCELS WERE ASSIGNED TO TRACT 5 (PARCELS 5-1 THRU 5-19).
4. THIS MAP WAS ORIGINALLY PREPARED BY WANKLEMAN & ASSOCIATES AND HAS BEEN REPRODUCED WITH THE PERMISSION OF WARREN WANKLEMAN.

REVISION NOTES:

1. PROPOSED 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.