

City
Rec #14 D.

RESOLUTION
NUMBER 2006- 026

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 COMMERCIAL ACREAGE, CREATE PARCEL 5-19A, REALLOCATE 3,500 SQUARE FEET OF COMMERCIAL RETAIL FROM TRACT 5 TO PARCEL 5-19A, RESTRICT THE USE OF PARCEL 5-19A AND ADOPT A REVISED MAP H DATED JANUARY 10, 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 ± 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

IMAGED



ownership lines for parcels existing in the Sandhill Development of Regional Impact in Applicant's Petition #NOPC-05-12-83 ("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 commercial 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 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 for the Parcel identified as 5-19A on the Sandhill Master Development Plan (Revised Map H dated January 10, 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 730.30 ~~+ 730 ±~~ 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 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 ±~~ 240.3 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. Subsections (1) and (1)(a) of Paragraph K are hereby further amended as follows:

(1) The Sandhill DRI Master Concept Plan is approved for ~~Tracts 1, 2, 3 and 4~~ and is attached and incorporated herein as Exhibit "A", page 1 Revised Map H ~~November, 2002~~ January 10, 2006. Attachment "B" as incorporated into Resolution #86-230 is hereby null and void ~~as to Tracts 1, 2, 3 and 4~~.

(a) Condition 13 in Resolution #86-230 is hereby eliminated and replaced by the following:

Condition 13, changes to the PD-Concept Plan, for the parcels listed on Exhibit "2", page 1 and for the Parcel identified as 5-19A on the Sandhill Master Development Plan (Revised Map H dated January 10, 2006), as amended. All commercial areas are to be restricted to uses permitted in the CG (Commercial, General Classification) of the Charlotte County Zoning Regulations and all listed special exceptions, excluding multi-family, schools

and flea markets, and billiard parlors and game arcades, in effect as of the date of Development Review Committee site plan approval, with the exception of Parcel 5-19A which shall be restricted to uses permitted in the CN (Commercial, Neighborhood Classification) of the Charlotte County Zoning Regulations, in effect as of the date of Development Review Committee site plan approval, and adding as a use "automotive convenience maintenance service" to the commercial general areas which would include; cleaning windshields, checking tire pressure, filling the fluid reservoirs and batter, changing lubricants and filters and replacing bulbs and other items that require periodic maintenance.. The uses permitted are subject to the following requirements:

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

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

By: Paul Manley
Deputy Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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

RB
LR 2006-135

James W. Herston
JAMES W. HERSTON, P.E.
 STATE OF FLORIDA 43980
 2-10-06

REVISED MAP H
JANUARY 10, 2006

--- 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

* THE NEWPORT PROJECT PER CHARLOTTE COUNTY RESOLUTION 87-107 & PD-80-4A-1

** 5-19A SIZE IS 0.3 ACRES COMMERCIAL SQUARE FOOTAGE ALLOCATION TO 5-19A IS 3,500 SF

TOTAL SITE DEVELOPMENT

LAND USE	ACREAGE	UNITS
RESIDENTIAL	125.7	2,496
COMMERCIAL	213.1	
EXISTING COMMERCIAL	26.5	
RESEARCH & DEVELOPMENT	26.2	
GOLF COURSE	95.7	
PARK/PUBLIC/SEM-PUBLIC	50.2	
LAKE	61.1	
PUBLIC	2.8	
MITIGATION	84.7	
PRESERVATION	6.6	
ROADS	37.9	
TOTAL	730.3	2,496

TRACT 1

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-1	29.7		600
COMMERCIAL C-1	5.7	41	
C-2	1.9	11.0	
C-3	1.2	10	
C-4	1.1	8.2	
C-5A	1.5	11.2	
C-3R	1.0	7.6	
C-5C	1.7	94	
C-5D	1.1	5.2	
C-6	3.7	17	
C-21	9.0	63.5	
C-22	41.8	335.0	
LAKE	28.8		
MITIGATION	55.8		
PRESERVATION	8.6		
ROADS	29.8		
EXISTING COMMERCIAL (CE-1)	1.9		
TOTAL	219.7	587	600

THE FOLLOWING LAND USES ARE NOT PART OF THIS MAP DUE TO SUBSTANTIAL DEVIATION

LAND USE/PARCEL	ACREAGE	UNITS
RESIDENTIAL	51.3	1,160
COMMERCIAL	78.6	
RESEARCH & DEVELOPMENT	26.2	
GOLF COURSE	95.7	
PARK/PUBLIC/SEM-PUBLIC	25.4	
LAKE	10.1	
PUBLIC	2.8	
ROADS	1.8	
MITIGATION	9.5	
TOTAL	301.2	1,160

TRACT 2

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-4	20.9		438
R-5	24.0		300
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	78	
C-13	5.0	40	
C-22	0.5	5	
C-23	0.5	5	
C-24	3.8	30.4	
LAKE	15.2		
PUBLIC/SEM-PUBLIC	24.9		
EXISTING COMMERCIAL	23.9		
TOTAL	131.4	199	730

TRACT 3

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
COMMERCIAL C-14A		8.0	
C-14	2.0	6.8	
C-15	1.5	3.0	
C-16A	0.68	1.8	
C-18B, C-18C, C-18F, C-17	2.51	50.1	
C-18D	3.79	58.0	
C-18E	1.13	12.0	
C-18A	3.91	10,175	
C-18B	2.29	39,825	
MITIGATION	7.9		
ROADS	3.5		
EXISTING COMMERCIAL (CE-6)	1.6		
TOTAL	37.4	228	

TRACT 4

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
COMMERCIAL C-19A	5.6	43	
C-19B	5.0	89	
C-20	9.0	89	
LAKE	8.2		
MITIGATION	11.6		
ROADS	3.8		
TOTAL	41.2	211	0

NOTES:

- ROADS AND OTHER IMPROVEMENTS ARE CONCEPTUAL.
- WETLANDS SHOWN ARE BASED ON THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT MASTER DRAINAGE PERMIT. (NSW 492947,048)
- ALL PARCELS NOT INCLUDED IN THE MOST RECENTLY APPROVED SUBSTANTIAL DEVIATION, WERE ASSIGNED TO TRACT "5". 26 PARCELS WERE ASSIGNED TO TRACT 5 (PARCELS 5-1 THROUGH 5-19, INCLUDING PARCELS 5-16A, 5-16B, 5-19A, 5-19B, 5-19C, 5-19D, 5-19E, 5-19F & 5-19G).
- THIS MAP WAS ORIGINALLY PREPARED BY WANKLEMAN & ASSOCIATES AND HAS BEEN REPRODUCED WITH THE PERMISSION OF WARRFEN

IMAGED
 3-6-06
 APD

REVISION NOTES:

- PROPOSED JULY 2002 REVISIONS:
 - TRACT 1: REVISED PARCELS, LAKES, & WETLANDS.
 - TRACT 3: REVISED PARCEL C-16 & REMOVED WETLAND.
 - TRACT 4: REVISED PARCEL C-19 & INCREASED WETLAND.
- PROPOSED JANUARY 2006 (NOPC-051283) REVISIONS:
 - SUBDIVIDED C-16, C-17, C-18, C-19, C-20, NEWPORT GOLF COURSE & RESIDENTIAL AREAS TO CORRECT PROPERTY OWNERSHIP BOUNDARIES.
- ADDED PARCEL 5-19A.