

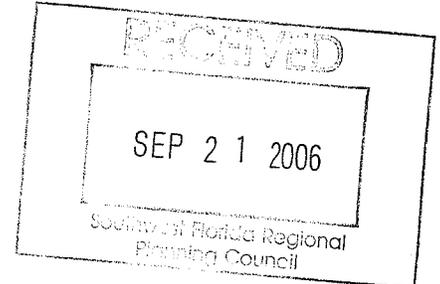
**BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT**



COMMISSION MINUTES

September 20, 2006

Daniel L. Trescott  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901



We are forwarding a certified copy of Resolution #2006-173 as required within the Resolution per item 6, on page 4. This Resolution was approved by the Board of Charlotte County Commissioners on Tuesday, September 19, 2006.

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. Pfahler  
Anne L. Pfahler  
Deputy Clerk

Enclosure (1)  
BTS/alp

**RESOLUTION  
NUMBER 2006- 173**

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**A RESOLUTION AMENDING RESOLUTION #86-230, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER AS AMENDED BY RESOLUTIONS #92-285, #93-59 AND #97-0610AO, #2002-064, #2002-178, #2003-028, #2006-026 and #2006-027; 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 passed and approved a Resolution constituting the Sandhill DRI Development Order; and

WHEREAS, On September 9, 1986, the Charlotte County Board of County Commissioners passed and approved Resolution #86-230, which replaced the original development order.

WHEREAS, The Sandhill DRI Development Order was amended by Charlotte County 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

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

BY: *Ann S. Beukler*  
DEPUTY CLERK

on May 21, 1991, and by Resolution #91-123 on June 18, 1991.

WHEREAS, A second substantial deviation amendment was passed and approved by Charlotte County Resolution #92-285 on December 15, 1992.

WHEREAS, The substantial deviation Resolution #92-285 was amended by Resolution #93-59 on May 4, 1993, Resolution #97-0610AO on July 15, 1997 and Resolutions 2002-064 on May 28, 2002, 2002-178 on November 12, 2001, 2003-028 on February 11, 2003, and Resolution 2006-026 on January 23, 2006, and Resolution 2006-027 on February 21, 2006.

WHEREAS, The Southwest Florida Regional Planning Council reviewed and considered the 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.

WHEREAS, The Charlotte County Planning and Zoning Board has reviewed and considered petition #NOPC-06-04-25 and also recommends approval finding that this is not a substantial deviation.

WHEREAS, The Board of County Commissioners has reviewed and considered the amendments requested by the Trinity Property Group LLC and finds that they are consistent with the Charlotte County Comprehensive Plan and with the previously approved Sandhill DRI Development Order and also finds that pursuant to F.S. §380.06(19) they 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 (7<sup>th</sup>) "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 July 14, 2006, 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~~±~~ 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 451.9 **133.77** acres; increase the commercial from 1,965,800 gross square feet on 204.2~~±~~ acres to 1,965,800 gross square feet of commercial retail use on 240.3 **242.91** 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 ~~52.78±~~ **50.18** 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 will be reduced from 95.7~~±~~ acres to **84.09±** acres, ~~the public area and the road areas remain the same at~~ **37.9±** acres. 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 development order.

4. All other terms and conditions of the development order, 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 a certified copy of this resolution and its attachments to Thomas Tumminia, Florida Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and 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 19 day of September, 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: Anne L. Pfahler  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

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

RB  
LR 2006-476

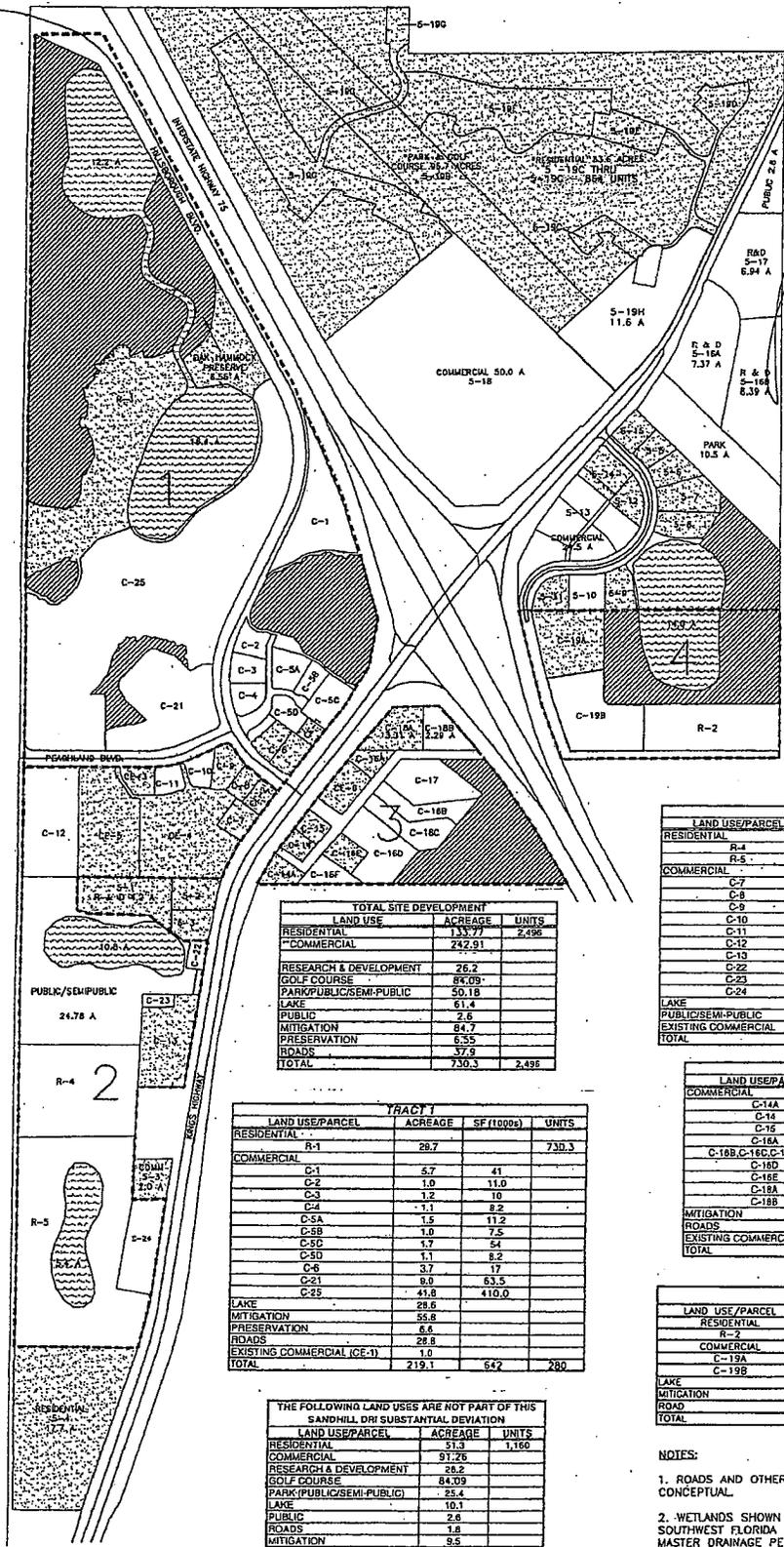
EXHIBIT  
7/17/06

*[Signature]*  
Bartley E. Arlington, PE  
License No. 54766

REVISED MAP H  
JULY 14, 2006

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

\* "THE NEWPORT" PROJECT PER CHARLOTTE COUNTY RESOLUTION B7-107 & 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	133.77	2,296
COMMERCIAL	242.91	
RESEARCH & DEVELOPMENT	26.2	
GOLF COURSE	84.09	
PARK/PUBLIC/SEMI-PUBLIC	50.18	
LAKE	61.4	
PUBLIC	2.6	
MITIGATION	84.7	
PRESERVATION	6.55	
ROADS	37.9	
TOTAL	730.3	2,496

**TRACT 1**

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-1	28.7		730.3
COMMERCIAL C-1	5.7	41	
C-2	1.0	11.0	
C-3	1.2	10	
C-4	1.1	8.2	
C-5A	1.5	11.2	
C-5B	1.0	7.5	
C-5C	1.7	54	
C-5D	1.1	8.2	
C-6	3.7	17	
C-21	0.0	63.5	
C-25	41.8	410.0	
LAKE	23.8		
MITIGATION	55.8		
PRESERVATION	6.6		
ROADS	28.8		
EXISTING COMMERCIAL (CE-1)	1.6		
TOTAL	219.1	642	280

**TRACT 2**

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-4	20.9		456
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	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	23.9		
TOTAL	131.4	198	736

**TRACT 3**

LAND USE/PARCEL	ACREAGE	SF (1000s)
COMMERCIAL C-14A		8.0
C-14	2.0	6.8
C-15	1.5	3.0
C-16A	0.89	1.9
C-16B, C-16C, C-16F, C-17	9.51	96.1
C-18D	3.79	36.0
C-16E	1.13	12.0
C-18A	3.31	10.175
C-18B	2.29	39.825
MITIGATION	7.5	
ROADS	2.5	
EXISTING COMMERCIAL (CE-8)	1.6	
TOTAL	37.4	228

**TRACT 4**

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-2	9.0		320
COMMERCIAL C-19A	5.6	43	
C-19B	5.0	50	
LAKE	6.2		
MITIGATION	11.8		
ROAD	3.8		
TOTAL	41.2	91	320

**THE FOLLOWING LAND USES ARE NOT PART OF THIS SANDHILL DRI SUBSTANTIAL DEVIATION**

LAND USE/PARCEL	ACREAGE	UNITS
RESIDENTIAL	51.3	1,160
COMMERCIAL	97.26	
RESEARCH & DEVELOPMENT	26.2	
GOLF COURSE	84.09	
PARK/PUBLIC/SEMI-PUBLIC	10.1	
LAKE	2.6	
PUBLIC	1.8	
ROADS	1.8	
MITIGATION	9.5	
TOTAL	301.2	1,160

**REVISION NOTES:**

1. PROPOSED JULY 2002 REVISIONS:
  - A. TRACT 1: REVISED PARCELS, LAKES, & WETLANDS.
  - B. TRACT 3: REVISED PARCEL C-15 & REMOVED WETLAND.
  - C. TRACT 4: REVISED PARCEL C-19 & INCREASED WETLAND.
2. PROPOSED JANUARY 2006(NOPC-051283) REVISIONS:
  - A. SUBDIVIDED C-16, C-17, C-18, C-20, "NEWPORT GOLF"
3. PROPOSED JANUARY 2006(NOPC-051284) REVISIONS:
  - A. REALLOCATED COMMERCIAL S.F. & RESIDENTIAL UNITS BETWEEN EXISTING TRACTS 1 & 4
    1. TRANSFERRED 320 RESIDENTIAL UNITS FROM R-1(TRACT 1) TO R-2(TRACT 4).
    2. TRANSFERRED 75,000 SF OF COMMERCIAL FROM R-2(TRACT 4) TO C-21 & C-25 (TRACT 1).
4. ADDED PARCEL 5-19A.
5. ADD COMMERCIAL PARCEL 5-19H. REMOVE PARCEL 5-19D.
6. JULY 14, 2006 - REVISE ACREAGES.

**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". 26 PARCELS WERE ASSIGNED TO TRACT 5 (PARCELS 5-1 THRU 5-19, INCLUDING PARCELS 5-16A, 5-16B, 5-19A, 5-19B, 5-19C, 5-19D, 5-19E, 5-19F & 5-19G).
4. THIS MAP WAS PROVIDED BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL FROM MAP H DATED JANUARY 11, 2006 AND REVISED BY JOHNSON ENGINEERING.

J:\20060000\20066142\map\20066142-H map.dwg (MAP H 07-14-06) Job Jul 17, 2006 - 9:59am