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A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF  
CHARLOTTE COUNTY PERTAINING TO A CHANGE IN PLAN  
DEVELOPMENT ZONING FOR SANDHILL PROPERTIES AND CLARIFYING  
APPLICATION FOR DEVELOPMENT APPROVAL FOR THIS DEVELOPMENT  
OF REGIONAL IMPACT.

FILE 86-786628

OR 882 PG 1483

WHEREAS, a Development Order for a Development of Regional Impact was issued for the original Sandhill Properties Planned Development (PD-80-4) on February 17, 1981, pursuant to section 380.06, Florida Statutes, and it has been determined that the changes to this development requested by Sandhill Properties, Inc., constitute a Substantial Deviation from the approved Development of Regional Impact, and a Substantial Deviation Application For Development Approval ("ADA") was submitted by Sandhill Properties, Inc., on September 30, 1985 as well as two supplemental sufficiency statements; and,

WHEREAS, Sandhill Properties, Inc., has requested a rezoning (PD-86-143) from PD-Multi-Family-Industrial (planned development) (PD-80-4) to PD-Multi Family-Commercial (planned development), pursuant to section 7.19.4 of the Charlotte County Zoning Regulations, on the Sandhill Properties as described on Attachment A to be completed in four phases as described in Attachment B; and,

WHEREAS, as used herein, the terms "applicant" or "developer" are defined as the present owners of Sandhill Properties, their heirs and assigns and all conditions and requirements of this Development Order and PD approval shall run with the land; and

WHEREAS, the Board of County Commissioners of Charlotte County has considered the Development of Regional Impact Assessment For Sandhill Properties issued by the Southwest Florida Regional Planning Council on July 18, 1986 including staff reports and support data, the recommendations of the Development Review Committee, the local planning agency, the Planning and Zoning Board, and the comments of all concerned; and,

WHEREAS, the Board of County Commissioners of Charlotte County has adopted Ordinance No. 86-28, known as the "Impact Fee Ordinance of 1986" which requires new development to contribute its proportionate share of the funds, land or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development and for which the need is reasonably attributable to the proposed development; and,

WHEREAS, the public notice and hearing requirements of the Charlotte County Zoning Regulations and section 380.06, F.S., have been met;

" " NOW, the Board of County Commissioners of Charlotte County, having heard upon due notice at a public hearing convened on the 19th. of August, 1986, and continued to the 9th. of September, 1986, the PD rezoning request (86-143) and the "ADA" submitted by Sandhill Properties, Inc., makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Sandhill Properties, as described in Attachment A, is not in an Area of Critical State Concern designated pursuant to the provisions of section 380.05, F.S.

2. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State Land Development Plan applicable to Charlotte County.

3. The granting of the requested PD zoning for development as described in the Concept Plan submitted by the applicant as described in Attachments A and B with accompanying maps and development time schedule is consistent with the Local Land Development Regulations, and the Local Comprehensive Plan subject to the reassessment of transportation impacts to be conducted prior to approval of any land uses indicated in the ADA for phases III or IV.

4. The granting of the requested PD rezoning for the development and the preliminary approval of the development itself are consistent with the report and recommendation of the Regional Planning Council submitted pursuant to Chapter 380, F.S., provided that certain conditions as specified herein are established for the approval of the Detail Plan and Development Plan required by the Charlotte County Zoning Regulations prior to proceeding with the development of PD properties.

5. Section 9.5 of the Charlotte County Zoning Regulations requires final development plan approval by the Board of County Commissioners prior to the issuance of construction or other permits by Charlotte County consistent with the concept plan and conditions attached hereto and establishes standards and requirements for the approval of a final development plan.

6. The following are capital improvements and right of way dedications which do not meet the same needs as the impact fee and are "site related improvements" as defined in section 9(17) of Charlotte County Ordinance No. 86-28 defining and imposing impact fees and, therefore, pursuant

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to that Ordinance, no credit shall be given for the developer's contribution for these improvements:

a. based on the analysis of the transportation improvements projected to be required to accommodate development traffic on the regional and local traffic system as indicated on pages I-15 through I-34 of the Regional Planning Council's ("RPC") Assessment of the Sandhill Development of Regional Impact Application For Development Approval and in the June, 1986 report of the consultant to the Charlotte County Engineering Department, Sandhill Properties Transportation Impact on Charlotte County Roads contained at pages VII-1 through VII-25 of the RPC's Assessment, the following offsite facilities are necessary to provide safe and adequate services to the development, and it shall be the responsibility of the developer to provide a capital contribution herein for these improvements as a condition precedent to detail plan and development plan approval:

(1) Signalization, turn lanes, and other intersection improvements that may be required as determined by the County Engineer at the DRI access intersections on to King's Highway and Kenilworth-Hillsborough shall be the full responsibility of the developer throughout the life of the project.

(2) The rerouting of Sandhill Boulevard (East Peachland Boulevard)\* and the construction of the left turn lane on King's Highway required by 1990 for access to the north quadrant, as well as any other signalization, turn lane, and other intersection improvements that may be required at Sandhill Boulevard and King's Highway as determined by the County Engineer, shall be the full responsibility of the developer throughout the life of the project.

(3) Any other improvements required at the projects access points as determined by the County Engineer shall be the full responsibility of the developer throughout the life of the project.

7. If municipal service taxing units ("MSTU's") are established by December 31, 1986, pursuant to section 125.01(1)(q), F.S. for the whole project area to fund specified capital and maintenance costs for essential facilities and municipal services to be provided to Sandhill Properties, then the revenues from such MSTU's may be used in lieu of capital contributions or

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\*Roads identified as East Peachland and West Peachland Boulevards in the RPC Assessment have been identified herein as Sandhill Boulevard and Peachland Boulevard respectively to reflect their current names.

maintenance payments that are correspondingly specified to be the obligation of the applicant or developer under the terms of this Development Order; these would include site related road, intersection and signalization improvements as defined in paragraph 6 above or other facilities and services as defined in section 125.01(1)(q), F.S., and may include an MSTU for maintenance of on-site collectors when constructed to County standards.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida: OR 882 PG 1486

In public meeting, duly constituted and assembled September 9, 1986, that the Substantial Deviation Development of Regional Impact Application for Development Approval submitted by Sandhill Properties, Inc., and the requested PD-rezoning and amended concept plan are hereby ordered approved subject to the requirements of the Charlotte County Zoning and Subdivision Regulations and subject to the following further conditions:

1. All commitments made by the applicant in the Sandhill Properties Substantial Deviation Application for Development Approval dated September 30, 1985, and Supplemental Sufficiency documents are incorporated by reference as conditions of this Development Order, to the extent that they are not inconsistent with the specific terms and conditions of this Order.

2. DRAINAGE/WATER QUALITY: The RPC Assessment finds that the applicant has proposed a surface water management system that should not negatively impact regional water resources. The ADA has indicated that a final decision regarding the discharge routing of Basin C has not been made to date. The applicant has committed to perform a detailed survey and analysis of downstream discharge capabilities prior to any preliminary drainage plans being submitted to Charlotte County for development approval. The eventual receiving waters for stormwater drainage is the Charlotte Harbor Aquatic Preserve.

Condition:

a) To insure that the surface water management system functions properly throughout all phases of the development and that designed and approved water control elevations are proper, the applicant shall implement an ongoing maintenance, monitoring, and sampling program; the applicant shall submit a plan for this program to the Charlotte County Engineering Department and Planning Department for review and approval within 90 days of the effective date of this Development Order; copies of all contracts in connection with such program shall be submitted to the County,

Southwest Florida Water Management District, Florida Department of Environmental Regulation and Southwest Florida Regional Planning Council for review and approval. If an appropriate MSTU for this purpose is established by December 31, 1986, funds from it may be used for this program.

b) The applicant shall coordinate with Charlotte County and with the Florida Department of Environmental Regulation ("FDER") for the provision of temporary transfer/storage facilities to accommodate all special and hazardous wastes, as classified by FDER, that are generated by the development.

c) Prior to any individual development plans being submitted to Charlotte County for preliminary or final approvals, the following must be completed:

1. Detailed survey, design, and analysis of downstream discharge capabilities.

2. Submission of the information and design to the County Engineer for review and approval.

3. Construction of the downstream or other necessary drainage facility.

d) Charlotte County stormwater approval is required before a building permit will be issued; individual sites will not be approved for stormwater until any and all downstream facilities for each basin and subbasin related to that site are in place and certified as proper and functional by an engineer of record registered in the State of Florida.

e) The applicant shall redesign the surface water management lakes within the commercial and research and development land use areas to incorporate a littoral zone of no less than 50% of the total lake surface area.

3. ENERGY: The development as proposed would be an all electric development and would increase the energy demands of the region. The applicant has committed in the ADA to provide a variety of energy conservation measures to reduce the impact of that increased energy demand.

CONDITIONS: As a condition precedent to final detail plan and development plan approval, the applicant shall include the following energy conservation features in the final site plans and architecture for Sandhill Properties:

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a) Provision of a bicycle/pedestrian system connecting land uses, to be placed along arterial and collector roads within the project, which system is to be consistent with Charlotte County requirements, and provision for bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas. OR 882 PG 1488

b) Use of energy-efficient features in window design (e.g. tinting and exterior shading).

c) Reduced coverage by asphalt, concrete, rock, and other similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.

d) Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other in exterior public areas.

e) Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) (as specified in the Water Conservation Act, Chapter 553.14, F.S.)

f) Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.

g) Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas, and placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.

i) Planting of native shade trees for each residential unit.

j) Orientation of structures as possible to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

k) Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.

l) Inclusion of porch/patio areas in residential units .

m) Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for any transit system to serve the project area.

n) Use of operable windows and ceiling fans.

o) Installation of energy-efficient appliances and equipment.

p) There shall be no deed restrictions or covenants that would prevent or unnecessarily hamper any of the conservation efforts.

4. FIRE PROTECTION

Conditions:

a) As a condition precedent to any detail plan and development plan approval, the developer must obtain from the Charlotte County fire official and, if it has not been consolidated with the County, the representative of the Harbour Heights Fire District, certification that the facilities, equipment and full time paid manpower necessary to provide adequate fire protection to the development will be available to service that portion of the development for which approval is sought. In determining whether to issue such certification, a determination shall be made of whether sufficient revenue will be available from the District's special fire assessment, or from any successor fire assessment district in which the development is included, or from an MSTU set up for this purpose to meet the costs of the additional facilities, manpower, and equipment, and in the event projected revenues from the subject development are not sufficient, the developer may enter into an agreement with the County, in a form found to be sufficient by the County Attorney, to contribute the additional funds needed. If the County Impact Fee Ordinance is amended to include a public safety component, the developer shall be subject to that component.

b) Fire sprinklers shall be included in the commercial and research and development areas, and the common areas of the residential buildings.

5. FLOOD PLAIN/HURRICANE EVACUATION:

The project area has a natural elevation above the category 3 storm surge height (19.0 feet MSL). Furthermore, any community/recreation buildings with onsite shelter potential will have a minimum first floor elevation of 20 feet MSL. The potential for onsite public use areas to serve as areawide hurricane evacuation shelter would provide a use of regional benefits:

CONDITION:

a) The applicant shall meet with Charlotte County Disaster Preparedness officials to identify those public areas to be used as shelters.

6. MARKET ANALYSIS OF COMMERCIAL USES AND REGIONAL SHOPPING CENTER

Subsequent to submission of detail plans for any commercial uses in the project, the applicant shall prepare a market analysis and recommendations for the remaining commercial areas designated on Map H in Attachment A, and shall submit the analysis and recommendations to the Planning Director and Zoning

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Director for review. This analysis shall include an inventory of existing and approved commercial space by type of commercial use within designated trade areas and shall relate existing and projected market demand for commercial uses by type to the existing and projected supply of types of commercial uses in those trade areas and, on the basis of this analysis, shall recommend commercial uses for the remaining commercial sites; all subsequent detail plans for commercial uses shall be consistent with the recommendations of this market analysis.

In the event that development plans for Sandhill Properties change to include a single shopping center of 400,000 square feet or more, the applicant shall be required to submit a market analysis that evaluates the center's commercial feasibility, prior to site plan approval. This analysis should include an inventory of existing and approved retail space within designating trade areas, and should relate existing and projected retail market demand to existing and projected retail supply in these trade areas. Charlotte County's review of this market analysis shall include a substantial deviation determination pursuant to Chapter 380.06, F.S.

7. SOLID WASTE: The project will generate about 37.5 tons of solid waste per day at build out, which will place additional demand on the Charlotte County landfill. The increased size of the commercial uses and the addition of a research and development use could generate significant amounts of hazardous wastes.

Condition: As a condition precedent to detail plan and development plan approval, the applicant shall submit to all appropriate local, state and federal agencies for prior approval a plan identifying the proper onsite handling procedures and temporary storage facilities for any potential hazardous waste (including hazardous waste water) that may be generated on site, in accordance with local regional and state hazardous waste programs; this plan shall indicate how the applicant and subsequent tenants will carry out these procedures and maintain these storage facilities.

8. WASTE WATER: The applicant estimates the project will generate about 1.31 million gallons per day of waste water at build out. The applicant has committed not to use septic tanks on the project. The addition of a research and development use and the expansion of the commercial use may change the character of the waste water.



CONDITIONS:

a) Consistent with the original development order, as a condition precedent to detail plan and final development plan approval, the applicant must obtain a letter of commitment to serve the project throughout its life prior to construction of each phase or year.

b) As a condition of detail plan and final development plan approval, the applicant shall indicate how any waste water containing hazardous waste will be segregated from every day waste water.

9. WATER SUPPLY: Total potable water demands for the project will be according to the applicant 1.7 MGD.

CONDITIONS: As a condition precedent to detail plan and development plan approval:

a) The applicant shall demonstrate to Charlotte County and the Southwest Florida Water Management District, through letters of commitment, that adequate water supplies are available for that respective portion of construction throughout the life of the project.

b) The applicant shall demonstrate to Charlotte County that a modification to the existing Consumptive Use Permit has been granted by SWFWMD as stipulated within Chapter 40D-2, F.A.C.

c) The lowest quality of water possible and appropriate shall be utilized for all non-potable water use.

d) Water conservation measures and practices shall be utilized in the Sandhill Properties DRI development. At a minimum, water conservation devices as described within the Water Conservation Act must be used; landscape irrigation shall be restricted to the hours of 5:00 P.M. to 9:00 A.M. after the establishment of landscaping, and non-potable water sources and/or reuse shall be utilized.

10. EDUCATION: The Sandhill Properties Development will add an estimated 1,256 students to the Charlotte County School System, which are expected to enter Charlotte County schools at a fairly constant rate of 83 students per year. The School Board is under contract to purchase an elementary school site at a cost of \$123,800 with a capacity for 600 students that will serve the Sandhill Properties development.

CONDITION: Prior to final building inspection and issuance of Certificate of Occupancy for residential units, the developer shall contribute the sum of \$26, plus 5% for each year payment is made after 1987, per unit to offset the elementary school acquisition costs; this contribution shall be

paid to the Zoning Director. In the event an Impact Fee Ordinance component for schools is established, the developer shall be subject to that component in lieu of this contribution for schools.

11. The developer shall apply to Florida Department of Environmental Regulation for a complex source permit for King's Highway prior to the commencement of Phase IV, if such permit at that time is required.

#### 12. TRANSPORTATION

Due to the difficulty of projecting transportation impacts over a 15-year period in this area where several large projects have been approved in accordance with the RPC recommendations, a re-examination of traffic impacts and a re-evaluation of transportation improvements and commitments as indicated under (b) below are conditions prior to the commencement of Phase III, and there shall be annual monitoring as detailed under (a) below to determine if Level of Service ("LOS") C conditions are being exceeded and the project is utilizing more than 5% of this LOS C capacity, requiring that building permits and certificates of occupancy for the remainder of that phase and future phases not be granted until funding of the needed improvements has been committed and construction commenced.

(a) The applicant shall submit an annual monitoring report, which shall be prepared by the Charlotte County Engineering Department, to the Florida Department of Transportation and the Southwest Florida Regional Planning Council for review. The first monitoring report shall be submitted one year after the issuance of this Development Order and shall be submitted annually until project buildout. The report shall contain traffic counts taken at the access points to the site, traffic counts on the road segments listed below under regional and local roads, and turning movements to each of the intersections listed below under regional and local intersections. The purpose of these annual monitoring reports shall be to indicate when LOS C is expected to be exceeded on impacted roadways and intersections to determine the timing for the initiation of the total improvements, including right of way, signalization, turn lanes, and other improvements deemed necessary, and to provide updated information to more accurately forecast project buildout traffic.

Significantly Impacted Regional Roadways

- (1) King's Highway from U.S. 41 to Harborview Road.
- (2) King's Highway from Midway Boulevard to I-75.
- (3) King's Highway from I-75 to Villages of DeSoto Second Entrance.
- (4) U.S. 41 from SR 776 to Harbor Boulevard.
- (5) U.S. 41 from Harbor Boulevard to the Peace River Bridges.
- (6) Kenilworth-Hillsborough Boulevard from U.S. 41 to Harbor Boulevard.
- (7) Kenilworth-Hillsborough Boulevard from Harbor Boulevard to Loveland Boulevard.
- (8) Kenilworth-Hillsborough Boulevard from Loveland Boulevard to King's Highway.

Significantly Impacted Local Roads

- (1) Peachland Boulevard (West Peachland Boulevard) from Kenilworth Boulevard to Harbor Boulevard.
- (2) Peachland Boulevard (West Peachland Boulevard) from Harbor Boulevard to Loveland Boulevard.
- (3) Peachland Boulevard (West Peachland Boulevard) from Loveland Boulevard to Kenilworth-Hillsborough Boulevard.
- (4) Sandhill Boulevard (East Peachland Boulevard) from King's Highway to Rio De Janerio.
- (5) Midway Boulevard from U.S. 41 to Harbor Boulevard.
- (6) Midway Boulevard from U.S. 41 to Harbor Boulevard.
- (7) Midway Boulevard from Harbor Boulevard to King's Highway.
- (8) Harbor Boulevard from U.S. 41 to Midway Boulevard.
- (9) Harbor Boulevard from Midway Boulevard to Peachland Boulevard (West Peachland Boulevard).
- (10) Harbor Boulevard from Peachland Boulevard (West Peachland Boulevard) to Kenilworth Boulevard.
- (11) Rampart Boulevard from King's Highway to Rio De Janerio

Significantly Impacted Regional Intersections

- (1) King's Highway at Sandhill Boulevard (East Peachland Boulevard).
- (2) King's Highway at Kenilworth Boulevard.
- (3) King's Highway at Rampart Boulevard.

- (4) King's Highway at Midway Boulevard.
- (5) King's Highway at Olean Boulevard. OR 882 PG 1494
- (6) King's Highway at Harborview Road.
- (7) King's Highway at U.S. 41.
- (8) Peachland Boulevard (West Peachland Boulevard) at Kenilworth

Boulevard.

- (9) Kenilworth Boulevard at Harbor Boulevard.
- (10) Kenilworth Boulevard at U.S. 41.
- (11) U.S. 41 at Harborview Road.
- (12) U.S. 41 at Harbor Boulevard.
- (13) I-75 ramps at King's Highway.

Significantly Impacted Local Intersection

(1) Harbor Boulevard at Peachland Boulevard (West Peachland Boulevard).

(2) Peachland Boulevard (West Peachland Boulevard) at Beacon Drive.

(3) Peachland Boulevard (West Peachland Boulevard) at Loveland Boulevard.

The RPC Assessment indicates that construction of the following regional road improvements shall be needed coincident with the development of Sandhill Properties Phase II (1987-1991) if LOS C conditions are to be maintained.

- Construct/extend Kenilworth-Hillsborough Boulevard as a 2-lane arterial from Loveland Boulevard southeast to Peachland Boulevard (West Peachland Boulevard) and King's Highway.

- Widen King's Highway to four lanes with a median from the existing four lanes at I-75, northeastward to approximately one mile within DeSoto County.

- Improvements at Sandhill Properties access intersections located on Kenilworth-Hillsborough Boulevard and King's Highway.

- Additional intersection improvements may be required at the regionally significant intersections of Kenilworth-Hillsborough Boulevard connector at Peachland Boulevard (West Peachland Boulevard), and U.S. 41 at King's Highway.

The RPC Assessment indicates that the following local road improvements are expected to be required coincident with the development of Sandhill Properties Phase II (1987-1991) if level of service C conditions are to be maintained:

- Widening Peachland Boulevard (West Peachland Boulevard) to four lanes with a median from Loveland Boulevard to King's Highway; if Kenilworth-Hillsborough Boulevard is constructed, 4 lanes are anticipated to be needed on the segment between West Peachland Boulevard and King's Highway.

- DRI access intersections along Sandhill Boulevard (East Peachland Boulevard) and Peachland Boulevard (West Peachland Boulevard) will entail modifications to Peachland, and improvements will probably be required at the intersection of Peachland Boulevard (West Peachland Boulevard) at Loveland Boulevard and Peachland Boulevard (West Peachland Boulevard) at Harbor Boulevard.

If annual monitoring reports confirm that level of service C conditions are being exceeded on regional and local roadways and the Sandhill project is utilizing more than 5% of this LOS C capacity, then building permits and certificates of occupancy for the remainder of that phase and future phases shall not be granted until funding of the needed improvement is committed and construction has commenced.

Improvements to most of these roads and intersections are included in the Charlotte County 5 year Capital Improvement Program (1985-1990) by the County Public Works Division and are expected to be funded on a proportionate share basis by Sandhill Properties from the transportation component of the Impact Fee Ordinance or are site related improvements that are the responsibility of the developer, except for those road segments identified under regional roads as (3), (6), (7) and (8) and those road segments identified under local roads as (3), (8) and (9), and impacted regional intersections (13) and impacted local intersection (2). Provisions concerning the commitments for improvements anticipated to be needed for these roads and intersections are addressed below:

- (i) Improvements to King's Highway from I-75 to Villages of DeSoto Second Entrance are an obligation of General Development Corporation under the Villages of DeSoto Development Order with DeSoto County.

- (ii) Sandhill Properties, Inc., shall dedicate to Charlotte County 120 foot right of way for the Kenilworth-Hillsborough Boulevard connector running generally southeast from the intersection of Kenilworth-Hillsborough

Boulevard and Loveland Boulevard to King's Highway; and, by 1993, General Development Corporation shall design a four lane arterial for this road segment and shall construct two lanes from the intersection with Loveland Boulevard to Peachland Boulevard (West Peachland Boulevard), and shall construct four lanes of this road from Peachland Boulevard (West Peachland Boulevard) to King's Highway; if and when an additional two lanes are determined by the Charlotte County Engineering Department to be required to maintain adequate service on this road segment from Loveland Boulevard to Peachland Boulevard (West Peachland Boulevard), Charlotte County will construct these additional two lanes. These commitments are pursuant to the agreement by Sandhill Properties, Inc., General Development Corporation and Charlotte County as incorporated in the Memorandum of Understanding on the Hillsborough Boulevard connector, Modification of Resolution No. 82-156 and Sandhill Properties approved by Charlotte County on September 2, 1986.

(iii) General Development Corporation is obligated to design and construct Kenilworth-Hillsborough Boulevards as four lane secondary road from U.S. 41 to Loveland Boulevard by 1993 pursuant to Charlotte County Resolution No. 82-156 regarding the responsibilities of General Development Corporation under the Villages of DeSoto Development Order.

(iv) Sandhill Properties shall dedicate to Charlotte County additional right of way as needed by Charlotte County to realign Peachland Boulevard (West Peachland Boulevard) from Loveland Boulevard to the Kenilworth-Hillsborough Boulevard connector, and Charlotte County will construct Peachland Boulevard (West Peachland Boulevard) as a four lane road along this realignment; this is pursuant to the Memorandum of Understanding approved by Charlotte County on September 2, 1986, and the commitment by Sandhill Properties in their ADA p. 31-7.

(v) Improvements to Harbor Boulevard from U.S. 41 to Midway Boulevard, and to Harbor Boulevard from Midway Boulevard to Peachland Boulevard (West Peachland Boulevard) and intersection improvements at the I-75 ramps at King's Highway, and at Peachland Boulevard (West Peachland Boulevard) at Beacon Drive, shall be addressed as part of the reassessment of the transportation of impacts to be completed by 1991 prior to Sandhill Properties Phases III and IV as indicated in paragraph b prior to the approval of any land uses indicated in the ADA for Phases III or IV. An Amended Development Order relative to Phases III and IV transportation impacts shall be prepared pursuant to this analysis.

b) In the fourth year of Phase II, before 1991 and prior to the approval of any land uses indicated in the ADA for Phases III and IV, the applicant shall submit a report to Charlotte County, Florida Department of Transportation, and the Southwest Florida Regional Planning Council reassessing the transportation impacts of Sandhill Properties DRI Phases III and IV. The reports will be equivalent to an update of the applicant's ADA assessment of questions in the DRI questionnaire, documenting commitment in approved planning programs to fund future roadway improvements resulting from Phases III and IV. The study will specifically assess the trip generation, distribution and assignment associated with this project. Background traffic forecasts taking into account overall growth and other approval DRI's shall be provided by the developer; costs of future roadway improvements shall be specified, and funding sources identified with an indication of the amount of any insufficiency in those funding sources. Approval or approval with conditions for Phases III and IV will depend upon the results of this survey and the review and recommendations provided by the Council and other transportation review agencies for regional roads and by the County for local roads.

c) In order to alleviate potential future traffic congestion at the I-75/King's Highway interchange, the applicant shall consult and coordinate with Florida Department of Transportation, as well as the Charlotte County Engineer, in the design of all Sandhill Properties DRI access intersections onto King's Highway within one-half mile of the centerline of the I-75 interchange.

d) Because the construction of the Kenilworth-Hillsborough Boulevard connector as a two lane arterial from Loveland Southeast to Peachland Boulevard (West Peachland Boulevard), and the four lane segment between Peachland Boulevard (West Peachland Boulevard) and King's Highway, is an obligation that General Development Corporation has until 1993 to fulfill, prior to the submission of any detail plans for development of Sandhill Properties northwest quadrant in the area west of I-75, and north of Peachland Boulevard (West Peachland Boulevard) in advance of the completion of this road during Phase II the developer shall consult with the County Engineering Department, concerning an adequate system of access onto existing roads and such access plans shall be included in detail plans submitted.

e) The location of individual access points to the project shall be determined in consultation with the County Engineer's Department prior to submission of detail plans for approval; access points and curb cuts onto public roads shall be minimized and arterial and collector roads within the project should be constructed to minimize the need for offsite circulation, and an interior roadway and frontage road concept should be utilized within the commercial and research and development areas to enable access to adjoining development without accessing existing streets.

13. Changes to the PD Concept plan approved for PD80-4 are approved in accordance with the Sandhill Master Development Plan (Map H) as included in Attachment "A" and the phasing schedule, Attachment "B", which is adopted as the official PD-concept plan, subject to the following conditions:

a) The commercial areas to be restricted to uses presently found 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 billard parlors and game arcades, subject to the following requirements:

(i) Drive-through restaurants and gasoline pumping stations shall receive detail plan approval only if plans submitted include approved landscaping plans for perimeter landscaping of off-street parking areas and interior landscaping that provides substantial buffering of such uses from adjacent uses and from public roads surrounding residential areas beyond the requirements of section 8.23 of the Charlotte County Zoning Regulations;

(ii) Signs shall not exceed the height prescribed for Class A signs, and the permissible square footage for such signs cannot be aggregated where more than one street frontage exists, and no more than one secondary Class A sign shall be permitted per structure;

(iii) The internal circulation system shall insure that access to individual uses not abutting other structures be provided through well defined ingress and egress points from interior arterial and collector roads so that vehicular access to individual uses and related parking areas can be accomplished without having to pass through the parking areas for adjacent uses or adjacent gasoline pumping stations; additional access between individual uses not abutting other structures will be permitted only through well defined ingress and egress points within the system of perimeter and interior landscaping discussed under (i) above.



(iv) Prior to submission of detail plans for the development of commercial areas, the applicant shall submit to the Zoning Director and the Planning Director for prior preliminary approval plans for perimeter and interior landscaping, interior circulation systems, and signs consistent with the provisions of (i), (ii) and (iii) above.

b) Research and development areas to be restricted to uses presently found in the OMI (office, Medical, Institutional) zoning classification and to light manufacturing in completely enclosed buildings and warehousing.

c) Substantial buffers shall be provided to protect residential areas from the research and development sites.

d) Development standards are to be provided to the Zoning Director and Planning Director for review prior to final detail plan submissions.

e) All wetlands shall be preserved, or, when preservation is not possible, mitigated on a one-to-one basis.

f) Upland areas which are considered to be important habitat or quality passive recreational sites, including, but not limited to, oak hammocks, shall be identified by the County Environmentalist and the developer prior to site planning. These areas shall be the primary consideration for recreation and/or preservation of natural areas of each development stage. Evidence of compliance with this item shall be the burden of the developer.

g) Public recreation areas are those identified on the public park plan Map HP included as part of the approval and included in Attachment A.

h) Phasing of recreation areas shall be by section and allocated proportionately to each multi-family project.

i) Any final development plan shall include the creation of a homeowners association and the clear specification of its role in owning and maintaining the 62 acres of private recreation area and the 160.5 acres of parks and open space including the 90 acres of parks and lakes to be open to the public included in the Concept Plan Map HP. All costs for maintaining and installing additional recreation facilities are to be borne by the developer and/or homeowners association. If an appropriate MSTU is established by December 31, 1986, the costs for maintaining the public park and open space

areas may be funded through it. A site and design plan shall be submitted to Florida Power and Light for approval for those areas within its easement.

j) The Planned Development stipulations are to run with the land.

k) In accordance with existing Charlotte County Zoning Regulations, the developer shall submit a detail plan and supporting documents for Phase II within two years of the date hereof unless an extension is granted. Otherwise, the property, in conformance with the existing Zoning Regulations, shall revert to the zoning classification existing prior to the entry of the Order for PD-80-4.

14. The development phasing schedule presented within the ADA, and as adjusted to date of development order approval as indicated in Attachment "B" is a condition of approval. If development order conditions and applicant commitments incorporated within the development order to mitigate regional impacts are not carried out as indicated to the extent or in accordance with the timing schedules specified within the development order and this phasing schedule, then this shall be deemed to be a substantial deviation for the affected regional issues.

15. The existing procedures for the granting of building permits being adequate to insure compliance with this order, the Director of Zoning, the Director of Planning, the County Energy Officer, the Director of Building and the County Engineer are designated as the local officials responsible for insuring compliance.

16. The developer's annual report required by Chapter 380, Florida Statutes, shall contain copies of all documents filed with the County in connection with final development approval and, after final development approval, shall contain a report by date and filing number of all building and other permits applied for and a statement of all acts taken toward compliance with the conditions of the final development approval and all information required in section 9B-16.25, F.A.C. The developer shall submit the report beginning October 1, 1987 and each subsequent October 1, until project build-out. The developer shall submit the annual report to Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs, and all affected State permitting agencies. If the annual report is not received, the Southwest Florida Regional Planning Council or the Department of Community Affairs shall notify Charlotte County. If Charlotte County does not receive the annual report or receives notification that the

Southwest Florida Regional Planning Council or the Department of Community Affairs has not received the report, Charlotte County shall request in writing that the developer submit the report within 30 days. Failure to submit the report after 30 days shall result in Charlotte County temporarily suspending this Development Order.

17. This order shall terminate October, 2001, or upon the completion of the project, whichever shall have occurred first. This Order shall become effective on the 9th. day of September, 1986.

18. The developer shall cause to be filed in the public records such notice as will inform prospective purchasers of this Development Order and the conditions established herein for detail plan and final development plan approval, including required reassessments and reviews.

PASSED AND DULY ADOPTED this 9th. day of September, 1986.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By Joseph K. Tringali  
Joseph K. Tringali, Chairman



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

By Michelle M. Pitt  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

William D. Moore  
William D. Moore, County Attorney

ATTACHMENT A

OR 882 PG 1502

- A-1 Project Planner and Land Owner of Record
- A-2 Master Development Plan - PD Concept Plan  
(Map H from ADA)
- A-3 Legal Description
- A-4 Map of PD86-143 Rezoning  
(from Rezoning Application)
- A-5 General Location Map - Sandhill Properties
- A-6 Master Drainage Plan - Map G
- A-7 Map HP - Parks and Lakes Open to Public

ATTACHMENT A-1

STATE OF FLORIDA  
DEPARTMENT OF ADMINISTRATION  
DIVISION OF STATE PLANNING  
BUREAU OF LAND AND WATER MANAGEMENT  
660 APALACHEE PARKWAY  
TALLAHASSEE, FLORIDA 32304

OR 882 PG 1503

SUBSTANTIAL DEVIATION  
DEVELOPMENT OF REGIONAL IMPACT  
Application for Development Approval Under  
Section 380.06(6), Florida Statutes

Part I. Application Information and Instruction

1. I, W. Warren Wankelman, the undersigned authorized representative of Sandhill Properties, Incorporated, hereby propose to undertake a Substantial Deviation to Development of Regional Impact as defined in Section 380.06, Florida Statutes, and Chapter 22F-2.10, Florida Administrative Code. In support thereof I submit the following information concerning Sandhill Properties which information is true and correct to the best of my knowledge.

October 1, 1985

Date



Signature of

Authorized Representative

2. Applicant: William Osborne  
Sandhill Properties, Inc.  
1625 West Marion Avenue  
Punta Gorda, Florida 33957 Phone: (813) 637-8840
3. Authorized Agent: W. Warren Wankelman
4. Attach the names and addresses of all persons having fee simple or lesser estate in the site.

See list.

<u>NAME</u>	<u>ADDRESS</u>
KEVIN A. JOHNS	One Woodland Drive Prairie Creek Estates Punta Gorda, Florida 33950
KELLY M. JOHNS	One Woodland Drive Prairie Creek Estates Punta Gorda, Florida 33950
MARY ANNE JOHNS	One Woodland Drive Prairie Creek Estates Punta Gorda, Florida 33950
ELWOOD P. SAFRON, TRUSTEE	Post Office Box 400 Punta Gorda, Florida 33950
JOHN W. DOUGLAS	Route #1, 331 A Punta Gorda, Florida 33950
ALFRED M. JOHNS	One Woodland Drive Prairie Creek Estates Punta Gorda, Florida 33950
NELSON MAUGHAN	Route 2, Box 116 Sugarmill Woods Homosassa, Florida 32646
JAMES E. MOORE III, TRUSTEE	1625 West Marion Avenue Punta Gorda, Florida 33950
CARLOS BOUTENS	c/o Dr. Nico Schaeffer Schaeffer, Lenta and Hengel Attorneys at Law 12, Avenue De La Porte-Nueve Luxembourg-City Grand-Duchy of Luxembourg Europe
THERESE BOUTENS-VERSELE	c/o Dr. Nico Schaeffer Schaeffer, Lenta and Hengel Attorneys at Law 12, Avenue De La Porte-Nueve Luxembourg-City Grand-Duchy of Luxembourg Europe
OBBO PROPERTIES N.V.	c/o Dr. Nico Schaeffer Schaeffer, Lenta and Hengel Attorneys at Law 12, Avenue De La Porte-Nueve Luxembourg-City Grand-Duchy of Luxembourg Europe

#86-143

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  $N89^{\circ}30'39''W$ . [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (I-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  $S00^{\circ}07'52''W$  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  $S89^{\circ}30'39''E$  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  $N0^{\circ}16'25''E$  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 (I-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  $N0^{\circ}12'18''E$  [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (I-75), Section 01075-2404] along the West line of said Section 7 for 2971.01 feet; thence  $S89^{\circ}47'42''E$  for 863.64 feet to the POINT OF BEGINNING of the herein described parcel; thence  $S2^{\circ}27'18''W$  for 450.35 feet; thence  $S89^{\circ}47'44''E$  for 401.03 feet to the centerline of Kings Highway; thence  $N8^{\circ}36'56''E$  along the centerline of Kings Highway for 454.89 feet; (thence  $N89^{\circ}47'42''W$  for 209.87 feet; thence  $N0^{\circ}12'18''E$  for 571.24 feet; thence  $N89^{\circ}47'42''W$  for 217.56 feet; thence  $S2^{\circ}27'18''W$  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  $S89^{\circ}40'59''E$  [Bearings based on D.O.T. Right-of-Way Maps for State Road No. 93 (I-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 as the aforementioned Right-of-Way Maps, said point being the POINT OF BEGINNING

OR 882 PG 1506

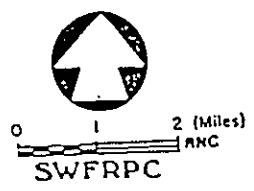
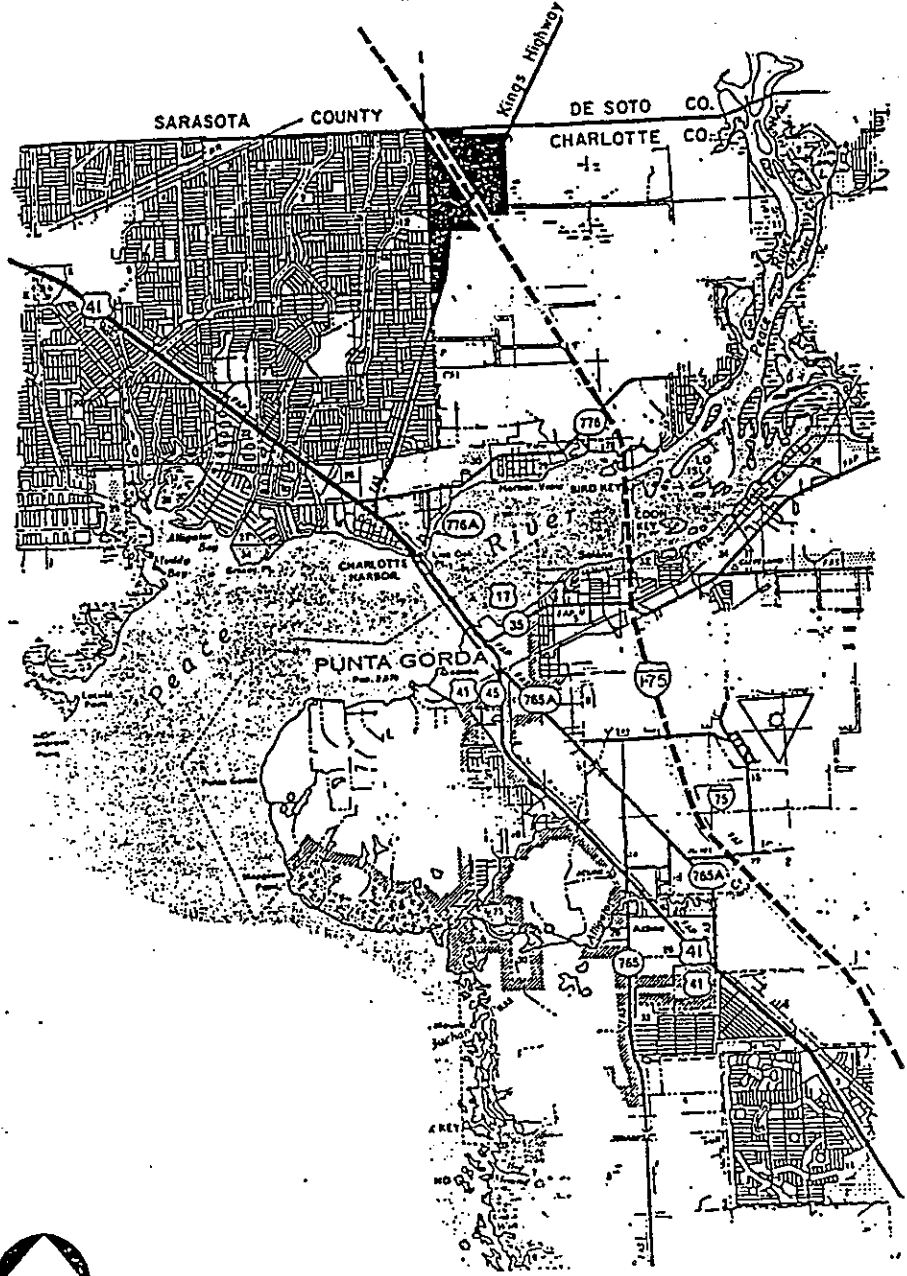
of the herein described parcel; thence continue  $S89^{\circ}40'59''E$  along the last described North line for 296.33 feet to an intersection with the Westerly Right-of-Way line of Kings Highway; thence along the Westerly Right-of-Way line of Kings Highway for the following three (3) described courses: (1)  $S36^{\circ}54'32''W$  for 44.03 feet; (2)  $S53^{\circ}05'20''E$  for 10.00 feet; (3)  $S36^{\circ}54'32''W$  for 120.00 feet; thence  $N53^{\circ}05'28''W$  for 205.01 feet; thence  $S36^{\circ}54'32''W$  for 10.00 feet to a point on a circular curve concave to the Southwest, said point bearing  $N36^{\circ}54'32''E$  from the center of said curve; thence Northwesterly along the arc of said curve having a radius of 360.00 feet and a central angle of  $6^{\circ}50'00''$  for 42.93 feet to the POINT OF BEGINNING. Subject to Right-of-Way for Peachland Boulevard.

OR 882 PG 1507

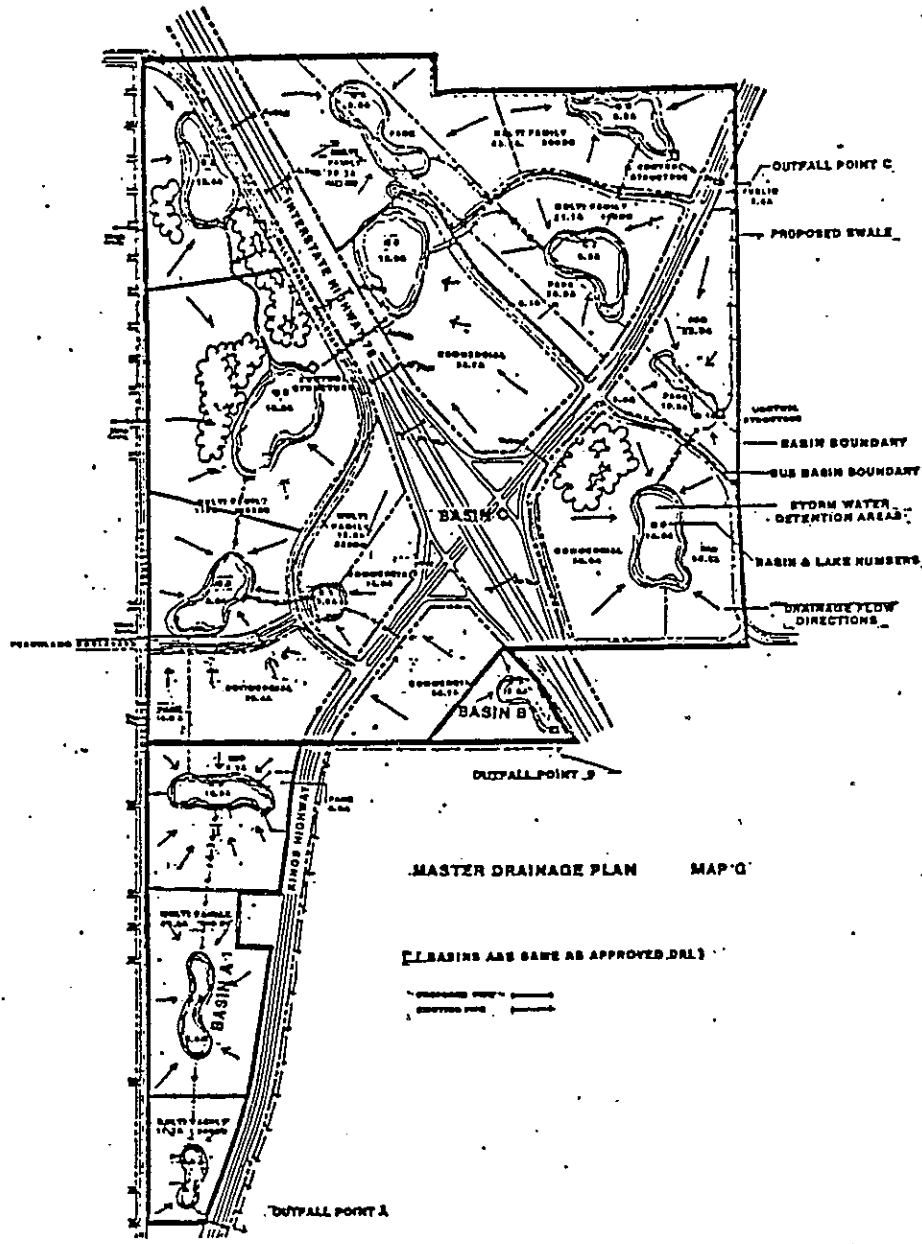




ATTACHMENT A-5



GENERAL LOCATION MAP  
" SANDHILL PROPERTIES "

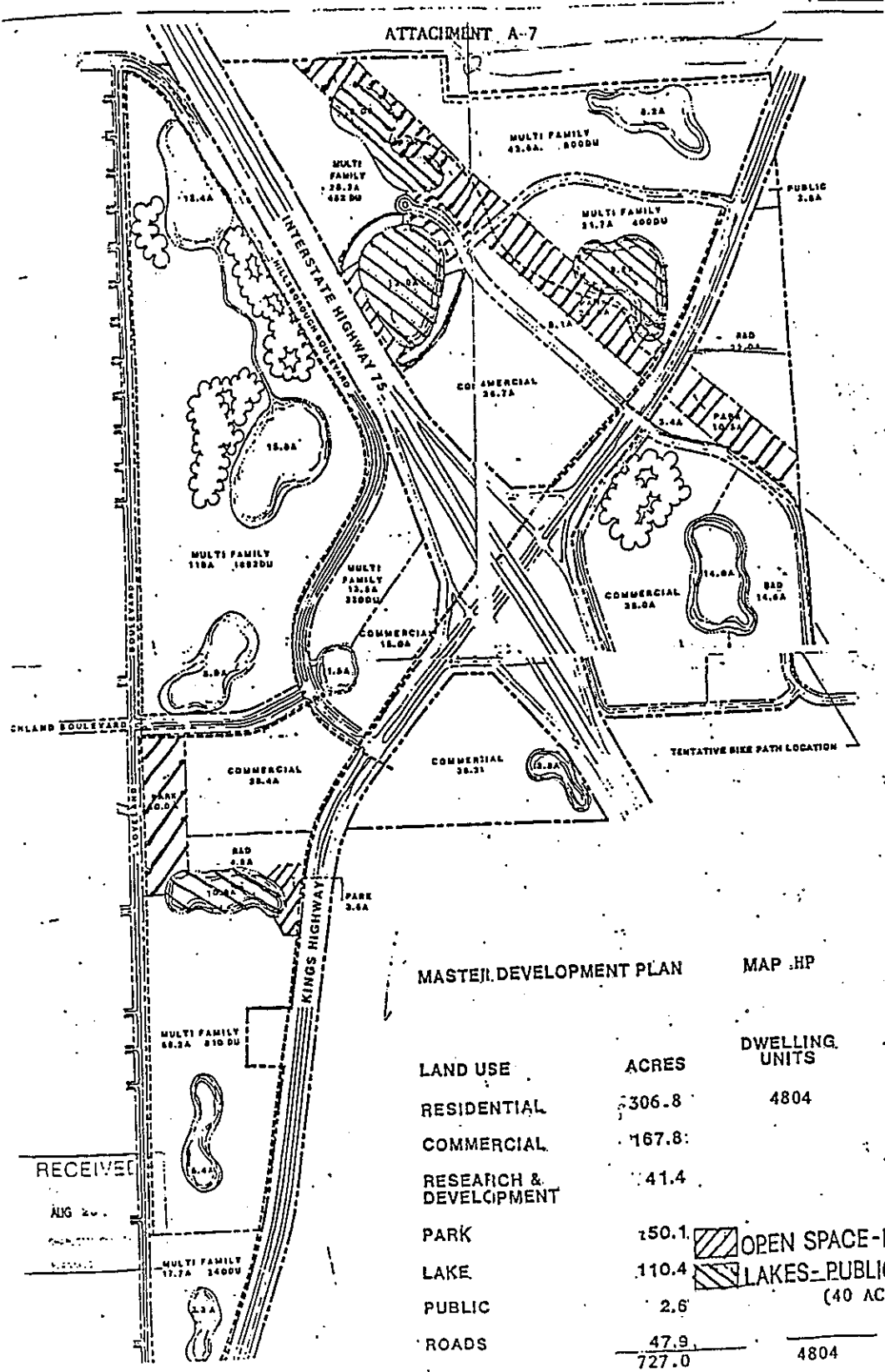


# SANDHILL PROPERTIES

GARDIS & ASSOCIATES  
ENGINEERS OF WANKELMAN-SMITH & ASSOCIATES



ATTACHMENT A-7



MASTER DEVELOPMENT PLAN MAP .HP

LAND USE	ACRES	DWELLING UNITS
RESIDENTIAL	306.8	4804
COMMERCIAL	167.8	
RESEARCH & DEVELOPMENT	41.4	
PARK	150.1	
LAKE	110.4	
PUBLIC	2.6	
ROADS	47.9	
	<u>727.0</u>	<u>4804</u>

OPEN SPACE-PL  
 LAKES-PUBLIC (40 AC)

RECEIVED  
AUG 20

ATTACHMENT B

B-1 Land Use by Phase

B-2 Phasing Plan - Map H1

OR 882 PG 1512

ATTACHMENT B-1

TABLE 20.10  
LAND USE BY PHASE

	1980-1986 Phase 1			1987-1991 Phase 2			1992-1996 Phase 3			1997-2001 Phase 4			Total		
	Acres	% Total	DU's Sq.Ft.*	Acres	% Total	DU's Sq.Ft.*	Acres	% Total	DU's Sq.Ft.*	Acres	% Total	DU's Sq.Ft.*	Acres	% Total	DU's Sq.Ft.*
Multi Family	5.5	0.7	54	92.5	19.0	1,432	102.5	14.0	1,636	106.2	14.6	1,682	306.8	42.3	4,804
Retail	-----	-----	-----	-----	-----	-----	40.9	6.0	340	18.3	2.0	160	59.2	8.0	500.0
Motel	-----	-----	-----	32.0	4.0	150	15.0	2.0	67.5	36.4	5.0	155	81.4	11.0	372.5
Restaurant	-----	-----	-----	4.0	0.5	16	6.0	0.8	24	4.7	0.5	16	14.0	1.8	56.0
Service Station	-----	-----	-----	3.4	0.5	5	5.8	0.8	7.5	4.0	0.5	5	13.2	1.8	17.5
Office, Research & Development	-----	-----	-----	22.0	3.0	192	12.2	1.7	105	7.2	1.0	65	41.4	5.7	362.0
Park	-----	-----	-----	50.1	7.0	-----	-----	-----	-----	-----	-----	-----	50.1	7.0	-----
Lakes	44.5	6.0	-----	63.1	9.0	-----	-----	-----	-----	2.8	0.4	-----	110.4	15.1	-----
Public Facilities	2.6	0.3	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	2.6	0.3	-----
Roads	-----	-----	-----	42.4	6.0	-----	5.5	0.7	-----	-----	-----	-----	47.9	6.7	-----
TOTAL ACRES AND %	52.6	7.0	54	309.5	43.0	1,432	188.0	26.0	1,636	176.9	24.0	1,682	727.0	100.0	4,804
TOTAL DU'S	-----	-----	54	-----	-----	1,432	-----	-----	544	-----	-----	401	-----	-----	1,308
TOTAL SQ. FT.*	-----	-----	54	-----	-----	363	-----	-----	544	-----	-----	401	-----	-----	1,308

\*Square Footage Commercial, Office, Research & Development in Thousands

