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RESOLUTION
NUMBER 89- 90

A RESOLUTION AMENDING THE DEVELOPMENT ORDER FOR THE SANDHILL PROPERTIES DEVELOPMENT OF REGIONAL IMPACT BY APPROVING A CHANGE OF PHASING AND ADDITIONAL SQUARE FOOTAGE PURSUANT TO F.S. SEC. 380.06(19)(b)6; AND AMENDING RESOLUTION 89-42.

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FINDINGS

1. An amended Development Order and Planned Development Concept Plan for the Sandhill Properties Development of Regional Impact were approved by Resolution 86-230 of the Board of County Commissioners of Charlotte County on September 9, 1986, and amended by Resolutions 86-325, 87-07, 87-156, 87-289, 88-56, 88-57, 88-235, 88-282 and 89-42.

2. Pursuant to Section 380.06(19)(f), Florida Statutes, Albert Tiseo (developer) has submitted to the local government, the regional planning agency and the state land planning agency a request for approval of a proposed change in its previously approved Development of Regional Impact, which the developer asserts would not create a substantial deviation, and this change would generally consist of altering the phasing plan of the project to allow for a 7.2 acre parcel (as described in Exhibit 1), identified as Parcel A, to be developed as part of Phase II, rather than in Phase III and the addition of 22,000 sq. ft. to Phase II pursuant to F.S. sec. 380.06(19)(b)6. Parcel A is shown, with its approximate boundaries relative to the other Sandhill DRI properties, in Exhibit 2.

3. The Board of County Commissioners of Charlotte County conducted a public hearing on April 12, 1989, continued until April 25, 1989, pursuant to Section 380.06(19)(f)(5), Florida Statutes, to determine whether the proposed change required further development of regional impact review and determined that, subject to specific conditions, the proposed change does not constitute a substantial deviation.

4. This hearing was held with a representative of the Southwest Florida Regional Planning Council in attendance and the Florida Department of Community Affairs having been given proper notice of the hearing.

5. The Sandhill DRI, described in Ordinance 86-68 establishing the Sandhill MSTU, is not in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

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RECORD VERIFIED - Barbara T. S.
JEAN JONES

By

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Minutes

6. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to Charlotte County.

7. The granting of the requested amendment to the Development Order as described below is consistent with the local Land Development Regulations, the local Comprehensive Plan, and Ordinance 86-68.

8. The conditions as specified in Resolution 86-230, required by the Substantial Deviation Determination for the Sandhill DRI are hereby incorporated, except as amended herein for the approval of the detail plan and development plans for all development within the DRI required pursuant to Charlotte County Zoning Regulations prior to proceeding with the development of PD properties included within the DRI.

9. 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 establish the standards and requirements for the approval of a final development plan.

10. Pursuant to paragraph 7 of the Amended Development Order, Resolution 86-230, the Municipal Service Taxing Unit has been established for the whole project area to meet the requirements as well as essential facilities and municipal sewer for capital improvements and right of way dedications listed pursuant to Resolution 86-230.

11. In order to ensure that the rights of all parties to the Sandhill DRI are protected, certain corrections to page 4 of Resolution 89-42 are necessary.

12. At the time of Board approval of the Substantial Deviation Development Order (Resolution 86-230), additional acreage was added to the quadrant of the Sandhill DRI where Parcel A is located without additional square footage being added to that quadrant. Accordingly, the Board finds that it would be equitable to allocate the total amount of research and development square footage contained in Exhibit B-1 to Resolution 86-230 over the existing research and development acreage, including Parcel A, and to allow development of additional square footage on Parcel A pursuant to F.S. sec. 380.06(19)(b)6.

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13. The developer has proposed construction of 20,000 sq. ft. of office space and 65,000 sq. ft. of warehouse space on Parcel A. Based on the best available data, the Board of County Commissioners finds that the proposed development would not adversely impact existing and proposed development or traffic flow incident thereto in the Sandhill DRI.

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

14. Subject to the conditions outlined below, Attachment B-1 to Resolution 86-230, known as "Land Use by Phase", as amended by subsequent resolutions, is further amended to indicate that:

(a) approximately 20,000 square feet of gross leasable office space and 65,000 sq. ft. of warehouse space located on 7.2 acres of land designated office, research and development shall be permitted to develop in Phase II;

(b) 63,000 sq. ft. of the development described in (a) shall be deemed transferred from Phase III to Phase II. 22,000 sq. ft. of that development shall be added to Phase II pursuant to F.S. sec. 380.06(19)(b)6.

15. The changes to the Land Use by Phase Table described in paragraph 14(a) and (b) do not create a substantial deviation, as that term is defined in F.S. sec. 380.06(19)(a).

16. The land which is subject to the phase changes described in paragraph 14 above is described more fully in Exhibit 1 and is shown, with its approximate boundaries, in Exhibit 2.

17. The Sandhill DRI Master Concept Plan and PD Concept Plan, as amended, are hereby further amended to reflect the changes set forth in paragraphs 14 and 16.

18. Paragraph A on page 4 of Resolution 89-42 is deleted, subsequent paragraphs are relettered, and "resolution" is substituted for all references to "Development Order" and "Amended Development Order" in paragraphs A-F, as relettered, on page 4 of that resolution.

19. Unless explicitly amended herein, all provisions, conditions, and commitments, whether intended as impact mitigating actions or otherwise, contained within the Sandhill DRI Development Order as amended by Resolution 86-230, shall remain in effect.

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20. The proposed development, described in paragraph 13, shall be developed concurrently with the four-laning of King's Highway by Charlotte County pursuant to the following schedule, assuming all other conditions of the Sandhill DRI Development Order, as amended, are satisfied:

(a) 40,000 sq. ft. of warehouse space can be constructed anytime within a year from the date of this resolution;

(b) Construction of the remaining square footage cannot receive a certificate of occupancy until the four-laning of King's Highway is completed.

21. Drainage for Parcel A shall be consistent, as far as economically feasible, with the Sandhill DRI Drainage Master Plan. Any stormwater runoff not controlled pursuant to the Sandhill DRI Drainage Master Plan shall be retained on-site within Parcel A.

22. The construction of the proposed development in conjunction with the four-laning of King's Highway pursuant to the schedule in paragraph 20 is expressly contingent upon the developer constructing the proposed development described in paragraph 14. If the developer, or his successor in interest, submits plans which contain either different types of square footage than that described in paragraph 14, or a significantly smaller quantity of warehouse square footage than that described in paragraph 14, then the provisions in paragraph 20 are not effective and the developer or his successor shall apply to the Board for further review on this issue.

PASSED AND DULY ADOPTED this 25th. day of April, 1989.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Bill Burdick
Bill Burdick, Chairman

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

By Marilyn M. McAuliffe
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Warren W. Ross
Warren W. Ross, Acting County Attorney

rsandhil/j14/042689

PARCEL A

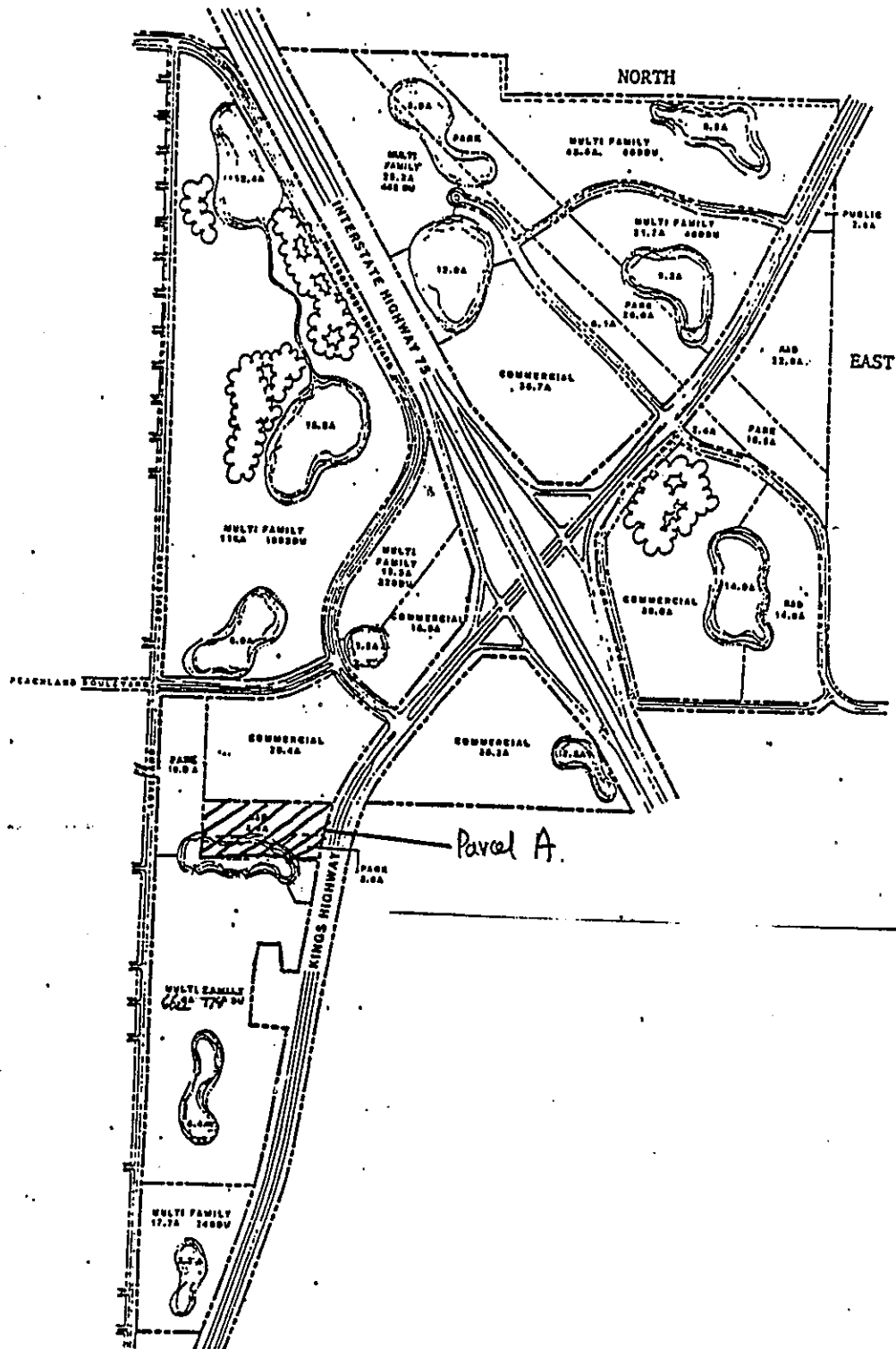
Begin at the Northwest Corner of Section 7, Township 40 South, Range 23 East; thence East 425 feet, thence South 860 feet for Point of Beginning. Continue South 246.18 feet, thence Southeasterly 107 feet, easterly 400 feet, Southeasterly 302 feet, East 185 feet to West Right of Way of King's Highway, thence Northerly along Right of Way 453.94 feet, thence West 1000 feet to Point of Beginning.

Containing 7.2 acres ±.

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Exhibit 1



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SANDHILL PROPERTIES

PREPARED BY: WANKEL

Exhibit 2