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RESOLUTION  
NUMBER 89 - 324

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RECORDED

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CHARLOTTE COUNTY

A RESOLUTION AMENDING THE DEVELOPMENT ORDER FOR THE SANDHILL PROPERTIES DEVELOPMENT OF REGIONAL IMPACT BY APPROVING THE DEVELOPMENT OF 320,000 SQ. FT. OF COMMERCIAL PROPERTY PURSUANT TO F.S. SEC. 380.06(19)(b)6; AMENDING RESOLUTION 89-42.

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FINDINGS

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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, Sandhill Commercial Properties, Inc. (developer) has submitted to the local government 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 various parcels in the Sandhill DRI (as described in Exhibit 1), to accommodate the proposed development of the requested shopping center. Changes to the phasing schedule for parcels, including that parcel described in Exhibit 1, have been approved by Resolution 88-56.

3. 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.

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

5. 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.

RECORD VERIFIED - Barbara T. Scott, Clerk  
By JEAN JONES, D.C.

REC'D OCT 26 1989



6. 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 (Planned Development) properties included within the DRI.

7. 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.

8. 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.

9. At the time of Board approval of the Substantial Deviation Development Order (Resolution 86-230), it was determined that single shopping center developments of less than 400,000 square feet could be approved without the necessity of a marketing analysis by developer. Accordingly, the Board finds that it would be appropriate at the present time to allocate square footage for the shopping center development on the parcel shown in Exhibit I, which does not exceed 400,000 square feet.

10. Based on the data provided by the petitioner 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:

11. Subject to the conditions outlined below, Attachment 1 to Resolution 86-230, known as "Land Use by Phase,"

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as amended by subsequent resolutions, is further amended to indicate that approximately 320,000 square feet of gross leasable retail space within a single shopping center shall be permitted, as follows:

(a) 160,000 square feet of gross leasable retail space within the shopping center shall be permitted at the present time.

(b) An additional 160,000 square feet of gross leasable retail space within the shopping center shall be permitted as follows:

(i) During the period of years between 1996-2000, as indicated at page 7 of the ADA sufficiency response filed by developer in 1986 as part of the application for Resolution 86-230; or

(ii) After further determination by the Board of County Commissioners that development of the additional 160,000 square feet in whole or in part would not create a substantial deviation, as that term is defined in Section 380.06(19)(a), Fla. Stat., and Kings Highway has been constructed to four lanes between Rampart Boulevard and the DeSoto County line.

12. The changes to the Land Use by Phase Table effected by Phase I of this development do not create a substantial deviation, as that term is defined in Section 380.06(19)(a), Fla. Stat.

13. The land which is subject to the phase changes described in paragraph 12 above is described more fully in Exhibit 1 and is shown, with its approximate boundaries, in Exhibit 2.

14. The Sandhill DRI Master Concept Plan and PD Concept Plan, as amended, are hereby further amended to reflect the changes set forth in paragraphs 11 and 13.

15. 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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16. Developer shall obtain engineering approval from the Charlotte County Engineering Department based on the latest layouts and phasing, prior to commencement of construction.

17. All state permits shall be submitted to County prior to application for final detail plan approval.

18. The applicant shall consult with the County Planning Department regarding the uplands preservation for the project.

19. A statement and chart shall be shown on the site plans for the project indicating the lot coverage of buildings, total gross area, total gross acreage, percentage of building open area, and impervious space.

20. The developer shall submit any proposed sign plans for the project with the submission of a final detail plan application.

21. The developer shall discuss and resolve all questions regarding construction of necessary access connections between Newport and Sandhill with the Planning Department and the County Traffic Engineer prior to commencement of construction of the shopping center.

22. The proposed development, described in paragraph 11 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) 160,000 square feet of retail space may be constructed immediately.

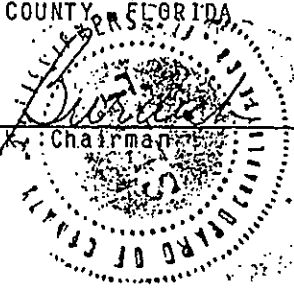
(b) After the initial 160,000 square feet of retail space has been constructed and certified for occupancy, no subsequent Certificate of Occupancy shall be issued for additional retail square footage until the four-laning of King's Highway is completed from Rampart Boulevard to the DeSoto County Line, regardless of the date or phasing of construction.

23. Drainage for the proposed development 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 the developed parcel.

PASSED AND DULY ADOPTED this 24th day of October 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 Marilou M. McAuliffe  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

Sandra J. Augustine  
Sandra J. Augustine,  
County Attorney

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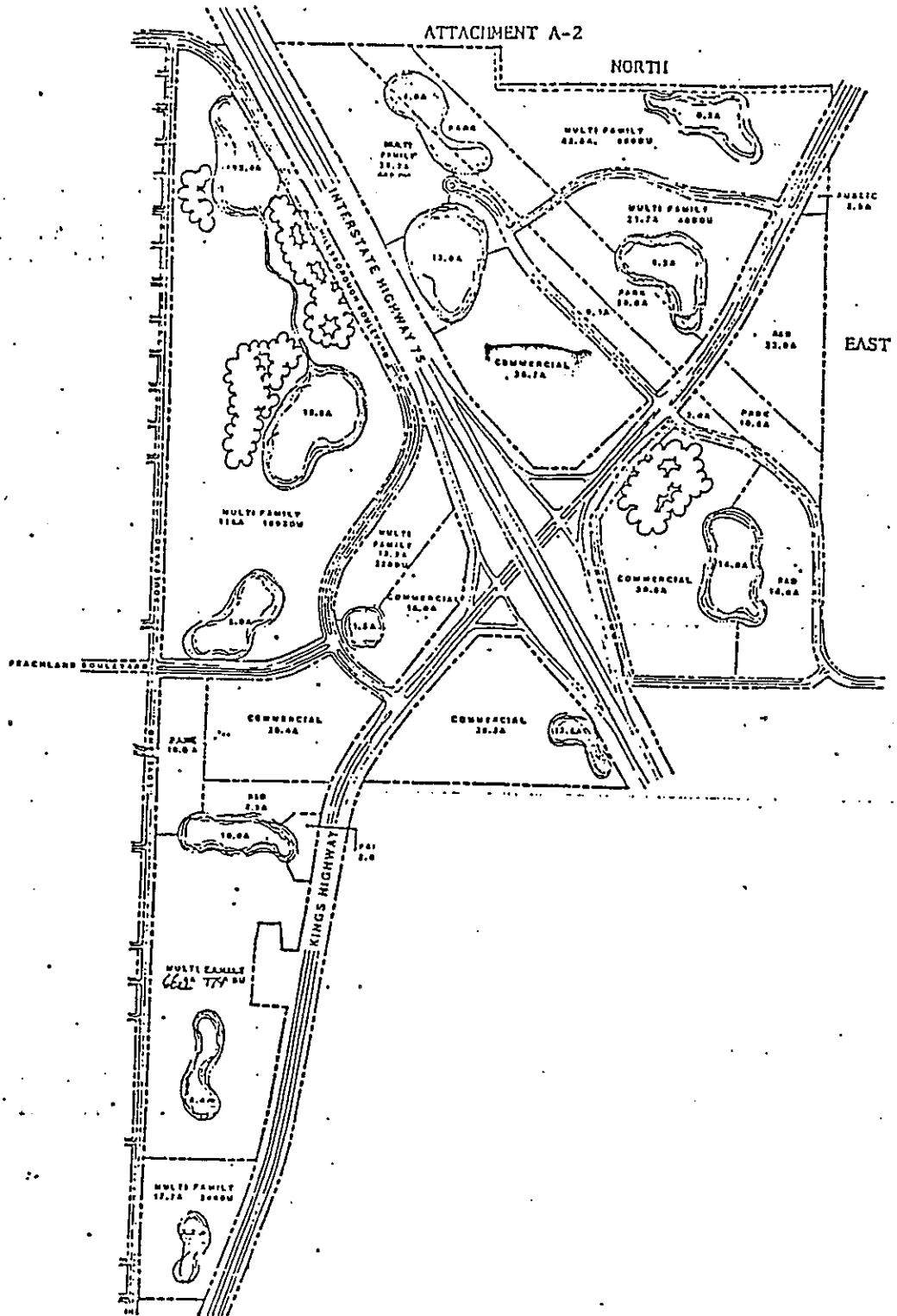
A parcel of land in Section 6, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 6;  
Run South, 89° 30' 14" East, along the North line of said Section 6 a distance of 790.17 feet to a point on the Easterly limited access easement of Interstate 75;  
Thence South, 28° 40' 49" East, along the said Easterly limited access easement of Interstate 75, a distance of 2,123.39 feet;  
Thence South, 29° 49' 35" East, along the said Easterly limited access easement of Interstate 75, a distance of 578.33 feet to the Point of Beginning.  
Thence North, 50° 00' 00" East, a distance of 1,108.04 feet to a point on the Westerly Right-of-Way line of a 330.0 foot Florida Power & Light Company easement;  
Thence South, 45° 05' 40" East, along the said Westerly Right-of-Way, a distance of 1,603.67 feet to a point on the Northerly limited access easement of Interstate 75 and Kings Highway, as recorded in O.R. Book 494, Page 815 of the Public Records of Charlotte County, Florida;  
Thence South, 42° 55' 21" West, along said limited access easement, a distance of 351.45 feet;  
Thence North, 47° 04' 39" West, along said limited access easement, a distance of 15.0 feet;  
Thence South, 42° 40' 04" West, along the Interstate 75 and Kings Highway limited access easement as recorded in O.R. Book 494, Page 814 of the Public Records of Charlotte County, Florida, a distance of 384.12 feet;  
Thence South, 47° 22' 51" West, along said limited access easement, a distance of 404.14 feet;  
Thence South, 87° 57' 40" West, along said limited access easement, a distance of 315.56 feet;  
Thence North, 45° 06' 49" West, along said limited access easement, a distance of 350.63 feet;  
Thence North, 43° 12' 16" West, along said limited access easement, a distance of 181.34 feet;  
Thence North, 36° 30' 55" West, along said limited access easement, a distance of 645.49 feet;  
Thence North, 29° 49' 35" West, along said limited access easement, a distance of 320.73 feet to the Point of Beginning.

Containing 50.0 Acres, more or less.

Said lands situate, lying and being in Charlotte County, Florida.

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SANDHILL PROPERTIES

PREPARED BY: WANKELMAN-SMITH & ASSOCIATES

