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R E S O L U T I O N
NUMBER 90- 258

A RESOLUTION AMENDING THE DEVELOPMENT ORDER FOR THE SANDHILL PROPERTIES DEVELOPMENT OF REGIONAL IMPACT BY APPROVING A CHANGE OF PHASING PURSUANT TO F.S. SEC. 380.06(19)(b)6; AND AMENDING RESOLUTION 89-324.

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, 89-42, 89-324 and 90-49A.

2. Pursuant to Section 380.06(19)(f), Florida Statutes, Sandhill Commercial Properties, Inc., (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 (the "Sandhill DRI"), which the developer asserts would not create a substantial deviation, and this change would generally consist of:

(a) altering the phasing plan for the Sandhill DRI to permit the Phase 2 development of a site called Sandhill Center East by allowing:

RECORDED - Barbara T. Scott, Clerk
JOY BILDREY D.C.

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(1) a 9.5 acre parcel designated Phase 3 research and development ("R&D") (as depicted in yellow on Exhibit 1, Map H-1) to be developed as Phase 2 commercial (as depicted in red on Exhibit 2, Map H-2);

(2) a 23.5 acre parcel designated Phase 3 commercial (as depicted in red on Exhibit 1, Map H-1) and a 4.5 acre parcel designated Phase 4 commercial (as depicted in green on Exhibit 1, Map H-1) to be developed on Phase 2 commercial (as depicted in red on Exhibit 2, Map H-2);

(3) the transfer of 60,000 square feet of the 160,000 square feet of gross leasable retail space available for Phase 2 commercial development from the Sandhill Center in the North Quadrant (as previously approved by Resolution ⁸⁸⁻⁵⁶~~89-42~~, as amended by 89-324) to Sandhill Center East in the East Quadrant (depicted in red in Exhibit 2, Map H-2);

(4) the realignment, improvement, construction and dedication to public use of the portion of Sandhill Boulevard depicted on Exhibit 2, Map H-2, that eliminates the present sharp curve approaching the King's Highway intersection; and

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(5) the vacation of the presently existing area of Sandhill Boulevard depicted on Exhibit 1, Map H-1, that will no longer be needed once the developer has constructed the replacement portion of Sandhill Boulevard.

(b) altering the phasing plan for the Sandhill DRI to permit the Phase 2 development of a site called Sandhill Storage Center by allowing:

(1) 6.94 acres of a 22 acre parcel currently designated Phase 3 R&D (as depicted in blue in Exhibit 1, Map H-1, and as changed from Phase 2 R&D to Phase 3 R&D by Resolution 88-56) to be developed as Phase 2 R&D (as depicted in blue in Exhibit 2, Map H-2); and

(2) the transfer of 80,000 square feet of Phase 3 R&D space to Phase 2 R&D space necessary for the immediate development of the 6.94 acre parcel.

3. The Board of County Commissioners of Charlotte County conducted a public hearing on _____, 1990, 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.

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 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 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 Resolution 89-324 are necessary.

12. The developer has proposed construction of 60,000 square feet of Phase 2 gross leasable retail space for Sandhill Center East located on a 37.5 acre parcel depicted in red on Exhibit 2, Map 2, in the East Quadrant, and a simultaneous reduction in proposed construction of 160,000 square feet to 100,000 square feet of Phase 2 gross leasable retail space for Sandhill Center located on a 36.7 acre and adjoining 8.1 acre parcel depicted on Exhibit 2, Map 2, in the North Quadrant. The developer has further proposed the construction of 80,000 square feet of mini-warehouse storage space and related office facilities

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on a 6.94 acre parcel depicted in blue on Exhibit 2, Map 2, in the North Quadrant. 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:

13. 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) Sandhill Center East - the 37.5 acres depicted in red on Exhibit 2, Map H-2, shall be developed as Phase 2 commercial (but without prejudice to more development in later phases), with 60,000 square feet of gross leasable retail space for immediate Phase 2 development; and

(1) the Phase 3 R&D square footage previously allocated to a 9.5 acre parcel (as depicted in yellow on Exhibit 1, Map H-1) shall be preserved both for the benefit of the developer and for subsequent development of Phase 3 R&D space either at Sandhill Center East or other of the developer's property in the Sandhill DRI;

(2) the Phase 3 commercial square footage previously allocated to the 23.5 acre parcel (as depicted in red in Exhibit 1, Map H-1) shall be preserved both for the benefit of the developer and for subsequent develop-

ment of Phase 3 commercial space either at Sandhill Center East or other of the developer's property in the Sandhill DRI; and

(3) the Phase 4 commercial square footage previously allocated to the 4.5 acre parcel (as depicted in green on Exhibit 1, Map H-1) shall be preserved both for the benefit of the developer and for subsequent development of Phase 4 commercial space either at Sandhill Center East or other of the developer's property in the Sandhill DRI.

(b) Sandhill Storage Center - 6.94 acres, depicted in blue on Exhibit 2, Map H-2, shall be developed as Phase 2 office, research and development and limited to 80,000 square feet of mini-warehouse storage space and related office facilities; and

(1) the Phase 3 R&D square footage previously available to the developer shall be reduced by 80,000 square feet.

14. The changes to the Land Use by Phase Table described in paragraph 13 do not create a substantial deviation, as that term is defined in Section 380.06(19)(a), Florida Statutes.

15. The land which is subject to the phase changes described in paragraph 13 herein is described more fully in Exhibit 1A (Sandhill Center East) and Exhibit 1B (Sandhill Storage Center) and is shown, with its approximate boundaries, in Exhibit 2, Map H-2.

16. The Sandhill DRI Master Concept Plan and PD Concept Plan, as amended, are hereby further amended to reflect the changes set forth in paragraphs 13 and 15.

17. Paragraphs 11 and 22 of Resolution 89-324 are hereby amended to read, in relevant part, as follows:

* * *

11. Subject to the conditions outlined below, Attachment 1 to Resolution 86-230, known as "Land Use by Phase", as amended by subsequent resolutions, is further amended to indicate that approximately ~~320,000~~ 260,000 square feet of gross leasable retail space within a single shopping center shall be permitted, as follows:

(a) ~~160,000~~ 100,000 square feet of gross leasable retail space within the shopping center shall be permitted at the present time.

* * *

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~~ 100,000 square feet of retail space may be constructed immediately.

18. The construction of the proposed development called Sandhill Center East is contingent upon:

(a) the developer, at its expense, realigning, improving, constructing and dedicating to public use the portion

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of Sandhill Boulevard depicted on Exhibit 2, Map H-2, that eliminates the present sharp curve approaching the King's Highway intersection; and

(b) the vacation and reversion to the developer of the presently existing area of Sandhill Boulevard no longer needed once the developer has constructed the replacement portion of Sandhill Boulevard depicted on Exhibit 2, Map H-2.

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.

PASSED AND DULY ADOPTED this 16 day of Oct.,

1990

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Jack Lotz
Jack Lotz, Chairman

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

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Sandra J. Augustine
Sandra J. Augustine
County Attorney

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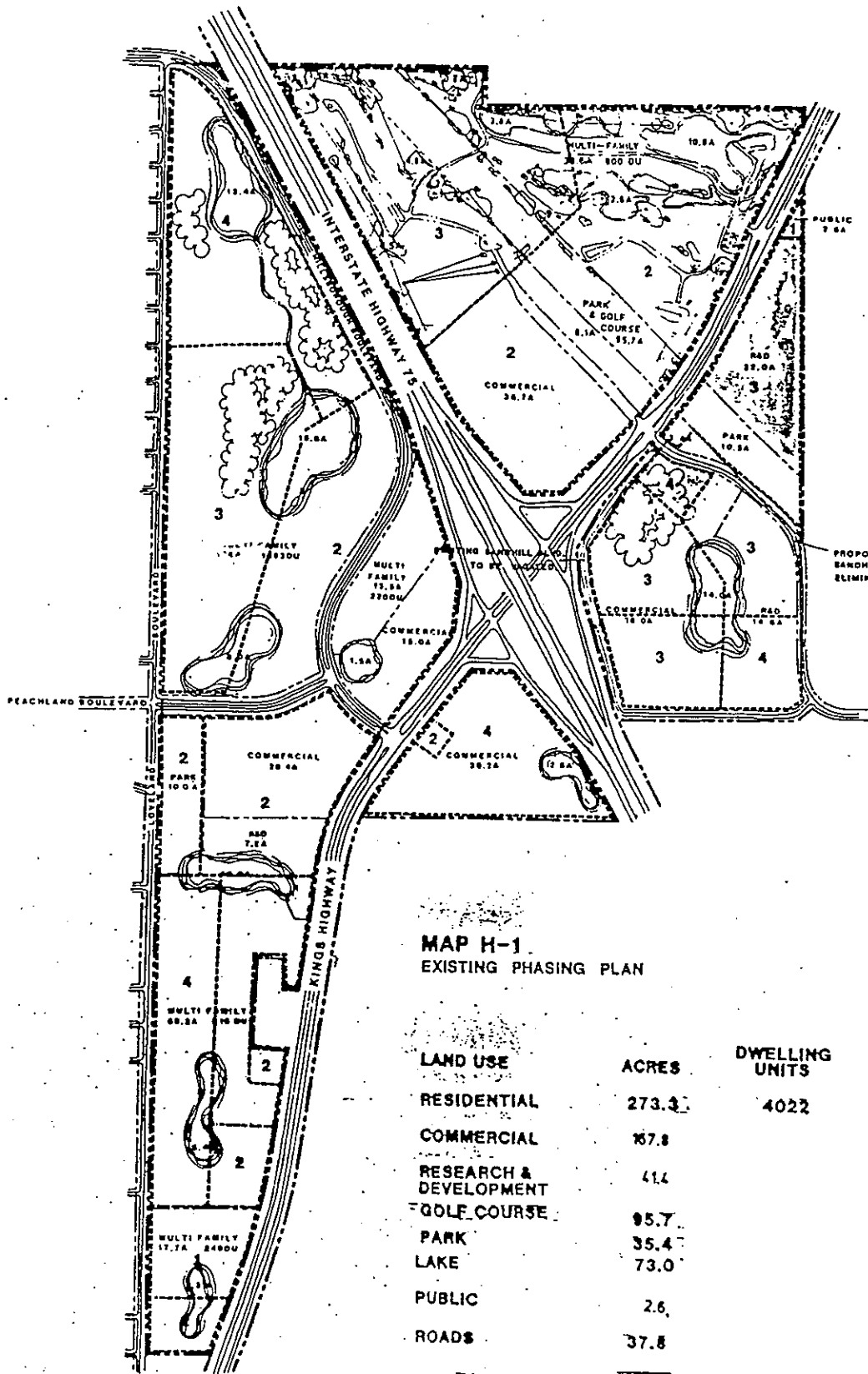
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EXHIBIT 2

MAP H-2

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MAP H-3



SANDHILL PROPERTIES

PREPARED BY WANKELMAN-SMITH & ASSOCIATES
DATE: 9 - 11 - 66



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EXHIBIT 1B - SANDHILL STORAGE CENTER

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

Commence at the Northeast corner of said Section 6, Township 40 South, Range 23 East: thence South 00°16'25" West (Bearings based on D.O.T. Right-of-Way Maps for State Road 93 (I-75), Section 01075-2404), along the East line of the Northeast Quarter of said Section 6 for 668.89 feet to an intersection with the centerline of Kings Highway; Thence, South 25°31'01" West, along the center line of King's Highway for 862.22 feet to the Point of Beginning of the herein described parcel of land: thence continue South 25°31'01" West, along the centerline of Kings Highway for 486.05 feet: thence South 64°28'59" East for 100.00 feet to the Point of Curvature of a circular curve concave to the Southwest: thence along the arc of said curve, having a radius of 321.76 feet and a central angle of 59°51'23" for 336.14 feet: thence North 85°22'24" East, for 302.28 feet to an intersection with the East line of the Northeast Quarter of said Section 6, Township 40 South, Range 23 East: thence North 0°16'25" East, along the East line of the Northeast Quarter of said Section 6 for 720.00 feet: thence North 89°43'35" West for 361.71 feet to the Point of Beginning.

Containing 7.35 acres, more or less (as measured to the centerline of Kings Highway). LESS therefrom the existing maintained Right-of-Way of Kings Highway.

Said Lands containing Net Acres of 6.94 acres to the maintained Right-of-Way of Kings Highway

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

Said Lands subject to Restrictions, Reservations, Easements of Record.

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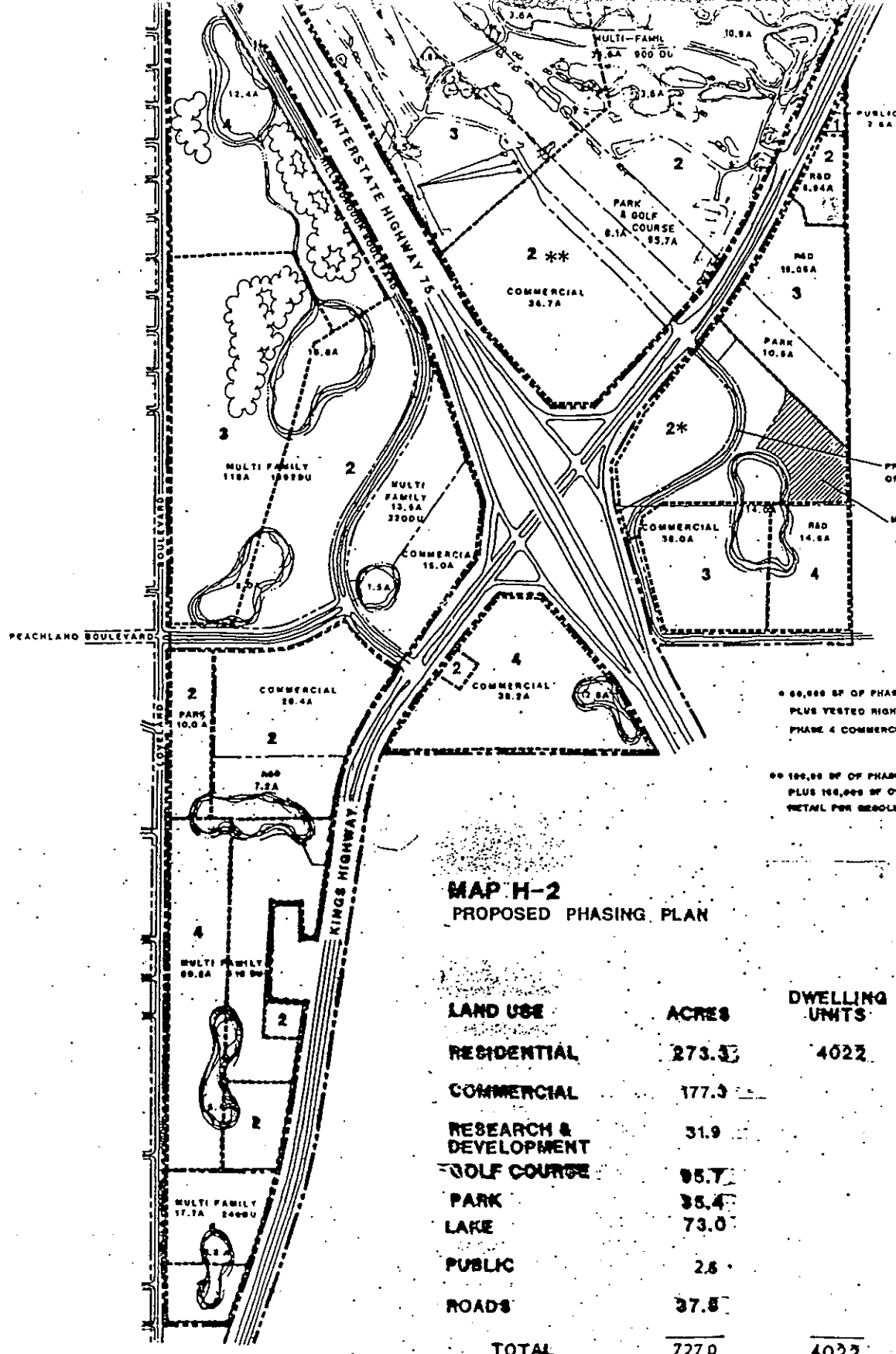
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EXHIBIT 2

MAP H-2

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MAP H-3



* 66,666 SF OF PHASE 3 COMMERCIAL RETAIL, PLUS VESTED RIGHTS FOR PHASE 2 COMMERCIAL, PHASE 4 COMMERCIAL AND PHASE 3 R&D.

** 166,666 SF OF PHASE 2 COMMERCIAL RETAIL PLUS 166,666 SF OF ADDITIONAL COMMERCIAL RETAIL PER RESOLUTION 89-254 AS AMENDED.

**MAP H-2
PROPOSED PHASING PLAN**

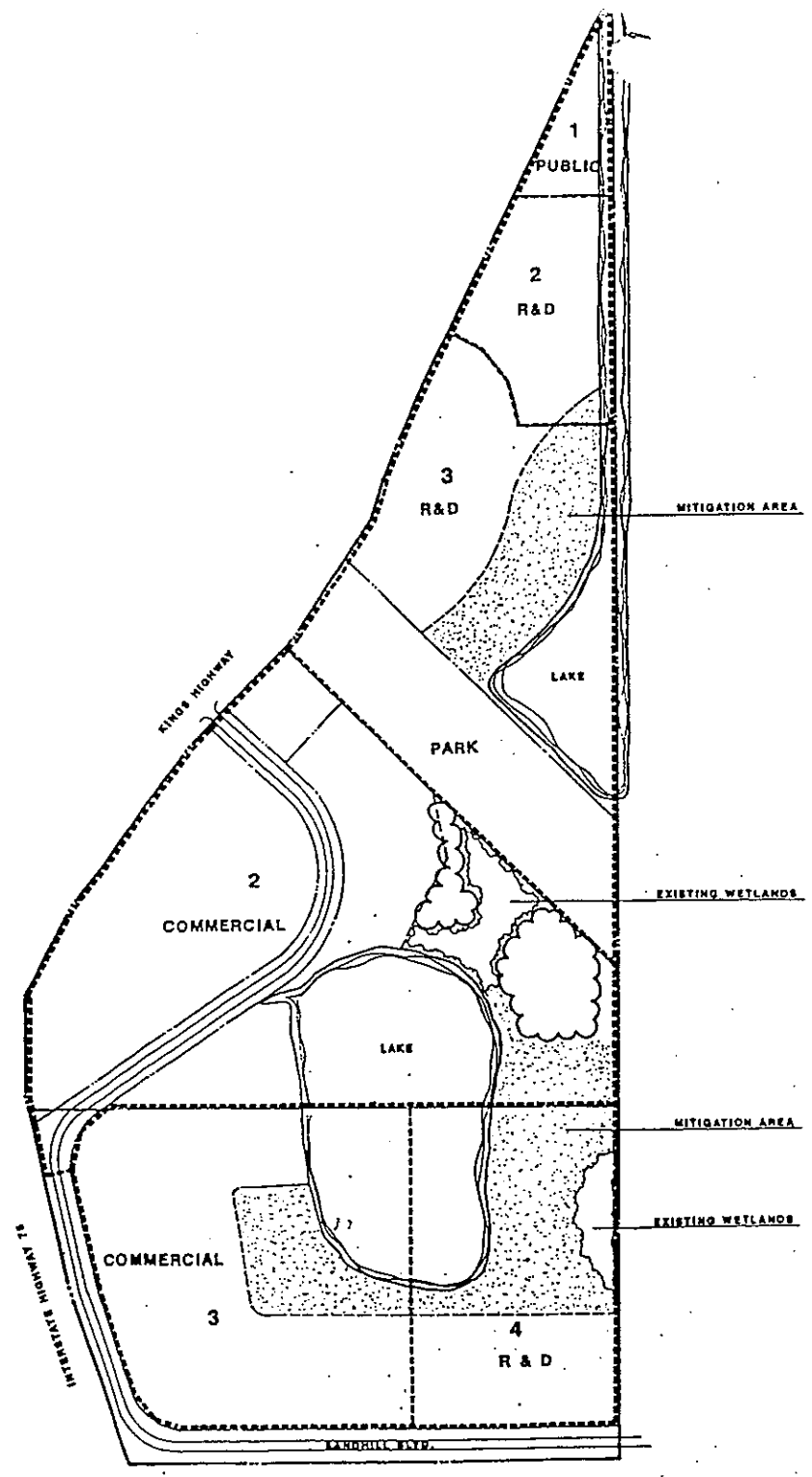
LAND USE	ACRES	DWELLING UNITS
RESIDENTIAL	273.3	4022
COMMERCIAL	177.3	
RESEARCH & DEVELOPMENT	31.9	
GOLF COURSE	85.7	
PARK	35.4	
LAKE	73.0	
PUBLIC	2.6	
ROADS	37.8	
TOTAL	727.0	4022

SANDHILL PROPERTIES

PREPARED BY: WANKELMAN-SMITH & ASSOCIATES
DATE: 3-28-97



SOURCE: RES-90-258



SANDHILL PROPERTIES

MAP H-3

PREPARED BY WANKELMAN SMITH & ASSOCIATES
DATE: 8 - 16 - 90



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EXHIBIT 3

TRAFFIC ANALYSIS

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EXHIBIT "A"
SANDHILL STORAGE
Trip Generation Summary
(cont'd)

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Office (Code 710)

- Average Weekday (Table 1, Page 887)
 $80 \times 14.76 = 1,181 \text{ Veh/Day}$
- AM Peak Hour (Table 1, Page 887)
 $80 \times 2.08 = 166 \text{ Veh/Hour}$
- PM Peak Hour (Table 1, Page 887)
 $80 \times 2.07 = 166 \text{ Veh/Hour}$

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Note, above values are:

- 5.6 times as great as weekday vehicular volume for mini-warehouse
- 10 times as great as AM & PM vehicular peak of mini-warehouse

5. Summary:

- Comparing allowable uses, mini-warehouse generates least daily and hourly vehicular volume.
- Mini-warehouse peaking characteristics typically occur during non-peaking periods of adjacent roadway system.



EXHIBIT "A"

SANDHILL STORAGE
Trip Generation Summary

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1. Purpose: The purpose of this report is to compare trip generation rates of allowable uses for the project site located within the Sandhill DRI.

2. General Information:
Proposed Project

- 6.93 Acres (net)
- approximate 80,000 SF mini-warehouse

Existing Zoning

- Research and Development

Allowable Uses

- Office, Medical
- Light Manufacturing
- Warehousing

Reference Material: 4th Edition, ITE Trip Generation Manual

3. Assumptions:

- 80,000 SF of gross building area allowable for each use.

4. Analysis:

Mini-warehouse (Class 151)

- Average Weekday (Page 211)
 $80 \times 2.606 = 208$ Trips/Day
- Weekday AM Peak (Page 224)
 $80 \times 0.265 = 21$ Trips/Hour
- Weekday PM Peak (Page 225)
 $80 \times 0.283 = 23$ Trips/Hour
- Saturday Peak (Page 227)
 $80 \times 0.397 = 32$ Trips/Hour

Light Manufacturing (Code 140)

- Average Weekday (Page 167)
 $80 \times 3.8 = 304$ Trips/Day*

*Please note for an average weekday light manufacturing generates 1.5 times the vehicular volume of a mini-warehouse.



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EXHIBIT 4

AMENDED LANGUAGE TO DEVELOPMENT ORDER

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