

R E S O L U T I O N 93- 244
AMENDING R E S O L U T I O N Number 92-29

A RESOLUTION APPROVING THE DEVELOPMENT ORDER FOR CALIENTE
SPRINGS COUNTRY CLUB, A DEVELOPMENT OF REGIONAL IMPACT.

1. Pursuant to Section 380.6, Florida Statutes, the Board of County Commissioners of Charlotte County Florida, passed and adapted Resolution 92-29 on February 18, 1992. The State of Florida, Department of Community Affairs, filed an appeal of the Development Order on April 3, 1992.

2. The Board of County Commissioners of Charlotte County has considered the reports and recommendations of the Southwest Florida Regional Planning Council, the Charlotte County staff, the Planning and Zoning Board, and the Department of Community Affairs, and in order to reconcile the appeal, certain changes were made to Resolution 92-29 and pursuant to a Settlement Agreement the County Commissioners adopted a new Resolution on August 17, 1993 that was executed on December 14, 1993, as follows:

FINDING OF FACT/CONCLUSION OF LAW

A. The development is a mixed-use project with 1,810 residential dwelling units, 30,000 gross square feet of office space on 5 acres, 140,000 gross square feet of retail space on 15.7 acres with 710 parking spaces, a 250-room hotel, 865 acres of wetland preservation areas, a minimum of 205 acres of upland preservation areas and buffer areas subject to further additions, a project total of 295.0 acres of impervious surfaces (including 105 acres of lakes and 190 acres of upland impervious surfaces) leaving a project total of 1483 acres of open space (all natural pervious and all vegetated pervious surfaces), and a sales center and other amenities on 1,778 acres located in Southern Charlotte County between Burnt Store Road and Charlotte Harbor approximately three miles north of the Lee County line. The site will contain two eighteen hole golf courses on 182 acres, eight tennis courts, a 20,000 gross square foot clubhouse with restaurants, an exercise area and 150 parking spaces, bike and walk trails, a small fishing pier and look out tower. Exhibit A, revised and dated 7-30-92, is a copy of the approved Master Concept Plan, depicting all the above approved land uses.

The legal description of the property is described in Exhibit B which is attached hereto and made a part of this development order.

Approximately 865+/- acres of the site adjacent to Charlotte Harbor are considered saltwater wetlands and will be placed under a permanent conservation easement or else conveyed to the State of Florida. The development consists of approximately 205 acres of upland preservation areas in the form of buffers, wetland tributaries (2) and golf course roughs and approximately 105 acres of lakes for water management.

Water and wastewater services are proposed to be provided by Southern States Utilities, however this utility does not currently have available permitted capacity to serve the entire Caliente Springs Country Club development. The project is planned in two five year phases with buildout in the year 2002. Phase I buildout will be 1997 and Phase II buildout will be 2002; these dates each represent a two year extension to those dates reviewed in the ADA and shall be considered cumulatively against any future proposed phase or project buildout date extensions for the purposes of calculating whether the statutory timeframes are met or exceeded in paragraph 380.06(19) (c), F.S. The proposed phasing schedule is attached as Exhibit.C.

B. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of Section 380.05, Florida Statutes.

C. The development does not unreasonably interfere with the achievement of the objectives of an adopted state land development plan applicable to the area, and is consistent with the State Comprehensive Plan.

D. The development is consistent with the Charlotte County Comprehensive Plan and land development regulations.

E. The proposed development has been reviewed by the Southwest Florida Regional Planning Council and is the subject of their report and recommendation adopted on the 17th day of October, 1991 and subsequently forwarded to Charlotte County pursuant to the provisions of Chapter 380.06, F.S. and the proposed development, as modified by this development order, is consistent with the report and recommendation of the Southwest Florida Regional Planning Council.

F. The application for development approval is consistent with the requirements of Chapter 380.06.

G. Caliente Springs is proposed to be a well-balanced, mixed use community with a location and site design that ensures the protection of natural features while at the same time deriving maximum benefit from those features. The most important aspect of those planning for natural resource quality is the preservation in perpetuity of approximately 865+/- acres of saltwater wetlands on the edge of Charlotte Harbor. The plan for Caliente Springs promotes the policies of the comprehensive plan regarding environmental quality, especially:

a) Objective 7 and Policy 7.4 of the Land Use Element.

b) Goal, Objective 2, Policy 2.1 (3) (4) (7), Policy 2.5, Policy 6.2, Objective 10, Policy 10.2, Objective 11, Policy 11.1, Policy 11.3, Objective 12, Policy 12.2, Policy 12.3, Objective 15 and Policy 15.2 (1) of the Conservation Element.

c) Goal, Objective 1, Objective 2, and Objective 4 of the Coastal Management Element.

H. The development of the Caliente Springs site will guarantee the preservation of more than 865+/- acres of saltwater wetlands and a minimum of 205 acres of upland preservation areas and buffer areas subject to further additions while directing residential, retail and golf course development to land which was extensively cleared for agriculture and development in the 1960's. No marinas nor dredging for boat access is approved for Caliente Springs; only non-motorized water craft use will be allowed onsite.

I. The Caliente Springs site is a logical extension of the Burnt Store Road Urban Service Area (USA). It is immediately adjacent to the existing Burnt Store USA and includes 55 acres of the USA. Existing water and sewer lines serve adjacent properties and can be easily extended to serve Caliente Springs. Caliente Springs will provide a variety of housing types, commercial/retail space, activities and recreational opportunities commencing during Phase I development that will make the Burnt Store USA a more self-reliant and successful USA.

J. Concurrently with the adoption of this development order, the subject property is being rezoned in accordance with the Charlotte County Zoning Ordinance as amended.

II. ACTION ON REQUEST

NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Charlotte County, in a public hearing, duly constituted and assembled this 18th day of February 1992, the Development of Regional Impact Application for Development Approval submitted for Caliente Springs Country Club by The Caliente Partnership, is hereby ordered APPROVED subject to the following conditions, restrictions, and limitations:

1. DRAINAGE/WATER QUALITY

a) The developer shall obtain Southwest Florida Water Management District permits for conceptual approval, construction and operation of the surface water management system, for any dewatering activities associated with the construction of lakes, roads or building foundations. The project shall contain a maximum project total of 295.0 acres of impervious surfaces (including 105 acres of lakes and 190 acres of upland impervious surfaces).

b) The developer shall develop and implement a groundwater monitoring plan, to be approved by Charlotte County and the SWFWMD, which shall include the following provisions if found necessary by SWFWMD during permit review and approval:

- 1) All monitoring wells shall be sampled and analyzed quarterly for FDER primary and secondary drinking water standards, water levels and all groundwater chemicals.
- 2) Two wells shall be installed hydraulically downgradient at each zone of discharge (i.e., property boundary) and one well shall be installed

hydraulically upgradient to monitor background water quality.

- 3) All wells shall be constructed in accordance to monitor well specifications as outlined in Chapter 17-525, Florida Administrative Code (F.A.C.)
 - 4) Sampling analyses shall be performed according to procedures outlined in the most current edition of "Standard Methods for Examination of Water and Wastewater", by APHA-AWWA-WPCF, or "Methods for Chemical Analyses of Water and Wastes", by the United States Environmental Protection Agency (EPA).
 - 5) Water quality samples from all wells shall be collected after pumping the wells to constant temperature, pH, and conductivity.
 - 6) Wells shall monitor both the Surficial and Floridian aquifers.
 - 7) The plan shall include sufficient baseline data.
 - 8) Procedures shall be established for immediately reporting any violations of water quality standards to the County, the Department of Environmental Regulation, the Southwest Florida Water Management District, and/or other appropriate agencies.
 - 9) Procedures shall be established for incorporating additional water quality treatment and/or water management methods into the project's design to correct and/or mitigate any degradation.
 - 10) Monitoring shall continue until the actual buildout date of the project. Data shall be submitted quarterly to Charlotte County, the Southwest Florida Regional Planning Council, the Southwest Florida Water Management District and the Florida Department of Environmental Regulation, and as part of the annual monitoring report.
- c) The developer shall develop an integrated fertilizer/pesticide/herbicide management plan as a component of the golf course design process, to be approved by Charlotte County with input from SWFWMD, the Southwest Florida Regional Planning Council, the Florida Department of Environmental Regulation and the Florida Game and Fresh Water Fish Commission. The management plan shall sufficiently address the following items:
- 1) Fertilizer/pesticide/herbicide/insecticide storage and handling, application, container cleaning, rinse water, cleaning materials, wastes, unused quantities and container disposal methods and procedures.

- 2) Golf Course Management methods and procedures
- 3) Quality control and assurance procedures, including twice yearly education/awareness enhancement programs for all groundkeeping and maintenance staff regarding proper management and maintenance activities.
- d) As found appropriate by SWFWMD staff, shoreline banks created along onsite stormwater wet detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in native emergent and submergent vegetation and shall ensure, by supplemental replanting if necessary, that at least 80 percent cover by native aquatic vegetation is established within the littoral zone (to include at minimum the area between ordinary high water and ordinary low water) for the duration of the project.
- e) Prior to any site alteration, the applicant shall develop and implement a surface water quality monitoring plan, to be approved by Charlotte County and the Southwest Florida Water Management District, which shall include the following provisions if found necessary by SWFWMD during permit review and approval:
 - 1) Pre-construction monitoring.
 - a) Sampling shall be initiated before the start of any construction.
 - b) Sampling events shall be conducted monthly during the wet season and twice during the dry season, and for rainfall events of one inch or greater.
 - 2) Construction monitoring.
 - a) Sampling shall be conducted for every rainfall event of one inch or greater within the drainage subbasins where construction activities are occurring. The remainder of the project site shall continue to be sampled as described in pre-construction monitoring.
 - b) Any violations of water quality standards within a drainage subbasin under construction shall be reported to Charlotte County and the SWFWMD, and all work shall be halted until a solution to the problem is implemented.
 - 3) Post-construction monitoring.
 - a) Sampling events shall be conducted quarterly, twice during wet season and twice during dry season, and for rainfall events of one inch or greater, for at least two years after buildout.

- b) Any violations of water quality standards shall be reported to Charlotte County and the Southwest Florida Water Management District.
- 4) Monitoring reports.
- a) Monitoring reports shall be submitted to Charlotte County on a quarterly basis during pre-construction and monthly during construction.
- b) - An official laboratory report shall also be submitted to Charlotte County, the Southwest Florida Water Management District and the Southwest Florida Regional Planning Council as part of the Annual Monitoring Report.
- 5) All water quality physical and chemical parameters (including golf course chemicals) to be sampled, as well as sampling sites, shall be approved before the commencement of sampling by Charlotte County and the Southwest Florida Water Management District.
- 6) Proposed monitoring and official laboratory report formats shall be approved by Charlotte County and the Southwest Florida Water Management District.
- 7) The applicant shall incorporate additional water quality treatment and/or water management methods into the project's surface water management system to correct or mitigate any degradation if the measures implemented by the applicant are found to be ineffective or are found to adversely impact water quality downstream of the project site.
- f) The applicant shall conduct annual inspections of the environmental and spreader swale systems on the project site so as to ensure that the swales are being properly maintained in keeping with their design, and that they are capable of accomplishing the level of stormwater storage and treatment for which they were designed and intended.
- g) Provisions for the drainage of offsite areas and out-parcels that presently drain through the project site must be provided at the time of permit application.
- h) At the time of application for construction and operation permits for the project, plans shall be submitted to Charlotte County and the Southwest Florida Water Management District which demonstrate that the pond, or ponds, receiving the effluent for irrigation are isolated from the surface water management system under average daily conditions. Also, calculations shall be submitted demonstrating the pond, or ponds, are retaining the 10 year/3 day storm event plus a 3 day volume minimum storage

capacity for the effluent, prior to discharging into the surface water management system.

- i) At the time of permit application, the applicant shall provide Charlotte County and the Southwest Florida Water Management District with assurances which demonstrate that the effluent storage pond, or ponds, receiving the effluent for irrigation will not contaminate the shallow groundwater table via percolation.
- j) The applicant shall confirm, to the satisfaction of Charlotte County and Southwest Florida Water Management District staffs, that the proposed project control elevations and overall design will preserve the onsite and adjacent wetlands, including the maintenance of natural hydroperiods, and that County and District preservation/mitigation criteria will be met.
- k) The applicant shall undertake a regularly scheduled vacuum sweeping of all commercial parking facilities, to be incorporated as a best management practice.
- l) In areas adjacent to retail and office uses the applicant shall provide at least one inch of dry pre-treatment (retention or detention) in order to provide reasonable assurance that hazardous materials will not enter the surface water management system.
- m) As the Caliente Springs Country Club will utilize reclaimed effluent for irrigation purposes, the applicant shall ensure that onsite lakes and wetlands, and the surface water management system, are adequately buffered from possible effluent contamination.
- n) The applicant shall participate in any on-going or future efforts by Charlotte County to establish a county-wide surface water management system.
- o) All project construction shall take place away from preserved wetland areas, proposed buffers, lakes and swale systems, so as not to affect the intended function of the surface water management system.
- p) Best management practices for monitoring and maintenance of the surface water management system shall be implemented by the applicant in accordance with Charlotte County and Southwest Florida Water Management District guidelines.
- q) All internal surface water management and wetland systems shall be set aside as private drainage easements, common areas, preserves, or identified as specific tracts on the recorded final plat.

- r) If any changes in water quality monitoring locations, parameters, and/or frequency are suggested by either Charlotte County, the Florida Department of Environmental Regulation, the Florida Department of Natural Resources, the Southwest Florida Water Management District, other agencies, or the applicant, such changes shall be coordinated with the appropriate local, regional and state agencies.
- s) Prior to any onsite development, clearing of land, or the receiving of any building permits for Phase I development, the applicant shall confirm, to the satisfaction of all Federal, State, and local review agencies, and the Southwest Florida Water Management District in a substantial deviation determination pursuant to paragraph 380.06(19)(f), F.S., that the proposed water management system will not adversely impact habitats of any state or federally listed plant and/or animal species potentially occurring onsite, or that such impacts will be mitigated to the benefit of onsite populations of those species. This demonstration shall be part of a single, consolidated substantial deviation determination, presumed to create a substantial deviation, also addressing similar development order requirements in the HURRICANE EVACUATION, WASTEWATER MANAGEMENT, WATER SUPPLY, and WETLANDS/VEGETATION AND WILDLIFE sections of this development order.
- t) All commitments made by the applicant within the ADA, and subsequent sufficiency round information, related to Question 15 (Water) and Question 22 (Drainage), and not in conflict with the above recommendations, are hereby incorporated into this development order.

2. ENERGY

The applicant has committed in the ADA to a variety of conservation measures to help reduce the energy impact of the development. To the extent practical, the developer will incorporate or encourage the following energy conservation features:

- a) Provision of a bicycle/pedestrian system connecting land uses to be placed along one side of the collector roads within the project. This system is to be consistent with local government requirements.
- b) Provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas.
- c) Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area.
- d) Use of energy-efficient features in window design.
- e) Use of operable windows and ceiling fans.

- f) Installation of energy-efficient appliances and equipment.
- g) Prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation and solar water heating systems).
- h) Reduce coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- i) Installation of energy-efficient lighting for parking areas, recreation areas and other interior and exterior public areas.
- j) Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- k) Planting of native shade trees to provide reasonable shade for all recreation areas, streets and parking areas.
- l) Placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
- m) Orientation of structures, as possible, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.
- n) Provision for structural shading wherever practical when natural shading cannot be used effectively.
- o) Inclusion of porch/patio areas in residential units.
- p) Consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and residents in their efforts to achieve greater energy efficiency in the development.

3. HISTORICAL/ARCHAEOLOGICAL

- a. The John Quiet Lakes Shell Midden site shall be shown on all development plans including the DRI master plan, as a preservation area and delineated in the field to avoid inadvertent damage during construction. Public access shall not be provided to this site.
- b. If any additional archaeological/historical sites are uncovered during site preparation, work in the immediate vicinity shall cease. The appropriate state and local agencies shall be contacted so they may determine the significance of the findings and recommend the mitigation actions to be taken.

4. HOUSING

- a. Either the applicant or employers of the commercial area shall undertake an affordable housing survey based on the methodology supplied by DCA and the SWFRPC. The survey shall be conducted before the commencement of Phase II of the project or before any commercial development is initiated other than the golf course, clubhouse and related amenities.
- b. Based on the findings of the affordable housing survey, the applicant shall undertake one or more of the following provisions:
 1. The applicant shall incorporate housing units into the development site. These can be distributed throughout the site in an agreed upon manner or as additional stories over the proposed commercial structures. The rents or sale price of these units shall be in accordance with the needs identified for the households of the employees who have an affordable housing need.
 2. A mortgage funding pool shall be established to provide low interest second mortgages to be used for down payments to those individuals in the low income range who qualify for a mortgage but lack the necessary down payment amount. The value of these second mortgages shall be up to \$5,000.00 per household unit's value to allow for a down payment. The initial funding amount of the mortgage pool shall be based on information derived from the affordable housing survey conducted by the applicant. Also, the housing survey will be used to determine the number of housing units that shall be identified as being affordable to low income individuals at the start up of the overall commercial aspects of the project. It shall be the responsibility of the applicant, under supervision of the County Administrator or his designee to make the necessary and proper arrangements with local lending institutions which would allow employees from the development's commercial leasers to participate in such a program. These responsibilities would include but not be limited to:
 - a. Establish a program in conjunction with lending institutions which would enable an employee who qualifies to obtain a mortgage for a total cost of 10% of the value of the housing unit up to \$5,000.00.
 - b. Establish a credit line, deposit, deposit guarantee or some such device with a lending institution to fund the individual down payment of qualifying individuals.

- c. Allow individuals to draw the down payments, based on recommendations of the lending institution, which will be accepting the overall mortgage.
 - d. The down payment will be held as a second mortgage on the real estate.
 - e. A formula will be devised between the developer and the lending institution to insure repayment of the second position mortgage.
 - f. That the lending institution working out the agreement will be guaranteed the first mortgage loan;
3. The applicant shall construct affordable housing units off-site within a 20 minute or ten mile commute time from the project.
- c. And the applicant shall undertake the following:
- 1. Designate a housing officer responsible for administration of a required housing assistance program on site.
 - 2. Provide contributions to day care to supplement child care cost, through the provision of on-site space for a care center, the need for which will be determined by the amount of commercial development taking place on site.
 - 3. Participate in Charlotte County Transportation Disadvantaged Programs through the provisions of the necessary service unloading sites, providing the necessary amenities to accommodate such services, and through participation in job programs involving the handicapped.

5. HURRICANE EVACUATION

- a. Prior to 1996 or when Phase II construction plan approval is granted by Charlotte County, a hurricane shelter mitigation plan, consistent with the provisions of 9J-2.0256(5)(a)1-5, shall be required. The proposed mitigation plan shall be reviewed and approved by the Charlotte County Office of Emergency Management, the SWFRPC and the State Division of Emergency Management.
- b. All structures located within the 100-year floodplain shall be constructed above the 100-year FEMA flood elevation.
- c. Midrise condominiums within the 100-year floodplain shall be constructed on pilings and with parking beneath.

- d. Garden condominium and single family residences shall be constructed with reinforced stem-wall foundations which shall be resistant to flood erosion.
- e. Fill requirements shall be minimized within the 100-year floodplain as delineated by the the zone "A" and zone "V" areas depicted on the May 1, 1984, National Flood Insurance Program FIRM maps for this project site. Prior to any onsite development, clearing of land, or the receiving of any building permits for phase I development, the applicant shall demonstrate in a substantial deviation pursuant to paragraph 380.06(19)(f), F.S.:
1. That the cumulative amounts and locations of all proposed fill, including roads, within the 100-year floodplain is minimized to the maximum extent possible; and
 2. That the amounts and locations of fill proposed within the 100-year floodplain will not result in a material adverse impact to floodplain storage, floodwater conveyance, maintenance of minimum water flows, water quality, wetlands, or habitat values for fish and wildlife species.
- This demonstration shall be part of a single, consolidated substantial deviation determination, presumed to create a substantial deviation, also addressing similar development order requirements in the DRAINAGE/WATER QUALITY, WASTEWATER MANAGEMENT, WATER SUPPLY, and WETLANDS/VEGETATION AND WILDLIFE sections of this development order.
- f. The Golf Clubhouse shall be elevated to above 14 feet MSL.
- g. Prior to construction of the Fire Station facility within the commercial pod on-site, two way radio communication equipment shall be provided to the golf course maintenance building with an integrated evacuation siren warning system.
- h. As mitigation for Phase I hurricane shelter impacts, a generator shall be acquired to provide an alternate source of power at one of the Punta Gorda hurricane shelters. This generator shall be acquired prior to issuance of Phase I residential construction permits.
- i. A disclosure statement in the form of a covenant shall be attached to all residential deeds stating that the property is located in a hurricane vulnerability zone and that the hurricane evacuation clearance time for the county is high and/or hurricane shelter spaces are limited.

6. TRANSPORTATION

- a. The applicant or his successor shall be fully responsible for site-related roadway and intersection improvements required within the Caliente Springs DRI. The applicant shall be required to pay the full cost for any site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by Charlotte County for the project's access intersections onto Burnt Store Road.
- b. The applicant shall pay to Charlotte County the impact fees that are in effect at the time building permits are issued for the development. These impact fee payments shall represent partial payments for necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain peak hour peak season level of service "C" for the following significantly impacted regional roadways through project buildout in 2002:

Burnt Store Road

- Notre Dame Boulevard to project entrance
- Project entrance to Zemel Road
- Zemel Road to Burnt Store Marina entrance
- Burnt Store Marina entrance to SR 78*
- Notre Dame Boulevard to US 41

*Included for monitoring purposes

- c. Impact fee payments shall also represent partial share payments for the necessary improvements, including but not limited to, right-of-way, costs of signalization, turn lanes and other improvements deemed necessary by FDOT or Charlotte County, or other appropriate jurisdiction, to maintain level of service "D" on a peak hour peak season basis for the following significantly impacted off-site regional intersections through project buildout:

- Burnt Store Road/Notre Dame Boulevard
- Burnt Store Road/Zemel Road

- d. The improvements necessary to maintain the appropriate level of service for the roadways and intersections outlined in "b" and "c" above shall be made at the time that a rural road segment or intersection is projected to exceed peak hour peak season level of service "C", or an urban segment is projected to exceed peak hour peak season level of service "D". In order to help determine the existing and projected levels of service on regional facilities and the need for improvements in a timely manner, the applicant shall submit an annual monitoring report to Charlotte County, FDOT, the Florida Department

of Community Affairs and the Southwest Florida Regional Planning Council for review and approval. The first monitoring report shall be submitted one year after the issuance of the first construction permits for the Caliente Springs DRI. Reports shall be submitted annually thereafter until buildout of the project.

The monitoring report shall project the approved development's transportation impacts on the roadways and intersection identified in "b" and "c" above for the next year. The development's projections of project traffic shall be based on the total of existing occupied project development, the amount of building permits currently issued for unoccupied project development, and the projected amount of development to be requested within the next year. At a minimum, the monitoring report shall contain project p.m. peak hour peak season trip generation estimates, non-project background counts and turning movements at each of the access intersections and the regional intersections listed above in recommendation "c", and a calculation of this year's and next year's project traffic, background traffic and the existing and next year's projected peak hour peak season level of service at these intersections and on the road segments indicated above in recommendation "b".

The levels of service shall be calculated according to current professional standards and shall provide an indication of when peak hour peak season level service "C" or "D" is expected on impacted roadways and intersections, and an estimate of project impact on those facilities.

- e. Should the eventual development mix of the Caliente Springs be such that the trip generation and external traffic of the project exceed the levels identified in the ADA by more than 15%, on a daily or p.m. peak hour basis, then the project shall go through a substantial deviation determination as outlined in Chapter 380.
- f. Based on the staff transportation assessment of significant project impacts, construction of the following transportation improvements shall be needed prior to, or coincident with, development of the Caliente Springs DRI, if peak hour peak season level of service "C" and "D" conditions are to be maintained through buildout (2002) on regional road segments and intersections.

Phase I (1993-1997)

Burnt Store Road

- Notre Dame Boulevard to the project entrance Widen to 4 lanes

Buildout (1998-2002)

Burnt Store Road

- Notre Dame Boulevard to the project entrance Widen to 4 lanes
- Project entrance to Zemel Rd. Widen to 4 lanes
- Zemel Road to the Burnt Store Marina entrance Widen to 4 lanes
- Burnt Store Marina entrance to SR 78*

*Included for monitoring purposes

- g. If Zemel Road is scheduled for paving and/or widening prior to the start of the second phase of Caliente Springs the traffic analysis shall be updated and the project impacts reassessed and the results incorporated into the development order following the procedural requirements of paragraph 380.06(19)(f), F.S., prior to the issuance of any building permits for Phase II. Any reanalysis shall include an assessment of impacts across the Lee County line and shall utilize the most recently available models or techniques suitable for assessing multi-county impacts.
- h. If an annual monitoring report projects that project plus background peak hour peak season traffic on a regional roadway segment or intersection listed in "b" and "c" above exceeds, or is projected to exceed during the next year, the peak hour peak season level of service standards adopted by the Charlotte County Comprehensive Plan and the project is, or will be, utilizing 5% or more of the peak hour level of service "D" maximum service volume for that urban area roadway/intersection or 5% of LOS "C" for rural areas, then no further building permits and certificates of occupancy shall be granted or issued for the Caliente Springs development until a major roadway improvement restoring the level of service to peak hour peak season level of service "D" (for urban roads intersections) or "C" (for rural roads/intersections) is operational or committed for construction. A committed roadway improvement for the purpose of meeting this requirement shall be either:
- (1) A roadway improvement scheduled for construction within the first year of the appropriate local government's Comprehensive Plan capital improvement element. A roadway construction improvement listed in and scheduled for construction to commence in or before the third year of Charlotte County's Comprehensive Plan capital improvements element will be recognized as a committed roadway improvement, with no additional amendment to this Development Order required, when Charlotte County amends its adopted comprehensive plan and the comprehensive plan amendment is found to be in compliance by final agency action with Rule 9J-5.0055(2)(c). Florida Administrative Code, except insofar as (2)(c) would allow concurrency to be satisfied

(2)(c) would allow concurrency to be satisfied by using the provision in Rule 9J-5.0055(2)(a)1. Florida Administrative Code or Rule 9J-5.0055(2)(b)1. and 2. Florida Administrative Code: or

(2) A roadway construction improvement listed in, and scheduled for construction within, the current three years of the Florida Department of Transportation's adopted Five Year Work Program; or

(3) Any alternative agreed upon by the Charlotte County, SWFRPC, FDCA, and the developer. The developer has the right to propose, as an alternative, the use of a Local Government Development Agreement pursuant to Section 163.3220, Florida Statutes, which contains commitments by the Applicant (potentially including a proportionate share payment) and the local government to provide the necessary improvements which ensures concurrency on all significantly impacted regional roads and intersections. The approval of either of these alternatives shall require amendment of their specifics into this Development Order.

In addition to this requirement, if any road within a three (3) mile radius of the entrance to Caliente Springs becomes subject to a moratorium pursuant to Ordinance 89-43, then Caliente Springs will also be subject to that moratorium and ordinance regardless of the percentage of capacity being utilized by Caliente Springs traffic.

- i. The transportation impacts to the roads and intersections above may be alternatively proposed by the applicant to be appropriately addressed consistent with Southwest Florida Regional Planning Council policies, and in accordance with Section 163.3220, F.S., which requires a commitment by the applicant and/or the local government to insure concurrency on all significantly impacted regional roads, through a substantial deviation determination and development order amendment incorporating the development agreement, pursuant to 380.06(19)(f), F.S.
- j. Should the road impact fees be repealed, or made unenforceable by Court action, the traffic impacts of Caliente Springs shall be immediately reanalyzed to determine appropriate alternative mitigation and the development order amended as appropriate to include such mitigation prior to the issuance of the subsequent building permits.

7. WASTEWATER MANAGEMENT

- a) Prior to construction and prior to the issuance of the first building permit, the applicant shall make a

determination as to whether the project is to connect to an offsite treatment system, or whether an internal system will be constructed and amend this development order, pursuant to 380.06(19)(f), F.S., to reflect the details concerning this selection, including, but not limited to the location, size, ownership, type of treatment, current permitted capacity, availability of permitted capacity to serve a portion or the entirety of Caliente Springs, the form of legally binding reservation of the permitted capacity to serve the Caliente Springs development, and the compliance of the proposed sewage treatment system to comply with Wastewater Management conditions "b", "c" and "e" of this development order. This demonstration shall be part of a single consolidated substantial deviation determination, presumed to create a substantial deviation, also addressing similar development order requirements in the DRAINAGE/WATER QUALITY, HURRICANE EVACUATION, WATER SUPPLY, and WETLANDS/VEGETATION AND WILDLIFE sections of this development order. Any internal treatment facility shall be centrally located, at least 200 feet from the nearest wetland or stormwater management lake, and shall be capable of serving the entire development. Furthermore, any internal facility shall be capable of supplying reclaimed water for irrigation and other non-potable water uses.

- b) At the time of application for construction and operation permits for the Caliente Springs Country Club, plans must be submitted to Southwest Florida Water Management District which demonstrate that the pond, or ponds, receiving the effluent for irrigation are isolated from the surface water management system under average daily conditions and will not contaminate the shallow ground water via percolation. Also, calculations must be submitted demonstrating that the pond, or ponds, is retaining the 10 year/3 day volume minimum storage capacity for the effluent, prior to discharging into the surface water management system. The applicant shall ensure that onsite lakes, flowways, wetlands, and the surface water management system are adequately buffered from potential effluent contamination.
- c) The applicant shall provide assurance, for commercial and non-residential portions of the development, that non-domestic wastewater will be treated separately from domestic wastewater and handled in accordance with FDER criteria.
- d) Temporary septic tanks may be used for residential models, construction and sales offices. In commercial portions of the project, septic tanks shall not be allowed, except for construction of sales offices and model home centers, due to the possibility of hazardous waste generation. Septic tanks shall not be allowed in any residential portion of the project, except for construction or sales offices which shall be connected to

central treatment facilities prior to residential use. Septic tank systems for incidental buildings, such as on the proposed golf course, shall be subject to review by the appropriate agencies. All septic tank systems must comply with all State and County legislation.

- e) All commitments made by the applicant, within the ADA and subsequent sufficiency round information, related to Question 21 (Wastewater Management), and not in conflict with the above recommendations shall be incorporated as conditions for approval.

8. WATER SUPPLY

- a) Prior to construction and prior to issuance of the first building permit, the applicant shall make a determination as to whether the project is to connect to an offsite potable water supply system, or whether an internal system will be constructed and amend this development order, pursuant to 380.06(19)(f), F.S., to reflect the details concerning this selection, including, but not limited to the location, size, ownership, groundwater source of supply, current permitted capacity, availability of permitted capacity to serve a portion or the entirety of Caliente Springs, the form of legally binding reservation of the permitted capacity to serve the Caliente Springs development, and the compliance of the proposed potable water supply system to comply with Water Supply conditions "b", "e" and "k" of this development order. This demonstration shall be part of a single, consolidated substantial deviation determination, presumed to create a substantial deviation, also addressing similar development order requirements in the DRAINAGE/WATER QUALITY, HURRICANE EVACUATION, WASTEWATER MANAGEMENT, and WETLANDS/VEGETATION AND WILDLIFE sections of this development order. Consideration shall be given to meeting the irrigation needs of the project through the following hierarchy of sources: (1) treated groundwater, (2) treated stormwater, (3) non-potable quality groundwater.
- b) The development shall require a Southwest Florida Water Management District Water Use Permit for any withdrawals from groundwater, project lakes, and/or other surface water bodies for irrigation or potable uses and for any dewatering associated with the construction of project lakes, and/or road or building foundations.
- c) For the purpose of potable water conservation, installation of high-efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices shall be required. This shall include the use of toilets requiring no more than 1.6 gallons per flush.

- d) For the purpose of potable water conservation, installation of self-closing and/or metered water faucets in all public and commercial restroom facilities shall be required.
- e) For the purpose of potable and/or reclaimed water conservation, utilization of Xeriscape principles shall be incorporated in all landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated.
- f) The Caliente Springs Country Club shall utilize the following additional water conservation measures, as appropriate:
 - 1) The project shall use an on-site rain gauge in order to better determine supplemental irrigation requirements;
 - 2) When possible, the applicant shall undertake the use of low volume irrigation methods which deliver small quantities of water in a highly efficient manner directly to the base of the plant. This is defined as a system delivering less than 3 gallons per hour and/or less than 35 psi pressure. Such a system could be utilized for irrigation of ornamental plantings around the clubhouse, maintenance facility, and multi-family units.
 - 3) The applicant shall participate in the development of a public awareness campaign, for project residents, to increase knowledge of water conservation.
- g) The applicant has proposed supplemental use of groundwater from the intermediate aquifer for meeting irrigation requirements. The applicant has also proposed restoration of the old "mineral bath" facility as a reflecting pool and fountain. In order to utilize these water sources, the applicant must prove, at the time of permit application, that surface and surficial aquifer waters will not be contaminated by these uses.
- h) The lake system is adjacent to wetland preserve areas. At the time of permit application, the applicant must show that the wetland hydroperiod will not be adversely affected by proposed supplemental irrigation withdrawals from project lakes.
- i) As the applicant has indicated that the project will use reclaimed wastewater for irrigation purposes, the applicant shall ensure that onsite lakes, wetlands, flowways, and the surface water management system are adequately buffered from potential effluent contamination.

- j) All construction plans, technical specifications, and proposed plats, if applicable, for the proposed water distribution system shall be reviewed by Southern States Utility Services, Inc., or other utility provider, and Charlotte County prior to commencement of construction.
- k) All commitments made by the applicant within the ADA and subsequent sufficiency round information, related to Question 15 (Water) and Question 23 (Water Supply) shall be incorporated as conditions for approval.

9. WETLANDS/VEGETATION AND WILDLIFE

- a) As listed plant and animal habitat areas occur in both Phase I and Phase II areas depicted on the Caliente Springs Country Club Master Plan Exhibit A, prior to any site clearing, the issuance of any construction permits and prior to any platting approval, the following requirements shall be submitted by the developer, shall confirm to the satisfaction of the Department of Community Affairs and the Florida Game and Freshwater Fish Commission that the applicant has fully and adequately complied with the intent of these requirements, and the developer shall obtain approval of the specific conditions appropriately implementing these requirements consistent with any federal and state rules, policies, and statutes through a substantial deviation determination and development order amendment, pursuant to 380.06 (19) (f), F.S. This demonstration shall be part of a single, consolidated substantial deviation determination, presumed to create a substantial deviation, also addressing similar development order requirements in the DRAINAGE/WATER QUALITY, HURRICANE EVACUATION, WASTEWATER MANAGEMENT, and WATER SUPPLY sections of this development order.
- 1. At least one consolidated area of gopher tortoise preserve of at least 20 acres shall be designated to provide a core area for the linear upland preserve segments. The selected gopher tortoise preserve and designated linear upland preserve segments must be of a size and in locations acceptable to the Florida Game and Fresh Water Fish Commission, shall be simultaneously placed in a conservation easement according to the provisions of "b" below, and shall be depicted on a revised Master Plan Exhibit A as listed species preservation areas. As part of this amendment proposal, the applicant shall prepare a set of tables giving the total area in acres of gopher tortoise occupation by FLUCCS code upon completion of the proposed site plan, and the acreage by FLUCCS code of all the proposed preservation areas, including those for other listed animal species and wetlands.

2. Detailed surveys delineating the locations of potential habitat, actual occupied habitat, and individual population sizes and locations for all individuals of Deeringothamnus pulchellus (Beautiful pawpaw) and Nolina atocarpca (Florida bear-grass) and Gossypium hirsutum (wild cotton) occurring onsite shall be carried out during appropriate times of year and reported on for the entire project site. Except as discussed in an option below, the following shall be included in the survey: (a) scientific information known about the life history requirements of each of the above three-listed plant species (and closely related species if little is known about the listed species onsite), its relative endangerment and need for protection; (b) the types and amounts of disturbances; the types and amounts of developmental, hydroperiod, shading or human-related impacts; and the types and amounts of pesticides and herbicides suspected or known to be harmful to the species; (c) the types and amounts of needed onsite management and buffers necessary to reasonably ensure for the species's in perpetuity preservation and reproduction onsite; (d) any scientific information about known or suspected pollinators and their likely life history requirements onsite; and (e) if relocation is proposed, details about the current scientific state of the art regarding the relocation potential of the particular species, the relocation techniques utilized and their estimated cost for the Caliente project, the problems experienced in past relocation efforts, the length of time that relocated populations have been demonstrated to be successfully reproducing, and details about any potential problems likely to be experienced undertaking relocation on the Caliente site. Appropriately addressing and taking into consideration all of the above information and the relative endangerment and need for protection of each species, the applicant shall submit for approval the proposed location, population size, and the percentage of the total onsite range of each listed upland plant species that will be preserved. The Gossypium hirsutum (wild cotton) was observed only on the fringes of a small cabbage palm hammock that also is the site of the John Quiet Lake Shell Midden as shown on Map H (revised 7/30/92).

As a substitute option for supplying the information requirements of (a) through (e) above, and as a substitute option for proposing preservation areas that are required to appropriately address and take into consideration the information required in (a) through (e) above, the developer may propose to preserve at a minimum, 100% of all individuals of Deeringothamnus pulchellus (Beautiful pawpaw), 50% of

all individuals of *Nolina atocarpca* (Florida bear-grass), and 50% of all individuals of *Gossypium hirsutum* (wild cotton) occurring onsite, plus a 200 foot buffer around the populations that will be left occurring onsite. Regardless of the listed plant preservation option utilized, all proposed onsite listed plant preservation areas, including all buffers around such populations occurring onsite, shall be preserved in perpetuity through a conservation easement according to the provisions of "b" below."

3. A wildlife and listed plant management plan for the proposed wildlife and listed plant preserves. This will include those listed plant species previously observed in the two cabbage palm hammocks located outside of the development area.

b) All on-site wetland systems, other conservation and listed species preservation tracts, and mitigation areas shall be considered as in perpetuity preservation areas and their developmental uses shall be restricted by conservation easements to be conveyed to Charlotte County, the State of Florida or a qualified non-profit conservation organization that has both the dedication to conservation, and the resources to enforce the restrictions of the conservation easement. The conservation easements shall clearly designate the onsite preservation area as a perpetual easement area to be managed and retained in a natural state for the continued protection and sustainability of the species or natural or archaeological resources requiring preservation; shall prohibit all development and all activities inconsistent with the purpose for which the land is being preserved; shall name the State of Florida as a benefiting party; shall allow it or any of its agencies access to the site upon request; shall provide the State of Florida with the right to require restoration and the right of enforcement; and shall be incorporated into this development order through the procedural requirements of paragraph 380.06(19)(f), F.S., prior to any site clearing and prior to any construction permit issuance. This demonstration shall be part of a single, consolidated substantial deviation determination, presumed to create a substantial deviation, also addressing similar development order requirements in the DRAINAGE/WATER QUALITY, HURRICANE EVACUATION, WASTEWATER MANAGEMENT, and WATER SUPPLY sections of this development order. Until such time as this development order amendment approves final listed plant and animal preservation areas and becomes final without appeal, at a minimum, all of the onsite wetlands and all the habitat areas depicted on the October 1990 Maps E1 and F2 as beautiful pawpaw, Florida beargrass and critical gopher tortoise habitat areas shall be considered as interim

preservation areas and no native species or their habitats shall be disturbed, adversely impacted, or removed from these areas in any manner.

- c) Wetland partially included in or adjacent to the corridor shall be incorporated into the corridor area.
- d) All drainage ditches within and along the wildlife corridors shall be filled to reestablish historical drainage patterns.
- e) All road crossings of the corridor shall be bridged along the entire corridor to maximize the opportunity for wildlife movement.
- f) Activities within buffer areas shall be restricted to hand-cleared nature trails with a maximum width of three feet and other passive recreation uses requiring minimal removal of natural vegetation or ground surface disturbances. Impervious surfaces and the use of herbicides or fertilizers shall be prohibited. The use of pesticides will be restrictive except for protection from and control of disease threatening mosquitos by the Charlotte County Mosquito Control.
- g) Prior to construction of the fishing pier (s) and canoe launch a permit from the Board of Trustees of Internal Trust Fund shall be necessary.
- h) Conveyance of over 865+/- acres of estuarine wetland, hydric pine flatwoods and cabbage palm hammocks shall be made to the State of Florida or other appropriate entity, consistent with the provisions of "a" and "b" above.
- i) Restore impacted isolated wetlands by incorporating them into the water management system.
- j) Create new wetland areas within the stormwater management system.
- k) Preserve upland buffers adjacent to preserved isolated and contiguous wetlands.
- l) Restore areas within the jurisdictional line by removing spoil areas and eradicating noxious exotic plants.
- m) The on-site wetlands shall be preserved in their natural or existing state. Assurances that the wetlands shall be preserved shall be provided by: 1) maintaining water levels in artificial waterbodies at elevation compatible with adjacent wetlands or where this is not practical; 2) allow for adequate setbacks to prevent the drawdown of wetlands; 3) allowing only treated stormwater runoff of

discharge into waters of the state; 4) pre-treating stormwater runoff proposed to be discharged into isolated wetlands in accordance with SWFWMD rules; 5) implementing strict supervision of construction activities in the vicinity of wetlands.

- n) Less than five (5) acres of wetland shall be impacted.
- o) All Brazilian pepper monocultures shall be eradicated.
- p) Only approximately 1.7 acres of the cabbage palm hammock shall be impacted and any cabbage palm trees with non-listed plant epiphytes shall be relocated within or immediately adjacent to the hammock prior to the impacts being incurred; cabbage palm trees containing state listed threatened or endangered plant species shall not be relocated without approval through a substantial deviation determination pursuant to Subsection 380.06(19), F.S.

10. FIRE PROTECTION

- a) The applicant will make available a one-acre site within the commercial area for a fire station.
- b) Sprinklers should be included in common areas of the project and multi-story residential buildings.
- c) The applicant shall meet with the Fire District during detailed site plan review in order to incorporate any required safety and access features into the project design.

11. SOLID WASTE

- a) The applicant should develop (and be prepared to implement) procedures for storing and disposing of hazardous waste, including hazardous wastewater, in accordance with local, regional, state and federal hazardous waste programs.
- b) Any business located within the Caliente Springs Country Club DRI, which might generate special or hazardous wastes, should be responsible for the temporary storage and proper disposal of special hazardous wastes generated by such business. These types of wastes should include any of those listed in the Charlotte County Hazardous Waste Assessment, as well as any hazardous chemicals listed within the Federal Superfund Amendments and Reauthorization Act (SARA), Title III. However, there should be no siting of special or hazardous waste storage facilities contrary to Charlotte County Regulations.

- c) As the day-to-day operation and maintenance of the Caliente Springs Golf Course may generate hazardous wastes, the golf course should be subject to condition b, above.

12. GENERAL CONSIDERATIONS

- a) All commitments and impact mitigating actions provided by the applicant within the Application for Development Approval (and supplementary documents) that are not in conflict with specific conditions for project approval outlined above are officially adopted as conditions for approval.
- b) The developer shall submit an annual report on the development of regional impact to Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs and all affected permit agencies as required in Subsection 380.06 (18), Florida Statutes and Section 9J-2.025(7)B-6, Florida Administrative Code.
- c) The development phasing schedule presented within the ADA and as adjusted to date of development order approval shall be incorporated as a condition of approval. Phase I buildout will be 1997 and Phase II buildout will be 2002; these dates each represent a two year extension to those dates reviewed in the ADA and shall be considered cumulatively against any future proposed phase or project buildout date extension for the purposes of calculating whether the statutory timeframes are met or exceeded in paragraph 380.06(19)(c), F.S. If development order conditions and applicant commitments incorporated within the development order, ADA or sufficiency round responses to mitigate regional impacts are not carried out as indicated to the extent or in accord with the timing schedules specified within the development order and this phasing schedule, then this shall be presumed to be a substantial deviation for the affected regional issue.
- d) If it is demonstrated during the course of monitoring the development, that substantial changes in the conditions underlying the approval of the development order have occurred or that the development order was based on substantially inaccurate information provided by the developer, resulting in additional substantial regional impacts, then a substantial deviation shall be deemed to have occurred.
- e) Pursuant to Chapter 380.06 (16), the applicant may be subject to credit for contributions, construction, expansion, or acquisition of public facilities, if the developer is also subject by local ordinances to impact

fees or exactions to meet the same needs. The local government and the developer may enter into a capital contribution front-ending agreement to reimburse the developer for voluntary contributions in excess of the fair share.

- f) No site clearing shall occur until site plan review has been completed.
- g) The applicant will comply with all applicable local codes, ordinances and regulations of Charlotte County to the extent not inconsistent with this development order.
- h) Nothing in this development order shall preclude or exempt the development from participating in any duly established MSTU, MSBU or Community Development District for the purpose of providing infrastructure and services.

BE IT FURTHER RESOLVED, the Board of County Commissioners of Charlotte County, Florida that :

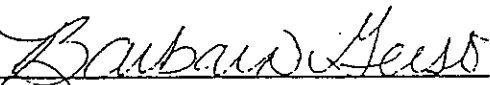
1. The County Administrator or his designee shall be the local official responsible for assuring compliance with this Development Order.
2. Wherever the term "applicant" or "Applicant" is used herein to refer to a condition or requirement which must be completed, the term shall include any successors or assigns or management entity hereinafter succeeding to the rights or obligations under this Development Order.
3. This development order shall remain in effect for a period of ten (10) years from the date of its rendition. In the event that significant physical development has not commenced within five years from the approval of this development order, development approval will terminate and this development order shall no longer be effective. For purposes of this requirement, "significant physical development" does not include roads, drainage or landscaping but does include Certificate of Occupancy of buildings or installation of utilities and facilities such as sewer and water lines to the project and within Phase I.
4. Pursuant to Section 380.06 (15) (c) 3, Charlotte County agrees that the Caliente Springs County Club Development Order shall not be subject to down zoning, unit density reduction or intensity reduction for a period of ten (10) years unless it can demonstrate that substantial changes have occurred in the conditions underlying the approval of this development order or that the development was based on substantially inaccurate information provided by the developer of that the change is clearly established by Charlotte County to be essential to the public health, safety or welfare.

5. Subsequent requests for development permits shall not require further review pursuant to Section 380.06, Florida Statutes, unless it is found by Charlotte County, after due notice and hearing, that one or more of the following is present:
- a. A substantial deviation from the terms or conditions of this development order, or other changes to the approved development plans which create a reasonable likelihood of adverse regional impacts or other regional impacts which were not evaluated in the review by the Southwest Florida Regional Planning Council in which case Charlotte County shall take the appropriate action which may include ordering that an amendment to the DRI be filed before any further development may continue; or
 - b. An expiration of the period of effectiveness of this development order as provided herein, in which case Charlotte County shall order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.
6. A certified copy of this resolution shall be forwarded to the Southwest Florida Regional Planning Council and to the Florida Department of Community Affairs.

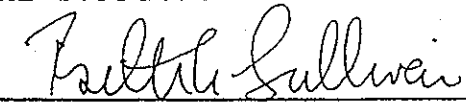
PASSED AND DULY ADOPTED this 14TH day of DECEMBER, 1993.
BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

BY: 
Chairman: Richard J. Leonard

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

BY: 

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

BY: 

TABULAR DATA

2.7 Ac +/- Commercial Site
 4.5 Ac +/- Hotel Site
 27.9 Ac +/- Residential Parcels
 1.0 Ac +/- Golf & Tennis Club Site
 1.7 Ac +/- Golf Maintenance Site
 3.6 Ac +/- Bouquet (1.0 Millial)
 44.7 Ac +/- Golf Open Space (4.094)
 105.0 Ac +/- Lakes

12.9 Ac +/- Addition R.O.W. Deductions
 91.0 Ac +/- Total Developable Area
 65.0 Ac +/- Conservation Area
 17.0 Ac +/- TOTAL ACRES
 181.0 UNITS TOTAL

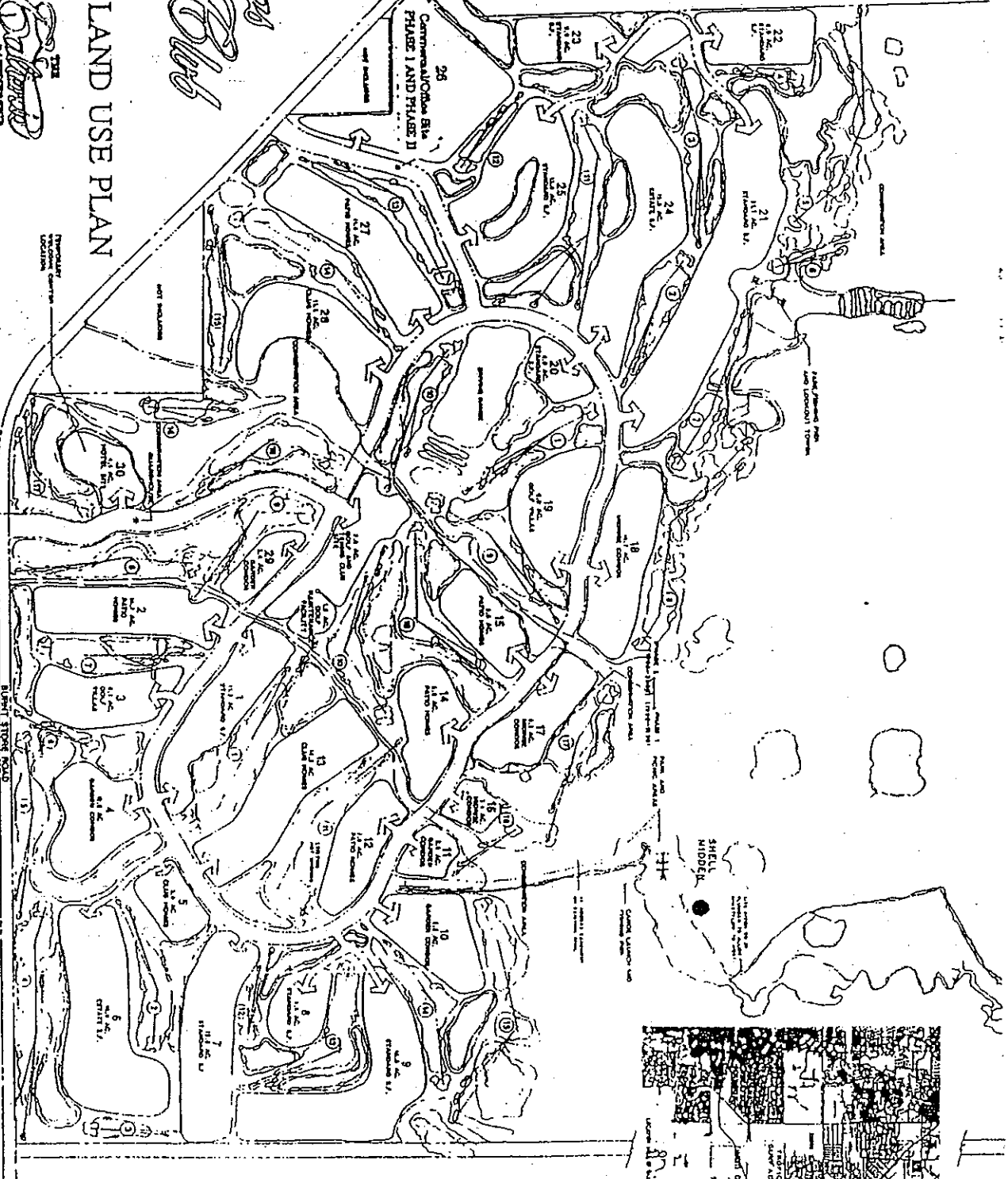
Product Type - 1/1st Site, 1st Site, Total

Home Single Family	110,140'	200	14
Home Single Family 1	49,110'	1,000	1,000
Club House	7,120'	1,000	1,000
Pool House	47,110'	1,000	1,000
Club Villa	704	1,000	1,000
Other Cottages	704	1,000	1,000
Home Cottages	704	1,000	1,000
TOTAL UNITS			1810

Minor adjustments may be proposed to this site plan pursuant to Subsection 380.06 (19) (e) 2, Florida Statutes.

Belanta Springs Country Club

MASTER CONCEPTUAL LAND USE PLAN



PHASE 2 ← PHASE 1
 (1998-2002) (1993-1997)

EXHIBIT B - LEGAL DESCRIPTION

TRACT 1: Northwest 1/4 of Section 20, Township 42 South, Range 23 East, less State Road right-of-way.

TRACT 2: South 1/2 of North 1/2 of Southwest 1/4 of Northeast 1/4 of Section 20, Township 42 South, Range 23 East, lying West of State Road right-of-way.

TRACT 3: A triangular tract of land containing three acres more or less, situated in the Southwest 1/4 of Section 20, Township 42 South, Range 23 East, described as:

Beginning at a point where the East-West centerline of said Section 20 intersects the Northwesterly right-of-way line of Burnt Store Road as the same was located prior to entry of order of tacking in condemnation suit No. 68-34 heretofore pending in the Circuit Court of Charlotte County, Florida; thence Southwesterly along said Northwesterly right-of-way line a distance of 500 feet; thence to the right at an angle of 90 degrees, going Northwesterly 473 feet, more or less, to the East-West centerline of said Section 20; thence Easterly along said East-West centerline 689 feet, more or less to the point of beginning less State Road right-of-way.

TRACT 4: North 1/2 of North 1/2 of South 1/4 of Northeast 1/4 of Section 20, Township 42 South, Range 23 East, lying West of State Road right-of-way.

TRACT 6: Section 17 less the North 100 feet thereof and less State Road right-of-way in Township 42 South, Range 23 East.

TRACT 7: Fractional Section 18, Township 42 South, Range 23 East.

Surveyor's description (P/O Tract 8)

The East 950 feet of the Northeast 1/4 of fractional Section 19, Township 42 South, Range 23 East.

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

TRACT 5: Fractional Section 13, Township 42 South, Range 22 East.

TRACT 9: Description by client:

EXHIBIT B - (Continued)

Northwest 1/4 of the Northeast 1/4 of Section 20, Township 42 South, Range 23 East, containing 40 acres more or less.

Surveyor's description (remainder of Tract 8) the Northeast 1/4 of fractional Section 19, Township 42 South, Range 22 East, less the East 950 feet thereof.

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

SURVEYOR'S NOTATIONS:

- 1) Bearings shown hereon are based on the East line of Section 17 as being S.00 18' 43"W according to Florida DOT right-of-way map of State Road No. S-765 (Burnt Store Road) Section 01540-2601.
- 2) Sections 13, 18 & the remainder of 19, shown hereon based on the survey prepared by Cadastral Engineering & Surveying, Inc., dated 6/8/81, drawing #81-268 and are only approximate.

TRACT ACREAGE

<u>TRACT</u>	<u>ACRES</u>
1	161.50±
2	6.50±
3	2.80±
4	8.88±
6	635.96±
7	628.21±
Portion of 8	58.24±
Remainder of 8	237.21±
9	39.67±
<hr/> Total:	<hr/> 1,778.97±

Note: Tract 5 (fractional Section 13) has not been surveyed, the are of Tract 5 is undeterminable from the written description.

ESTIMATED LAND USE DISTRIBUTION AT BUILDOUT
 PHASE I
 EXHIBIT "C"

LAND USE	LEVEL I-IV LAND USE AND COVER CLASS	ACRES +/-	% OF TOTAL SITE
Residential Low Density (Less Than 2 Dwelling Units)	110	16.90	0.95
Residential Medium Density (2-5 Dwelling Units Per Acre)	120	96.80	5.45
Residential High Density (6 or More Dwelling Units Per	130	8.10	0.46
Multiple Dwelling Units (2 Stories or Less. Duplex, Triplex, Patio Homes)	133	24.20	1.36
Multiple Dwelling Units High Rise (Three Stories or More Condominium Units)	134	2.40	0.13
Tourist Services	145	0.00	0.00
Golf Course and Lakes	182	182.25	10.25
Other Recreational	189	52.35	2.94
Collector Road Row	814	20.30	1.14
Utility Site	830	0.00	0.00
Retail Sales and Services	141	10.35	0.58
Wetland Reserves	321	937.62	52.73
Total Site Phase I		1351.27	75.99

110 Single Family Estate Lots	1.8 U/A
120 Single Family Standard Lots	3.0 U/A
Single Family Patio Homesites	5.0 U/A
Single Family Club Homesites	4.0 U/A
130 Golf Villas	9.0 U/A
133 Garden Condominium	18.0 U/A
134 Midrise Condominium	24.0 U/A
182 Golf Course Open Area and Lakes	
189 Clubhouse Area & Tennis Club, Driving Range	
814 Boulevard Row	
830 Low Profile Water Storage Facility	
141 Commercial Site	
321 Protected Wetlands and Conservation Areas	

ESTIMATED LAND USE DISTRIBUTION AT BUILDOUT
 PHASE II
 EXHIBIT "C"

LAND USE	LEVEL I - IV LAND USE AND COVER CLASS	ACRES +/-	% OF TOTAL SITE
Residential Low Density (Less Than 2 Dwelling Units Per Acre)	110	15.80	0.89
Residential Medium Density (2-5 Dwelling Units Per Acre)	120	80.50	4.53
Residential High Density (6 or More Dwelling Units Per Acre)	130	9.00	0.51
Multiple Dwelling Units (2 Stories or Less. Duplex, Triplex, Patio Homes)	133	0.00	0.00
Multiple Dwelling Units High Rise (Three Stories or More Condominium Units)	134	18.80	1.06
Tourist Services	145	4.10	0.23
Golf Course and Lakes	182	182.25	10.25
Other Recreational	189	11.00	0.62
Collector Road Row	814	18.30	1.03
Utility Site	830	4.00	0.23
Retail Sales and Services	141	10.35	0.58
Wetland Reserves	321	72.63	4.09
Total Site Phase II		426.73	24.01
Total Site		1778.00	100.00