

**BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT**



COMMISSION MINUTES

June 26, 2006

Mr. Daniel L. Trescott  
Southwest Florida Regional Planning Council  
1926 Victoria Avenue  
Fort Myers, FL 33901

We are forwarding a certified copy of Resolution #2006-212 as required within the Resolution per item 8, on page 4. This Resolution was approved by the Board of Charlotte County Commissioners on Tuesday, November 21, 2006.

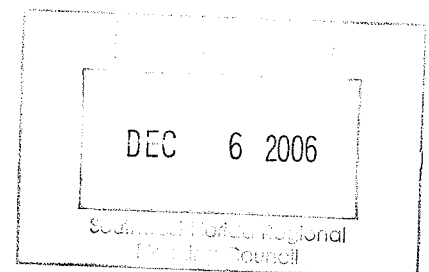
If you have any questions, please contact me directly at (941) 7434-1539.

Sincerely,  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT

By:

  
Anne L. Pfahler  
Deputy Clerk

Enclosure (1)  
BTS/alp



RESOLUTION  
NUMBER 2006 - 212

A RESOLUTION AMENDING RESOLUTION 86-230, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER, AS AMENDED BY RESOLUTIONS 92-285, 93-59 AND 97-0610AO, 2002-064, 2002-178, 2003-028, 2006-026 AND 2006-027; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

FINDINGS

WHEREAS, on February 17, 1981, the Board of County Commissioners of Charlotte County passed and approved a Resolution constituting the Sandhill DRI Development Order; and

WHEREAS, on September 9, 1986, the Board passed and approved Resolution 86-230, which replaced the original development order; and

WHEREAS, the Sandhill DRI Development Order was amended by Charlotte County Resolution 86-325 on November 18, 1986, by Resolution 87-07 on January 20, 1987, by Resolution 87-156 on July 21, 1987, by Resolution 87-289 on December 15, 1987, by Resolution 88-56 on April 19, 1988, by Resolution 88-57 on April 19, 1988, by Resolution 88-235 on October 4, 1988, by Resolution 88-282 on December 20, 1988, by Resolution 89-42 on February 21, 1989, by Resolution 89-90 on April 25, 1989, by Resolution 89-324 on October 24, 1989, by Resolution 89-330A on October 31, 1989, by Resolution 90-258 on October 16, 1990, by Resolution 91-99 on May 21, 1991, and by Resolution 91-123 on June 18, 1991; and

WHEREAS, a second substantial deviation amendment was passed and approved by Charlotte County Resolution 92-285 on December 15, 1992; and

COURT  
CERTIFIED TRUE COPY  
OF THE ORIGINAL  
BARBARA T. SCOTT  
CLERK OF THE CIRCUIT COURT  
CHARLOTTE COUNTY, FLORIDA  
BY: *Amelia Baker*  
DEPUTY CLERK

WHEREAS, the substantial deviation Resolution 92-285 was amended by Resolution 93-59 on May 4, 1993, Resolution 97-0610AO on July 15, 1997, Resolution 2002-064 on May 28, 2002, Resolution 2002-178 on November 12, 2002, Resolution 2003-028 on February 11, 2003, Resolution 2006-026 on February 21, 2006, Resolution 2006-027 on February 21, 2006 and Resolution 2006-173 on September 19, 2006.

WHEREAS, the Southwest Florida Regional Planning Council reviewed and considered the amendments submitted by Alfred M. Johns, L.C. and Jack F. Stephenson, L.C ("Applicants") and recommended acceptance of the proposed amendments to the Sandhill DRI Development Order finding that they do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities.

WHEREAS, the Charlotte County Planning and Zoning Board has reviewed and considered Petition NOPC-06-07-53 and also recommends approval finding that this is not a substantial deviation.

WHEREAS, the Board of County Commissioners of Charlotte County has reviewed and considered the amendments requested by the Applicants and finds that they are consistent with the Charlotte County Comprehensive Plan and with the previously approved Sandhill DRI Development Order, and also finds that pursuant to F.S. §380.06(19) they do not constitute a substantial deviation.

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

1. The seventh (7<sup>th</sup>) "Whereas" clause of Resolution 92-285, as amended is hereby further amended as follows (hereafter all additions **bold double underlined**, deletions ~~stricken~~):

Whereas, the applicants have requested a change of land use on the Tracts 1, 2, 3 and 4 of the project described on Exhibit "1" attached hereto, as revised July 15, 1997 in Exhibit 1 attached **and as further revised by Sandhill Master Development Plan (Revised Map H dated July 17, 2006, amended;** and

2. Paragraph 8 of the Findings of Fact and Conclusions of Law section of Resolution 92-285, as amended, is hereby further amended as follows:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

8. The Sandhill site contains 730.30± acres. The applicant has requested an amendment to the Development Order, as amended by Resolution 86-230 and as amended by those resolutions listed above, to revise the land uses as follows: reduce residential units from 4,022 on 273.3 acres to 2,496 on ~~433.77~~ **155.77** acres; increase the commercial from 1,965,800 gross square feet on 204.2 acres to 1,965,800 gross square feet of commercial retail use on ~~240.3~~ **242.91±** acres; reduce 28.9 acres of research and development from 362,000 gross square feet to ~~26.2~~ **4.2** acres of research and development with ~~261,000~~ **42,000** gross square feet (**261,000 gross square feet were** analyzed as retail commercial for traffic purposes), increase in park/public/semi-public area from 35.4 acres to 50.18 acres, increase the lake area from 60.7 acres to 61.4 acres, increase the mitigation area from 78.4 acres to 84.7 acres, and add 6.55 acres of preservation. The golf course acreage will be reduced from 95.7± acres to 84.09+ acres, the public area and road areas remain the same. A maximum of 8,030 parking spaces will be built to accommodate the retail commercial use.

3. Paragraph 17 of Resolution 86-230, as amended, is hereby amended as follows:

17. This order shall terminate ~~September 30, 2006~~ **March 2, 2009**, or upon the completion of the project, whichever shall have occurred first. This order shall become effective on the 9<sup>th</sup> day of September, 1986.

4. The amendments incorporated herein do not constitute a substantial deviation to the conditions of the development order.

5. All other terms and conditions of the development order, not affected by this resolution, shall remain unchanged and in full force and effect.

6. A codified development order shall be presented to the Board of County Commissioners for adoption no later than February 20, 2007.

7. This resolution shall become effective immediately upon its adoption.

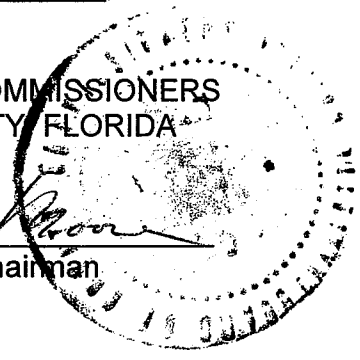
8. The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Thomas Tuminia, Florida Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 and to Daniel L. Trescott, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901 and to DRI Coordinator, Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, Florida 33948.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 21 day of NOVEMBER, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY FLORIDA

By: Thomas G. Moore  
Thomas G. Moore, Chairman



ATTEST:

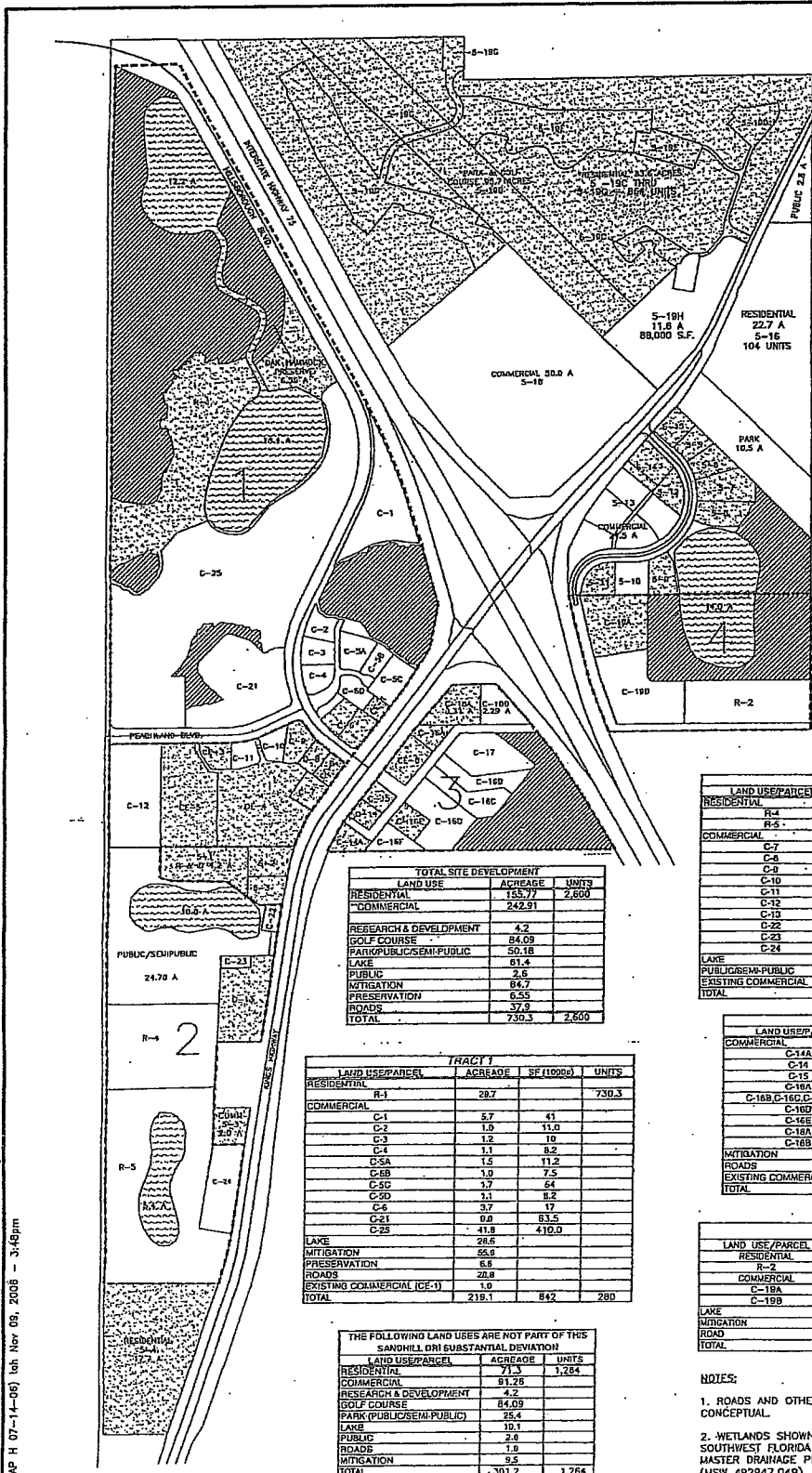
Barbara T. Scott, Clerk of  
Circuit Court and Ex-officio  
Clerk to the Board of County  
Commissioners

By: Paul Manley  
Deputy Clerk 12/4/06

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney

RB  
LR 2006-596



Christopher D. Beers, PE  
License No. 64594

REVISED MAP H  
NOVEMBER 9, 2006

- BOUNDARY OF PREVIOUSLY APPROVED SUBSTANTIAL DEVIATION, TRACTS 1-4
- WETLAND, MITIGATION, AND PRESERVE AREAS
- EXISTING DEVELOPMENT AREAS
- LAKE AREAS

\* THE NEWPORT PROJECT PER CHARLOTTE COUNTY RESOLUTION B7-107 & PD-80-4A-1

\*\* S-19A SIZE IS 0.3 ACRES COMMERCIAL SQUARE FOOTAGE ALLOCATION TO S-19A IS 3,500 SF

**TOTAL SITE DEVELOPMENT**

LAND USE	ACREAGE	UNITS
RESIDENTIAL	155.77	2,600
COMMERCIAL	242.91	
RESEARCH & DEVELOPMENT	4.2	
GOLF COURSE	84.09	
PARK/PUBLIC/SEMI-PUBLIC	50.18	
LAKE	61.4	
PUBLIC	2.6	
MITIGATION	84.7	
PRESERVATION	6.55	
ROADS	37.8	
<b>TOTAL</b>	<b>730.3</b>	<b>2,600</b>

**TRACT 2**

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-4	20.9		435
R-5	24.0		300
COMMERCIAL C-7	1.0	10	
C-8	0.4	4	
C-9	1.3	13	
C-10	0.9	9	
C-11	0.9	9	
C-12	7.3	73	
C-13	6.0	60	
C-22	0.5	5	
C-23	0.5	5	
C-24	3.8	30.4	
LAKE	10.2		
PUBLIC/SEMI-PUBLIC	24.0		
EXISTING COMMERCIAL	23.9		
<b>TOTAL</b>	<b>151.4</b>	<b>188</b>	<b>735</b>

**TRACT 1**

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-1	28.7		730.3
COMMERCIAL C-1	3.7	41	
C-2	1.0	11.0	
C-3	1.2	10	
C-4	1.1	8.2	
C-5A	1.5	11.2	
C-5B	1.0	7.5	
C-5D	1.7	64	
C-5E	1.1	8.2	
C-6	3.7	17	
C-21	0.9	83.5	
C-25	41.8	410.0	
LAKE	28.6		
MITIGATION	55.0		
PRESERVATION	6.8		
ROADS	28.8		
EXISTING COMMERCIAL (CE-1)	1.0		
<b>TOTAL</b>	<b>219.1</b>	<b>842</b>	<b>280</b>

**TRACT 3**

LAND USE/PARCEL	ACREAGE	SF (1000s)
COMMERCIAL C-14A	0.0	
C-14	2.0	0.8
C-15	1.5	3.0
C-16A	0.89	1.9
C-16B, C-16C, C-17	0.51	0.1
C-18	3.29	50.0
C-16E	1.13	12.0
C-18A	3.31	10.175
C-18B	2.29	39.825
MITIGATION	3.5	
ROADS	3.5	
EXISTING COMMERCIAL (CE-6)	1.6	
<b>TOTAL</b>	<b>37.4</b>	<b>228</b>

**TRACT 4**

LAND USE/PARCEL	ACREAGE	SF (1000s)	UNITS
RESIDENTIAL R-2	9.0		320
COMMERCIAL C-18A	5.8	43	
C-18B	5.0	50	
LAKE	8.2		
MITIGATION	11.8		
ROAD	3.8		
<b>TOTAL</b>	<b>41.2</b>	<b>91</b>	<b>320</b>

THE FOLLOWING LAND USES ARE NOT PART OF THIS SANDHILL OR SUBSTANTIAL DEVIATION

LAND USE/PARCEL	ACREAGE	UNITS
RESIDENTIAL	71.3	1,284
COMMERCIAL	91.25	
RESEARCH & DEVELOPMENT	4.2	
GOLF COURSE	84.09	
PARK (PUBLIC/SEMI-PUBLIC)	25.4	
LAKE	10.1	
PUBLIC	2.0	
ROADS	1.9	
MITIGATION	5.5	
<b>TOTAL</b>	<b>301.2</b>	<b>1,284</b>

**REVISION NOTES:**

1. PROPOSED JULY 2002 REVISIONS:
  - A. TRACT 1: REVISED PARCELS, LAKES, & WETLANDS.
  - B. TRACT 3: REVISED PARCEL C-16 & REMOVED WETLAND.
  - C. TRACT 4: REVISED PARCEL C-19 & INCREASED WETLAND.
2. PROPOSED JANUARY 2006 (NOPC-051283) REVISIONS:
  - A. SUBDIVIDED C-16, C-17, C-18, C-20, \*NEWPORT GOLF
3. PROPOSED JANUARY 2006 (NOPC-051284) REVISIONS:
  - A. REALLOCATED COMMERCIAL S.F. & RESIDENTIAL UNITS BETWEEN EXISTING TRACTS 1 & 4.
    1. TRANSFERRED 320 RESIDENTIAL UNITS FROM R-1 (TRACT 1) TO R-2 (TRACT 4).
    2. TRANSFERRED 75,000 SF OF COMMERCIAL FROM R-2 (TRACT 4) TO C-21 & C-25 (TRACT 1).
4. ADDED PARCEL S-19A.
5. ADD COMMERCIAL PARCEL S-19H. REMOVE PARCEL S-19D.
6. JULY 14, 2006 - REVISE ACREAGES.
7. JULY 17, 2008 - REVISE ACREAGES AND S-16.
8. NOVEMBER 9, 2008 - ADD S.F. TO S-19H.

**NOTES:**

1. ROADS AND OTHER IMPROVEMENTS ARE CONCEPTUAL.
2. WETLANDS SHOWN ARE BASED ON THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT MASTER DRAINAGE PERMIT. (MSW 492947.049)
3. ALL PARCELS NOT INCLUDED IN THE MOST RECENTLY APPROVED SUBSTANTIAL DEVIATION, WERE ASSIGNED TO TRACT "5". 26 PARCELS WERE ASSIGNED TO TRACT 5 (PARCELS 5-1 THRU 5-19, INCLUDING PARCELS 5-16A, 5-16B, 5-19A, 5-19B, 5-19C, 5-19D, 5-19E, 5-19F & 5-19G).
4. THIS MAP WAS PROVIDED BY THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL FROM MAP H DATED JANUARY 11, 2006 AND REVISED BY JOHNSON ENGINEERING.

J:\20050000\20050506\20050506-H map.dwg (Map H 07-14-05) 11/09/06 3:46pm

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