

RESOLUTION  
2008 - 029

A RESOLUTION AMENDING RESOLUTION 2007-112, THE SANDHILL DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on February 17, 1981, the Board of County Commissioners of Charlotte County, Florida ("Board") approved and adopted a Development Order ("DO") for the Sandhill Development of Regional Impact (DRI) Planned Development (PD-80-4), pursuant to Section 380.06, Florida Statutes; and

WHEREAS, Sandhill Properties requested changes to the Sandhill DO that were considered to be a Substantial Deviation from (PD-80-4), and an Application for Development Approval ("ADA") was submitted by Sandhill Properties on September 30, 1985 as well as two supplemental sufficiency responses; and

WHEREAS, on September 9, 1986, the Board approved and adopted Resolution 86-230 which amended the Sandhill DO (PD-80-4) adopted on February 17, 1981; and

WHEREAS, the Sandhill DO adopted by Resolution 86-230 was amended by various resolutions including, but not limited to, Resolution 86-325 on November 18, 1986; Resolution 87-07 on January 20, 1987; Resolution 87-156 on July 21, 1987; Resolution 87-289 on December 15, 1987; Resolution 88-56 on April 19, 1988; Resolution 88-57 on April 19, 1988; Resolution 88-235 on October 4, 1988; Resolution 88-282 on December 20, 1988; Resolution 89-42 on February 21, 1989; Resolution 89-90 on April 25, 1989; Resolution 89-324 on October 24, 1989; Resolution 89-330A on October 31, 1989; Resolution 90-258 on October 16, 1990; Resolution 91-99 on May 21, 1991; and Resolution 91-123 on June 18, 1991; and

WHEREAS, Wallace B. Hinshaw, Jr. and James E. Moore, III, as Trustees requested changes to the Sandhill DO which constituted a Substantial Deviation from the approved DRI and an ADA was submitted on October 23, 1991, as well as one supplemental sufficiency statement on February 10, 1992; and

WHEREAS, on December 15, 1992, the Board approved and adopted Resolution 92-285 which amended the Sandhill DO; and



Chg  
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D.

WHEREAS, the Sandhill DO adopted by Resolution 92-285 was amended by various resolutions including, but not limited to, Resolution 93-59 on May 4, 1993; Resolution 97-0610A0 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, Resolution 2006-173 on September 19, 2006 and Resolution 2006-212 on November 21, 2006; and Resolution 2007-112 on August 14, 2007; and Resolution 2007-161 on October 16, 2007; and as amended herein.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Sandhill DRI, as described in Exhibit "A" attached hereto and incorporated herein by this reference, is not in an area of critical State concern designated pursuant to the provisions of Section 380.05, F.S.
2. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted State land development plan applicable to Charlotte County.
3. The granting of the requested amendment to the Development Order as described in Revised Map H submitted by the applicant, attached as Exhibit "B" hereto, is consistent with the local Land Development Regulations, the local Comprehensive Plan, the State Land Development Plan and the State Comprehensive Plan.
4. Section 3-9-49 of the Charlotte County Code 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.
5. A Municipal Service Taxing Unit has been established, pursuant to Ordinance 86-68 as amended by Ordinance 90-45, for the whole project area to meet the requirements for essential services and municipal services and capital improvements. In addition, right-of-way dedications listed pursuant to Resolution 86-230 have been made.
6. The removal of phasing within the Sandhill DRI as authorized pursuant to the Development Order as amended, and amended herein, permits the Master Plan submitted for the DRI, and in accordance with Capital Improvements commitments and funding made through the MSTU/BU established for the overall DRI, as well as commitments through developer agreements and designated improvements under the Charlotte County Comprehensive Plan. It is consistent with all conditions and commitments

made within the original Development Order for the Sandhill DRI, as amended by Resolution 86-230 and as amended herein.

7. The Sandhill site contains 730.3± acres with the land use distributed and approved as follows:

Residential	155.77 acres	2600 units
Commercial	242.91 acres	1,965,800 gross square feet
*Research & Development	4.2 acres	42,000 gross square feet
Golf Course	84.09 acres	
**Park/Public/Semi-Public	50.18 acres	65,000 gross square feet
Lake	61.4 acres	
Public	2.6 acres	
Mitigation	84.7 acres	
Preservation	6.55 acres	
Roads	37.9 acres	
Retail Parking Spaces		8,030

\*261,000 gross square feet of the originally approved Research and Development gross square footage was analyzed as commercial retail for traffic purposes

\*\*Building area only applies to Tract 2 Public/Semi-Public 24.78 acres for government offices

On Parcel C-24 of Tract 2, the existing allowed 30,400 square feet of Commercial shall be reallocated. Of the 30,400 square feet of existing Commercial, 13,400 square feet shall be eliminated in exchange for 120 hotel/motel units. The remaining 17,000 square feet shall remain as Commercial.

NOW THEREFORE, be it resolved that the Sandhill DO is deleted in its entirety and replaced with the following:

A. Drainage/Water Quality:

Condition 2. Drainage/Water Quality:

- (1) Subsequent to the issuance of Amended Development Order pursuant to Resolution #86-230, the Sandhill Master Drainage Plan has been submitted and approved by the Southwest Florida Water Management District (SWFWMD), and the Sandhill MSTU/BU is in place with authorization to assess the properties in the DRI for drainage improvements. For each sub-basin, the following has been completed:

- (a) Detailed survey, design and analysis of downstream discharge capabilities;
  - (b) Submission of the information and design to the County engineer for review and approval;
  - (c) Approval of the construction and funding for the drainage facilities as necessary by the Sandhill MSTU/BU or developer.
- (2) Individual sites will not be approved for stormwater by Charlotte County until any and all downstream facilities for each sub-basin related to that site are in place and certified as proper and functional by an engineer of record registered in the State of Florida except on-site stormwater retention for individual properties will be permitted as a temporary means of accommodating stored drainage provided that they be designed to tie into the master drainage system as soon as downstream facilities are in place.
- (3) All costs for surveying, engineering and monitoring shall be assessed through the MSTU/BU on a sub-basin basis. Where benefit accrues to a sub-basin, that cost shall not be assessed on parcels outside the sub-basin, however, the benefit shall be assessed on a fair proportionate basis on all parcels in the sub-basin including parcels owned by the government.
- (4) Prior to any construction associated with this substantial deviation, the applicant shall be required to receive written notice from the Southwest Florida Water Management District stating that the proposed changes do not require a modification of the previously issued conceptual permit or shall obtain such modified permits as required.
- (5) The development parcels near the roosting area within Tract 2, which includes parcel C-13 as shown on Revised Map H (attached hereto and by reference incorporated herein), shall have shielded lighting (i.e., no spotlights or overhead dusk to dawn lights which may light up the roosting area).
- (6) Any site development plan for the public/semi-public park area that provides for government office space as herein otherwise permitted near the roosting area shall be reviewed by Charlotte County, the Florida Fish and Wildlife

Commission and the Southwest Florida Regional Planning Council for potential impacts to the roost site.

Passive types of recreation shall be encouraged to protect near the roosting area, notwithstanding the development of government office space.

- (7) In order to provide an added buffer to the roosting area, the oak hammock located in the public/semi-public park area on the eastern edge of the roost shall be preserved and, if possible, a fringe of oaks shall be preserved in parcel C-22, and if not possible, there shall be mitigation at the time of final plan approval by providing additional vegetation in the public/semi-public parcel to provide a visual buffer, however, cross access of sixty feet (60') shall be permitted through parcel C-22, parallel to Kings Highway.
- (8) Implementation of the Southwest Florida Water Management District permit requires buffering of existing and created wetlands and the creation of three islands which are intended to function like the existing willow-heads to provide a visual barrier to wetlands and nesting and roosting areas for wading birds.
- (9) All of the wetlands shall be incorporated into the overall design of the project surface water management system.
- (10) Restoration of hydro-period to wetlands which have been partially drained by past activities.
- (11) The building site and stormwater management system for the automotive convenience maintenance service shall be designed to include appropriate structural elements such as oil water separators, spill containment barriers, sediment collectors, and detention areas to prevent, to the greatest extent technically feasible, automobile generated pollutants from entering receiving bodies. Furthermore, a regular monitoring and maintenance program shall be established by the applicant (developer of the individual site) to ensure that the proper storage and treatment functions of the stormwater management system are maintained, in accordance with the SWFWMD permit.

- B. Energy: The development as proposed would be an all electric development and would increase the energy demands of the region. The applicant has committed in the ADA

to provide a variety of energy conservation measures to reduce the impact of that increased energy demand.

Conditions: As a condition precedent to final detail plan and development plan approval, the applicant shall include the following energy conservation features in the final site plans and architecture for Sandhill Properties:

- (1) Provision of a bicycle/pedestrian system connecting land uses, to be placed along arterial and collector roads within the project, which system is to be consistent with Charlotte County requirements, and provision for bicycle racks or storage facilities in recreational, commercial, and multi-family residential areas.
- (2) Use of energy-efficient features in window design (e.g. tinting and exterior shading).
- (3) Reduced coverage by asphalt, concrete, rock, and other similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat.
- (4) Installation of energy-efficient lighting for streets, parking areas, recreation areas, and other in exterior public areas.
- (5) Use of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) (as specified in the Water Conservation Act, Chapter 553.14, F.S.)
- (6) Selection of native plants, trees, and other vegetation and landscape design features that reduce requirements for water, fertilizer, maintenance, and other needs.
- (7) Planting of native shade trees to provide reasonable shade for all recreation areas, streets, and parking areas, and placement of trees to provide needed shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months.
- (8) Planting of native shade trees for each residential unit.
- (9) Orientation of structures as possible to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind.

- (10) Provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively.
- (11) Inclusion of porch/patio areas in residential units.
- (12) Cooperation in the locating of bus stops, shelters, and other passenger and system accommodations for any transit system to serve the project area.
- (13) Use of operable windows and ceiling fans.
- (14) Installation of energy-efficient appliances and equipment.
- (15) There shall be no deed restrictions or covenants that would prevent or unnecessarily hamper any of the conservation efforts.

C. Fire Protection:

Conditions:

- (1) As a condition precedent to any detail plan and development plan approval, the developer must obtain from the Charlotte County fire official and, if it has not been consolidated with the County, the representative of the Harbour Heights Fire District, certification that the facilities, equipment and full time paid manpower necessary to provide adequate fire protection to the development will be available to service that portion of the development for which approval is sought. In determining whether to issue such certification, a determination shall be made of whether sufficient revenue will be available from the District's special fire assessment, or from any successor fire assessment district in which the development is included, or from an MSTU set up for this purpose to meet the costs of the additional facilities, manpower, and equipment, and in the event projected revenues from the subject development are not sufficient, the developer may enter into an agreement with the County, in a form found to be sufficient by the County Attorney, to contribute the additional funds needed. If the County Impact Fee Ordinance is amended to include a public safety component, the developer shall be subject to that component.

(2) Fire sprinklers shall be included in the commercial and research and development areas, and the common areas of the residential buildings.

D. Flood Plain/Hurricane Evaluation: The project area has a natural elevation above the category 3 storm surge height (19.0 feet MSL). Furthermore, any community/recreation buildings with onsite shelter potential will have a minimum first floor elevation of 20 feet MSL. The potential for onsite public use areas to serve as area-wide hurricane evacuation shelter would provide a use of regional benefits:

Condition:

(1) The applicant shall meet with Charlotte County Emergency Management to identify those public areas to be used as shelters.

E. Solid Waste: The project will generate about 37.5 tons of solid waste per day at build out, which will place additional demand on the Charlotte County landfill. The increased size of the commercial uses and the addition of a research and development use could generate significant amounts of hazardous wastes.

Condition:

(1) As a condition precedent to detail plan and development plan approval, the applicant shall submit to all appropriate local, state and federal agencies for prior approval a plan identifying the proper onsite handling procedures and temporary storage facilities for any generated on site, in accordance with local regional and state hazardous waste programs; this plan shall indicate how the applicant and subsequent tenants will carry out these procedures and maintain these storage facilities.

F. Wastewater: The applicant estimates the project will generate about 1.31 million gallons per day of waste water at build out. The applicant has committed not to use septic tanks on the project. The addition of a research and development use and the expansion of the commercial use may change the character of the waste water.

Conditions:



- (1) Consistent with the original development order, as a condition precedent to detail plan and final development plan approval, the applicant must obtain a letter of commitment to serve the project throughout its life prior to construction of each phase or year.
- (2) As a condition of detail plan and final development plan approval, the applicant shall indicate how any waste water containing hazardous waste will be segregated from every day wastewater.

G. Water Supply: Total potable water demands for the project will be according to the applicant 1.7 MGD.

Conditions: As a condition precedent to detail plan and development plan approval:

- (1) The applicant shall demonstrate to Charlotte County and the Southwest Florida Water Management District, through letters of commitment, that adequate water supplies are available for that respective portion of construction throughout the life of the project.
- (2) The applicant shall demonstrate to Charlotte County that a modification to the existing Consumptive Use Permit has been granted by SWFWMD as stipulated within Chapter 40D-2, F.A.C.
- (3) The lowest quality of water possible and appropriate shall be utilized for all non-potable water use.
- (4) Water conservation measures and practices shall be utilized. At a minimum, water conservation devices as described within the Water Conservation Act must be used; landscape irrigation shall be restricted to the hours of 5:00 P.M. to 9:00 A.M. after the establishment of landscaping, the non-potable water sources and/or reuse shall be utilized.

H. Education: The Sandhill DRI will add an estimated 1,256 students to the Charlotte County School System, which are expected to enter Charlotte County schools at a fairly constant rate of 83 students per year. The School Board is under contract to purchase an elementary school site at a cost of \$123,800 with a capacity for 600 students that will serve the Sandhill DRI.

Condition: Prior to final building inspection and issuance of Certificate of Occupancy for residential units, the developer shall contribute the sum of \$26, plus 5% for each year payment is made after 1987, per unit to offset the elementary school acquisition costs; this contribution shall be paid to the Zoning Director. In the event an Impact Fee Ordinance component for schools is established, the developer shall be subject to that component in lieu of this contribution for schools.

I. Transportation:

Condition 12. Transportation

(a) Site Related Improvements – The property owners and their successors within Sandhill shall be responsible for their site-related roadway and intersection improvements required within the Sandhill DRI. The property owners or their successors shall be required to pay the full cost for any of their site-related intersection improvements (including but not limited to signalization, turn lanes and additional through lanes) found to be necessary by Charlotte County or the Florida Department of Transportation (FDOT) for the project's access intersections. The MSTU/BU, which has been created for Sandhill, shall be responsible for funding the cost of an Interchange Modification Report, when needed, as shown by the bi-annual monitoring report, to identify any improvements to the interchange.

(b) Significant Impacts – Contributions shall be made by the property owners in Sandhill through impact fees and by Charlotte County in order to provide the necessary transportation improvements, including design and engineering, utility relocation, right-of-way acquisition, construction, construction contract administration and construction inspection necessary to maintain the adopted level of service for the following significantly impacted regional and local roadways through project buildout on March 2, ~~2009~~2012.

(1) Regional Road Segments

Kings Highway

- DeSoto County line to Sandhill Boulevard: 4 lanes (2 additional lanes)
- Sandhill Boulevard to I-75: 6 lanes (2 additional lanes)
- I-75 to Hillsborough Boulevard: 8 lanes (4 additional lanes)
- Hillsborough Boulevard to Midway Boulevard: 6 lanes (2 additional lanes)

Hillsborough Boulevard

- Kings Highway to Peachland Boulevard: 6 lanes (2 additional lanes)
- Peachland Boulevard to Murdock Circle: 4 lanes (2 additional lanes)

I-75 ramps

- Kings Highway to southbound lanes: 2 lanes (1 additional lane)
- Southbound lanes to Kings Highway: 2 lanes (1 additional lane)
- Northbound lanes to Kings Highway: 3 lanes (2 additional lanes)

Local Road Segments

Peachland Boulevard

- Loveland Boulevard to Yorkshire Street: 4 lanes (2 additional lanes)

Sandhill Boulevard

- Kings Highway to Deep Creek Boulevard: 4 lanes (2 additional lanes)

Rampart Boulevard

- Rio de Janeiro Avenue to I-75: 4 lanes (2 additional lanes)
- I-75 to Kings Highway: 6 lanes (4 additional lanes)

(2) Regional Intersections

Kings Highway/Sandhill

- Signalization/turn lanes

Kings Highway/I-75 NB Ramps

- Signalization/turn lanes

Kings Highway/I-75 SB Ramps  
-Signalization/turn lanes

Kings Highway/Hillsborough Boulevard  
-Turn lanes

Kings Highway/Rampart Boulevard  
-Turn lanes

Kings Highway/Midway Boulevard  
-Turn lanes

Hillsborough Boulevard/Peachland Blvd.  
-Signalization/turn lanes

Hillsborough Boulevard/Loveland Avenue  
-Turn lanes

Hillsborough Boulevard/Harbor Boulevard  
-Signalization/turn lanes

#### Local Intersections

Peachland Boulevard/Loveland Avenue  
-Signalization/turn lanes

Peachland Boulevard/Orlando Avenue  
-Turn lanes

Peachland Boulevard/Harbor Boulevard  
-Signalization/Turn lanes

Midway Boulevard/Loveland Avenue  
-Turn lanes

Midway Boulevard/Beacon Avenue  
-Turn lanes

Midway Boulevard/Conway Boulevard  
-Turn lanes

Midway Boulevard/Harbor Boulevard  
-Turn lanes

Significant Impacts – The estimated cost of construction of the above road links and intersection improvements is \$20,980,000. These improvements would serve Sandhill at buildout in the year ~~2009~~2012 and serve the projected growth in the surrounding area. The proportionate share of Sandhill's impact of the above improvements is:

Link-Related	\$7,600,150
Intersection-Related	\$1,697,850
Total Project Impacts	\$9,298,000

- (c) Mitigation – As mitigation for the above transportation impacts of the Sandhill DRI, the property owners or their successors shall pay Charlotte County road impact fees in effect at the time building permits are issued pursuant to the Charlotte County Road Impact Fee Ordinance. (Road impact fees are estimated to generate \$10,205,126. In addition, \$1,324,214 of right-of-way donation has been received by Charlotte County. Total project contributions towards needed road improvements are estimated to be \$11,529,340.)
  
- (d) Monitoring – The timing for the initiation of the improvements outlined in Condition 12 (b) above shall be made at the time that a road segment or intersection is projected to exceed the level of service standard adopted in the local comprehensive plan. To determine the existing and projected levels of service on regional and local facilities in need of improvements in a timely manner, the Sandhill DRI through the Sandhill MSTU/BU shall submit an bi-annual monitoring report to Charlotte County, FDOT, the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council for review and approval. This first monitoring report shall be submitted one year after the issuance of this development order for the Sandhill DRI Substantial Deviation and bi-annually thereafter until after buildout of the project in year ~~2009~~2012.

At a minimum, the report shall contain p.m. peak hour trip generation estimates and turning movements at each of the access intersections and the off-site intersections listed above in Condition 12 (b)(2), and a calculation of the peak season peak hour level of service at these intersections and on the road

segments indicated above Condition 12 (b)(1). The levels of service shall be calculated according to current professional standards. Prior to submitting each bi-annual monitoring report, the property owners shall coordinate with the reviewing agencies to review the methodology. The applicant will furnish all traffic analysis in a format compatible with Charlotte County's Comprehensive Plan, Traffic Element, Policy 1.1 and Charlotte County's Concurrency Management System; that is : traffic data in the format of "Average Daily Trips" and "Peak Season/Peak Hour".

The bi-annual monitoring report shall, in addition to current counts and traffic information, provide a projection of project traffic for the following year to be based on anticipated construction for the same period of one year on all of the above listed regional roads and intersections. The projection will include traffic generated by all of the completed project development, all of the portion of the project for which building permits have been issued, and the amount of project development for which the property owners intend to seek building permits in the following year. Also, the bi-annual monitoring report should indicate the status of those road improvements from the County's Capital Improvements Element that were assumed to be committed for this analysis.

- (e) If the analysis from the bi-annual monitoring report indicates that any of the identified roadways now exceeds or will exceed during the next year the level of service standards adopted by the County and the project is utilizing or is projected to utilize more than 5% of the level of service "D" capacity for urban areas or "C" for rural areas, then further building permits shall not be granted until the standards of the County's concurrency management system have been met and the affected roadway improvement, as identified in this Development Order, is listed as committed for construction based on the criteria listed below.

No building permits for developments beyond those projected in the bi-annual monitoring report shall be issued until the next bi-annual monitoring report with projections is performed.

A committed roadway improvement for the purpose of meeting the requirements of Section 380.06(15) (e)2., Florida Statutes, shall be recognized as either:

- 1) A roadway improvement scheduled for construction to commence in or before the first year of the appropriate local government's Comprehensive Plan capital improvement element. A roadway improvement 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 by using the provision in Rule 9J-5.0055(2)(a)1. - 4, Florida Administrative Code or Rule 9J-5.0055(2)(b)1. and 2., Florida Administrative Code.
- 2) A roadway improvement scheduled for construction within the first three years of the Florida Department of Transportation's Five Year Work Program; or
- 3) Any alternative agreed upon by the Charlotte County, SWFRPC, FDCA, and the property owners in Sandhill. The property owners have 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 property owners (potentially including a proportionate share payment) and the local government to provide the necessary improvements which ensures concurrency on all significantly impacted regional and local roads and intersections. As an alternative, the MSTU/BU may provide the necessary improvements pursuant to the above described agreement. Any agreed upon alternative shall be incorporated into this Development Order by amendment pursuant to the procedures set forth in Section 380.06(19), Florida Statutes.

- (f) The location of individual access points to the project shall be determined in consultation with the County Engineer's Department prior to submission of detail plans for approval; access points and curb cuts onto public roads shall be minimized and arterial and collector roads within the project should be constructed to minimize the need for offsite circulation, and an interior roadway and frontage road concept should be utilized within the commercial and research and development areas to enable access to adjoining development without accessing existing streets.
- (g) Parcel C-22 (Parcel 4 in Comprehensive Plan Amendment) shall not have direct access onto Kings Highway; Parcel C-13 (Parcel 5 in Comprehensive Plan Amendment) shall be allowed access in compliance with the Charlotte County Access Management Ordinance; Parcel C-25 shall not have direct access onto Loveland Boulevard.

J. Master Concept Plan:

- (1) The Sandhill DRI Master Concept Plan is approved and is attached and incorporated herein as Exhibit "B", Revised Map H , ~~November 9, 2006~~ December 6, 2007. Attachment "B" as incorporated into Resolution #86-230 is hereby null and void. Exhibit C provides a site plan that illustrates the area of the Public/Semi-Public section in which government office buildings are permitted.



(a) All commercial areas are to be restricted to uses permitted in the CG (Commercial, General Classification) of the Charlotte County Zoning Regulations and all listed special exceptions, excluding multi-family, schools and flea markets, and billiard parlors and game arcades, in effect as of the date of Development Review Committee site plan approval, with the exception of Parcel 5-19A which shall be restricted to uses permitted in the CN (Commercial, Neighborhood Classification) of the Charlotte County Zoning Regulations, in effect as of the date of Development Review Committee site plan approval, and adding as a use "automotive convenience maintenance service" to the commercial general areas which would include; cleaning windshields, checking tire pressure, filling the fluid reservoirs and battery, changing lubricants and filters and replacing bulbs and other items that require periodic maintenance. The uses permitted are subject to the following requirements:

- (i) The landscaping plans for perimeter landscaping of all street parking areas and interior landscaping for drive-thru restaurants and gasoline pumping stations shall be in compliance with regulations in existence at the time of local permitting.
- (ii) All signage shall be in compliance with existing regulations at the time of permitting.
- (iii) The internal circulation system shall comply with regulations in effect at the time of permitting.
- (iv) All perimeter interior landscaping, interior circulation system and signs shall be consistent with the regulations in effect at the time of permitting.

- (b) Research and development areas to be restricted to uses found in the OMI (Office, medical, institutional) zoning classification as of the date of Development Review Committee site plan approval and to light manufacturing in completely enclosed buildings and warehousing.
- (c) Substantial buffers shall be provided to protect residential areas from the research and development sites.
- (d) Development standards are to be provided to the Zoning Director and Planning Director for review prior to final detail plan submissions.
- (e) All wetlands shall be preserved, or, when preservation is not possible, mitigated on a one-to-one basis.
- (f) Upland areas which are considered to be important habitat or quality passive recreational sites, including, but not limited to, oak hammocks, shall be identified by the appropriate County employee and the developer prior to site planning. These areas shall be the primary consideration for recreation and/or preservation of natural areas of each development stage. Evidence of compliance with this item shall be the burden of the developer.
- (g) Public recreation areas are those identified on the public park plan Map HP included in Attachment A of Resolution #86-230 except for Tracts 1, 2, 3 and 4. As to Tracts 1, 2, 3 and 4, public recreation areas are those areas identified on Exhibit "2" of Resolution #86-230 are specifically eliminated and are of no force and effect as to Tracts 1, 2, 3 and 4.
- (h) Phasing of recreation areas shall be by section and allocated proportionately to each multi-family project.
- (i) Any final development plan shall include the creation of a homeowners association and the clear specification of its role in owning and maintaining the 62 acres of private recreation area and the 160.5 acres of parks and open space including the 90 acres of parks and lakes to be open to the public included in the Concept Plan Map HP. All costs for maintaining

and installing additional recreation facilities are to be borne by the developer and/or homeowners association. The MSTU/BU was established by December 31, 1986, and the costs for maintaining the public park and open space areas may be funded through it. A site and design plan shall be submitted to Florida Power and Light for approval for those areas within its easement. The 24.78 acre public/semi-public parcel in Tract 2 is excluded from this section and the County shall provide facilities and maintenance as specified in the Agreement for Park and Surface Water Management Retention Area.

- (j) The Planned Development stipulations and the conditions of this development order are to run with the land.
- (k) The lands designated as mitigation on Revised Map H are those lands in the Water Management District permit that are or will be part of the surface water management system and includes but is not limited to preservation of existing wetlands and mitigation wetlands to be created in the future. Although the precise boundaries of the mitigation areas will be established at the time of final plan approval, the acreage figures are binding.

K. Phasing:

Specific properties in land uses incorporated into the Sandhill DRI shall submit detailed preliminary and final plans in accordance with Charlotte County Zoning Regulations as governed by the conditions and commitments contained herein.

L. Housing:

Prior to issuing any building permits for any retail commercial square footage that will cause the total developed retail commercial area within the Sandhill DRI to exceed 946,000 gross square feet, the property owners shall undertake an affordable housing study. The analysis shall be submitted and approved by Charlotte County, the Florida Department of Community Affairs and the Southwest Florida Regional Planning Council before any building permits will be issued for any commercial development beyond the originally approved 946,000 gross square feet. The results of the approved analysis and any appropriate mitigation shall be reviewed as a

notice of proposed change by the Southwest Florida Regional Planning Council.

- M. The existing procedures for the granting of building permits being adequate to insure compliance with this order, the Director of Zoning, the Director of Planning, the County Energy Officer, the Director of Building and the County Engineer are designated as the local officials responsible for insuring compliance.

The developer's bi-annual report required by Chapter 380, Florida Statutes, shall contain copies of all documents filed with the County in connection with final development approval and, after final development approval, shall contain a report by date and filing number of all building and other permits applied for and a statement of all acts taken toward compliance with the conditions of the final development approval and all information required in section 9B-16.25, F.A.C. The developer shall submit the report beginning October 1, 1987 and each subsequent October 1, until project build-out. The developer shall submit the bi-annual report to Charlotte County, the Southwest Florida Regional Planning Council, the Department of Community Affairs, and all affected State permitting agencies. If the annual report is not received, the Southwest Florida Regional Planning Council or the Department of Community Affairs shall notify Charlotte County. If Charlotte County does not receive the annual report or receives notification that the Southwest Florida Regional Planning Council or the Department of Community Affairs has not received the report, Charlotte County shall request in writing that the developer submit the report within 30 days. Failure to submit the report after 30 days shall result in Charlotte County temporarily suspending this Development Order. This report shall specify the number of parking spaces approved for the commercial and research and development uses.

- N. This order shall terminate March 1, 2012, 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.
- O. The developer shall cause to be filed in the public records such notice as will inform prospective purchasers of this Development Order and the conditions established herein for detail plan and final development plan approval, including required reassessments and review.

P. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS

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

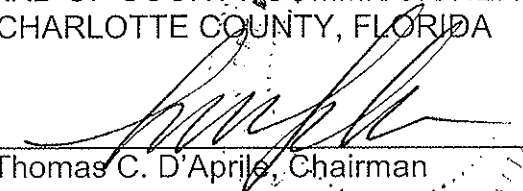
- A. This Resolution shall constitute the Amended Development Order of this Board issued in response to the Development of Regional Impact known as the Sandhill DRI.
- B. All commitments and impact mitigating actions committed to by the project in the original Development Order, subsequent Resolution #86-230, within the September 30, 1985 and October 25, 1991 Substantial Deviation Applications for Development Approval (and supplementary documents) not in conflict with the conditions or stipulations specifically enumerated herein are hereby incorporated to this Amended Development Order by reference.
- C. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Amended Development Order.
- D. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorneys' fees, shall be paid by the defaulting party.
- E. Any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Development Order which shall remain in full force and effect.
- G. The approval granted by this Development Order is limited. Such approval shall not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval shall also not obviate the duty of the applicant to comply

with any County ordinance or other regulations not in conflict with the provisions herein adopted after the effective date of this Amended Development Order.

- H. The Clerk of the Circuit Court is hereby directed to forward a certified copy of this resolution and its attachments to Daniel L. Trescott, the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901-3414, Bernard Piawah, the Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, FL 32339 and to DRI Coordinator, 18500 Murdock Circle, Port Charlotte, FL 33948.

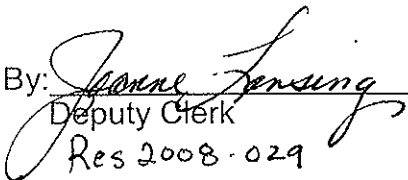
PASSED AND DULY ADOPTED this 18 day of March, 2008.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Thomas C. D'Aprile, Chairman

ATTEST:

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

By:   
Deputy Clerk  
Res 2008-029

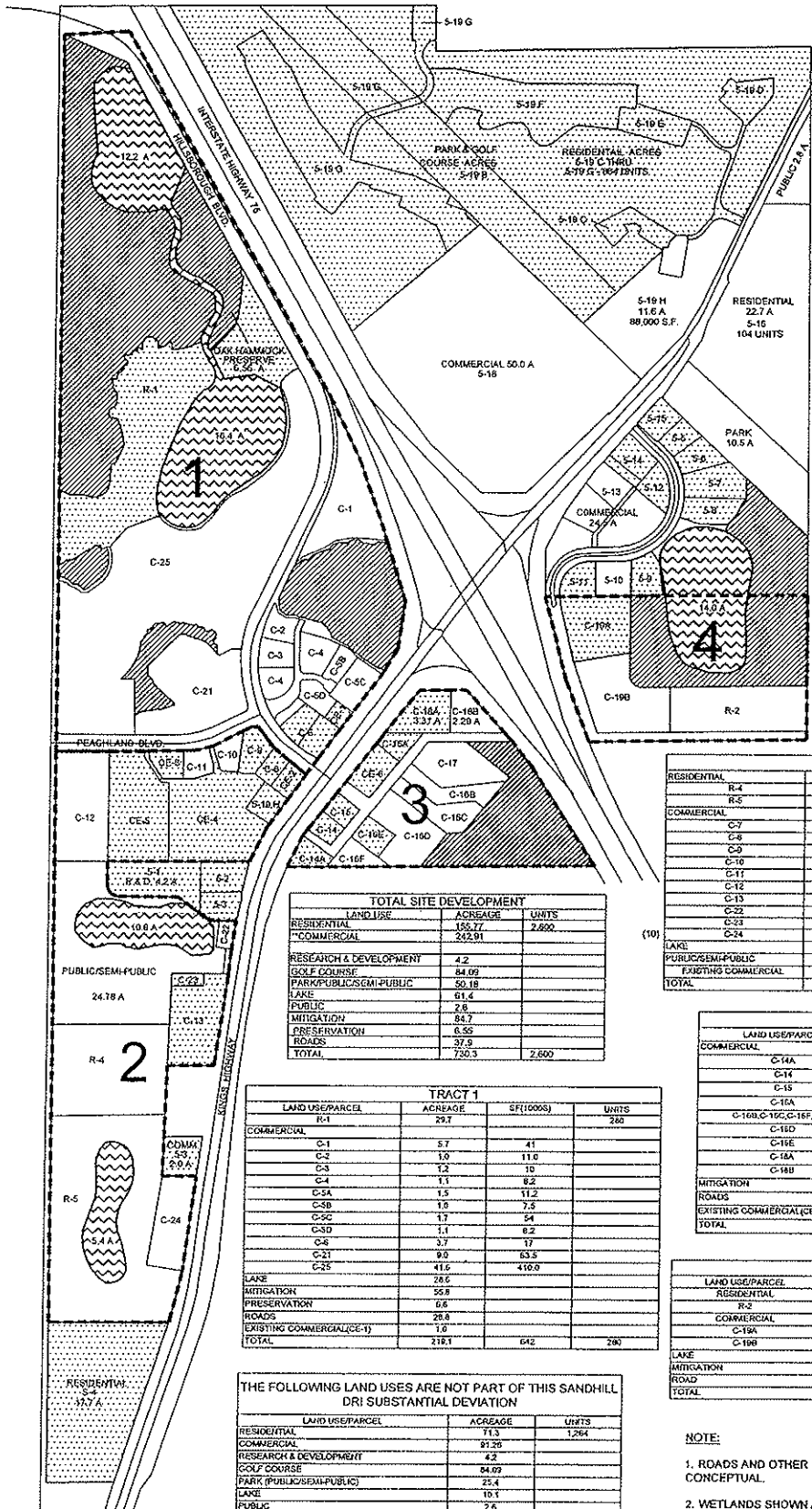
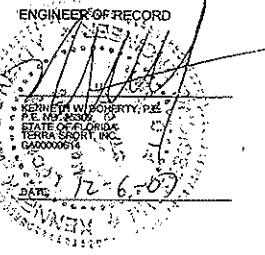
APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By:   
Janette S. Knowlton, County Attorney

RB  
LR 2008-144



**REVISED MAP H**  
NOT TO SCALE



--- BOUNDARY OF PREVIOUSLY APPROVED SUBSTANTIAL DEVIATION, TRACT 1-4

WETLAND, MITIGATION, AND PRESERVE AREAS

EXISTING DEVELOPMENT AREAS

LAKE AREAS

\* THE NEA/PORT PROJECT PER CHARLOTTE COUNTY RESOLUTION 87-107 & PD-80-4A-1

\*\* 5-19A SIZE IS 0.3 ACRES COMMERCIAL SQUARE FOOTAGE ALLOCATION TO 5-19A IS 3,500 S.F.

**TOTAL SITE DEVELOPMENT**

LAND USE	ACREAGE	UNITS
RESIDENTIAL	155.77	2,800
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	6.52	
ROADS	37.9	
<b>TOTAL</b>	<b>730.3</b>	<b>2,600</b>

**TRACT 2**

RESIDENTIAL	ACREAGE	SF(1000S)	UNITS
R-4	20.9		436
R-S	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	1.3	13	
C-13	3.0	40	
C-22	0.5	5	
C-23	0.5	5	
C-24	3.8	17.0 * 120 ROOMS	HOTEL
LAKE	10.2		
PUBLIC/SEMI-PUBLIC	24.8	66.0	
EXISTING COMMERCIAL	23.9		
<b>TOTAL</b>	<b>131.4</b>	<b>250.0 * 120 ROOMS</b>	<b>730</b>

**TRACT 3**

LAND USE/PARCEL	ACREAGE	SF(1000S)
COMMERCIAL		
C-14A		8.0
C-14	2.0	6.6
C-15	1.5	8.0
C-16A	0.89	1.9
C-16B, C-16C, C-16F, C-17	9.51	99.1
C-18D	3.79	56.0
C-16E	1.13	12.0
C-18A	3.31	10.175
C-18U	2.29	39.625
MITIGATION	7.9	
ROADS	3.5	
EXISTING COMMERCIAL (CE-4)	1.6	
<b>TOTAL</b>	<b>37.4</b>	<b>228</b>

**TRACT 4**

LAND USE/PARCEL	ACREAGE	SF(1000S)	UNITS
RESIDENTIAL			
R-2	0.0		320
COMMERCIAL			
C-19A	5.8	43	
C-19B	5.0	50	
LAKE	6.2		
MITIGATION	11.6		
ROAD	3.9		
<b>TOTAL</b>	<b>41.2</b>	<b>91</b>	<b>320</b>

**TRACT 1**

LAND USE/PARCEL	ACREAGE	SF(1000S)	UNITS
RESIDENTIAL			
R-1	29.1		260
COMMERCIAL			
C-1	5.7	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-5C	1.7	54	
C-3D	1.1	8.2	
C-6	3.7	17	
C-21	9.0	63.5	
C-25	41.6	410.0	
LAKE	28.6		
MITIGATION	56.8		
PRESERVATION	6.6		
ROADS	28.8		
EXISTING COMMERCIAL (CE-1)	1.0		
<b>TOTAL</b>	<b>218.1</b>	<b>642</b>	<b>260</b>

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

LAND USE/PARCEL	ACREAGE	UNITS
RESIDENTIAL	71.3	1,264
COMMERCIAL	91.26	
RESEARCH & DEVELOPMENT	2.2	
GOLF COURSE	84.09	
PARK (PUBLIC/SEMI-PUBLIC)	25.4	
LAKE	10.1	
PUBLIC	2.6	
ROADS	1.8	
MITIGATION	9.5	
<b>TOTAL</b>	<b>301.2</b>	<b>1,264</b>

**REVISION NOTES:**

- PROPOSED JULY 2002 REVISIONS:
  - TRACT 1: REVISED PARCELS, LAKES, & WETLANDS.
  - TRACT 3: REVISED PARCELS C-16 & REMOVED WETLAND.
  - TRACT 4: REVISED PARCEL C-19 & INCREASED WETLAND.
- PROPOSED JANUARY 2006 (NOPC-051283) REVISIONS:
  - SUBDIVIDED C-16, C-17, C-18, C-20, "NEA/PORT GOLF"
- PROPOSED JANUARY 2006 (NOPC-051284) REVISIONS:
  - REALLOCATED COMMERCIAL S.F. & RESIDENTIAL UNITS BETWEEN EXISTING TRACTS 1 & 4
    - TRANSFERRED 320 RESIDENTIAL UNITS FROM R-1 (TRACT 1) TO R-2 (TRACT 4).
    - TRANSFERRED 75,000 SF OF COMMERCIAL FROM R-2 (TRACT 4) TO C-21 & C-25 (TRACT 1).
- ADDED PARCEL 5-19A.
- ADD COMMERCIAL PARCEL 5-19H. REMOVE PARCEL 5-19D.
- JULY 14, 2006 - REVISE ACREAGES.
- JULY 17, 2006 - REVISE ACREAGES AND 5-16.
- NOVEMBER 9, 2006 - ADD S.F. TO 5-19H.
- PROPOSED - 2007 (NOPC-) REVISION TO ADD 65,000 SF TO TRACT 2 PUBLIC/SEMI-PUBLIC SITE.
- PROPOSED - 2007 (NOPC-) REVISION TO C-24, 30,400 SF TO 17,000 SF & 120 HOTEL ROOMS.

**EXHIBIT B**