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FILE 1306630 OR BK 02800 Pgs 1492 - 1495: (4pgs) REC'D 12/18/2004 09:21:18 AM  
BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
REC 35.50

**RESOLUTION**  
**Number 2004 - 250**

**A RESOLUTION GRANTING NB/85 ASSOCIATES C/O BENDERSON DEVELOPMENT A MAJOR MODIFICATION TO THE FINAL DETAIL PLAN APPROVAL IN A 205 LOT CONVENTIONALLY BUILT RESIDENTIAL HOME DEVELOPMENT KNOWN AS SUNCOAST LAKES TO AUTHORIZE A FIFTEEN FOOT (15') REAR SETBACK FOR PRINCIPAL STRUCTURES AND A TEN (10) FOOT REAR SETBACK FOR ACCESSORY STRUCTURES.**

WHEREAS, pursuant to Resolution No. 89-141, adopted on July 11, 1989, the Board of County Commissioners of Charlotte County (the "*Board*") approved the Development Order for the Victoria Estates Development of Regional Impact (the "*Victoria Estates DRI*"); and

WHEREAS, the Victoria Estates DRI is a 421 acre (more or less) parcel (the "*DRI Property*"), located generally at Kings Highway, and Interstate I-75 in Sections 7 and 8 and 18, Township 40 South, Range 23 East in Charlotte County, Florida; and

WHEREAS, pursuant to Ordinance No. 2002-064 adopted on December 10, 2002, the Board approved the Planned Development ("*PD*") rezoning to and the concept plan ("*PD-02-1*") for a 72.52 acre (more or less) portion of the DRI Property (the "*PD Property*") located generally at Kings Highway and Suncoast Boulevard and within the Victoria Estates DRI in Section 18, Township 40 South, Range 23 East in Charlotte County, Florida; and

WHEREAS, pursuant to Resolution No. 2003-084 adopted on May 27, 2003 the Board approved Application DRC-PD-02-01 for final detail plan approval for the development of the residential subdivision known as "*Suncoast Lakes*," a 72.52 (more or less) acre site described in *Exhibit "A"* attached hereto and by this reference incorporated herein; and

WHEREAS, Suncoast Lakes consists of 205 lots containing conventionally constructed single family residences; and

WHEREAS, NB/85 Associates c/o Benderson Development submitted application "*DRC-PD-02-01(MM)*" for a major modification to the final detail plan approval to allow a fifteen foot (15') rear setback for the principal structure and ten foot (10') rear setbacks for accessory structures; and

WHEREAS, the Charlotte County Development Review committee (the "*DRC*") reviewed Application DRC-PD-02-01(MM) on October 28, 2004, and recommended approval with conditions; and

WHEREAS, the Board has reviewed Application DRC-PD-02-01(MM) for Suncoast Lakes and the recommendation of the DRC and approves Application DRC-PD-02-01(MM) with

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conditions.

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


Application DRC-PD-02-01(MM) for Suncoast Lakes, the application for a major modification to the final detail plan approval, is hereby approved with the following conditions which must be met by the applicant:

1. All comments previously stipulated from earlier reviews still apply.
2. Survey drawings sheets 3, 4 & 5 must be provided.
3. Crosswalks should be stripped only if there is stop sign protection. Stop bars should be 4 feet behind crosswalks.
4. The new setbacks place the edge of the accessory right next to the 10' wide drainage easement. If the accessory should end up in the easement (through miscalculation by the building contractor) this will create two title problems for the property owner: 1) setback infringement that will require an administration variance, and 2) encroachment into the easement. At the time of building permit application, an applicant for a building permit must furnish documents sufficient to release easements affected or encroached upon by any structure, fence or buildings governed by such building permit. In the event any encroachment is discovered during construction, documents sufficient to release easements affected or encroached upon must be furnished prior to the issuance of the certificate of occupancy.
5. The project is within the Victoria Estates Development of Regional Impact (DRI) and must comply with all the Development Orders, including all applicable conditions as previously approved by the Board of County Commissioners for this particular development.
6. The applicant shall comply with all other terms and conditions of the Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended by Resolutions 94-111 and 2002-109, not specifically affected by this resolution.
7. All approvals and all conditions of approval contained in Ordinance 2002-064 apply to this project with the exception of the following amendment to Section 2, Items F which shall be amended as follows:
  - a. Minimum rear yard setback for the principal structure; 15 feet
  - b. Minimum rear yard setback for accessory structures (including pool and pool cage): 10 feet

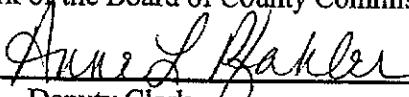
8. As required by Section 3-9-49(d)(5)b,2, Code of Laws and Ordinances of Charlotte County, the projected schedule for the development approved by this resolution from commencement to build out shall be as follows:
- a. Commencement shall begin after October 28, 2004 and upon the issuance of any necessary permits; and
  - b. Build out shall be substantially completed by December 30, 2004.

PASSED AND DULY ADOPTED this 15<sup>th</sup> day of December, 2004.


BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By:   
Sara J. Devos, Chairman

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

By:   
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
Janette S. Knowlton, County Attorney

## Exhibit "A"

**SURVEYOR'S DESCRIPTION:**

A tract of land lying in Section 18, Township 40 South, Range 23 East, Charlotte County, Florida, being more particularly described as follows:

COMMENCING at the southwest corner of said Section 18, said point also being on the easterly Right-of-Way line of Loveland Boulevard, as shown on the plat of PORT CHARLOTTE SUBDIVISION SECTION TWENTY, as recorded in Plat Book 5, Pages 10-A through 10-F, of the Public Records of Charlotte County, Florida; thence S.89°02'42"E. (assumed bearing basis), along the southerly line of said Section 18, a distance of 1,287.83 feet to the POINT OF BEGINNING;

Thence N.00°09'35"E., a distance of 1,998.01 feet to the southerly Right-of-Way line of Suncoast Boulevard, as recorded in Official Records Book 754, Pages 2177 through 2179, of the Public Records of Charlotte County, Florida;

Thence S.89°09'34"E., along said southerly Right-of-Way line, a distance of 1,370.27 feet to the northwesterly corner of COUNTRY CHARM ESTATES, a Subdivision according to the plat thereof, as recorded in Plat 16, Page 24, of the Public Records of Charlotte County, Florida;

Thence S.89°19'31"E., continuing along the southerly Right-of-way line of said Suncoast Boulevard and along the northerly line of said COUNTRY CHARM ESTATES, a distance of 629.32 feet to the northeasterly corner of Lot 4, of said COUNTRY CHARM ESTATES;

Thence S.00°04'29"W., leaving said southerly Right-of-Way line and along the easterly lines of Lot 4, Lot 3 and an extension of Lot 3, all of said COUNTRY CHARM ESTATES, a distance of 667.55 feet to a point on the southerly line of Lot 8, COUNTRY CHARM ESTATES, said point also being on the southerly line of said COUNTRY CHARM ESTATES;

Thence N.89°17'02"W., along said southerly line, a distance of 622.83 feet to the southwesterly corner of said Lot 8, said point also being on the easterly line of the southwest ¼ of said Section 18;

Thence S.00°07'04"W., along said easterly line, a distance of 1,333.64 feet to the southeast corner of the southwest ¼ of said Section 18;

Thence N.89°02'42"W., along the southerly line of said Section 18, a distance of 1,371.77 feet to the Point of Beginning, containing 72.5153 acres, more or less.

Said lands being subject to all restrictions, reservations and easements of record.

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