

X.A.E.F AGR 88-108, 93-150, 93-172;
ORD 89-89; RES 89-141, 94-111

Effective Date 12-30-96

Charge
BCE #14

ORDINANCE
Number 96-42
(00960420A0)

IMAGED
SG

FILED AT
MURDOCK BRANCH
97 JAN -6 PM 3:09

AN ORDINANCE REZONING 264.69 ACRES OF REAL PROPERTY IN CHARLOTTE COUNTY, FLORIDA, FROM MOBILE HOME PARK (MHP) TO A PLANNED DEVELOPMENT (PD), THEREBY ALLOWING A MIXTURE OF MOBILE HOMES AND CONVENTIONAL HOMES, SUBJECT TO CONDITIONS.

RECITALS

WHEREAS, Victoria Estates, Ltd., a Development of Regional Impact, has applied for a zoning change of its 264.69 acres of real property, specifically described on Exhibit "A", attached hereto and by reference made a part hereof, from MHP zoning designation to a PD, which will allow a mixed use of mobile homes and conventional homes; and

WHEREAS, on November 25, 1996, the Charlotte County Planning and Zoning Board (P&Z) at public hearing, considered the merits of the application and thereupon forwarded its favorable recommendation to the Board of County Commissioners for final disposition of application; and

WHEREAS, the Board of County Commissioners having considered the P&Z recommendations, the presentation of county staff and the testimony of interested persons, finds that the requested action is in compliance with the applicable law and in furtherance of the orderly growth and development of Charlotte County, Florida.

★ #75
Minutes

BARBARA T. SCOTT, CLERK OF THE CIRCUIT COURT - CHARLOTTE COUNTY

Recorded By: Sandra O. Wells D.C.

RECORDED: 1/7/97 09:40:01

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

1. The application for rezoning of the 264.69 acres described on Exhibit "A" from a MHP designation to a PD, which allows the mixed use of mobile homes and conventional homes is hereby granted, subject to the sixteen (16) conditions attached hereto as Exhibit "B" and by reference made a part hereof. The Charlotte County Zoning Atlas shall be made to reflect the zoning change.

2. This ordinance shall take effect upon its filing in the Office of the Secretary of State, State of Florida.

PASSED AND DULY ADOPTED this 17th day of December, 1996.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By Matthew D. DeBoer
Matthew D. DeBoer, Chairman

ATTEST:

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

By Diana F. Rice
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney

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DESCRIPTION of Lands Submitted for Re-Zoning:

A parcel of land lying in Sections 7 and 8, Township 40 South, Range 23 East, Charlotte County, Florida; said parcel of land being more particularly described as follows:

From the Southwest Corner of the Southwest Quarter of said Section 7, bear S.89°35'48"E. along the South line of said Section 7, a distance of 765.21 feet to the intersection thereof with the Easterly right-of-way line of Kings Highway as described within Official Records Book (ORB) 1042 on Page 1990 of the Public Records of Charlotte County, Florida; thence N.17°56'42"E. along said Easterly right-of-way line, a distance of 83.90 feet to the intersection thereof with a line which is 80 feet Northerly of and parallel with the South line of said Section 7 (the Notherly Right of Way Line of Rampart Boulevard as described within said ORB 1042, Page 1990); thence S.89°35'48"E. along said line 80 feet Northerly of and parallel with the said South Line of Section 7, a distance of 1027.60 feet to the POINT OF BEGINNING;

thence continue S.89°35'48"E. along said parallel line a distance of 3511.66 feet to the intersection thereof with the East Line of said Section 7; thence S.00°04'50"E. along the East Line of said Section 7 and the said Right of Way of Rampart Boulevard, a distance of 30.00 feet to the intersection thereof with the Westerly line of the lands described as Parcel 125 by Order of Taking dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of said county (the following 6 lines are along the said lands described as Parcel 125); thence N.84°02'15"E. a distance of 437.05 feet to the limits of Limited Access Right of Way per said ORB 0536 on Page 0185; thence N.84°02'27"E. along said Limited Access Right of Way, a distance of 50.28 feet; thence N.89°55'37" East, along said Limited Access Right of Way, a distance of 403.85 feet; thence N.25°41'58"W., along said Limited Access Right of Way, a distance of 218.25 feet to the Point of Curvature (PC) of a curve to the left having a central angle of 03°14'55" and a radius of 22,800.99 feet; thence Northwesterly along the said Limited Access Right of Way and the last said curve's arc, a distance of 1,292.75 feet to the Point of Tangency (PT); thence N.28°56'52"W. along said Limited Access Right of Way, a distance of 1,691.13 feet; thence, leaving said Limited Access Right of Way, bear S.62°05'14"W. a distance of 196.03 feet;

thence N.28°56'52"W. a distance of 206.51 feet;

thence S.67°07'58"W. a distance of 501.16 feet;

thence N.58°36'15"W. a distance of 468.58 feet;

thence S.78°30'10"W. a distance of 211.31 feet;

thence N.42°40'19"W. a distance of 285.03 feet;

thence S.17°51'01"W. a distance of 77.69 feet;

thence N.81°37'21"W. a distance of 381.54 feet;

thence S.08°21'46"W. a distance of 214.95 feet;

thence N.75°54'43"W. a distance of 502.48 feet;

thence N.08°21'58"E. a distance of 82.84 feet;

thence N.81°37'22"W. a distance of 819.69 feet to the aforementioned Easterly Right-of-Way line of Kings Highway (the following 4 lines are along the said Easterly right-of-way line); thence S.04°05'13"W. a distance of 0.19 feet;

thence S.08°22'34"W. a distance of 400.00 feet;

thence S.02°39'56"W. a distance of 100.50 feet;

thence S.08°22'34"W. a distance of 1037.74 feet;

thence S.81°37'26"E. a distance of 254.11 feet;

thence S.38°29'57"E. a distance of 535.20 feet to the PC of a curve to the right having a central angle of 67°27'44" and a radius of 400.00 feet; thence Southeasterly, Southerly and Southwesterly, along the arc of said curve a distance of 470.98 feet to the Point of Reverse Curvature (PRC) of a curve to the left having a central angle of 38°26'47" and a radius of 700.00 feet; thence Southwesterly, Southerly and Southeasterly along the arc of the last said curve a distance of 469.71 feet to the Point of Compound Curvature (PCC) of a curve continuing to the right having a central angle of 18°25'30" and a radius of 325.00 feet; thence Southeasterly along the arc of last said curve, a distance of 104.51 feet to the end of said curve; thence S.00°24'12"W. along a non-radial line, a distance of 245.30 feet to the POINT OF BEGINNING.

Containing 264.69 acres, more or less.

1. Permitted Uses for Recreational and Accessory Land Uses open to the public:
 - a. Outdoor recreational facilities - lawn bowling.
 - b. Golf course with customary accessory uses (i.e. pro shop, clubhouse, cart storage and maintenance);
 - c. Restaurant and banquet facilities.
 - d. Outdoor recreational facilities not open to the public (ie., swimming pools, tennis courts, horseshoes, shuffleboard)
2. Permitted Uses for Residential Land Use shall be conventional built homes and mobile homes with customary accessory uses and structures. At the time of final site plan approval for each phase, the applicant shall state whether the phase will be for conventional built homes or mobile homes.
3. Maximum lot coverage and setbacks shall be determined at the time of final site plan approval, however, a minimum setback of 20 feet is required from all bodies of waters. Additionally, pursuant to Charlotte County Zoning Code Section 3-9-49 © (2) d - no structure can be closer to the peripheral property line of the Planned Development than 25 feet. The peripheral 25 ft buffer is required to be shown on the final site plan approval.
4. Charlotte County Zoning Code Section 3-9-49 © (2) f - requires a minimum of 20 percent of the entire PD parcel to be open space. The open space may include vegetated areas unencumbered by impervious surface. Open space area is required to be shown on each final site plan.
5. Provide a statement on who will be responsible for maintaining common areas of the development.
6. Subdivision platting will be required for all but Phase 1. A Preliminary plat can be reviewed simultaneously with the final PD plan but not prior to the final PD plan (Charlotte County Zoning Code Section 3-9-49 (d) (4) b).
7. All required State permits are required to be submitted with a final site plan application.
8. Each phase of the development, including Phase 1 and Phase 2, shall be required to obtain final site plan approval.
9. Each phase must be shown to be in compliance with the Victoria Estates DRI/DO

(Resolution #89-141 as may be amended).

10. Phasing Time Schedule: The Osprey Planned Community will commence upon final site plan approval and will be substantially complete by January 1, 2001.
11. Provide traffic impact analysis for the 950 residential units and commercial area to evaluate the following:
 - a. Traffic signals may be warranted at the two entrances using MUTCD
 - b. Internal vehicle and pedestrian traffic connections may be justified to new Winn-Dixie (Kings Crossing) shopping area
12. A detailed design will be required for proposed full median opening on Kings Highway showing storage and deceleration lanes and acceleration taper.
13. The master Development Order for Victoria Estates should be reviewed for proposed Kings Highway median opening.
14. All future development under the Planned Development designation must comply with Section 3-2-9, minimum tree requirements.
15. Copies of all Southwest Florida Water Management District (SWFWMD) permits must be included in the final application of the packet **prior** to the application of final DRC approval. The Natural Resources Planning Section has contacted the Southwest Florida Water Management District regarding potential changes in the approved permit.
16. The final site plan shall clearly delineate the connecting pedestrian systems and locate bike racks and storage facilities for all commercial, residential and recreational areas within tract A of the project.