

*D. King  
Bea*

BARBARA T. SCOTT, CLERK  
CHARLOTTE COUNTY  
OR BOOK 1946 PAGE 1327  
RECORDED 10/02/01 @ 08:47 AM  
FILE NUMBER 848819  
RECORDING FEE 60.00

**RESOLUTION  
2001-169**

**A RESOLUTION GRANTING KINGS GATE ASSOCIATE II, LTD., A MAJOR MODIFICATION [DRC-PD-96-3(MM)] TO AN EXISTING CONCEPT PLAN APPROVAL (DRC-PD-96-3) TO AMEND CERTAIN SETBACKS, RENAME FUTURE SUBDIVISIONS, AND REDISTRIBUTE LOT COUNTS AMONG SUBDIVISIONS.**

WHEREAS, on December 17, 1996, the Board of County Commissioners of Charlotte County ("the Board") approved, by adoption of Ordinance 96-42, the rezoning to Planned Development ("PD") and concept plan for a 264.69 acre (more or less) parcel of property described on Exhibit "A" attached hereto and by this reference incorporated herein ("the PD Property"), located generally at Kings Highway and Rampart Boulevard in Sections 7 and 8, Township 40 South, Range 23 East in Charlotte County, Florida (such rezoning and concept plan approval shall be referred to herein as "PD-96-3"); and

WHEREAS, on June 17, 1997, the Board approved, by adoption of Resolution 97-0510A0, a partial final detail plan for PD-96-3 for development of Phase I (allowing 200 mobile home lots, a portion of a golf course and club house and amenities), Phase II (allowing 128 conventionally built single family residential homes), Phase III (allowing 149 conventionally built single family residential homes), and an existing golf course, for PD-96-3 (hereinafter referred to "1997 final plan approval for PD-96-3"); and

WHEREAS, Kings Gate Associate II, Ltd. (hereinafter referred to as "the Applicant") submitted application DRC-PD-96-3(MM) requesting a major modification to the existing PD-96-3 in order to rename existing phases of residential subdivisions to Victoria Estates (previously referred to in Resolution 97-0510A0 as Phase I), Kings Gate and Kings Gate 2 (previously referred to in Resolution 97-0510A0 as Phases II and III), rename future phases of residential subdivisions to Kings Gate 3, 4, 5, and 6, redistribute the allowable lot count among each Kings Gate phase, and amend the rear setback on selected lots in all Kings Gate phases [such application shall be hereinafter referred to as "Application DRC-PD-96-3(MM)"]; and

WHEREAS, the Charlotte County Development Review Committee (hereinafter "the DRC") reviewed Application DRC-PD-96-3(MM) on August 9, 2001, and recommended approval with conditions; and

WHEREAS, the Board has reviewed Application DRC-PD-96-3(MM) and the recommendation of the DRC;

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

**IMAGED**  
10-11-01  
AP

**IMAGED**  
KB

★ #75  
minutes

Application DRC-PD-96-3(MM), the application for major modification to an existing concept approval, is hereby approved with the following conditions:

1. The existing phases of residential development for PD-96-3 shall be referred to as Victoria Estates, Kings Gate and Kings Gate 2. The future phases of residential development shall be known as Kings Gate 3, Kings Gate 4, Kings Gate 5 and Kings Gate 6 (hereinafter collectively referred to as "Kings Gate 3 through 6"). The existing phase of residential development to be known as Victoria Estates contains manufactured homes, manufactured home lots, a portion of a golf course and clubhouse and amenities, and has been previously approved for development pursuant to applicable local and state regulations. The existing phase of residential development to be known as Kings Gate has been platted and recorded in Plat Book 17, Page 56A-56H (hereinafter referred to as "Kings Gate"). The existing phase of residential development to be known as Kings Gate 2 has been platted and recorded as "Kings Gate Phase 2" in Plat Book 18, Pages 18A-18H (hereinafter referred to as "Kings Gate 2"). The existing and future phases of residential development to be known as Victoria Estates, Kings Gate, Kings Gate 2, Kings Gate 3, Kings Gate 4, Kings Gate 5, and Kings Gate 6 pursuant to this paragraph shall be generally as depicted in the Site and Phase Plan dated May 9, 2001, prepared by James C. Widman, P.E., and attached hereto as Exhibit "B" and incorporated herein by this reference. Other than the reference to the naming of the existing phase contained in this paragraph, none of the conditions contained in this Resolution shall apply to the development or operation of the area referred to as Victoria Estates. The specific legal descriptions for each of Kings Gate 3 through 6 shall be determined in the final detail plan approval for the applicable Kings Gate phase.
2. The total number of residential lots allowed for Kings Gate, Kings Gate 2, and Kings Gate 3 through 6 in PD-96-3 shall not exceed 723 lots. The total number of residential lots allowed in Kings Gate shall be 150, as depicted on the plat for Kings Gate. The total number of residential lots allowed in Kings Gate 2 shall be 161, as depicted on the plat for Kings Gate 2. The number of residential lots to be permitted in each of the future phases of Kings Gate 3 through 6 shall be determined in the final detail plan approval for the applicable phase.
3. For any lot within Kings Gate or Kings Gate 2 which has not been developed at the time of adoption of this Resolution, the rear setbacks for such lot shall be determined in accordance with this paragraph. In the event a lot is subject to more than one rear setback provision, the largest rear setback shall apply. The rear setback for a lot whose rear lot line abuts water shall be 20'. The rear setback for a lot whose rear lot line abuts the boundary of PD-96-3 shall be 25', except as provided under Variance 97-7 as approved by the Board of Zoning Appeals on June 18, 1997. The rear setback for a lot whose rear lot line abuts another residential lot or a parcel other than a tract of green space (golf course or open space within PD-

OR BOOK 1946 PAGE 1328

96-3) shall be 10'. Generally, the rear setback for any lot whose rear lot line abuts a tract of green space (golf course or open space within PD-96-3) shall be 10'; however, a structure may be located within such 10' setback in the event that, for every foot (or portion thereof) such structure projects into 10' rear setback, that portion of the structure so projected shall be set back one additional foot (or corresponding portion thereof) from each of the side lot line setbacks for such lot. Example: a 7' projection of a structure into a 10' rear setback requires an additional 7' to be added to the existing side yard setbacks for that portion of the structure projecting into the 10' rear setback. Notwithstanding any of the foregoing, in no event shall the rear setback for any lot within Kings Gate or Kings Gate 2 be less than 3'.

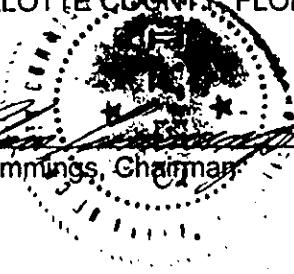
4. For any lot within Kings Gate 3 through 6, the rear setbacks for such lot shall be determined in accordance with this paragraph. In the event a lot is subject to more than one rear setback provision, the largest setback shall apply. The rear setback for a lot whose rear lot line abuts water shall be 20'. The rear setback for a lot whose rear lot line abuts the boundary of PD-96-3 shall be 25', except as provided under Variance 97-7 as approved by the Board of Zoning Appeals on June 18, 1997. The rear setback for a lot whose rear lot line abuts another residential lot or a parcel other than a tract of green space (golf course or open space within PD-96-3) shall be 10'. The rear setback for any lot whose rear lot line abuts a tract of green space (golf course or open space within PD-96-3) shall be 3'.
5. In the development of any lot in Kings Gate, Kings Gate 2, or Kings Gate 3 through 6, the Applicant (or any applicant for such development) must comply with the provisions of Chapter 3-2, Article IX, Tree Requirements, of the Code of Laws and Ordinances of Charlotte County Code (such Code of Laws and Ordinances shall hereinafter be referred to as "the Code"). The Applicant (or any applicant for development) shall obtain Tree Removal Authorization, Memorandum of Exemption of Fees, and Tree Preservation permits prior to any land clearing activity and the issuance of building permits for any lot in Kings Gate, Kings Gate 2, or Kings Gate 3 through 6. Native shade trees shall be planted at each residential unit, recreation areas, street, and parking areas in Kings Gate, Kings Gate 2, or Kings Gate 3 through 6, according to Exhibit 3, number 2, in the Energy section of the Victoria Estates DRI Development Order.
6. Any applicant for a building permit relating to any lot in Kings Gate, Kings Gate 2, or Kings Gate 3 through 6, must supply documents sufficient to release any easements affected or encroached upon by any structures, fences or buildings governed by such building permit.
7. The project contemplated by PD-96-3, as modified by this major modification, must be substantially completed by December, 2004 and is subject to all required approvals for alteration of the phasing and timing.
8. All other conditions imposed by Ordinance 96-42 or the 1997 final plan approval for

PD-96-3 which are not amended or affected by this Resolution shall remain in full force and effect.

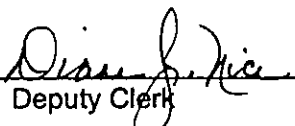
PASSED AND DULY ADOPTED THIS 25<sup>th</sup> day of September, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA


By:   
Adam Cummings, 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

  
Renee Francis Lee  
County Attorney

p:\wpdata\best\res\kingsgate.pd96-3.majormod.doc  
LR2001-382  
09/24/2001

OR BOOK 1946 PAGE 1330

**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 (ORR) 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 Northerly Right of Way Line of Rampart Boulevard as described within said ORR 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 ORR 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°55'17" 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 Southwesterly, 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 Southwesterly 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 Southwesterly 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.

OFFICE COPY

EXHIBIT A