

Estates DRI, amending the Proposed Land Use and Phasing Schedule, deleting the fire station site requirement, and determining that such amendments did not constitute a substantial deviation of the previously approved Development Order (such Development Order created by Resolution 89-141 as amended by Resolution 94-111 herein referred to as "the Development Order" or "Victoria Estates DRI Development Order"); and

WHEREAS, on December 17, 1996, by adoption of Ordinance 96-42, Resolution 97-0510A and Resolution 2001-169, the Board approved a rezoning and concept plan, a partial detail plan, and a major modification to the concept plan, respectively, for a planned development zoning providing for development of mobile home residential units, conventionally built residential units, a golf course, clubhouse and amenities to be built in phases within a set time frame on 264.9 acres of Parcel A (herein "PD 96-3"); and

WHEREAS, in June 1999, 50 acres of the approximately 122.5 acres of Parcel B was conveyed to the School Board of Charlotte County for future construction of a school (a development exempt from development of regional impact review), thereby reducing the residential units attributable to Parcel B from the 600 units allowed under the Development Order to 366 on the remaining 72.5 acres; and

WHEREAS, the ownership of the 50 acres of Parcel B by the School Board of Charlotte County would require any access to Loveland Boulevard for the remaining 72.5 acres of Parcel B to be accomplished by traversing the 50 acres owned by the School Board, thereby leaving Suncoast Boulevard as the only public road abutting the remaining 72.5 acres of Parcel B; and

WHEREAS, on June 21, 2001, the Southwest Florida Regional Planning Council approved a Notice of Proposed Change (NOPC) for the Victoria Estates DRI, extending the effective period of the Development Order to December 30, 2004, and determined that such an extension and the deletion of the 50 acres of Parcel B owned by the School Board of Charlotte County does not create a substantial deviation to the Development Order in accordance with Section 380.06(19), F.S.; and

WHEREAS, NB/85 Associates and Wayne M. Ruben, owners of property in Parcel B, and Benderson Development Company, Inc., project developer, have requested that the Board consider additional amendments to the Development Order to extend the effective period of the Development Order, to amend the Land Use and Phasing Schedule to reflect the amended effective period and the inclusion of conventionally built homes and the number of residential units reflected in PD 96-3, to reduce the size of Parcel B, and to add traffic monitoring requirements for segments of Suncoast Boulevard;

WHEREAS, the Board has reviewed and considered the requested amendment and finds that it is not inconsistent with the Charlotte County Comprehensive Plan or local land use regulations, or with the previously approved Development Order, and also finds that, pursuant to Section 380.06 (19), F.S., the amendments of the extension of the Development Order, the amendment of the Land Use and Phasing Schedule, the elimination of the 50 acres from Parcel B, and the addition of traffic monitoring requirements for portions of Suncoast Boulevard do not constitute a substantial deviation;

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

1. Section 7 of Resolution 89-141, as amended by Resolution 94-111, shall be amended to read, in its entirety, as follows (additions underlined, deletions ~~stricken~~):

Section 7. Effective Period of Development Approval.

This Development Order shall remain in effect for a period of eleven approximately 15 years, 5 months, until December 30, 2004.

2. The Proposed Land Use and Phasing Schedule contained in Attachment VI of Exhibit 3 of Resolution 89-141, as replaced by Exhibit "A" of Resolution 94-111, is hereby deleted in its entirety and replaced with the Land Use and Phasing Schedule attached hereto as Exhibits "A" and "B", which are incorporated herein by this reference.

3. Resolution 89-141, as amended by Resolution 94-111, is hereby amended by the addition of the following Section 11 (additions underlined, deletions ~~stricken~~):

Section 11. Affected Property.

The property affected by this Development Order shall be the property described in Exhibit 1-A and Exhibit 1-B, less and except the property described in Exhibit 1-C, all attached hereto and incorporated herein by this reference.

Exhibit 1-C attached hereto and incorporated herein shall constitute the Exhibit 1-C referred to in such newly added Section 11.

4. Section 4.b. of Exhibit 3 of Resolution 89-141 is hereby amended by the addition of the following language at the end of such Section 4.b. (additions underlined, deletions ~~stricken~~):

Suncoast Boulevard
-King's Highway to Loveland Boulevard
-Loveland Boulevard to Minneola Avenue

Loveland Boulevard at Suncoast Boulevard

The remainder of Section 4.b. shall remain in full force and effect. Nothing contained in this paragraph shall imply approval of access to Suncoast Boulevard or approval of any subsequent development on Tract B.

5. Attachment IV of Exhibit 3 of Resolution 89-141 is hereby deleted in its entirety and replaced with the attached Attachment IV, which is incorporated herein by reference.

6. Map H1, containing the Master Phasing Plan, and consisting of Attachments VI A and VI B of Exhibit 3 of Resolution 89-141, is hereby deleted in its entirety and replaced with Map H-"A" and Map H-"B" which are attached hereto and incorporated herein by this reference.

7. The amendments to the Development Order contained in this resolution do not constitute a substantial deviation to the conditions of the Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended.

8. All other terms and conditions of the Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended, not affected by this resolution, shall remain unchanged and in full force and effect.

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

10. The Clerk of the Circuit Court is hereby directed to forward certified copies of this resolution to Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100; and to Southwest Florida Regional Planning Council, 4980 Bayline Drive, 4th Floor, North Fort Myers, Florida 33918-3909.

PASSED AND DULY ADOPTED this ^{HR} 3 day of August, 2002.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Mac Horton
Mac Horton, Chairman

ATTEST:

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

By: Anne L. Pfahler
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Renee Francis Lee
Renee Francis Lee, County Attorney *AD*

p:\wpdata\bast\res\ victoriaestatesdri.do.doc
LR2002-183
08/14/2002

EXHIBIT "A"
VICTORIA ESTATES
LAND USE AND PHASING SCHEDULE
RESOLUTION 89-141
DATE DEVELOPMENT ORDER RECORDED: JULY 18, 1989
RESOLUTION 94-111, RECORDED JUNE 21, 1994
RESOLUTION 02-__

TRACT "A"

	COMPLETED: VICTORIA ESTATES MOBILE HOMES; KINGS GATE RESIDENTIAL; KING S CROSSING COMMERCIAL; KINGS GATE II, GOLF COURSE CLUB HOUSE	TO BE COMPLETED: KINGS GATE III July, 2002	TO BE COMPLETED: KINGS GATE IV October 2002- May 2003	TO BE COMPLETED: KINGS GATE V June 2003- December, 2004	TO BE COMPLETED: KINGS GATE VI June 2003- December 2004
<u>Residential:</u> Mobile Homes (# of units)	198	0	0	0	0
Site Built Homes (# of units)	311	121	59	95	137
Commercial (All infrastructure completed; buildout to be completed December 2004)	250,000 square feet	0	0	0	0
Office (All infrastructure completed; buildout to be completed December 2004)	120,000 square feet	0	0	0	0
Golf Course	50.07 acres	0	0	0	0

Open Space	6.66 acres	0*	0*	0*	0*
Active	5.3 acres	0*	0*	0*	0*
Roadways	13.96 acres	2.35 acres	1.39 acres	2.39 acres	3.21 acres
Maintenance	3.4 acres	0*	0*	0*	0*
Lakes	50.37 acres	0*	0*	0*	1.2 acres

*Zero values for Open Space, Active, Roadways, Maintenance, and Lakes--counted in what was previously constructed

EXHIBIT "B"
VICTORIA ESTATES
LAND USE AND PHASING SCHEDULE
RESOLUTION 89-141
DATE DEVELOPMENT ORDER RECORDED: JULY 18, 1989
RESOLUTION 94-111, RECORDED JUNE 21, 1994
RESOLUTION 02-__

TRACT "B"
(72.5 acres remaining from the initial 122.5 acres)

	TO BE COMPLETED March 2003-December 2004
<u>Residential:</u> Mobile Homes (# of units)	366
Recreation/Open Space	7.57 acres
Roadways	5.43 acres
Lakes	27.12 acres



Surveying To: Mike McGraw

Date: 8/20/99 Time: 05:32:18

Page 2 of 2

OR OK 1718 PAGE 0791

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:

BEGINNING 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 N.00°09'35"E., along the west line of said Section 18 and said easterly Right-of-Way line, 1037.60 feet;

Thence S.89°06'39"E., 410.47 feet;

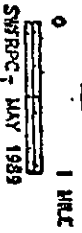
Thence N.00°09'35"E., 958.19 feet to the southerly Right-of-Way line of Suncoast Boulevard, as recorded in Official Records Book 754, Pages 2177 through 2179, of the Public Records of Charlotte County, Florida;

Thence S.89°09'34"E., along said southerly Right-of-Way line, 377.34 feet;

Thence S.00°09'35"W., 1998.01 feet to the south line of said Section 18;

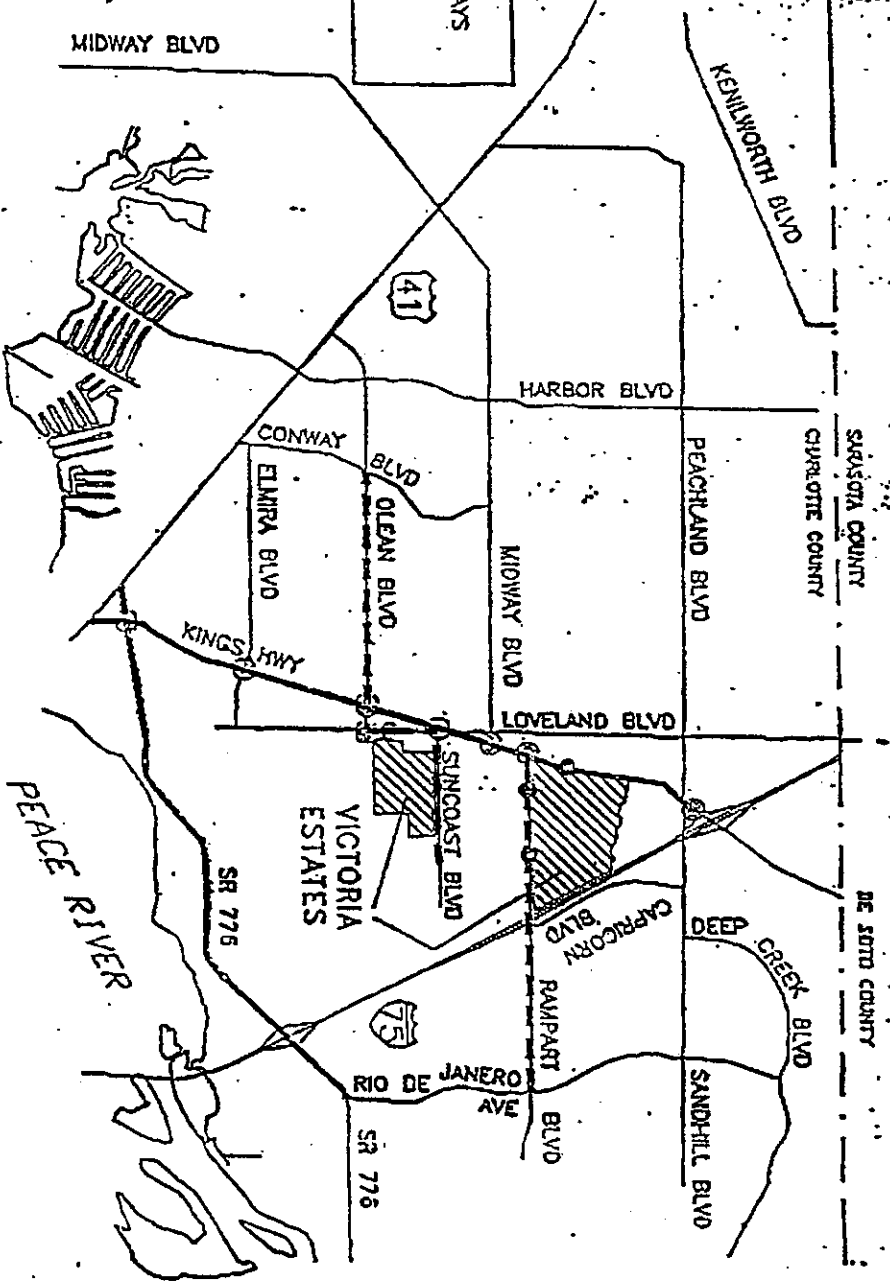
Thence N.89°02'42"W., along said south line, 1287.83 feet to the Point of Beginning, containing 50.0000 acres.

Said lands subject to all reservations, restrictions, easements and Rights-of-way of record.



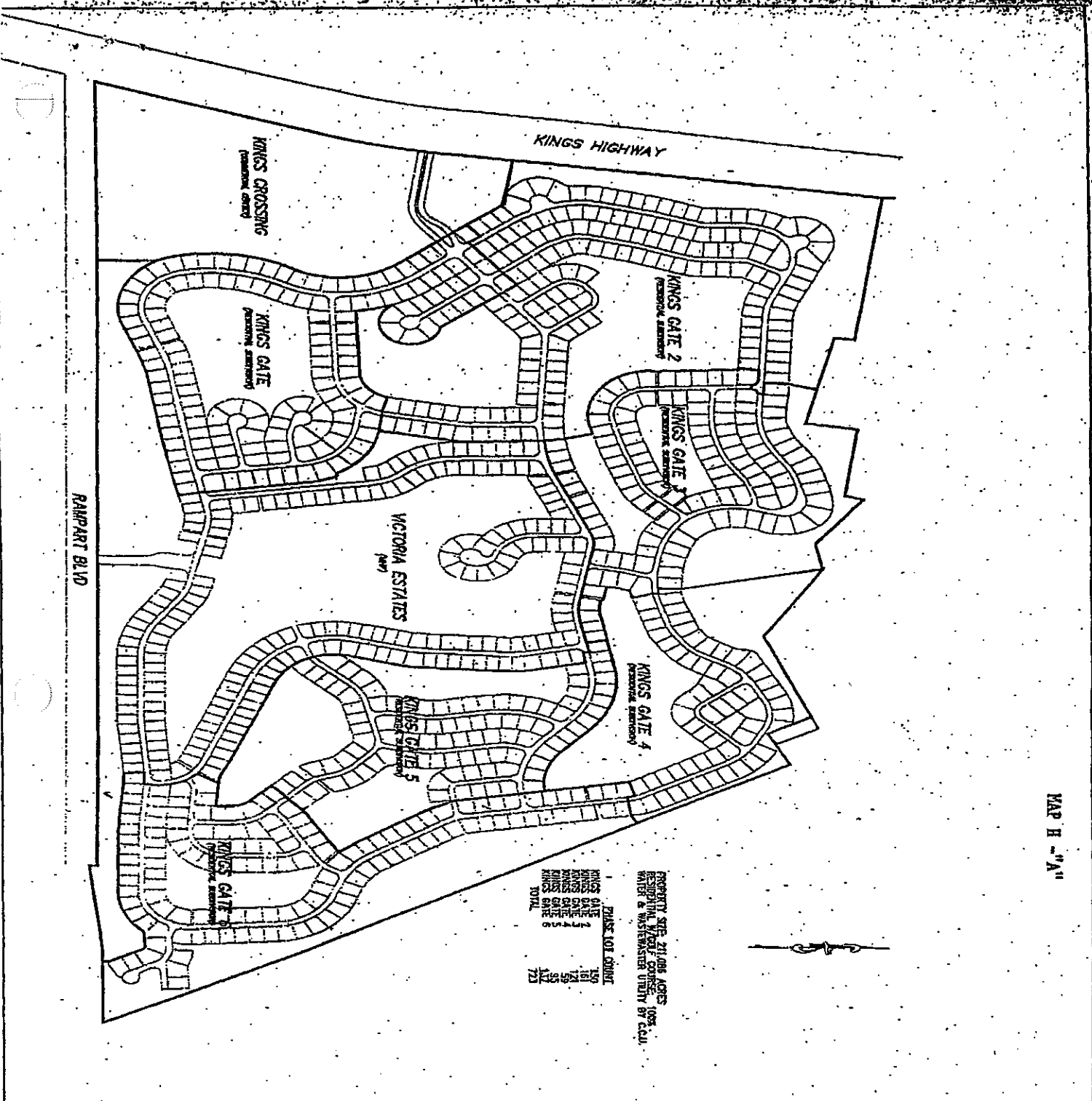
LEGEND

- REGIONAL ROADWAYS
- LOCAL ROADWAYS
- ⊕ INTERSECTIONS
- DRI ACCESSSES



MAP D-2
VICTORIA ESTATES

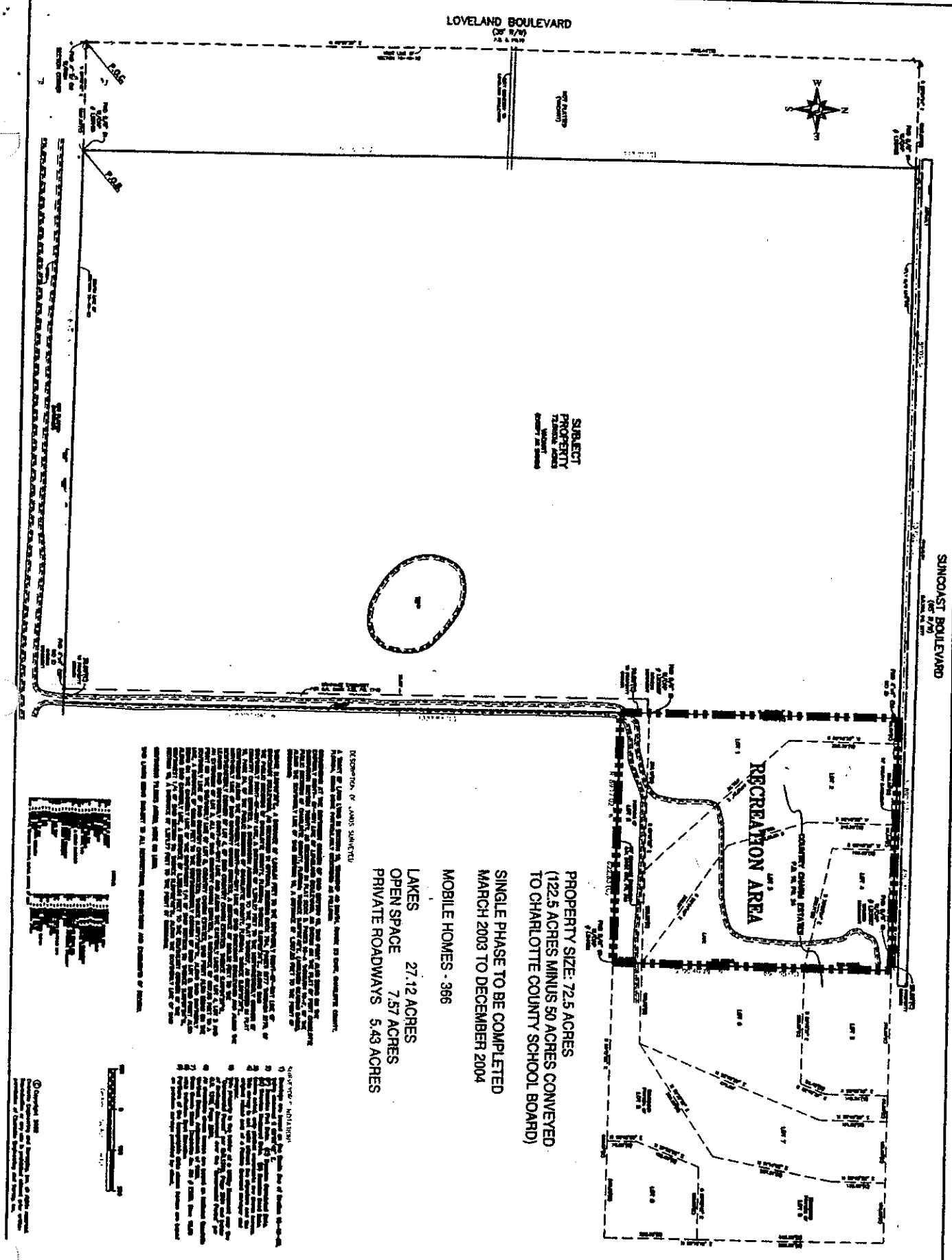
Attachment IV



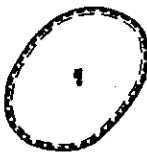
MAP H - "A"

FOR KINGS GATE ASSOCIATES II LTD 570 DELAWARE AVE BUFFALO, NY 14202 (716) 840-0211	SITE & PHASE PLAN	CHARLOTTE ENGINEERING & SURVEYING, INC. CIVIL, ENGINEERS-LAND SURVEYORS-PLANNERS LAND DEVELOPMENT CONSULTANTS 1700 N. Green Road, Suite 200, Charlotte, North Carolina 28203 (704) 434-1844
	VICTORIA ESTATES (also KINGS GATE, OSPREY, KINGS CROSSING)	

Attachment VI A



SUBJECT
PROPERTY
TRACTS ARE
SHOWN AS
SHOWN



PROPERTY SIZE: 72.5 ACRES
(122.5 ACRES MINUS 50 ACRES CONVEYED
TO CHARLOTTE COUNTY SCHOOL BOARD)

SINGLE PHASE TO BE COMPLETED
MARCH 2003 TO DECEMBER 2004

MOBILE HOMES - 366

LAKES 27.12 ACRES
OPEN SPACE 7.57 ACRES
PRIVATE ROADWAYS 5.43 ACRES

DESCRIPTION OF LANDS SURVEYED

A SURVEY OF LANDS SURVEYED TO BE MOBILE HOMES, LAKES, OPEN SPACE, PRIVATE ROADWAYS, AND RECREATION AREA.

THE SURVEY WAS MADE BY CHARLOTTE ENGINEERING & SURVEYING, INC. ON BEHALF OF NB/S ASSOCIATES & WAYNE M. RUBEN & BENDERSON DEVELOPMENT, INC.

THE SURVEY WAS MADE BY CHARLOTTE ENGINEERING & SURVEYING, INC. ON BEHALF OF NB/S ASSOCIATES & WAYNE M. RUBEN & BENDERSON DEVELOPMENT, INC.

THE SURVEY WAS MADE BY CHARLOTTE ENGINEERING & SURVEYING, INC. ON BEHALF OF NB/S ASSOCIATES & WAYNE M. RUBEN & BENDERSON DEVELOPMENT, INC.

NOTICE OF MOTION

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT IN AND FOR THE COUNTY OF CHARLOTTE, FLORIDA:

THE UNDERSIGNED, CHARLOTTE ENGINEERING & SURVEYING, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 90, F.S., AND THAT THE SURVEY IS TRUE AND CORRECT.

CHARLOTTE ENGINEERING & SURVEYING, INC.

120 S. PALM BLVD., SUITE 200
JACKSONVILLE, FL 32202
PHONE: (904) 742-0000
FAX: (904) 742-0000

<p>FOR NB/S ASSOCIATES & WAYNE M. RUBEN & BENDERSON DEVELOPMENT, INC. 8441 COOPER CREEK BOULEVARD UNIVERSITY PARK, FLORIDA 34201 Telephone No. (941) 358-8307 Fax No. (941) 358-1838</p>		<p>Map H-B ATTACHMENT VI-B</p> <p>SUNCOAST LAKES PORT CHARLOTTE, FLORIDA</p>		<p>CHARLOTTE ENGINEERING & SURVEYING, INC. ONE BENDERSON-LAKE DEVELOPMENT & SPORTS COMPLEX COMPANY LAND SURVEYING-PLANNING-ENGINEERING-CONSTRUCTION</p> <p> <input type="checkbox"/> Park Branch Office 2700 E. Highway 100, Suite 100 Port Charlotte, Florida 34208 Telephone No. (941) 626-8300 Fax No. (941) 742-0000 </p> <p> <input type="checkbox"/> Tampa Office 100 E. Howard Ave., Suite 200 Tampa, FL 33602 Telephone No. (813) 288-8800 Fax No. (813) 288-8800 </p> <p> <input type="checkbox"/> Orlando Office 1500 E. New Street, Suite 200 Orlando, FL 32806 Telephone No. (407) 255-8800 Fax No. (407) 255-8800 </p>	
<p>DATE: 02/25/02</p> <p>SCALE: 1" = 100'</p> <p>PROJECT NO: 213</p> <p>PROJECT: 11800</p> <p>Sheet 1 of 2</p>					

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 South 89°02'42" East (assumed bearing basis), along the Southerly line of said Section 18, a distance of 1,287.83 feet to the POINT OF BEGINNING;

Thence North 00°09'35" East, 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 South 89°09'34" East, 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 Book 16, Page 24, of the Public Records of Charlotte County, Florida; thence South 89°19'31" East, 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 South 00°04'29" West, 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 North 89°17'02" West, 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 1/4 of said Section 18; thence South 00°07'04" West, along said Easterly line, a distance of 1,333.64 feet to the Southeast corner of the Southwest 1/4 of said Section 18; thence North 89°02'42" West, 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.

Date 1/28/07 Sheet 1 of 2 Project # 1180	REVISIONS 1 2 3 4 5 6 7 8 9 10	FOR NEWS ASSOCIATES & WAYNE M. RUBEN % BENDERSON DEVELOPMENT, INC. 6441 COOPER CREEK BOULEVARD UNIVERSITY PARK, FLORIDA 34201 Telephone No. (941) 338-8303 Fax No. (941) 338-1838	Map H-B ATTACHMENT VI-B SUNCOAST LAKES PORT CHARLOTTE, FLORIDA	 CHARLOTTE ENGINEERING & SURVEYING, INC. <small>ONE, QUALITY LAND DEVELOPMENT & DESIGN SERVICE CORPORATION LAND SURVEYING - SURVEYING - ENGINEERING SERVICES</small>	27 Port Charlotte Office 1700 S. Adams Road Port Charlotte, Florida 33952 Telephone No. (941) 338-8303 Fax No. (941) 338-1838 E-mail: info@charlotteeng.com	<input type="checkbox"/> Tampa Office 110 S. Howard Blvd., Suite 200 Tampa, FL 33603 Telephone No. (813) 288-2200 Fax No. (813) 288-2200	<input type="checkbox"/> Pensacola Office 4120 E. New Spain Road, Suite 110 Pensacola, FL 32505 Telephone No. (904) 399-4800 Fax No. (904) 399-4800
		SHEET NO. 1180			28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100		