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BARBARA T. SCOTT, CLERK, CHARLOTTE COUNTY  
OR BOOK 2946, PGS 426-439 14 pg(s)  
INSTR # 1538550  
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## VICTORIA ESTATES DRI

### RESOLUTION NUMBER 2006-025

A RESOLUTION AMENDING RESOLUTION 2004-243, RESOLUTION 2003-083, RESOLUTION 2002-109, RESOLUTION 94-111 AND RESOLUTION 89-141, AMENDING THE DEVELOPMENT ORDER FOR THE VICTORIA ESTATES DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR REVISED MAP H "A-1", VICTORIA ESTATES DRI, TRACT A MASTER LAND USE PLAN; PROVIDING FOR REVISED MAP H "B-1-1", VICTORIA ESTATES DRI, TRACT B MASTER LAND USE PLAN; PROVIDING AN UPDATED LAND USE AND PHASING SCHEDULE; PROVIDING MONITORING REPORT REQUIREMENTS; PROVIDING FOR MONITORING REPORT DEADLINES; PROVIDING RAMPART BOULEVARD IMPROVEMENT PLAN; EXTENDING EFFECTIVE PERIOD OF DEVELOPMENT ORDER; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

### RECITALS

WHEREAS, on July 11, 1989, the Board of County Commissioners of Charlotte County, Florida (herein "the Board"), approved Resolution 89-141, constituting the Development Order for a development known as Victoria Estates Development of Regional Impact (herein "the Victoria Estates DRI"); and

WHEREAS, on June 21, 1994, the Board approved Resolution 94-111 thereby amending Resolution 89-141, extending the effective period of the Development Order for Victoria Estates DRI, amending the Land Use and Phasing Schedule, and determining that such amendments did not constitute a substantial deviation of the previously approved Development Order (such Development Order created by

**\*\*NOTE:** This resolution is being re-recorded to show the corrected address on page 7

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Resolution 89-141 as amended by Resolution 94-111 herein referred to as “the Development Order” or “Victoria Estates DRI Development Order”); and

WHEREAS, the Victoria Estates DRI was originally approved for a maximum of 1,700 mobile homes, 250,000 square feet of commercial use, 120,000 square feet of office use, and a 18-hole golf course on separate parcels identified as Tracts A and B; and

WHEREAS, the Board approved Ordinance 96-042 that rezoned Tract A from Mobile Home Park (MHP) to Planned Development (PD) and concurrently approved a Planned Development plan (PD-96-3) that allows a mix of housing types consisting of detached residential and mobile homes for Tract A; and

WHEREAS, on August 13, 2002, the Board approved Resolution 2002-109 thereby amending the Development Order, extending the effective date of the Development Order to December 30, 2004, amending the Land Use and Phasing Schedule, and finding that those changes did not constitute a substantial deviation; and

WHEREAS, infrastructure, 18-hole golf course, lakes, open space and other development components of Tract A were essentially completed by the extended effective date of December 30, 2004 for the Development Order; and

WHEREAS, on May 27, 2003, the Board approved Resolution 2003-083 thereby amending the Development Order, as a condition for rezoning Tract B from MHP to PD (Ordinance 2002-046, Ordinance 2002-064, and Planned Development Plan PD-02-1), that involved reduction in construction of 366 mobile homes to 205 conventional site-built residential units, relocation of ingress and egress for Tract B, redistribution of

recreational area within Tract B, and finding those changes did not constitute a substantial deviation; and

WHEREAS, on November 23, 2004, by adoption of Resolution 2004-243, the Board approved an amendment to the Development Order for Victoria Estates DRI, extending the effective period of the Development Order to May 31, 2007 allowing additional time for market absorption of remaining vertical residential and commercial construction on Tract A, commencing of construction on Tract B, amending the Land Use and Phasing Schedule such that the Victoria Estates DRI is approved for 1,305 residential units, 250,000 square feet of commercial use, 120,000 square feet of office use and an 18-hole golf course, and finding that those changes did not constitute a substantial deviation; and

WHEREAS, the schedule for completion of vertical construction on Tract A has been impacted by the demolition of mobile homes destroyed by Hurricane Charley on August 13, 2004 and market conditions for absorption of remaining commercial development on Tract A and remaining residential development on Tracts A and B; and

WHEREAS, Charlotte County, subsequent to receipt of the most recent monitoring report for Victoria Estates DRI covering the period between October 1, 2004 and October 1, 2005, obtained traffic counts that indicate Rampart Boulevard is operating below the adopted level of service; and

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 do not constitute a substantial deviation.

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

1. The Victoria Estates DRI is currently approved for 1,312 residential units, 250,000 square feet of commercial use, 120,000 square feet of office use and an 18-hole golf course.

2. For Tract A, Map H1, Master Development Plan, contained in Resolution 89-141, which was deleted in its entirety and replaced with Map H-“A” and Map H-“A-1” in Resolution 2002-109, Resolution 2003-083, and Resolution 2004-243 respectively, is hereby deleted in its entirety and replaced with Map H “A-1” contained in Exhibit 1 of this Resolution.

3. For Tract B, Map H1, Master Development Plan, contained in Resolution 89-141, which was deleted in its entirety and replaced with Map H-“B”, Exhibit H-B/Attachment VI-B, and Map “B-1-1” in Resolution 2002-109, Resolution 2003-083, and Resolution 2004-243 respectively, is hereby deleted in its entirety and replaced with Map H “B-1-1” contained in Exhibit 2 of this Resolution.

4. The Land Use and Phasing Schedule contained in Resolution 89-141, as replaced by Resolution 94-111, and deleted in its entirety and replaced with the revised Land Use and Phasing Schedule for Tracts A and B, attached to Resolution 2002-109, Resolution 2003-083, and Resolution 2004-243 is hereby deleted in its entirety and replaced with Land Use and Phasing Schedule for Tracts A and B, Exhibit 3 of this Resolution.

5. The effective date of the Development Order is extended to May 31, 2010 to allow additional time for demolition of mobile homes and construction of vertical development on Tract A as presented in Map H "A-1" of Exhibit 1, Tract B as presented in Map H "B-1-1" of Exhibit 2, and Exhibit 3 of this Resolution. Charlotte County agrees that May 31, 2010 is the date until which that the approved DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare pursuant to 9J-2.025, F.A.C..

6. Monitoring Report Requirements contained in Section 4 and Exhibit 3 of the Development Order are amended to ensure consistency with Florida Statutes and establish a report submittal deadline as follows:

Section 4. ~~Annual~~ Monitoring Report Requirements

4.1 The Applicant shall submit ~~an annual~~ a biennial report pursuant to the requirements of Chapter 380.06(18), Florida Statutes (1987), and procedures established by the SWFRPC. The ~~annual~~ biennial monitoring report, including transportation reports pursuant to Transportation Conditions contained in Exhibit 3 of the Development Order, shall be submitted on, or before, October 1st starting in 2007 and each following two years ~~the anniversary of the effective date of this Development Order,~~ ~~for each following year~~ until and including, such time as all terms and

conditions of the Victoria Estates Development Order (Resolution 89-141, as amended) this development order are satisfied. The biennial monitoring report submittal herein is in addition to the transportation monitoring report due on, or before, October 1, 2006 pursuant to Transportation Condition 4.c contained in Exhibit 3 of the Development Order, as amended by this Resolution. The Applicant shall submit this all monitoring reports to the Charlotte County monitoring official, the SWFRPC, the Department of Community Affairs (DCA) and all affected permitting agencies.

Exhibit 3, Section 4 Transportation

- b. The applicant shall submit annual monitoring reports pursuant to the schedule provided in Section 4.1 and Transportation Condition 4.c of the Development Order, as amended by this Resolution, to Charlotte County, FDOT and SWFRPC for review, to determine the levels of improvements to those facilities as development of the project progresses. ~~The first monitoring report shall be submitted one year after the issuance of the first construction permits, excluding the Preliminary Development Agreement permits for the Victoria Estates DRI.~~ Reports shall be submitted ~~annually thereafter until buildout of the project,~~ and at a minimum, shall contain turning movements and traffic counts taken at the access and local intersections listed below, and a calculation of the existing level of service at these intersections and on the road segments indicated below. (Rest of Transportation Condition 4.b remains the same).

- c. If ~~annual~~ monitoring reports confirm that peak hour traffic on the road segments and intersections above exceed peak hour level of service "D" (level of service "C" average daily), and the project is utilizing more than 5% of the level of service capacity, then building permits and certificates of occupancy may not be granted, at Charlotte County's discretion, for any future phase shall not be granted until funding of the needed improvements for that phase is committed and construction of the needed improvements are commenced. The next transportation monitoring report is due on, or before, October 1, 2006 using a transportation methodology reconciled with Charlotte County and providing a strategy that addresses timing, design and funding for mitigating project-related impacts on the segment of Rampart Boulevard between Kings Highway and existing Kings Gate entrance ("Improvement Plan" herein), subject to approval by the Board of County Commissioners.

7. The amendments to the Development Order contained in this Resolution do not constitute a substantial deviation to the conditions of 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 and its attachments to Thomas Tuminia, the Florida Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, to Daniel L. Trescott, Southwest Florida Regional Planning Council,

1926 Victoria Avenue, Ft. Myers, Florida 33901 and to DRI Coordinator, Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, Florida 33948.

PASSED AND DULY ADOPTED this 14 day February, 2006.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Thomas G. Moore  
Thomas G. Moore, Chairman

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

By: Anne L. Pfahler  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney

RB  
LR2005-736

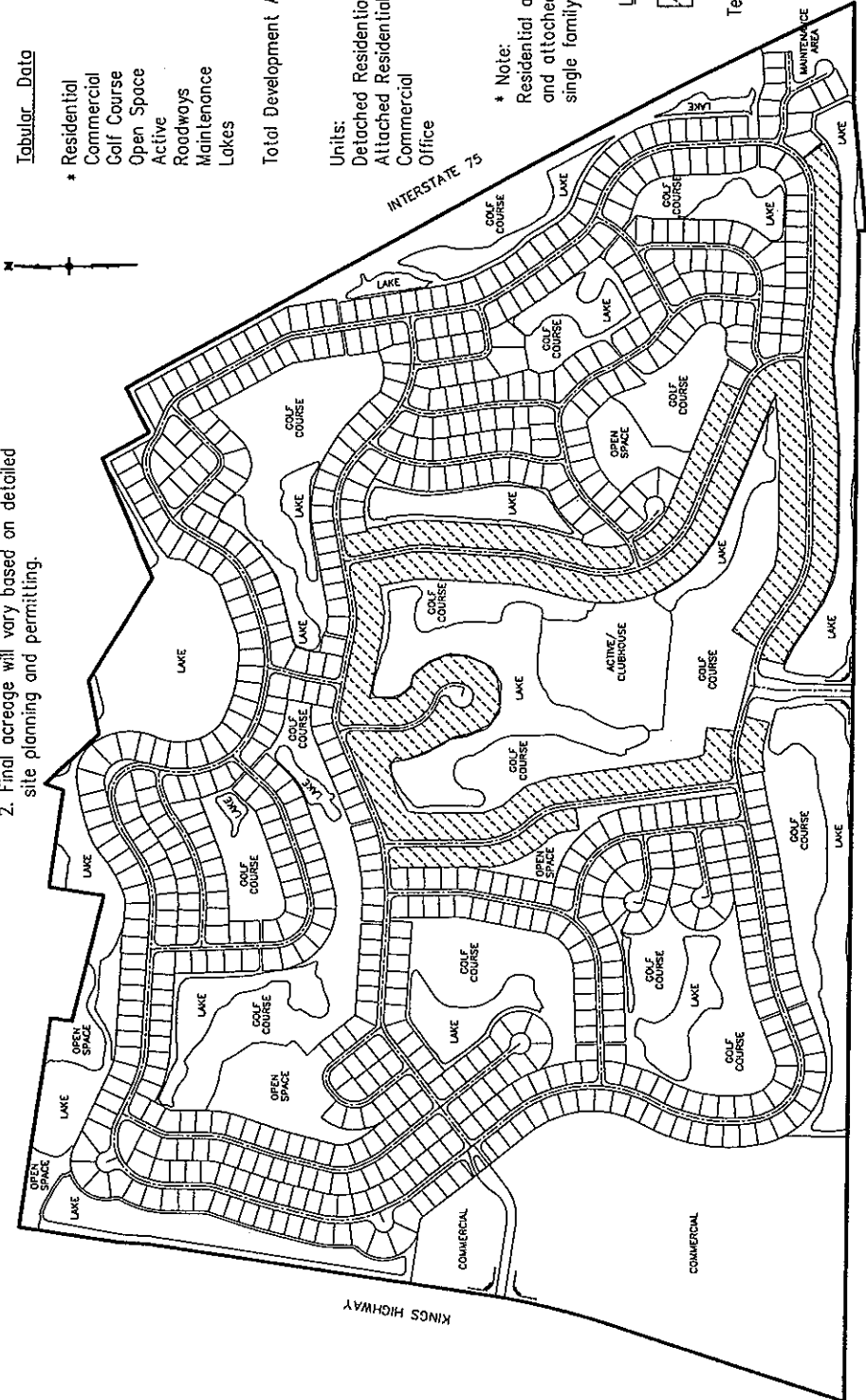


**EXHIBIT 1**

**VICTORIA ESTATES DRI  
TRACT A  
REVISED MASTER LAND USE PLAN  
MAP H "A-1"**

**Notes:**

1. Minor adjustments may be proposed to the Land Use Plan pursuant to Subsection 380.06(19)(c)2, Florida Statutes.
2. Final acreage will vary based on detailed site planning and permitting.



**Tabular Data**

* Residential	124,76± Ac.
Commercial	28,56± Ac.
Golf Course	50,31± Ac.
Open Space	10,87± Ac.
Active	4,91± Ac.
Roadways	21,72± Ac.
Maintenance	1,39± Ac.
Lakes	50,74± Ac.
<b>Total Development Acres</b>	<b>293.26 Ac.</b>

<b>Units:</b>	<b>711 Units</b>
Detached Residential	396 Units
Attached Residential	250,000 Square Feet
Commercial Office	120,000 Square Feet

\* Note: Residential areas may include detached and attached residential units including single family houses, coach homes and villas.

**Legend**



Attached Residential

Termination Date: May 31, 2010

**Victoria Estates DRI**  
**Tract A Master Land Use Plan**  
**November 2005**

**Fixed Development Criterion:**  
 Maximum commercial and office uses shall not exceed 370,000 square feet.

**Variable Development Criteria:**

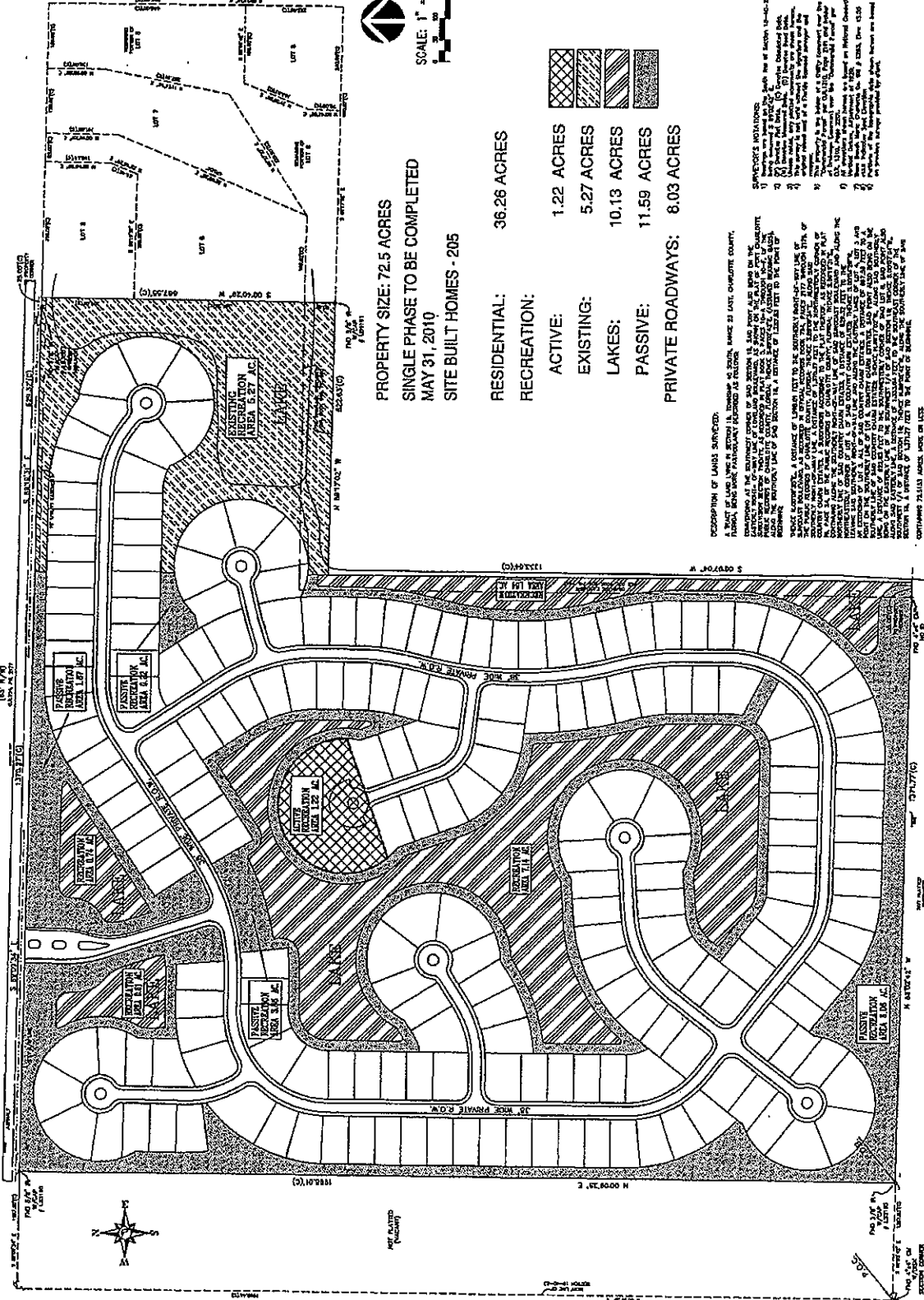
1. Number, type and mix of detached and attached residential units.
2. Stormwater lake locations and configurations.
3. Golf Fairway locations and configurations.
4. Development pod boundaries.
5. Residential lot locations and configurations.
6. Internal road alignment and access.

**REVISED**  
**MAP H "A-1"**  
**November, 2005**

**EXHIBIT 2**

**VICTORIA ESTATES DRI  
TRACT B  
REVISED MASTER LAND USE PLAN  
MAP H "B-1-1"**

SUNCOAST BOULEVARD



**EXHIBIT 3**

**VICTORIA ESTATES DRI  
UPDATED LAND USE AND PHASING SCHEDULE**

**TRACT A**

**(293.26 acres<sup>±</sup> remaining from the initial 301.26 acres provided in  
Resolution 89-141, as amended)**

**TO BE COMPLETED  
Between July 2005 and May 2010**

Detached Residential Units	385 Units Remaining of the 711 Units Maximum
Attached Residential Units	396 Units
Commercial Uses	117,290 Square Feet Remaining of the 250,000 Square Feet Maximum
Office Uses	99,000 Square Feet Remaining of the 120,000 Square Feet Maximum
Golf Course	0 Holes (18 Completed)
Clubhouse	0 (One Completed)
Open Space	0 Acres (107.1 Acres Completed, except Developer volunteers to provide 4 acres <sup>+</sup> of additional open space)
Lakes	0 Acres (Completed and included In Open Space Acreage Above)
Roadways	0 Acres (21.7 Acres Completed)

**EXHIBIT 3 (cont.)**

**VICTORIA ESTATES DRI  
UPDATED LAND USE AND PHASING SCHEDULE**

**TRACT B**

**(72.5 acres<sup>±</sup> remaining from the initial 122.5 acres provided in  
Resolution 89-141, as amended by Resolution 2003-083)**

**TO BE COMPLETED**

**Between July 2005 and May 2010**

Detached Residential Units	205 Units
Active Recreation	1.22 Acres
Existing Open Space	5.27 Acres
Lakes	10.13 Acres
Passive Recreation	11.59 Acres
Roadways	8.03 Acres