

Charge #
BCC 14

RESOLUTION

NUMBER 970510A0

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A RESOLUTION GRANTING FINAL PLAN APPROVAL TO VICTORIA ESTATES, LTD. (DRC-PD-96-3) FOR PHASE I (200 MANUFACTURED HOME LOTS, A PORTION OF THE GOLF COURSE AND CLUBHOUSE AND AMENITIES), PHASE II (128 CONVENTIONAL SINGLE-FAMILY RESIDENTIAL HOMES), PHASE III (149 CONVENTIONAL SINGLE-FAMILY RESIDENTIAL HOMES) AND THE EXISTING GOLF COURSE LOCATED WITHIN THE VICTORIA ESTATES DRI/PD.

Recitals

WHEREAS, pursuant to Planned Development approval PD-96-3, the property described in Exhibit "A" was rezoned to Planned Development by the Board of County Commissioners on December 17, 1996, with the effective date of December 30, 1996; and

WHEREAS, Victoria Estates Ltd. has requested final plan approval for Phase I, containing 200 mobile home lots, a portion of the golf course and club house and amenities; Phase II, containing 128 conventional built single family residential homes; Phase III, containing 149 conventional built single family homes; and the existing golf course; and

WHEREAS, the Charlotte County Development Review Committee reviewed the application for final plan approval (DRC-PD-96-3) on May 8, 1997 and has recommended approval with conditions; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida has reviewed the request for final plan approval as requested by Victoria Estates, Ltd., and has reviewed the recommendation of the Charlotte County Development Review Committee.

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

The application for final plan approval (DRC-PD-96-3 Phases I, II, III and the existing golf course) is APPROVED subject to the following conditions:

1. Pursuant to Ordinance #96-42, the Osprey Planned Community will commence upon final approval and will be substantially complete by January 1, 2001.
2. Pursuant to Charlotte County Code Section 3-9-49 (d) (5) b, 2, a, the developer is required to submit an annual progress report, through build out, to the Zoning Section

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Minutes

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

Recording \$24.00
Recorded By: Judy Meisner D.C.

on or before the anniversary date of Board of County Commissioner final approval or until the project is complete.

3. Development Standards for Phase I, consisting of manufactured homes only, shall be as follows:

Minimum lot size	4,250 square feet
Minimum corner lot size	4,675 square feet
Minimum lot width	50 feet
Minimum front yard	10 feet
Minimum rear yard	10 feet
Minimum side yard abutting a lot	5 feet
Minimum side yard abutting a road	10 feet
Minimum setback to water	20 feet
Maximum building height	35 feet
Maximum lot coverage	65 percent

4. Development Standards for Phases II and III, consisting of conventional homes only, shall be as follows:

Minimum lot size	5,100 square feet
Minimum corner lot size	5,525 square feet
Minimum lot width	60 feet
Minimum front yard	15 feet
Minimum rear yard	10 feet
Minimum side yard abutting a lot	5 feet
Minimum side yard abutting a road	10 feet
Minimum setback to water	20 feet
Maximum building height	35 feet
Maximum lot coverage	55 percent

5. Obtain County construction plan approval after preliminary plat approval.
6. All development and construction activity shall conform to the plans as formally approved by the Development Review Committee. The applicant shall submit a letter of substantial compliance by a registered engineer along with an as-built drawing, that all development and construction activity has conformed to the final approval (Section 3-9-5.1(i), Charlotte County Code, Conformity to Plan.). This information shall be submitted to Land Development, Zoning and Utilities Departments prior to issuance of a certificate of occupancy.
7. The detailed design of the proposed Full Median Opening (FMO) to Kings Highway needs to be revised. The concrete island traffic separators, FDOT Type II, must be

modified to ensure safe traffic flow. The technique used on the identical FMO on Kings Highway to the south (in front of Winn Dixie) should be used for both concrete islands proposed. The revisions must be submitted with the application for the Right-of-Way Use Permit for the construction in the right-of-way.

8. The Victoria Estates DRI Development Order requires an Annual Monitoring Report (AMR). The report shall be used to evaluate the MUTCD warrants for traffic signals at the proposed new Kings Highway and the existing Rampart Boulevard entrances. When the traffic signals are warranted in the future, the developer shall pay to design and install the traffic signals meeting FDOT and County standards as required in the Development Order.
9. The existing six foot paved shoulder must be removed where improvements for the acceleration/deceleration lanes, driveway entrance and concrete traffic separators to the entrance off Kings Highway are proposed on the Northbound lanes of Kings Highway. Current plans show the shoulder remaining in place. The existing paved shoulder is constructed with a base group 16 with a 1 ½" structural course. This area must meet a base group 9 with 3 ½" structural course and 1" Friction Course FC-4. This equates to approximately 450' of paved shoulder to be removed. A Right-of-Way Use Permit will be required for all work within public rights-of-way, and will require that plans be submitted addressing these issues. Additional conditions may be imposed as part of that review and approval.
10. Stabilized sub-grade must be 12", LBR 70. Currently there is no information on this. This must be addressed prior to issuance of the Right-of-Way Use Permit.
11. Plans do not indicate existing street lighting within the proposed median cut. Verify that these poles are not in conflict. If pole(s) are in conflict, the developer shall have them relocated. If existing final grade is to be changed, the developer shall have the pole's foundation raised or grade around to allow access to the hand hole. This must be addressed prior to issuance of the Right-of-Way Use Permit.
12. Approval of the final plan does not constitute approval of the on-site roadway grading and lot grading, and storm water facilities. These will be reviewed and commented on as part of the storm water plan review and approval process.
13. Sheets 12 and 13 show construction of a connecting roadway between the Kings Highway entrance to the development and the Kings Crossing development. Two temporary swales are also shown north of the Kings Highway entrance. It is not clear whether approval is being requested for those facilities. These areas must be included within the site plan limits. A drainage swale will be required on the west side of the north/south connecting roadway to direct the roadway runoff to the culvert under the entrance road. The two culverts under the entrance road shall be provided with a

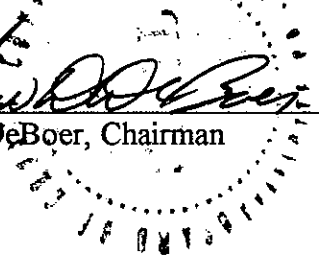
positive slope to drain to the retention pond to the north. A type F or similar barrier curb shall be provided between the sidewalk and the east bound entrance road pavement. There may be other drainage issues that must be addressed in the area of the Kings Highway entrance in the connection to Kings Crossing. Storm water plan approval will be required prior to construction.

- 14. Applicant shall submit a traffic signal warrant analysis prior to approval of the Right-of-Way Use Permit for the construction of the proposed Kings Highway intersection. The signal must be constructed as part of the currently proposed intersection construction if the analysis indicates that the warrants are met. Additional conditions may be necessary to address issues resulting from the analysis (for example, changes in length of storage lane required). If the analysis indicates that signal warrants are not met, the signal shall be installed by the application in accordance with condition 8 above.
- 15. All future development under the Planned Development designation must comply with Charlotte County Code Section 3-2-9, minimum tree requirements.

PASSED AND DULY ADOPTED THIS 17th DAY OF June, 1997

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 of the
Board of County Commissioners

By: Barbara T. Scott
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Renee Francis Lee
Renee Francis Lee, County Attorney *CRK.*

DRC-PD-96-3
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LR97-290

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 Northerly 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.

EXHIBIT "A"

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