

7



2001111032


✓ Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2001111032 7 PGS
2001 AUG 03 03:30 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#071911

NOTICE OF STIPULATIONS
AND LIMITATIONS ENCUMBERING
REAL PROPERTY PURSUANT TO
THE SARASOTA COUNTY ZONING CODE

The following property located in Sarasota County, Florida, owned by William D. Niven, and described in Ordinance No 2001-032 attached hereto, has been rezoned to a OPI/PD (Light Office, Professional and Institutional/Planned District) with stipulations zone district pursuant to Rezone Petition No. 00-20 filed by Bruce Franklin, Agent, and granted by Sarasota County on May 23, 2001, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

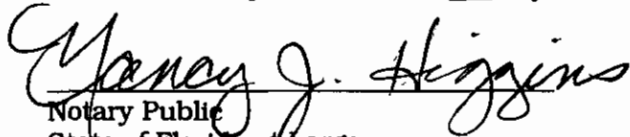
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2001-032, attached hereto)


Executive Director
Growth Management Business Center

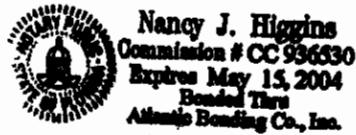
STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 31st day of August, A.D. 2001.


Notary Public
State of Florida at Large

This instrument prepared by:
Nancy Higgins



ORDINANCE NO 2001-032

2001 MAY 29 PM 12:49

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO 75-38, APPENDIX A TO THE SARASOTA COUNTY CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY, PROVIDING FINDINGS, PROVIDING FOR AMENDMENT OF THE ZONING ATLAS, PROVIDING RESTRICTIONS, STIPULATIONS AND SAFEGUARDS, PROVIDING FOR THE ADOPTION OF AN AMENDMENT TO THE FRUITVILLE ROAD CORRIDOR PLAN (NO 88-01-SP), AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA.

Section 1 Findings The Board of County Commissioners, hereinafter referred to as the "Board," hereby makes the following findings

A The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No 00-20, requesting rezoning of the property described herein

B The Board has held a public hearing on the proposed rezoning of the property described herein in accordance with the requirements of Sarasota County Ordinance No 75-38, codified in Appendix A of the Sarasota County Code (hereinafter "the Zoning Ordinance"), and has considered the information received at said public hearing

C The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance

D Pursuant to the provisions of Article VII of Chapter 94 of the Sarasota County Code, an evaluation has been completed of the impacts that the proposed rezoning of the property described herein will have on the levels of service for parks, drainage, solid waste, roads, mass transit and water and sewer systems. With the exception of the provisions of Section 3 of this Ordinance, adequate levels of service are anticipated to be available

Section 2. Amendment of the Zoning Ordinance. The Official Zoning Atlas, adopted under Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 0.99 acres (from RMF-2 (Residential, Multi-Family, 9 units/acre) and RSF-2 (Residential, Single Family, 3 units/acre) to OP/VPD (Light Office, Professional and Institutional/Planned District) for the following described property located in Sarasota County, Florida.

Northwest corner of Fruitville Road and Simmons Avenue, more particularly described as follows

A parcel of land lying in the North 1/2 of Section 23, Township 36 South,

FILED
2001 MAY 29 PM 4:05
DEPT. OF REVENUE OF STATE
TALLAHASSEE, FLORIDA

Range 18 East, Sarasota County, Florida and being more particularly described as follows

Commence at the point of tangency of the centerline of State Road No 780 (Fruitville Road), Station 188+04.35, as shown on the State of Florida Department of Transportation Right-of-Way Map, Section 17040-2518, thence perpendicular to said centerline North 00°47'53" East 86.50 feet to the Northerly Right-of-Way line of said State Road No 780 for a Point of Beginning, thence along said line North 89°12'07" West 97.39 feet, thence leaving said line, North 00°47'53" East 217.17 feet; thence South 89°12'07" East 183.14 feet, thence South 01°06'22" West 217.17 feet to the Northerly Right-of-Way line of said State Road No 780, thence along said line North 89°12'07" West 84.59 feet to the Point of Beginning

Section 3 Restrictions, Stipulations and Safeguards As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section 2 and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land. The use of the property described in Section 2 of this Ordinance, in addition to the applicable restrictions imposed by the Zoning Ordinance hereby further limited by and subject to the following restrictions, stipulations and safeguards

1. Development shall take place in substantial compliance with the Development Concept Plan date stamped November 15, 2000 and attached hereto as Exhibit "A," except modified as necessary to comply with the stipulations contained herein. This does not infer or imply any variances from applicable zoning or land development regulations.
2. Development shall occur in accordance with the Fruitville Road Corridor Plan (Ordinance No 96-082 as may be amended).
3. The developer of the subject parcel shall construct a southbound left-turn lane (on Simmons Avenue) at the Fruitville Road/Simmons Avenue intersection. The improvement shall be included in the construction plan submittal for the subject property.
4. The developer shall demonstrate that the post-development stormwater discharge does not exceed the pre-development discharge rate.
5. If the developer submits the proposed underground stormwater management system, they shall
 - Demonstrate that a due diligent effort was made to develop a joint use facility with Town and Country at Heron's Run Apartments.
 - Provide for continuous monitoring of the underground stormwater management system to ensure its effectiveness for the five year period immediately following construction.
 - Design the underground stormwater management system to provide for the treatment components to be easily maintained and inspected from the ground surface and provide means to limit solids from entering the underground storage system.
 - Arrange a meeting between the owner and operator of the stormwater management system and the Stormwater Division of Public Works to review the monitoring requirements on an annual basis.

- Submit the proposed underground stormwater management plan and the items referenced above to the Development Services Business Center for review and approval sixty (60) days prior to the Site and Development Plan submittal
- 6 The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site including retention ponds and drainage ditches, in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction plan approval, the Owner shall be required to record in public records a Notice To Purchaser, approved by Sarasota County, putting purchasers on notice that maintenance of drainage facilities is a private responsibility
- 7 Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets

Section 4 Adopting of an Amendment to the Fruitville Road Corridor Plan (No 88-01-SP) Pursuant to the Sarasota County Comprehensive Plan and the Critical Area Planning Regulations adopted by Sarasota County Ordinance No 97-074, Article IV, Chapter 94 of the Sarasota County Code and based on the evidence and testimony and the foregoing findings, the Board hereby redesignates the subject parcel from Moderate Density Residential to Light Office and adopts the revised Fruitville Road Corridor Plan (No 88-01-SP) Future Land Use Plan, Figure 1, attached hereto as Exhibit B

Section 5 Effective Date This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 23rd day of July, A.D., 2001

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chairman

ATTEST

KAREN E RUSHING, Clerk of
the Circuit Court and Ex-
Officio Clerk of the Board of
County Commissioners of
Sarasota County, Florida.

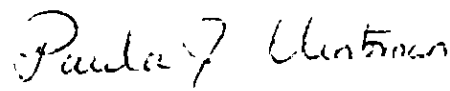
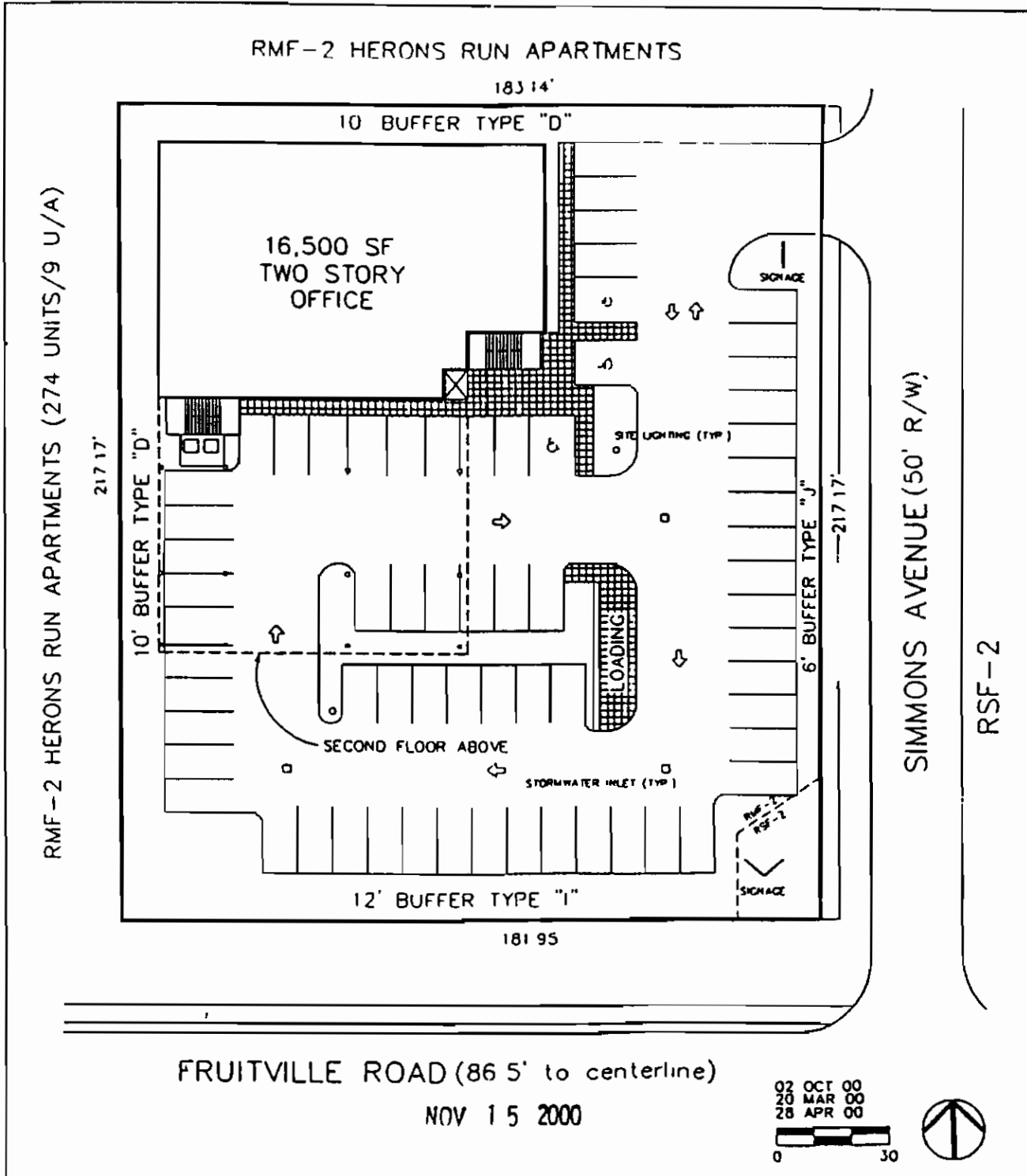
By 
Deputy Clerk

EXHIBIT "A"

MAP SERIES/CONCEPT PLAN



C2001-032

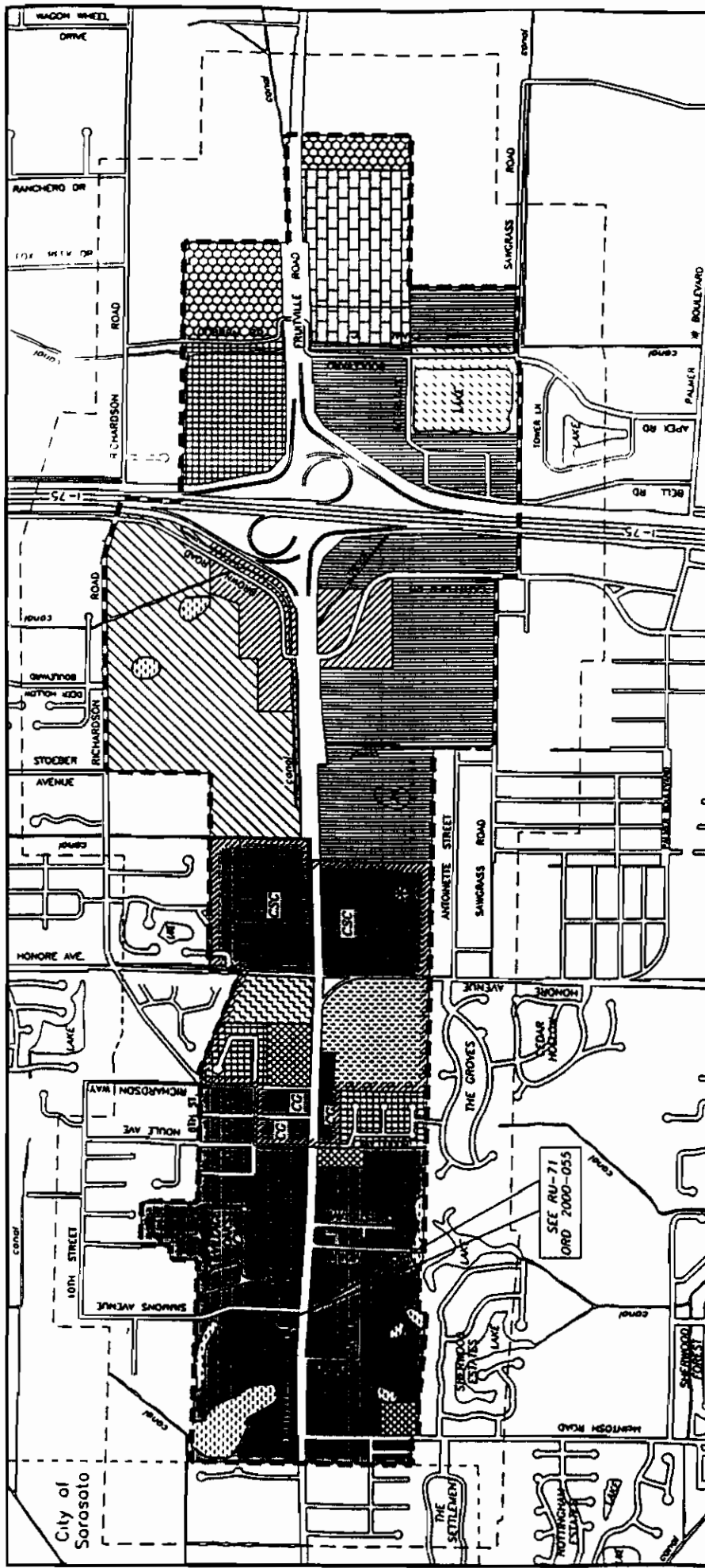


FIGURE 1
FRUITVILLE ROAD CORRIDOR STUDY
(NO 88-01-SP)
AMENDED FUTURE LAND USE PLAN MAP

- VERY LOW DENSITY RESIDENTIAL (MAXIMUM 10 DU/20 AC)
- LOW DENSITY RESIDENTIAL (10 TO 45 DU/AC)
- MODERATE DENSITY RESIDENTIAL (46 TO 60 DU/AC)
- PLANNED COMMERCE DEVELOPMENT
- COMMERCIAL HIGHWAY INTERCHANGE
- NATIVE HABITAT AREAS (refer to conditions no 4, 5 and 6)
* denotes wetland mitigation area
- CEMETERY
- UTILITY
- RECREATIONAL FACILITY
- LIGHT OFFICE
- PROFESSIONAL OFFICE/ INSTITUTIONAL
- COMMERCIAL (commercial shopping center/general commercial)
- MAJOR EMPLOYMENT CENTER
- GOVERNMENT USE
- VILLAGE ACTIVITY CENTER BOUNDARY

- CITY LIMITS
- STUDY AREA BOUNDARY
- IMPACT AREA BOUNDARY

SCALE
0 100 200 FEET

NOTE
① RESIDENTIAL DENSITY MAY BE HIGHER WITH PROVISION OF AFFORDABLE HOUSING
② FOR MAJOR EMPLOYMENT CENTER DESIGNATIONS IN THE SOUTHEAST QUADRANT OF THE FRUITVILLE ROAD/I-75 INTERCHANGE REFER TO SECTOR PLAN NO 83-10-SP

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS TRUE AND CORRECT COPY OF THE CITY OFFICE WITNESS MY HAND AND SEAL THIS DATE 5/29/2001
KARIN E. RUSHING, CLERK OF THE CITY OFFICE
COMMISSIONERS, SARASOTA COUNTY
Paula J. Hartman
CITY CLERK