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INSTRUMENT # 2002160858 9 PGS

2002 OCT 01 10:12 AM

KAREN E. RUSHING

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#223635

8/3 ✓ Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

2002160858

This NOTICE OF STIPULATIONS and attached Ordinance nulls and voids previous Instrument Number 2002134685, of 9 pages, recorded on August 19, 2002.

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

The following property, located at the southwest corner of I-75 and River Road in Sarasota County, Florida, owned by Charles E. Koch, Trustee, Alexander DeMasi and Clement DeMasi, and described in Ordinance No. 2002-035 attached hereto, has been rezoned to a CHI (Commercial, Highway Interchange), and an RSF-3/PUD (Residential, Single Family, 4.5 units/acre, Planned Unit Development Overlay District), zone district pursuant to Rezone Petition No. 01-28 filed by Robert Medred, Agent, and granted by Sarasota County on June 18, 2002, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

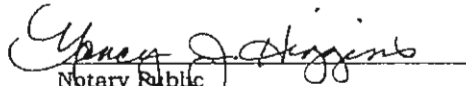
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2002-035, attached hereto)


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 30th day of September, A.D. 2002.


Notary Public
State of Florida at Large

This instrument prepared by:
SMA



Nancy J. Higgins
Commission # CC 936330
Expires May 15, 2004
Bonded Through
Atlantic Bonding Co., Inc.

ORDINANCE NO. 2002-035

LOCAL GOVERNMENTS
SECTION 218

SEP 17 11 7:41

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, CODIFIED IN 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; AND PROVIDING AN EFFECTIVE DATE.

COURT
SARASOTA COUNTY, FL

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

SEP 19 3:34

RECEIVED

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. 01-28, requesting rezoning of the property described herein.

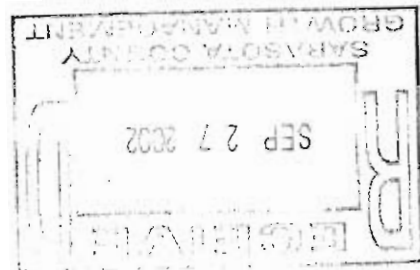
B. The Board has held a public hearing on the proposed rezoning of the property described herein in accordance with the requirements of Sarasota County Ordinance No. 75-38, codified in Appendix A of the Sarasota County Code (hereinafter "the Zoning Ordinance"), and has considered the information received 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 143.5 acres ± from District OUE-1 (Open Use, Estate, 1 unit/5 acres) to District CHI (Commercial, Highway Interchange), and RSF-3/PUD (Residential, Single Family, 4.5 units/acre, Planned Unit Development Overlay District) for the following described property located in Sarasota County, Florida:

Southwest corner of I-75 and River Road, more particularly described as follows:



ZONE DISTRICT CHI:

A portion of Section 6 and 7, Township 39 South, Range 20 East, Sarasota County, Florida; and a portion of Tracts 502, 505, and a portion of Hardee Drive, as shown on the plat of "East Venice Farms"; as recorded in Plat Book 3, at page 7, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Section 6, Township 39 South, Range 20 East, Sarasota County, Florida; thence N.00°28'48" E., along the westerly line of said Section 6, a distance of 410.16 feet to the southerly Right of Way Line of Highway 75 (S.R.# 93); Thence S.89°52'29"E., along said southerly Right of Way Line, a distance of 190.71 feet; Thence S. 86°34'53"E., a distance of 535.88 feet to the POINT OF BEGINNING; Thence continue S. 86°34'53" E., along said southerly Right of Way Line of Interstate 75, a distance of 287.35 feet; Thence S.53°09'58" E., a distance of 224.14 feet along said southerly Right of Way Line to it's point of intersection with State Road No. 777; Thence along the Westerly Right of Way line of said State Road No. 777 the following calls, S.21°54'39"E., a distance of 748.72 feet; Thence S.26°53'05"E., a distance of 300.53 feet; Thence S.19°37'14" E., a distance of 886.70 feet; Thence N. 89°12'21" W., a distance of 563.74 feet to a point on the easterly Right of Way Line of Morgan Road as shown on the plat of East Venice Farms, recorded in Plat Book 3, Page 7, of the Public Records of Sarasota County, Florida; Thence N.00°47'39" E., along said easterly Right of Way Line, a distance of 366.04 feet; Thence N.88°22'20" E., a distance of 92.38 feet; Thence N.02°26'40" W., a distance of 181.38 feet; Thence N.23°21'29"E., a distance of 59.66 feet; Thence N.52°22'25"E., a distance of 62.35 feet; Thence N.14°27'05" E., a distance of 62.24 feet; Thence N.21°37'48"W., a distance of 126.25 feet; Thence N.41°45'52"W., a distance of 137.63 feet; Thence N.38°00'17"W., a distance of 173.84 feet; Thence N.29°33'04"W., a distance of 35.04 feet; Thence N.47°09'54"W., a distance of 95.27 feet; Thence S.88°43'00"W., a distance of 253.88 feet; Thence N.30°27'40"W., a distance of 26.52 feet; Thence N.27°17'44"E., a distance of 104.07 feet; Thence N.08°56'17"W., a distance of 149.30 feet; Thence N.00°00'54"W., a distance of 129.28 feet; Thence N.36°57'11"W., a distance of 158.30 feet; Thence N.17°26'28"W., a distance of 226.28 feet; Thence N.42°46'12"W., a distance of 19.60 feet; Thence N.61°00'09"W., a distance of 48.41 feet; Thence N.00°08'36"W., a distance of 19.75 feet to the POINT OF BEGINNING.

All being in Section 6 and 7, Township 39 South, Range 20 East, Sarasota County, Florida.

Parcel contains 15.00 acres

ZONE DISTRICTS RSF-3/PUD:

A parcel of land lying in a portion of Section 6 and Section 7, Township 39 South, Range 20 East, Sarasota County, Florida and also being part of Tracts 500-514, and a portion of parcel 1 all as according to the Plat of "EAST VENICE FARMS" as recorded in Plat Book 3, at Page 7, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Begin at the Southwest corner of Section 6, Township 39 South, Range 20 East, Sarasota County, Florida; thence N.00°28'48"E., along the Westerly line of said Section 6, a distance of 410.16 feet to the Southerly Right of Way Line of Interstate Highway No. 75 (State Road No. 93); thence S.89°52'29"E., along said Southerly Right of Way Line, a distance of 190.71 feet; thence S.86°34'53"E., a distance of 535.88 feet; thence S.00°08'36"E., a distance of 19.75 feet; thence S.61°00'09"E., a distance of 48.41 feet; thence S.42°46'12"E., a distance of 19.60 feet; thence S.17°26'28"E., a distance of 226.28 feet; thence S.36°57'11"E., a distance of 158.30 feet; thence S.00°00'54"E., a distance of 129.28 feet; thence S.08°56'17"E., a distance of 149.30 feet; thence S.27°17'44"W., a distance of 104.07 feet; thence S.30°27'40"E., a distance of 26.52 feet; thence N.88°43'00"E., a distance of 253.88 feet; thence S.47°09'54"E., a distance of 95.27 feet; thence S.29°33'04"E., a distance of 35.04 feet; thence S.38°00'17"E., a distance of 173.84 feet; thence S.41°45'52"E., a distance of 137.63 feet; thence S.21°37'48"E., a distance of 126.25 feet; thence S.14°27'05"W., a distance of 62.24 feet; thence S.52°22'25"W., a distance of 62.35 feet; thence S.23°21'29"W., a distance of 59.66 feet; thence S.02°26'40"E., a distance of 181.38 feet; thence S.88°22'20"W., a distance of 92.38 feet to a point on the Easterly Right of Way Line of Morgan Road, as shown on the Plat of EAST VENICE FARMS, recorded in Plat Book 3, Page 7 of the Public Records of Sarasota County, Florida; thence S.00°47'39"W., along said Easterly Right of Way Line, a distance of 366.04 feet; thence S.89°12'21"E., a distance of 563.74 feet to it's point of intersection with the West Right of Way Line of State Road No. 777; thence S.19°37'14"E., along said West Right of Way Line, a distance of 977.68 feet; thence N.89°12'21"W., a distance of 271.17 feet; thence S.00°47'39"W., a distance of 659.00 feet to a point of intersection with the North Right of Way Line of Venice Avenue (100 foot Right of Way); thence S.89°58'27"W., along said North Right of Way Line, a distance of 2000.00 feet to a point of intersection of the North Right of Way Line of Venice Avenue and the West Line of Section 7, Township 39 South, Range 20 east, Sarasota County, Florida; thence N.00°47'39"E., along the West Line of said Section 7, a distance of 3148.92 feet to the POINT OF BEGINNING.

Parcel contains 128.50 Acres ±

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, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

1. Development shall occur in substantial accordance with the Development Concept Plan dated stamped June 4, 2002 attached hereto as Exhibit "A". This does not imply or confer any variances from applicable zoning or land development regulations.
2. 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, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
3. On the CHI parcel, the stormwater retention pond shall be designed such that no fencing is required around the retention facility.
4. On the CHI parcel, exterior lighting shall be directed only toward the commercial parcel and away from adjacent properties and streets.
5. On the CHI parcel, outdoor refuse and loading areas shall be screened in accordance with Section 11.6.f and 11.6.k of the Zoning Ordinance.
6. On the CHI parcel, refuse areas shall be setback at least 50 feet from any residentially zoned property line from a point south of the existing 36.5 acre \pm lake as shown on the Development Concept Plan.
7. As noted on the Development Concept Plan, the maximum building height for a multi-family residential structure on the RSF-3/PUD parcel shall be limited to 40 feet except any structure within 100 feet of the PUD boundary shall have a maximum height of 35 feet. All single-family residential structures shall be limited to a maximum height of 35 feet.
8. As noted on the Development Concept Plan, no recreational facilities shall be located within 100 feet of the RSF-3/PUD boundary.
9. As noted on the Development Concept Plan, the maximum number of residential units on the RSF-3/PUD parcel is limited to 492 multiple family dwelling units with a minimum of 35 single family lots as depicted on the Development Concept Plan.


10. The 50 feet buffer shown on the Development Concept Plan on the western RSF-3/PUD boundary shall include as much existing vegetation as possible.
11. Base Flood Elevations (B.F.E.) in the Myakka River Basin need to be considered as they relate to this site. The B.F.E. will be established in the Myakka River Basin Master Plan, which is expected to be completed in the Fall of 2002. Prior to Site and Development Plan Submittal, the Applicant shall utilize the Myakka River BMP in the design of the site's stormwater management plan.
12. The Applicant shall submit the site stormwater management plan to the Development Services Business Center for review and approval thirty (30) days prior to Site and Development Plan submittal.
13. The wetlands and associated upland vegetative buffers shall be maintained as a preserve and labeled a preserve on all plans. All activities involving filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services. Exception may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation. Slight impacts to on-site wetlands resulting from unavoidable impacts necessitated by internal parcel roadway and infrastructure requirements may be allowed if deemed consistent with LDR Environmental Technical Manual Section B.2. by Resource Protection Services.
14. Mesic hammock areas proposed for alteration shall not exceed 25 percent of the total on-site mesic hammock area, subject to the review and approval by Resource Protection Services during a preliminary plan submittal. Mesic hammock areas not approved for removal shall be preserved. All activities involving filling, excavating, altering of vegetation (both trees and understory) and storing of materials shall be prohibited within preservation areas.
15. Nuisance and invasive vegetation shall be removed from the property and properly disposed of in an approved landfill or other method approved by Resource Protection Services. If this vegetation is acting as a desirable visual buffer a phased removal and native planting plan can be used with written approval from the Resource Protection Services.
16. Access to River Road shall be limited to right-in/right-out only, except for a full median opening, which shall be located 1,900 to 2,200 feet north of Venice Avenue. The exact location of the full median opening shall be determined after review and approval of a stopping distance study. Left turns shall be prohibited at the right-in/right-out access points by a median or raised traffic separator.

17. The developer shall construct a southbound right-turn lane at each access on River Road.
18. On the RSF-3/PUD parcel, the developer shall construct an eastbound left-turn lane at each access on Venice Avenue. The access points shall be located consistent with FDOT access management standards and limited as indicated in the standards when Venice Avenue is widened to a four lane divided roadway.
19. Prior to or concurrent with the development on the 15-acre CHI parcel, a traffic signal shall be constructed by the developer at the full median access point to the proposed development on River Road prior to or concurrent with the first Certificate of Occupancy of any use within the 15-acre CHI parcel. The improvements shall not be bonded.
20. The developer shall be responsible for its fair share of the cost of design and construction of a traffic signal at the River Road/Venice Avenue intersection, and if required front end all or more than it's fair share of such costs in order to obtain construction plan approval for the development. The developer shall be reimbursed upon completion and acceptance of the signal by Sarasota County of such excess cost through a capital contribution front-ending agreement between the developer and the County. The calculation of fair share for the subject development shall be based upon the proportionate share of the traffic on the minor street that triggers the signal warrant. The plans for the signalization of the River Road/Venice Avenue intersection shall be included with the development construction plans or be the subject of a binding executable contract for the construction.
21. Prior to the development of any portion of the subject parcel that cumulatively generates more than 722 PM peak hour net new trips, a traffic impact analysis shall be completed (consistent with Resolution No. 98-169), that demonstrates that the proposed development meets the requirements of Ordinance No. 99-033 (Sarasota County Concurrency Management System). The traffic analysis shall examine the impact area of the cumulative development of the entire 143.5 acre \pm parcel.

Section 4. 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.

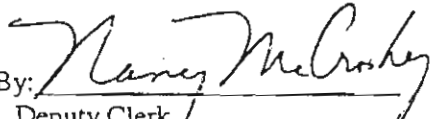
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 18th day of June, A.D., 2002.

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

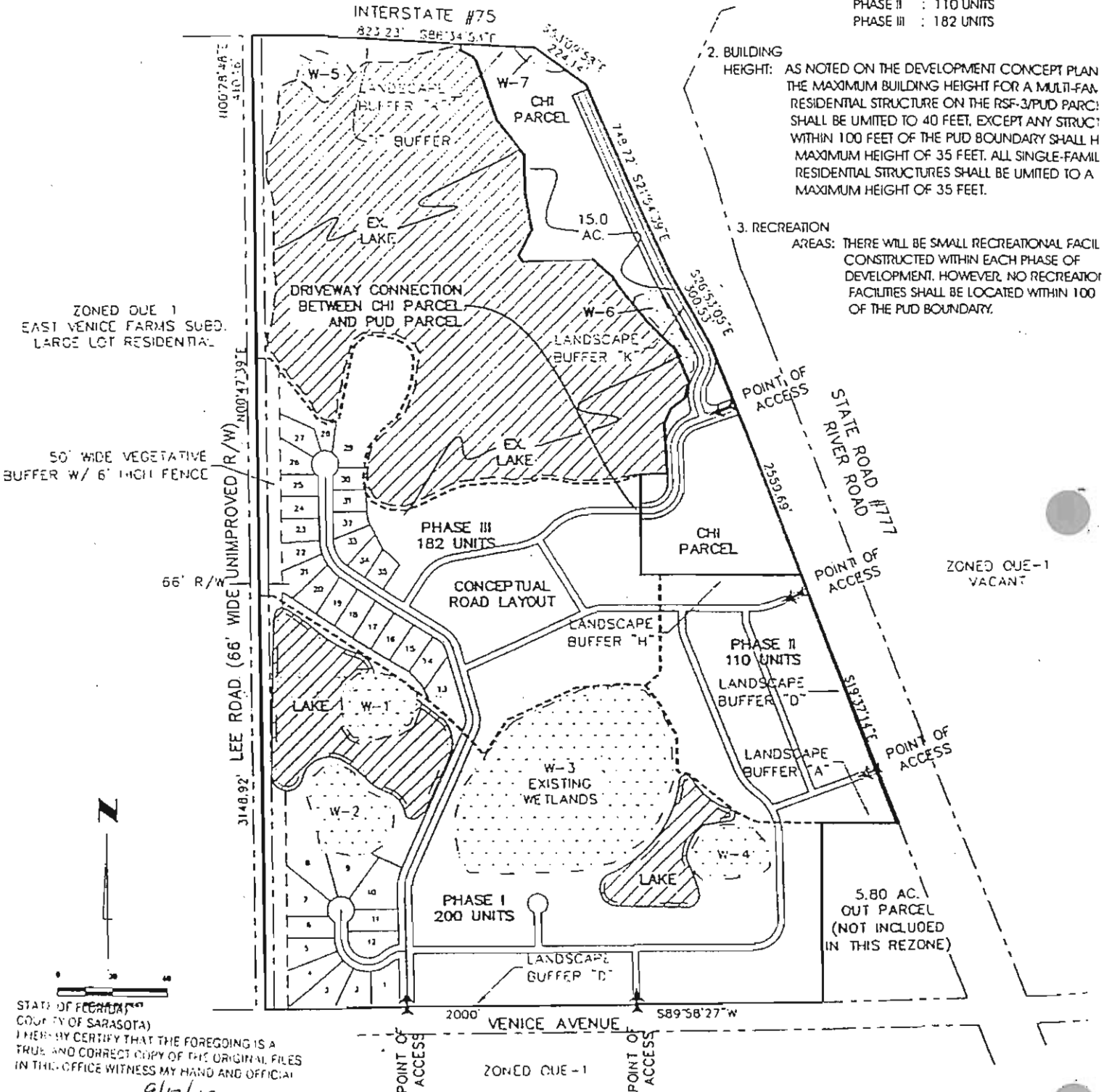
MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

1. RESIDENTIAL UNITS: 492 RESIDENTIAL UNITS
(SINGLE FAMILY/MULTIPLE FAMILY DWELLING UNITS)
 PHASE I : 200 UNITS
 PHASE II : 110 UNITS
 PHASE III : 182 UNITS

2. BUILDING HEIGHT: AS NOTED ON THE DEVELOPMENT CONCEPT PLAN THE MAXIMUM BUILDING HEIGHT FOR A MULTI-FAM RESIDENTIAL STRUCTURE ON THE RSF-3/PUD PARCEL SHALL BE LIMITED TO 40 FEET, EXCEPT ANY STRUCT WITHIN 100 FEET OF THE PUD BOUNDARY SHALL H MAXIMUM HEIGHT OF 35 FEET. ALL SINGLE-FAMIL RESIDENTIAL STRUCTURES SHALL BE LIMITED TO A MAXIMUM HEIGHT OF 35 FEET.

3. RECREATION AREAS: THERE WILL BE SMALL RECREATIONAL FACIL CONSTRUCTED WITHIN EACH PHASE OF DEVELOPMENT, HOWEVER, NO RECREATIO FACILITIES SHALL BE LOCATED WITHIN 100 OF THE PUD BOUNDARY.



ZONED CUE 1
EAST VENICE FARMS SUBD.
LARGE LOT RESIDENTIAL

50' WIDE VEGETATIVE
BUFFER W/ 6' HIGH FENCE

ZONED CUE-1
VACANT

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILES
IN THE OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 9/17/02
KARON L. BUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY Paula F. Clinton
DEPUTY CLERK

THIS DOCUMENT RECEIVED BY
GROWTH MANAGEMENT ON JUNE 4, 2002

02002-035