

ORDINANCE NO. 2003-004

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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 FEB -3 PM 3:58

FILED

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. 02-03, 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 29.17 acres ± from OUR (Open Use Rural, 1 DU/10 acres) and OUE-1 (Open Use Estate, 1 DU/5 acres) to ILW (Industrial, Light Warehouse) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being:

East of I-75 and 500'+ west of East Road, being more particularly described as follows;

IN SARASOTA COUNTY FLORIDA, SECTION 20, TOWNSHIP 36S., RANGE 19E., WEST 1/2 OF LOT 13 PALMER FARMS FIFTH UNIT LESS STATE ROAD RIGHT-OF-WAY TOGETHER WITH BEGINNING INTERSECTION OF SOUTH RIGHT-OF-WAY FRUITVILLE ROAD AND EAST LINE TRACT 12 THENCE WEST 20 FEET ALONG RIGHT-OF-WAY THENCE SOUTH 300 FEET

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

2003 JAN 24 PM 4:43

FILED

THENCE EAST 20 FEET THENCE NORTH 300 FEET TO POINT OF BEGINNING OF PALMER FARMS FIFTH UNIT TOGETHER WITH TRACT 12 LESS R/W FOR STATE RD 780 IN OR 475/599 ALSO LESS NLY 300 FT THEREOF AS MEASURED FROM EXISTING S R/W OF STATE RD 780 ALSO LESS SEMI-CIRCULAR PIECE OF LAND DIAMETER BEING 12 FT CENTER OF DIAMETER BEING 905 FT N OF SW COR OF TRACT 12 TOGETHER WITH 1/2 INT IN CIRCULAR PIECE OF LAND BDRY OF WHICH IS CIRCLE WITH 12 FT DIAMETER HAVING CENTER AT POINT ON W BDRY OF TRACT 12 A DISTANCE OF 908 FT N OF SW COR OF SAID TRACT 12 ALSO W 20 FT OF N 300 FT OF TRACT 12 AS MEASURED FROM EXISTING S R/W OF STATE RD 780 CONTAINING 7.4 C-AC M/L PALMER FARMS FIFTH UNIT TOGETHER WITH COM INTRS OF W LINE OF TRACT 12 & PRESENT S R/W OF FRUITVILLE RD TH S 0-10-E 300 FT TH S 88-39-E & PARALLEL TO FRUITVILLE RD TO A PT 20 FT W OF E LINE OF TRACT 12 FT N 0- 10 W 300 FT M/L TO FRUITVILLE RD TH WLY ALG R/W TO POB LESS W 20 FT PALMER FARMS FIFTH UNIT TOGETHER WITH TRACT 11 LESS W 100 FT THEREOF & LESS SEMI-CIRCULAR PIECE OF LAND DIAMETER 12 FT CENTER BEING 908 FT N OF SE COR OF TRACT 11 & AN UNDIV 1/2 INT IN SAID CIRCULAR PIECE OF LAND CONTAINING 6.8 C-AC M/L PALMER FARMS FIFTH UNIT, TOGETHER WITH THE S 402.33 FEET OF LOT 14 PALMER FARMS UNIT OR 3075/2536 AND 2538, TOGETHER WITH THE NORTH 1/2 OF THE EAST 1/2 OF LOT 13 PALMER FARMS FIFTH UNIT, LESS R/W FOR STATE RD. 780 IN OR BOOK 475/599, TOGETHER WITH THE SOUTH 1/2 OF THE EAST 1/2 OF LOT 13 PALMER FARMS FIFTH UNIT.

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. 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.
2. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
3. Refuse areas shall be setback at least 30 feet from the north property line and visually screened in accordance with Section 11.6.f of the Sarasota County Zoning Ordinance.

4. Prior to Construction Plan approval, the developer shall record a vehicular, pedestrian, bicycle ingress/egress access easement (minimum 30 feet in width) or right-of-way to the adjacent parcels located to the east. The easement shall be paved across the subject parcel to the east property line. The improvements shall be included in the Construction Plans.
5. Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.
6. Prior to or concurrent with the development of the subject parcel, the developer shall construct a westbound to southbound left turn lane on Fruitville Road. The left turn lane shall be designed in accordance with Index 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the proposed development.
7. Prior to or concurrent with the development of the subject parcel, the developer shall construct a eastbound to southbound right turn lane on Fruitville Road. The right turn lane shall be designed in accordance with Index 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the proposed development.
8. Prior to any development on the subject parcel that cumulatively generates more than 428 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standard Traffic Study Methodology, as adopted by Resolution No. 98-169. The traffic study shall identify the necessary capacity, operation, and safety related improvements to significantly impacted roads and intersections that are needed to accommodate the proposed development. To establish the needed improvements, the traffic impacts of the entire proposed development, including background traffic from approved developments. The improvements determined to be necessary by the study, shall be constructed prior to or concurrent with the construction of the infrastructure (i.e. roadways, parking areas) for the parcel.
9. Existing residences and all accessory structures on the subject parcel shall be permitted for a period of three years from the date of the first site and development plan submittal on the subject parcel.
10. All nuisance/invasive plant species shall be removed from the site. Additionally, the removed vegetation shall be disposed of in a County-approved landfill or by any other method approved by Resource Protection Services.
11. All development shall be consistent with the "Perpetual Covenant and Restrictions Restricting Allowable Uses on Parcels of Real Property" as adopted by Resolution No. 2002-140.
12. Prior to or concurrent with the development of the subject parcel, an easement in a form approved by the County Attorney's Office, to establish the proposed 24-foot wide shared access driveway to Fruitville Road as depicted in Rezone Petition No. 02-03 Development Concept Plan across the Witmer parcel and the Dann parcel in Rezone Petition No. 02-04 shall be executed and recorded by the property owners. The Construction Plans shall include the recording information for the recorded easement.
13. In addition to the landscape buffer requirements contained in the Zoning Regulations, all non-invasive trees within 15 feet of the East Road right-of-way shall be preserved.

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 22nd day of January, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Shannon Stace
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: Cynthia A. Strath
Deputy Clerk

FEB 10 2003

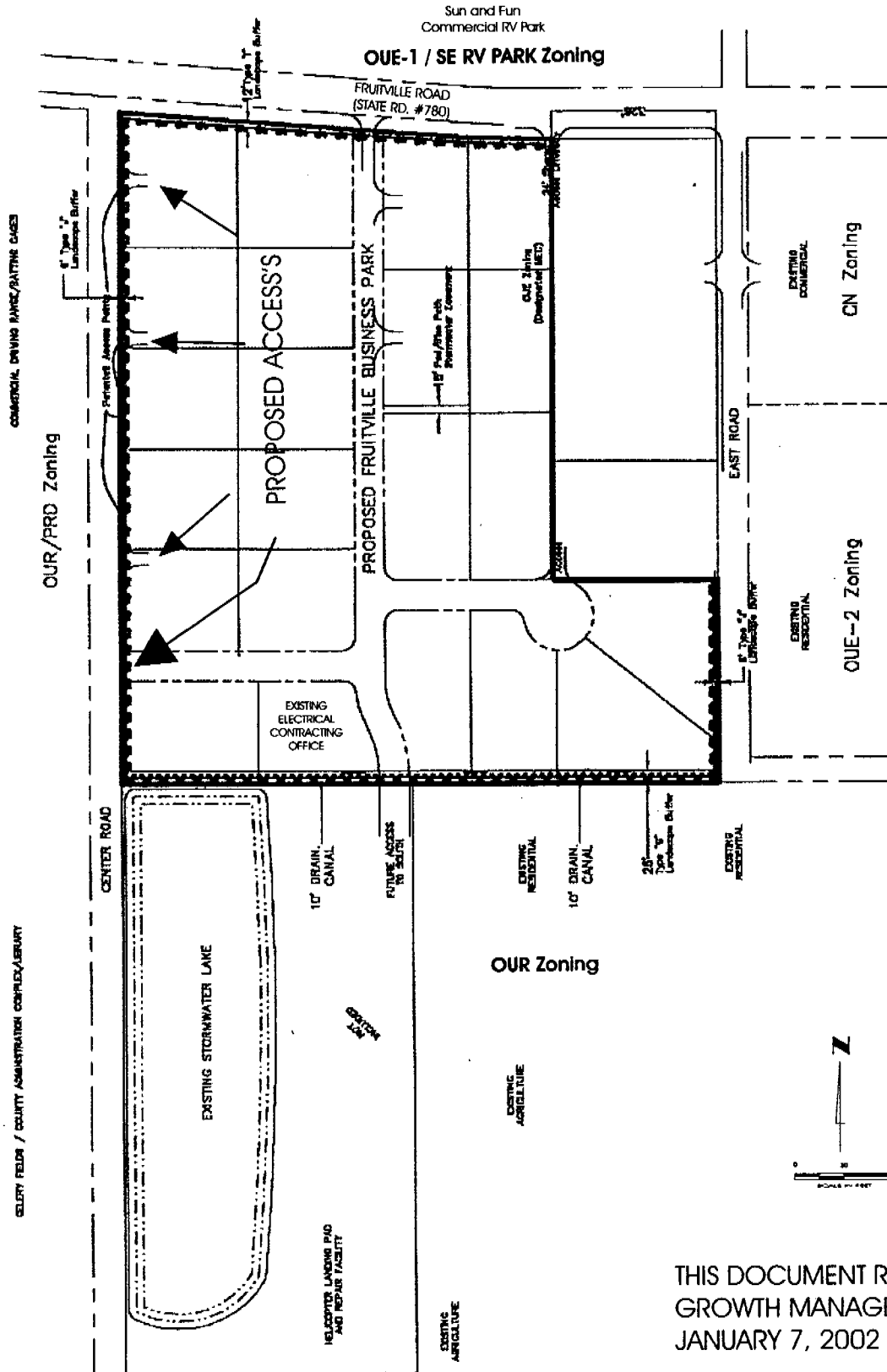
STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 1/27/03
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY Cynthia A. Strath
DEPUTY CLERK

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"



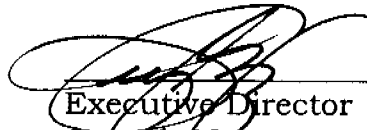
THIS DOCUMENT RECEIVED BY:
GROWTH MANAGEMENT ON
JANUARY 7, 2002

Please record and return to: (Via Inter-Office Mail)
Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

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

The following property, located East of I-75 and 500'+ west of East Road in Sarasota County, Florida, owned by Robert Strauss, and described in Ordinance No. 2003-004 attached hereto, has been rezoned to the ILW (Industrial, Light Warehouse) zone district, pursuant to **Rezone Petition No. 02-03** filed by Peter M. Dailey, Agent, and **granted** by Sarasota County on **January 22, 2003**, 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. 2003-004, attached hereto)

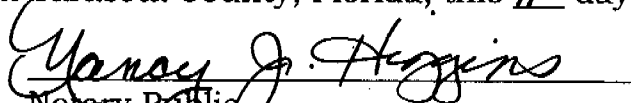


Executive Director
Growth Management Business Center

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 11th day of February, A.D. 2003.



Notary Public
State of Florida at Large

This instrument prepared by:
SMA



Nancy J. Higgins
Commission # CC 936530
Expires May 13, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Growth Management Business Center

Date: February 11, 2003

MEMORANDUM TO:

Peter M Dailey
3665 Bee Ridge Rd. Suite 312
Sarasota FL 34233

Development Services, Code Enforcement (Jim LeGay)
Development Services, County Surveyor (Gayle Fosness)
Development Services, Permitting (Martin Duran)
Development Services, Land Dev., (Gene Middaugh/Efrain Duque)
Development Services, Resource Protection (Jim Dierolf)
Development Services, Zoning (Tate Taylor)
Development Services, Permitting (Dave Rinehart)
Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero, Robert Wright)
Growth Management (Elaine Wickwire/Steve Brown/Jack Wilhelm)
Health/Human Services (Rob Bolesta)
History Center (Dan Hughes)
Natural Resources (Laird Wreford)
Property Appraiser (Jim Todora)
Public Works, Transportation (Jim Harriott/Frank Domingo)
Public Works, Stormwater (Steve Suau)
School Board (Ken Marsh)

SUBJECT:

Rezone Petition 02-03

PLANNER:

Crystal Allred

ORDINANCE NO. 2003-004

PID#s: 0214-12-0002, 0217-11-0011, 0217-14-0001, 0217-12-0001,
0217-11-0012, 0217-12-0003, and 0217-12-0005

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On, January 22, 2003, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 02-03 to rezone 29.17 acres \pm located east of I-75 and 500' west of East Road in Sarasota County, Florida, from OUR (Open Use Rural, 1 DU/10 acres) and OUE-1 (Open Use Estate, 1 DU/5 acres) to ILW (Industrial, Light Warehouse) with stipulations.

A copy of Ordinance No. 2003-004 is attached for your information.

BY: /s/Jerry Gray
Executive Director
Growth Management Business Center