

ORDINANCE NO. 2003-106

BOARD RECORDS  
FILED FOR RECORD

2003 DEC 18 PM 12:09

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,  
AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF  
SARASOTA COUNTY ORDINANCE NO. 2003-052, 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 DEC 22 PM 2:40

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. 02-51, 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. 2003-052, 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 4.28 acres  $\pm$  from District OUE (Open Use Estate, 1 unit/5 acres) to CG (Commercial General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: West of Honore Avenue and 650'  $\pm$  north of Clark Road, being more particularly described as follows;

The southerly 338' ±, of Lot 11, Block 4, Sarasota Venice Company's Subdivision in Section 11, TWP. 37 South, Range 18 East, Plat Book A, Page 70 of the Public Records of Sarasota County, Florida, LESS the 25 ft. right-of-way for Rosin Way Road as described in ORI 2001008255, Sarasota Venice Co Sub of Section 11 AFF-78.

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. Access to the subject parcel on Honore Avenue shall be limited to right-in/right-out turning movements only and shall be located consistent with the requirement of the Clark Road Corridor Plan (No. 91-02-SP as amended). Directional median opening access allowing northbound to westbound left turns shall be permitted only at a point 660 feet north of Clark Road on Honore Avenue. Full median opening access shall be permitted only at the future intersection of Honore Avenue and Berger Street. All restricted access points shall have the appropriate traffic separators to prohibit turning movements consistent with this stipulation.
2. Prior to approval of development orders that would allow cumulative development generating more than 263 net new pm peak hour trips, a traffic impact analysis shall be performed consistent with Sarasota County traffic impact analysis procedures. The study shall identify any improvements needed to mitigate the concurrency and operational impacts of cumulative development on the subject property within the study area. Necessary mitigation, as identified by the approved study, shall be provided prior to or concurrent with approval of construction plans for development generating greater than 263 net new pm peak hour trips.
3. 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.

4. The Master Surface Water Management Plan shall be consistent with the Catfish Creek Basin Master Plan.
5. Development on the subject property shall comply with Clark Road Corridor Plan No. 91-02-SP (Ordinance No.2000-016), as may be amended.
6. In accordance with Policy 5.6.5 of the Environment Chapter of Apoxsee, during development of the subject parcels, all nuisance/invasive and exotic plant species shall be removed. Replacement of nuisance/invasive and exotic plant species with native plant species shall be addressed with submitted site and development plans. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
7. In accordance with Policy 5.4.3 of the Environment Chapter of Apoxsee, prior to or concurrent with submittal of site and development plans, a listed species survey shall be conducted at the subject parcels, using recognized sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (i.e., location of transects, dates and times of surveys, etc.), shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the site.
8. All delivery trucks servicing the retail center shall load and unload on the designated loading areas generally located on the west side of the retail center building. The parking, standing, loading or unloading of delivery and/or service vehicles shall be prohibited on all other sides of the store.
9. All outside customer carts shall be stored in cart corrals providing visual screening for customer carts at the front of the retail building. The cart corral areas shall not contain signage or advertising.
10. Prior to Construction Plan approval, the developer shall record a cross access easement (minimum 30 feet in width) that will allow for future interconnection to the Rezone Petition No. 98-31 parcel to the south, across the subject parcel, to the northern property line of the Rezone Petition No. 98-31 parcel. The easement shall be paved to the southern property line of the subject parcel prior to the issuance of the first Certificate of Occupancy for the subject parcel.

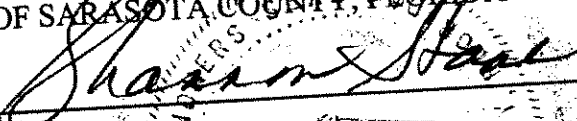
11. Outside storage or display of any materials, including recyclables such as pallets and cardboard, shall be prohibited at all times.

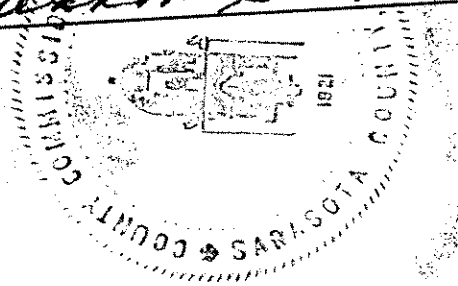
12. There shall be no outdoor loudspeaker or paging systems.

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 17<sup>th</sup> day of December, 2003, A.D.,


BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

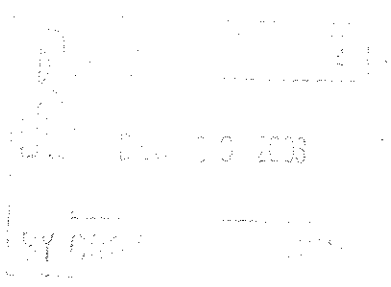
  
Chairman



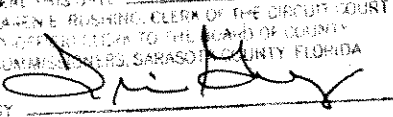
ATTEST:

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



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 12-18-03  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
IN OFFICE CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
By:   
DEPUTY CLERK