

**“SUBSTITUTE ORDINANCE”**

**ORDINANCE NO. 2004-025**

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.

RECEIVED  
FEB 23 2004  
SARASOTA COUNTY

Received 2/23/04

BOARD RECORDS  
FILED FOR RECORD

FEB 23 PM 12:38

CLARENCE RUSSELL  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

**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. 02-53, 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 I 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 235.56 acres ± from District OUE-1 (Open Use Estate, 1 unit per 5 Acres) and RMF-1/PUD (Residential, Multi-Family, 6 units per acre/Planned Unit Development) to Districts RMF-1/PUD (Residential, Multi-Family, 6 units per acre/Planned Unit Development), OPI (Office, Professional, Institutional), and CG (Commercial General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: Northeast and Northwest Quadrants of the Jacaranda Boulevard and Center Road intersection, being more particularly described as follows;

A PARCEL OF LAND LYING AND BEING IN SECTION 15. TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA. COMMENCE

AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 15 WITH THE CENTER LINE OF JACARANDA BOULEVARD (VENICE GARDENS BOULEVARD BY PLAT, PUBLIC RIGHT OF WAY WIDTH VARIES) AS SHOWN ON THE PLAT OF VENICE GARDENS UNIT 33, AS RECORDED IN PLAT BOOK 22, PAGES 36—36F, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N.  $01^{\circ}15'08''$  E, 70.00 FEET, TO THE NORTH RIGHT OF WAY LINE OF CENTER ROAD (PUBLIC RIGHT OF WAY WIDTH VARIES); THENCE S.  $88^{\circ}59'37''$  E., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID JACARANDA BOULEVARD (A 150' R/W); THENCE N.  $01^{\circ}15'08''$  E, ALONG SAID EAST RIGHT OF WAY LINE. A DISTANCE OF 792.53 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, BEING CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 1357.39 FEET, A CENTRAL ANGLE OF  $06^{\circ}01'31''$ , A CHORD DISTANCE OF 142.68, AND A CHORD BEARING OF N.  $04^{\circ}15'54''$  E.; THENCE ALONG THE ARC OF SAID CURVE. AN ARC LENGTH OF 142.74 FEET FOR A **POINT OF BEGINNING**, CONTINUE ALONG SAID EAST RIGHT OF WAY CURVE TO THE RIGHT BEING CONCAVE TO THE SOUTHEAST. HAVING A RADIUS OF 1357.39 FEET, A CENTRAL ANGLE OF  $07^{\circ}15'06''$ , A CHORD DISTANCE OF 171.68 FEET, AND A CHORD BEARING OF N.  $10^{\circ}54'12''$  E; THENCE ALONG THE ARC OF SAID CURVE AN ARC LENGTH OF 171.80 FEET, TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG THE SAID EAST RIGHT OF WAY LINE, N.  $14^{\circ}30'39''$  E, 654.77 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 1507.39 FEET A CENTRAL ANGLE OF  $07^{\circ}15'33''$ , A CHORD DISTANCE OF 190.86 FEET AND A CHORD BEARING OF N.  $10^{\circ}52'52''$  E; THENCE ALONG SAID ARC, AN ARC LENGTH OF 190.98 FEET THENCE LEAVING SAID EAST RIGHT OF WAY, S.  $89^{\circ}20'07''$  E, 1048.64 FEET TO THE EAST LINE OF SAID SECTION 15; THENCE S.  $00^{\circ}26'26''$  W., ALONG THE EAST LINE OF SAID SECTION 15, 1000.40 FEET THENCE LEAVING SAID EAST LINE OF SECTION 15, N.  $88^{\circ}59'37''$  W., 1273.71 FEET, TO THE **POINT OF BEGINNING**. A PARCEL OF LAND LYING AND BEING IN SECTION 15, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 15 WITH THE CENTER LINE OF JACARANDA BOULEVARD (VENICE GARDENS BOULEVARD BY PLAT, PUBLIC RIGHT OF WAY WIDTH VARIES) AS SHOWN ON THE PLAT OF VENICE GARDENS UNIT 33, AS RECORDED IN PLAT BOOK 22, PAGES 36-36F, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N.  $01^{\circ}15'08''$  E., 70.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CENTER ROAD (PUBLIC RIGHT OF WAY WIDTH VARIES); THENCE S.  $88^{\circ}59'37''$  E., ALONG SAID NORTH RIGHT OF WAY LINE OF CENTER ROAD, A DISTANCE OF 780.39 FEET FOR A **POINT OF BEGINNING**; THENCE N.  $00^{\circ}33'46''$  E., 935.00 FEET THENCE S.  $88^{\circ}59'37''$  E., 587.07 FEET, TO THE EAST LINE OF SAID SECTION 15; THENCE S.  $00^{\circ}26'26''$  W., ALONG THE EAST LINE OF SAID SECTION 15, 965.02 FEET MORE OR LESS, TO THE NORTH RIGHT OF WAY LINE OF SAID CENTER ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF CENTER ROAD THE FOLLOWING THREE (3) CALLS; THENCE N.  $88^{\circ}59'37''$  W., 289.06 FEET; THENCE N.  $01^{\circ}00'23''$  E, 30.00 FEET; THENCE N.  $88^{\circ}59'37''$  W., 300.30 FEET TO THE **POINT OF BEGINNING**. A PARCEL OF LAND LYING AND BEING IN SECTION 15, TOWNSHIP 39 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS

FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 15 WITH THE CENTER LINE OF JACARANDA BOULEVARD (VENICE GARDENS BOULEVARD BY PLAT, PUBLIC RIGHT OF WAY WIDTH VARIES) AS SHOWN ON THE PLAT OF VENICE GARDENS UNIT 33, AS RECORDED IN PLAT BOOK 22, PAGES 36-36F, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA THENCE N. 01°15'08" E, 70.00 FEET TO THE NORTH RIGHT OF WAY LINE OF CENTER ROAD (PUBLIC RIGHT OF WAY WIDTH VARIES); THENCE ALONG SAID NORTH RIGHT OF WAY LINE OF CENTER ROAD THE FOLLOWING THREE (3) CALLS; THENCE S. 88°59'37" E, 1080.69 FEET; THENCE S. 01°00'23" W., 30.00 FEET; THENCE S. 88°59'37" E, 289.06 FEET TO THE EAST LINE OF SAID SECTION 15; THENCE LEAVING SAID NORTH RIGHT OF WAY, N. 00°26'26" E.. ALONG THE SAID EAST LINE OF SECTION 15, 1965.42 FEET, FOR A POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE OF SECTION 15, N. 89°33'34" W., 288.75 FEET; THENCE N. 00°26'26" E. 647.23 FEET; THENCE N. 00°27'04" E., 2654.50 FEET TO THE NORTH LINE OF SAID SECTION 15; THENCE, S 89°20'18" E ALONG THE SAID NORTH LINE OF SECTION 15, 288.75 FEET. RETURNING TO THE SAID EAST LINE OF SECTION 15 AND A POINT BEING THE NORTHEAST CORNER OF SAID SECTION 15; THENCE S. 00°27'04" W. ALONG SAID EAST LINE OF SECTION 15, 2653.44 FEET, BEING THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 15; THENCE CONTINUING ALONG SAID EAST LINE OF SECTION 15, S. 00°26'26" W., 647.23 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, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

**General Stipulations for the RMF-1/PUD, CG, and OPI Parcels**

1. Development shall occur in substantial accordance with the Master Conceptual Development Plan (Map "H") for the Venice Center DRI, date-stamped March 26, 2003, and the more detailed Development Concept Plan date-stamped February 24, 2004, and attached here as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations, unless expressly granted herein.
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, and 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. Development shall comply with the Venice Center Development of Regional Impact Order (Resolution No. 87-346, as amended).
4. Development shall comply with Sector Plan No. 86-02-SP (Resolution No. 87-329, as may be amended).

5. All structures located within 100 feet of the east property line shall be limited to a maximum of thirty-five (35) feet in height.
6. The Master Surface Water Management Plans shall be consistent with the Hatchett Creek Basin Master Plan and shall be used to demonstrate no increase in off-site flood elevations.
7. The Applicant shall provide an easement in accordance with Appendix C-13 of the Land Development Regulations prior to Site and Development Plan approval. Sarasota County may need access to this area during the Site and Development phase to ensure this site's stormwater management systems, as well as the upstream stormwater management systems are maintained in conformance with the respective levels of service.
8. All parking lot, driveway, and security lights located within fifty (50) feet of the eastern property boundary shall not exceed six (6) feet in height.
9. The developer shall grant to Sarasota County an easement of adequate size for maintenance of Hatchett Creek. Said easement shall run along the east and west side of Jacaranda Boulevard on the developer's property. The developer shall maintain the stormwater lake and related bank areas for the Jacaranda Boulevard/Center Road intersection improvements located on the developer's property.
10. Landscaping shall be provided as depicted on the proposed buffer plan, attached hereto as Exhibit "A," and as detailed below:
  - a. from the southern property line extended (match point "A", Exhibit "A"), northward approximately 620 feet (match point "B", Exhibit "A") along The Isles, the developer shall provide a 20 foot buffer with 2 canopy and 4 accent/understory trees every 100 linear feet and an eight foot (8') wall;
  - b. from the northern end of the eight foot (8') wall required in Stipulation 10.a. (match point "B", Exhibit "A"), to the northern boundary of the OPI property (match point "C", Exhibit "A"), the developer shall provide a 15 foot buffer and a four to five foot (4 to 5') high landscaped earthen berm;
  - c. from the northern boundary of the OPI property (match point "C", Exhibit "A") to the northern property line of The Isles property (match point "D", Exhibit "A"), the berm shall gradually decrease in height to a minimum of four feet (4') at the northernmost point (match point "D", Exhibit "A");
  - d. from the northern property of The Isles property (match point "D", Exhibit "A") to the southern boundary of the wetland preserve area (match point "E", Exhibit "A"), the developer shall work with the individual property owners with regard to the extent of natural vegetation to be removed, left in a natural state, or reasonably enhanced. No wall or berm shall be constructed in this area;
  - e. from the northern boundary of the wetland preserve area (match point "F", Exhibit "A") to the northern boundary of the subject property, no wall or berm shall be constructed. The conservation area shall constitute the buffer.

The locations of match points "E" and "F" may need to be amended to insure they are

located at the edge of the 30-foot upland buffer that surrounds the wetland and is part of the preserve area.

Prior to construction of the berm from match point "B", Exhibit "A" to match point "D", Exhibit "A", and if requested by the Board of Directors of The Isles Association, the developer shall continue the eight foot (8') wall (from match point "B" to match point "D") in lieu of the berm.

11. All outdoor lighting shall be directed internally and away from adjoining residential property.
12. If self-service storage is to be developed on the CG property, hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Operation of other businesses from within the self-service storage units shall be prohibited.

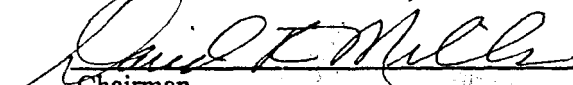
**RMF-1/PUD PARCEL**

1. Community tennis courts and swimming pool areas shall not be illuminated after 10:00 p.m., except as necessary for security and aesthetics.

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 21st day of February, 2006 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.

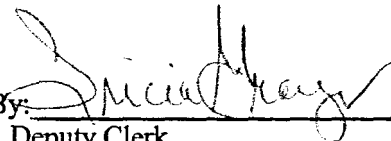
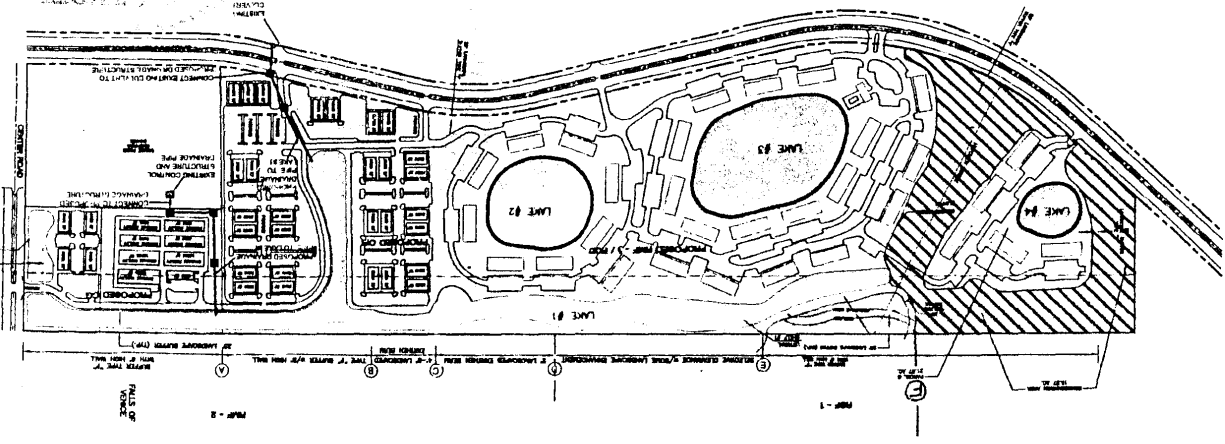
By:   
Deputy Clerk

EXHIBIT A  
2-24-04



COMMERCIAL  
OFFICE - 100,000 SF  
STORAGE - 50,000 SF  
RESIDENTIAL  
WITH FAMILY UNITS - 200

STATE OF FLORIDA  
COUNTY OF S.W. FLORIDA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITH NO ALTERATIONS.

SEAL THIS DATE  
2/23/06

KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
EX OFFICIO, CLERK OF THE COUNTY COMMISSION  
COMMISSIONERS, S.W. FLORIDA COUNTY, FLORIDA  
BY: *[Signature]*  
DEPUTY CLERK

FILED 2 DAY 24 2004  
KAREN E. RUSHING, CLERK

B.O.C. MEETING DATE  
FEB 24 2004  
BOARD RECORDS

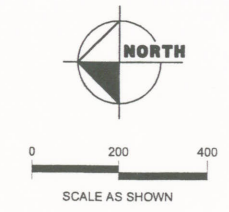
PROJECT NAME	VENICE CENTER DR
LOCATION	CONCEPTUAL SITE PLAN
DATE	2/24/04
SCALE	AS SHOWN
DESIGNER	KIMLEY-HORN AND ASSOCIATES, INC.
CHECKED BY	[Signature]
DATE	2/24/04
PROJECT NO.	070111025
DRAWING NO.	01
REVISIONS	

070111025

Drawing name: H:\048193001 RJR Ventures\CADD\Concept\concept16a.dwg NO AERIAL Feb 24, 2004 10:25am by: Karen Cooper  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on the document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

EXHIBIT A  
 2-24-04

FILED 2 DAY 24 2004  
 KAREN E. RUSHING, CLERK



B.C.C. MEETING DATE  
 FEB 24 2004  
 BOARD RECORDS

No.	REVISIONS	DATE	BY
1.	REVISED PER SARASOTA COUNTY COMMENT	11/27/02	RW
2.	LETTER DATED 10/22/02	10/02	
3.	ADDED LANDSCAPE BUFFER	3/03	NEC
4.	ADDED WETLAND AND BUFFER	12-22-03	CLL
5.	REVISED CONSERVATION AREA	2-20-04	NEC
6.	ADDED DRAINAGE PIPES	2-20-04	NEC

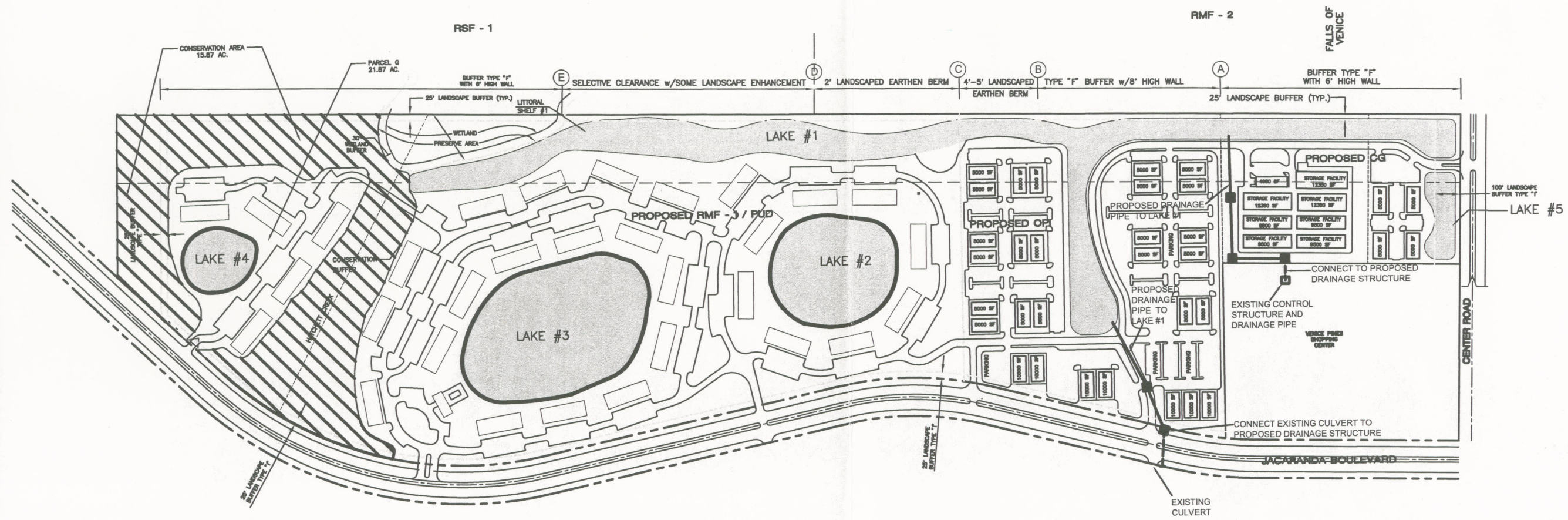
Kimley-Horn  
 and Associates, Inc.  
 2700 BOGART WILAGE CENTER ROAD, SUITE 100, NORTH PORT, FL 34886  
 (941) 423-4343  
 CA00000696

DESIGN ENGINEER:  
 PETER T. VAN BUSKIRK  
 FLORIDA REGISTRATION NUMBER:  
 30859  
 SEAL

CONCEPTUAL SITE PLAN

VENICE CENTER DRI  
 FLORIDA  
 SARASOTA

DATE  
 JUNE 2001  
 PROJECT NO.  
 048193001  
 SHEET NUMBER  
 1



COMMERCIAL  
 OFFICE - 200,000 SF  
 STORAGE - 80,000 SF  
 RESIDENTIAL  
 M.H. FAMILY UNITS - 384