

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Growth Management Business Center

Date: February 9, 2004

MEMORANDUM TO:

Charles D. (Dan) Bailey, Jr.
200 S. Orange Ave.
Sarasota FL 34236

Development Services, Code Enforcement (Jim LeGay)
Development Services, County Surveyor (Gayle Fosness)
Development Services, Land Dev., (Mary Stephens)
Development Services, Land Dev., (Efrain Duque)
Development Services, Resource Protection (Paul Semenec)
Development Services, Zoning (Donna Blades)
Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero, Robert Wright)
Growth Management (Elaine Wickwire/Steve Brown)
Health/Human Services (Rob Bolesta)
History Center (Dan Hughes)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Chuck Walter)
Public Works, Transportation (Paula Wiggins)
School Board (Ken Marsh)

SUBJECT: RZ No. 03-33

PLANNER: Vivian Roe

ORDINANCE NO. 2003-094 **PID#:** 0235-02-0400

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

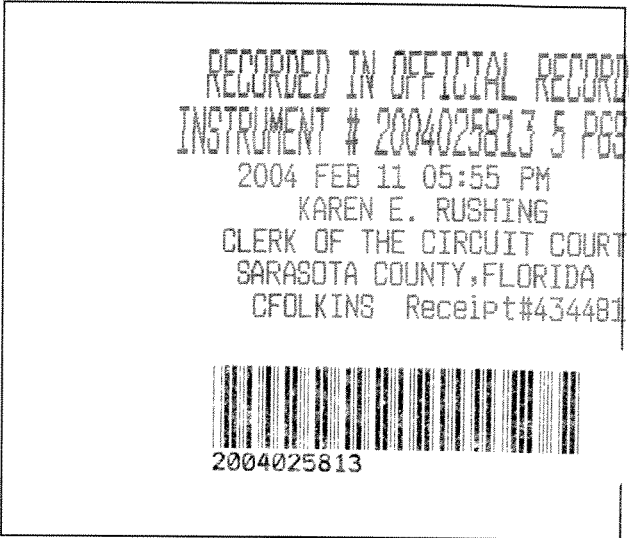
On **January 13, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-33 to rezone \pm 34.04 acres located at the northeast corner of Tatum Road and Palmer Boulevard in Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit per 5 acres) to District GU (Government Use) with stipulations.

A copy of **Ordinance No. 2003-094** is attached for your information.

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

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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**



Elmore
ABC Customer Service
2817 Cottman Rd.
The following property, located at the northeast corner of Tatum Road and Palmer Boulevard in Sarasota County, Florida, owned by Janice T. Taylor, and described in Ordinance No. 2003-094 attached hereto, has been rezoned to a GU (Government Use) zone district pursuant to Rezone Petition No. 03-33 filed by Charles D. (Dan) Bailey, Jr., Agent, and granted by Sarasota County on January 13, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

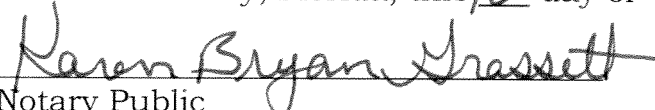
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2003-094, attached hereto)


Executive Director
Growth Management Business Center

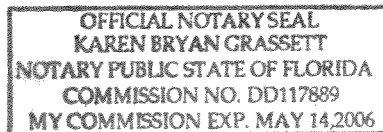
STATE OF FLORIDA
COUNTY OF SARASOTA

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 10th day of February, 2004.


Notary Public
State of Florida at Large

This instrument prepared by:
SMA



BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2003-094

04 JAN 14 AM 10: 57

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 I 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

2004 JAN 20 PM 4: 10

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. 03-33, 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 Article 4 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 34 acres ± from District OUE-1 (Open Use Estate, 1 unit per 5 acres) to District GU (Government Use) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: Northeast corner of Tatum Road and Palmer Boulevard, more particularly described as follows;

PARCEL A:

Tract 40, PALMER FARMS THIRD UNIT, as per plat thereof recorded in Plat Book 3, Page 39, Public Records of Sarasota County;

LESS, HOWEVER, the following described parcel; commence at the Southeast corner of said Tract 40; thence run North 00°36'38" East along the East line of said Tract 40 for a distance of 20.06 feet

to the **POINT OF BEGINNING**; thence run North 85°08'34" West for a distance of 150.41 feet to the intersection with the East line of said Lot 40; thence run South 00°36'38" West along said East line for a distance of 160.44 feet to the **POINT OF BEGINNING**
PARCEL B: Commence at the Southeast corner of said Tract 40; thence run North 00°36'38" East along the East line of said Tract 40 for a distance of 20.06 feet to the **POINT OF BEGINNING**; thence run North 85°08'34" West for a distance of 150.41 feet; thence run North 00°36'38" East for a distance of 160.44 feet; thence run South 85°08'34" East for a distance of 150.41 feet to the intersection with the East line of said Lot 40; thence run South 00°36'38" West along said East line for a distance of 160.44 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:


1. Prior to or concurrent with the development of the subject parcel, the developer shall construct a eastbound to northbound left-turn lane at the entrance to the proposed development on Palmer Boulevard. 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 subject development.
2. Prior to or concurrent with the development of the subject parcel, the developer shall construct a westbound to northbound right-turn lane at the intersection of Palmer Boulevard and Tatum 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 subject development.
3. Prior to or concurrent with the development of the subject parcel, the developer shall widen Tatum Road to two 11-foot wide travel lanes and be resurfaced over the entire roadway width. The improvements shall be completed between Palmer Boulevard and Rim Road. The improvements shall be included in the construction plans for the subject development.
4. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
5. The Applicant shall utilize the Phillippi Creek Basin Model to demonstrate that the proposed development will not have any adverse impacts to off-site flood stages.

6. Prior to or concurrent with submittal of site and development plans, a listed species survey shall be conducted at the subject property, using recognized sampling techniques to identify endangered, threatened, and species of special concern. Results shall be forwarded to Resource Protection and shall include a site plan overlaid with survey transects, locations of all identified burrows, nests, or other evidence of listed species, and details of the methodology used to conduct the surveys. In addition, Resource Protection shall be provided with all documentation from appropriate regulatory agencies regarding listed species issues associated with the site.
7. The two existing wells shall be plugged prior to any earthmoving or site and development review approval.
8. Refuse areas shall be visually screened in accordance with Section 11.6 of the Sarasota County Zoning Ordinance.
9. Exterior lighting on the subject parcel shall be directed only toward the site and away from adjacent properties and streets.
10. All parking for the school and accessory uses shall be located within the subject site.
11. The subject parcel shall be reviewed and approved under the procedures and standards of the Sarasota County Site and Development Plan Regulations found in Chapter 74 of the Sarasota County Code. Such review and approval shall be subject to the limitations contained in Section 1013.33, subsections (12) and (13), Florida Statutes, and shall have the option of being processed under the S.M.A.R.T. (Sarasota Means Action Response Team) program.
12. The primary access for buses shall be from Palmer Boulevard; and the primary access for parent drop-off/pickup shall be from Tatum Road.
13. All queuing for the parent pick-up and bus loops for the subject parcel will be accommodated entirely on the subject property.
14. The Applicant shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice of Proximity as to existing agricultural uses and activities. Said notice shall describe the fact that Florida Statutes Section 823.14 provides for the rights of existing agricultural users to continue to conduct their agricultural activities following the expansion of urban uses into existing agricultural areas.

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 13th day of January, 2004 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: Paula J. Lintman
Deputy Clerk

JAN 28 2004
BY GRUVE, 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 1/14/2004
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY Paula J. Lintman
DEPUTY CLERK