

5

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004161323 5 PGS

2004 AUG 18 04:52 PM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#514296



2004161323

Please record and return to: (Via Inter-Office Mail)
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

Charge to: Planning Services
Account# 51800100500489

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

The following property, located at the northeast corner of Fruitville Road and Richardson Way, in Sarasota County, Florida, owned by John W. and Dante Marotto, and described in Ordinance No. 2004-049 attached hereto, has been rezoned to a CG (Commercial, General), zone district pursuant to Rezone Petition No. 03-42, filed by Charles D. (Dan) Bailey, Jr., Agent, and granted by Sarasota County on July 28, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

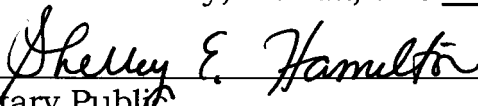
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-049, attached hereto)


Tate Taylor, Senior Planner
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Senior Planner Planning Services, 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 17th day of August, 2004.


Notary Public
State of Florida at Large

This instrument prepared by:
sma



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

2004 JUL 28 PM 1:50

ORDINANCE NO. 2004 - 049

5 PGS

MAREN E. RUIZ
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.

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. 03-42, 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 6.6 acres + from District RSF-2 (Residential, Single Family, 3.5 units/acre) to District CG
(Commercial, General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota
County, Florida being: The northeast corner of Fruitville
Road and Richardson Way, being more particularly described
as follows;

FILED
2004 JUL 28 PM 3:22
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

A tract of land in the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 23, Township 36 South, Range 18 East, bounded and described as follows: Beginning at a point 522.0 feet North of the S.E. corner of said N.E. $\frac{1}{4}$ of said Section 23 and 630.0 feet West of the East line of said N.E. $\frac{1}{4}$ of said Section, measured at right angles to the East line of said Section 23; thence continued West on the same course, 707.0 feet to the East line of the right of way of Richardson Road; thence South along said right of way line, 466.0 feet to the North line of the right of way of State Road No. 18 [Fruitville Road]; thence East along the North line of State Road No. 18, 710.6 feet to a point 630.0 feet West of the East line of said Section 23; thence North, 471.0 feet to the Point of Beginning. Lying and being in Section 23, Township 36 South, Range 18 East. LESS that part used for right of way purposes for Fruitville Road, State Road No. 780 (formerly State Road No. 18). AND LESS the Portions taken by Order of Taking recorded in O.R. Book 1919, Page 1134, [for Fruitville Road, State Road No. 780], and by Order of taking in O.R. Book 2112, Page 2022, [for Richardson Way], all in Public Records of Sarasota County, Florida

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:

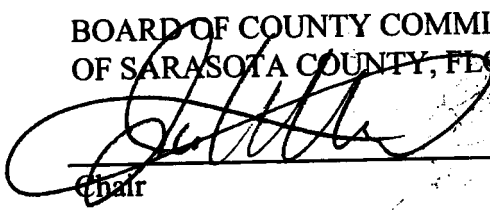
1. Prior to any development on the subject parcel that cumulatively generates more than 136 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standards Traffic Methodology, as adopted by Resolution No. 98-169. The traffic study shall identify the necessary capacity, operation, and safety related improvements to significantly impacted roads and intersections that are needed to accommodate the proposed development. 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.
2. Access to the subject parcel shall be limited to one access point on Fruitville Road and one access point on Richardson Way. The location of the access point on Fruitville Road is subject to the Florida Department of Transportation's approval.
3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.

4. During development of the subject property, all vegetative species contained on the 2003 List of Invasive Species, published by the Florida Exotic Pest Plant Council, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
5. This zoning map amendment is governed by the provisions of sub-section 1.9.2.b.2.ii. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:
 - a. Development shall occur in substantial accordance with the Development Concept Plan date stamped July 24, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.
 - b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.
 - c. Any deviations from the Development Concept Plan that are not allowed by this rezoning ordinance (that is, what is not in substantial accordance with the Concept Plan), amendments, or development on the outparcels must comply with the zoning code in effect at the time of approval of that modification.
 - d. Permitted uses on the subject parcel not depicted on the Development Concept Plan shall be governed by the Ordinance No. 2003-052.
6. The landscape buffer along the northern property line shall be Type "F", as depicted on the landscape plan prepared by DWJA Landscape Architect, dated 10/14/03 (revised 3/25/04).
7. All development shall conform to the Fruitville Road Corridor Plan, Conditions for Development Approval, (Ordinance No. 98-019, amending Ordinance No. 96-082).

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 28th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

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 F. Lentoni
Deputy Clerk

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

SEAL THIS DATE 7/28/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK OF THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY Paula F. Lentoni
DEPUTY CLERK

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Planning and Development Services Business Center
Date: August 26, 2004

MEMORANDUM TO:

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

Emergency Services, Fire Department (Michael Frantz)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Robert Wright)
Health/Human Services (Mike Berry)
History Center (Dan Hughes)
Planning & Development Services, Code Enforcement (Jim LeGay)
Planning & Development Services, County Surveyor (Gayle Fosness)
Planning & Development Services, Land Dev. (Isaac Brownman)
Planning & Development Services, Land Dev. (Mary Stephens)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services (Elaine Wickwire)
Planning & Development Services, Resource Protection (Paul Semenech)
Planning & Development Services, Zoning (Donna Blades)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Chuck Walter)
Public Works, Transportation (Paula Wiggins)
School Board (Kathy Anderson)

SUBJECT:

Rezone Petition No. 03-42

PLANNER:

Vivian Roe

ORDINANCE NO. 2004-049 **PID#:** 0044-16-0006

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **July 28, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-42, to rezone 6.6 acres ± located at the northeast corner of Fruitville Road and Richardson Way, in Sarasota County, Florida, from District RSF-2 (Residential, Single Family, 3.5 units/acre) to District CG (Commercial, General), with stipulations.

A copy of **Ordinance No. 2004-049** is attached for your information.

[Handwritten signature]

ORDINANCE NO. 2004 - 049

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.

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. 03-42, 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 6.6 acres \pm from District RSF-2 (Residential, Single Family, 3.5 units/acre) to District CG (Commercial, General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: The northeast corner of Fruitville Road and Richardson Way, being more particularly described as follows;

A tract of land in the S.E. ¼ of the N.E. ¼ of Section 23, Township 36 South, Range 18 East, bounded and described as follows: Beginning at a point 522.0 feet North of the S.E. corner of said N.E. ¼ of said Section 23 and 630.0 feet West of the East line of said N.E. ¼ of said Section, measured at right angles to the East line of said Section 23; thence continued West on the same course, 707.0 feet to the East line of the right of way of Richardson Road; thence South along said right of way line, 466.0 feet to the North line of the right of way of State Road No. 18 [Fruitville Road]; thence East along the North line of State Road No. 18, 710.6 feet to a point 630.0 feet West of the East line of said Section 23; thence North, 471.0 feet to the Point of Beginning. Lying and being in Section 23, Township 36 South, Range 18 East. **LESS** that part used for right of way purposes for Fruitville Road, State Road No. 780 (formerly State Road No. 18). **AND LESS** the Portions taken by Order of Taking recorded in O.R. Book 1919, Page 1134, [for Fruitville Road, State Road No. 780], and by Order of taking in O.R. Book 2112, Page 2022, [for Richardson Way], all in Public Records of Sarasota County, Florida

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 any development on the subject parcel that cumulatively generates more than 136 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standards Traffic 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. 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.
2. Access to the subject parcel shall be limited to one access point on Fruitville Road and one access point on Richardson Way. The location of the access point on Fruitville Road is subject to the Florida Department of Transportation's approval.
3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.

4. During development of the subject property, all vegetative species contained on the 2003 List of Invasive Species, published by the Florida Exotic Pest Plant Council, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

5. This zoning map amendment is governed by the provisions of sub-section 1.9.2.b.2.ii. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:

a. Development shall occur in substantial accordance with the Development Concept Plan date stamped ~~July 24~~ December 6, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.

b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.

c. Any deviations from the Development Concept Plan that are not allowed by this rezoning ordinance (that is, what is not in substantial accordance with the Concept Plan), amendments, or development on the outparcels must comply with the zoning code in effect at the time of approval of that modification.

d. Permitted uses on the subject parcel not depicted on the Development Concept Plan shall be governed by the Ordinance No. 2003-052.

6. The landscape buffer along the northern property line shall be Type "F", as depicted on the landscape plan prepared by DWJA Landscape Architect, dated 10/14/03 (revised 3/25/04) (Exhibit "B").

7. All development shall conform to the Fruitville Road Corridor Plan, Conditions for Development Approval, (Ordinance No. 98-019, amending Ordinance No. 96-082).

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 ____ day of _____, 20045.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Chair

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

5

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2004161323 5 PGS
2004 AUG 18 04:52 PM

Please record and return to: (Via Inter-Office Mail)
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#514296



2004161323

Charge to: Planning Services
Account# 51800100500489

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

The following property, located at the northeast corner of Fruitville Road and Richardson Way, in Sarasota County, Florida, owned by John W. and Dante Marotto, and described in Ordinance No. 2004-049 attached hereto, has been rezoned to a CG (Commercial, General), zone district pursuant to Rezone Petition No. 03-42, filed by Charles D. (Dan) Bailey, Jr., Agent, and granted by Sarasota County on July 28, 2004, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

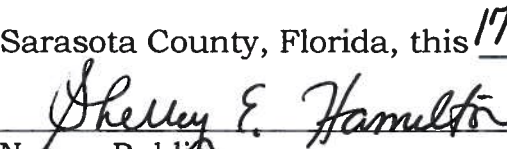
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2004-049, attached hereto)


Tate Taylor, Senior Planner
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Senior Planner Planning Services, 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 17th day of August, 2004.


Notary Public
State of Florida at Large

This instrument prepared by:
sma



Shelley E. Hamilton
MY COMMISSION # DD233335 EXPIRES
August 10, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

2004 JUL 28 PM 1:50

ORDINANCE NO. 2004 - 049 5 PGS

MARVIN E. RUIZ
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.

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. 03-42, 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 6.6 acres ± from District RSF-2 (Residential, Single Family, 3.5 units/acre) to District CG
(Commercial, General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota
County, Florida being: The northeast corner of Fruitville
Road and Richardson Way, being more particularly described
as follows;

FILED
2004 JUL 28 PM 1:50
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

A tract of land in the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 23, Township 36 South, Range 18 East, bounded and described as follows: Beginning at a point 522.0 feet North of the S.E. corner of said N.E. $\frac{1}{4}$ of said Section 23 and 630.0 feet West of the East line of said N.E. $\frac{1}{4}$ of said Section, measured at right angles to the East line of said Section 23; thence continued West on the same course, 707.0 feet to the East line of the right of way of Richardson Road; thence South along said right of way line, 466.0 feet to the North line of the right of way of State Road No. 18 [Fruitville Road]; thence East along the North line of State Road No. 18, 710.6 feet to a point 630.0 feet West of the East line of said Section 23; thence North, 471.0 feet to the Point of Beginning. Lying and being in Section 23, Township 36 South, Range 18 East. LESS that part used for right of way purposes for Fruitville Road, State Road No. 780 (formerly State Road No. 18). AND LESS the Portions taken by Order of Taking recorded in O.R. Book 1919, Page 1134, [for Fruitville Road, State Road No. 780], and by Order of taking in O.R. Book 2112, Page 2022, [for Richardson Way], all in Public Records of Sarasota County, Florida

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:

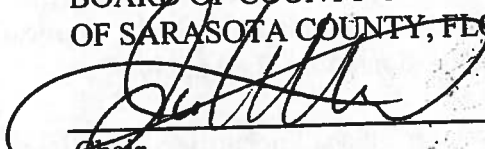
1. Prior to any development on the subject parcel that cumulatively generates more than 136 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standards Traffic Methodology, as adopted by Resolution No. 98-169. The traffic study shall identify the necessary capacity, operation, and safety related improvements to significantly impacted roads and intersections that are needed to accommodate the proposed development. 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.
2. Access to the subject parcel shall be limited to one access point on Fruitville Road and one access point on Richardson Way. The location of the access point on Fruitville Road is subject to the Florida Department of Transportation's approval.
3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.

4. During development of the subject property, all vegetative species contained on the 2003 List of Invasive Species, published by the Florida Exotic Pest Plant Council, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
5. This zoning map amendment is governed by the provisions of sub-section 1.9.2.b.2.ii. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:
 - a. Development shall occur in substantial accordance with the Development Concept Plan date stamped July 24, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.
 - b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.
 - c. Any deviations from the Development Concept Plan that are not allowed by this rezoning ordinance (that is, what is not in substantial accordance with the Concept Plan), amendments, or development on the outparcels must comply with the zoning code in effect at the time of approval of that modification.
 - d. Permitted uses on the subject parcel not depicted on the Development Concept Plan shall be governed by the Ordinance No. 2003-052.
6. The landscape buffer along the northern property line shall be Type "F", as depicted on the landscape plan prepared by DWJA Landscape Architect, dated 10/14/03 (revised 3/25/04).
7. All development shall conform to the Fruitville Road Corridor Plan, Conditions for Development Approval, (Ordinance No. 98-019, amending Ordinance No. 96-082).

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 28th day of July, 2004.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA


Chair

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 F. Lentz
Deputy Clerk

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

SEAL THIS DATE 7/28/04
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK OF THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: Paula F. Lentz
DEPUTY CLERK

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners
Sarasota County Planning and Development Services Business Center

Date: August 26, 2004

MEMORANDUM TO:

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

Emergency Services, Fire Department (Michael Frantz)
Environmental Services, Utilities (John Saraniero)
Environmental Services, Utilities (Robert Wright)
Health/Human Services (Mike Berry)
History Center (Dan Hughes)
Planning & Development Services, Code Enforcement (Jim LeGay)
Planning & Development Services, County Surveyor (Gayle Fosness)
Planning & Development Services, Land Dev. (Isaac Brownman)
Planning & Development Services, Land Dev. (Mary Stephens)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services (Elaine Wickwire)
Planning & Development Services, Resource Protection (Paul Semeneć)
Planning & Development Services, Zoning (Donna Blades)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Chuck Walter)
Public Works, Transportation (Paula Wiggins)
School Board (Kathy Anderson)

SUBJECT:

Rezone Petition No. 03-42

PLANNER:

Vivian Roe

ORDINANCE NO. 2004-049 **PID#:** 0044-16-0006

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **July 28, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 03-42, to rezone 6.6 acres \pm located at the northeast corner of Fruitville Road and Richardson Way, in Sarasota County, Florida, from District RSF-2 (Residential, Single Family, 3.5 units/acre) to District CG (Commercial, General), with stipulations.

A copy of **Ordinance No. 2004-049** is attached for your information.

Mailed

ORDINANCE NO. 2004 - 049

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.

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. 03-42, 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 6.6 acres \pm from District RSF-2 (Residential, Single Family, 3.5 units/acre) to District CG (Commercial, General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: The northeast corner of Fruitville Road and Richardson Way, being more particularly described as follows;

A tract of land in the S.E. ¼ of the N.E. ¼ of Section 23, Township 36 South, Range 18 East, bounded and described as follows: Beginning at a point 522.0 feet North of the S.E. corner of said N.E. ¼ of said Section 23 and 630.0 feet West of the East line of said N.E. ¼ of said Section, measured at right angles to the East line of said Section 23; thence continued West on the same course, 707.0 feet to the East line of the right of way of Richardson Road; thence South along said right of way line, 466.0 feet to the North line of the right of way of State Road No. 18 [Fruitville Road]; thence East along the North line of State Road No. 18, 710.6 feet to a point 630.0 feet West of the East line of said Section 23; thence North, 471.0 feet to the Point of Beginning. Lying and being in Section 23, Township 36 South, Range 18 East. **LESS** that part used for right of way purposes for Fruitville Road, State Road No. 780 (formerly State Road No. 18). **AND LESS** the Portions taken by Order of Taking recorded in O.R. Book 1919, Page 1134, [for Fruitville Road, State Road No. 780], and by Order of taking in O.R. Book 2112, Page 2022, [for Richardson Way], all in Public Records of Sarasota County, Florida

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 any development on the subject parcel that cumulatively generates more than 136 PM peak hour net new trips, a traffic study shall be prepared consistent with the Standards Traffic 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. 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.
2. Access to the subject parcel shall be limited to one access point on Fruitville Road and one access point on Richardson Way. The location of the access point on Fruitville Road is subject to the Florida Department of Transportation's approval.
3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.

4. During development of the subject property, all vegetative species contained on the 2003 List of Invasive Species, published by the Florida Exotic Pest Plant Council, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

5. This zoning map amendment is governed by the provisions of sub-section 1.9.2.b.2.ii. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:

a. Development shall occur in substantial accordance with the Development Concept Plan date stamped ~~July 24~~ December 6, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.

b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.

c. Any deviations from the Development Concept Plan that are not allowed by this rezoning ordinance (that is, what is not in substantial accordance with the Concept Plan), amendments, or development on the outparcels must comply with the zoning code in effect at the time of approval of that modification.

d. Permitted uses on the subject parcel not depicted on the Development Concept Plan shall be governed by the Ordinance No. 2003-052.

6. The landscape buffer along the northern property line shall be Type "F", as depicted on the landscape plan prepared by DWJA Landscape Architect, dated 10/14/03 (revised 3/25/04) (Exhibit "B").

7. All development shall conform to the Fruitville Road Corridor Plan, Conditions for Development Approval, (Ordinance No. 98-019, amending Ordinance No. 96-082).

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 ____ day of _____, 20045.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Chair

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