

COUNTY OF SARASOTA, FLORIDA

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

Date: July 31, 2006

MEMORANDUM TO:

Paul Blacketter
3277A Fruitville Road, Suite 2
Sarasota, FL 34237

Community Services, Parks & Recreation (Bill Wisniewski)
Emergency Services, Fire Department (Rick Fulwider)
Environmental Services, Utilities (Reginald Boucher)
Environmental Services, Utilities (Mike Mylett)
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. (Raz Alexe)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services, Zoning (Tina Crawford)
Planning & Development Services, Resource Protection (Todd Hershfeld)
Property Appraiser (Jim Todora)
Public Works, Stormwater (Candace Hendrickson)
Public Works, Transportation (Kim Stafford)
School Board (Ken Marsh)
PLANNER: Matt Lewis

SUBJECT: RZ 03-48

ORDINANCE NO. 2006- **PID#:** 0022-01-0007; 0022-01-0008
038

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **July 11, 2006**, the Sarasota County Board of County Commissioners **APPROVED** Rezone Petition No. 03-48 to rezone 2 acres \pm located at the southwest corner of University Parkway and Tuttle Avenue, Sarasota County, Florida, from District RE-1 (Residential Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, and Institutional/Planned Development) with stipulations.

A copy of **Ordinance No. 2006-038** is attached for your information.

Please record and return to: (Via Inter-Office Mail)
Susan Carleton, Administrative Coordinator
Planning and Development Services Business Center
1660 Ringling Blvd., 1st Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2006150032 5 PGE
2006 AUG 18 05:33 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#819757

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



The following property located at the southwest corner of University Parkway and Tuttle Avenue, in Sarasota County, Florida, owned by Benderson Development, and described in Ordinance No. 2006-038 attached hereto, has been rezoned to an OPI/PD (Office, Professional, and Institutional/Planned Development) zone district pursuant to Rezone Petition No. 03-48 filed by Paul Blacketter, Agent, and granted by Sarasota County on July 11, 2006, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

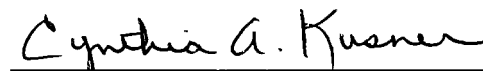
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2006-038, attached hereto)


Crystal Allred, Acting Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Crystal Allred, Acting Manager, 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 she acknowledged before me that she executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 17th day of August, 2006.


Notary Public
State of Florida at Large

This instrument prepared by:
sfc



Cynthia A. Kusner
Commission #DD308088
Expires: May 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

ORDINANCE NO. 2006-038

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.

JUL 26 2006

2006 JUL 12 PM 12:46
BOARD RECORDS
FILED FOR RECORDS
CLERK OF COUNTY COMMISSIONERS
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. 03-48, 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 2 acres ± from District RE-1 (Residential Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, and Institutional/Planned Development) for the following described property located in Sarasota County, Florida:

The area under consideration is generally located at the southwest corner of University Parkway and Tuttle Avenue, being more particularly described as follows: THE EAST 163.75 FEET OF THE WEST 1310 FEET OF THE NORTH 299.75 FEET OF THE NE 1/4 OF THE NE 1/4 OF SECTION 5, TOWNSHIP 36 SOUTH, RANGE 18 EAST, LESS THE NORTH 33 FEET FOR ROAD RIGHT OF WAY OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND THE EAST 163.75 FEET OF THE

02006-038

WEST 1146.25 FEET OF THE NORTH 299.75 FEET OF THE
NE 1/4 OF THE NE 1/4 OF SECTION 5, TOWNSHIP 36 SOUTH,
RANGE 18 EAST, LESS THE 33 FEET OFF THE NORTH LINE
FOR COUNTY LINE ROAD, LYING AND BEING IN
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:

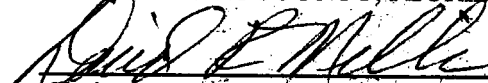
1. Access to the subject parcel on Tuttle Avenue shall be limited to right-in/right-out turning movements only.
2. If it is determined, at the time of Site and Development submittal, that wetland habitat exists on the subject properties, all approved wetland impacts shall be adequately mitigated. Any unimpacted portion of wetland habitat, and associated upland buffer, and the wetland mitigation area shall be designated as preserve area and maintained as such, consistent with the Guiding Principles of *Apoosee*. All activities shall be prohibited within the preserve area, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate maintenance activities.
3. A resource management plan that maintains the functions and values of on-site preserve area and is consistent with the Guiding Principles of *Apoosee* shall be submitted prior to approval of any earth moving permit and any future development of the subject property. The plan shall address removal of nuisance/invasive plant species, any proposed planting of native trees and/or understory, and shall be consistent with Section E of the Environmental Technical Manual contained within Sarasota County's Land Development Regulations.
4. Prior to approval of any earth moving permit and future development of the subject property, the Applicant shall coordinate with all appropriate government agencies in regard to listed species. Any required surveys shall utilize State-accepted 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.
5. All development shall be consistent with the adopted University Parkway Corridor Plan West No. 92-01-SP-West (Ordinance No. 96-076).
6. Development shall occur in substantial accordance with the Development Concept Plan date stamped June 21, 2006, and attached hereto as Exhibit "A," except as necessary to comply with stipulations herein. This does not imply or confer any variance from applicable zoning or land development regulations.

7. To the maximum extent practicable, parking shall be designed to keep the existing trees and this may require retaining walls and changing the location of parking lot islands.
8. If the proposed vaulted stormwater management system is not approved by County Stormwater or the Southwest Florida Water Management District at site and development, then the owner may use a different stormwater system if it is approved by County Stormwater and the Southwest Florida Water Management District. If the alternative system includes offsite facilities, such facilities must be approved by the affected property owner.

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 11th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

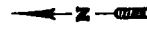
ATTEST:

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

EXHIBIT A

<p>APPROVED</p> <p>DATE: APRIL 2006</p> <p>BY: [Signature]</p>		<p>MANATEE COUNTY</p> <p>PLANNING DEPARTMENT</p>		<p>DEVELOPMENT CONCEPT PLAN</p> <p>BRIDGING</p> <p>LITTLE AVE AND UNIVERSITY BLVD SITE</p> <p>BENDERSON DEVELOPMENT CO.</p> <p>SARASOTA COUNTY, FL</p>		<p>Sheet No. G-1</p>
<p>Project No. 0206</p> <p>Site No. 02713</p> <p>Map No. 02713</p> <p>Date: APRIL 2006</p> <p>Scale: 1" = 20'</p>	<p>Prepared by: [Signature]</p> <p>Checked by: [Signature]</p> <p>Drawn by: [Signature]</p> <p>Revised by: [Signature]</p> <p>Date: [Signature]</p>	<p>Approved by: [Signature]</p> <p>Date: [Signature]</p>	<p>Approved by: [Signature]</p> <p>Date: [Signature]</p>	<p>Approved by: [Signature]</p> <p>Date: [Signature]</p>	<p>Approved by: [Signature]</p> <p>Date: [Signature]</p>	<p>Approved by: [Signature]</p> <p>Date: [Signature]</p>



SITE DATA

PROJECT NO. 0206
 SITE NO. 02713
 MAP NO. 02713
 DATE: APRIL 2006
 SCALE: 1" = 20'

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

LEGEND

--- 0.4 OPA CITY BUFFER
 --- 0.4 OPA CITY BUFFER W/ WALL
 --- 0.4 OPA CITY BUFFER W/ WALL
 --- 0.4 OPA CITY BUFFER W/ WALL

PROPOSED 2 STORY OFFICE BUILDING
 23,256 TOTAL S.F.

EXISTING LAKE

EXISTING DRIVE TANKS
 SHALL BE PRESERVED

EXISTING DRIVE TANKS
 SHALL BE PRESERVED

EXISTING DRIVE TANKS
 SHALL BE PRESERVED

LEGEND

--- 0.4 OPA CITY BUFFER
 --- 0.4 OPA CITY BUFFER W/ WALL
 --- 0.4 OPA CITY BUFFER W/ WALL
 --- 0.4 OPA CITY BUFFER W/ WALL

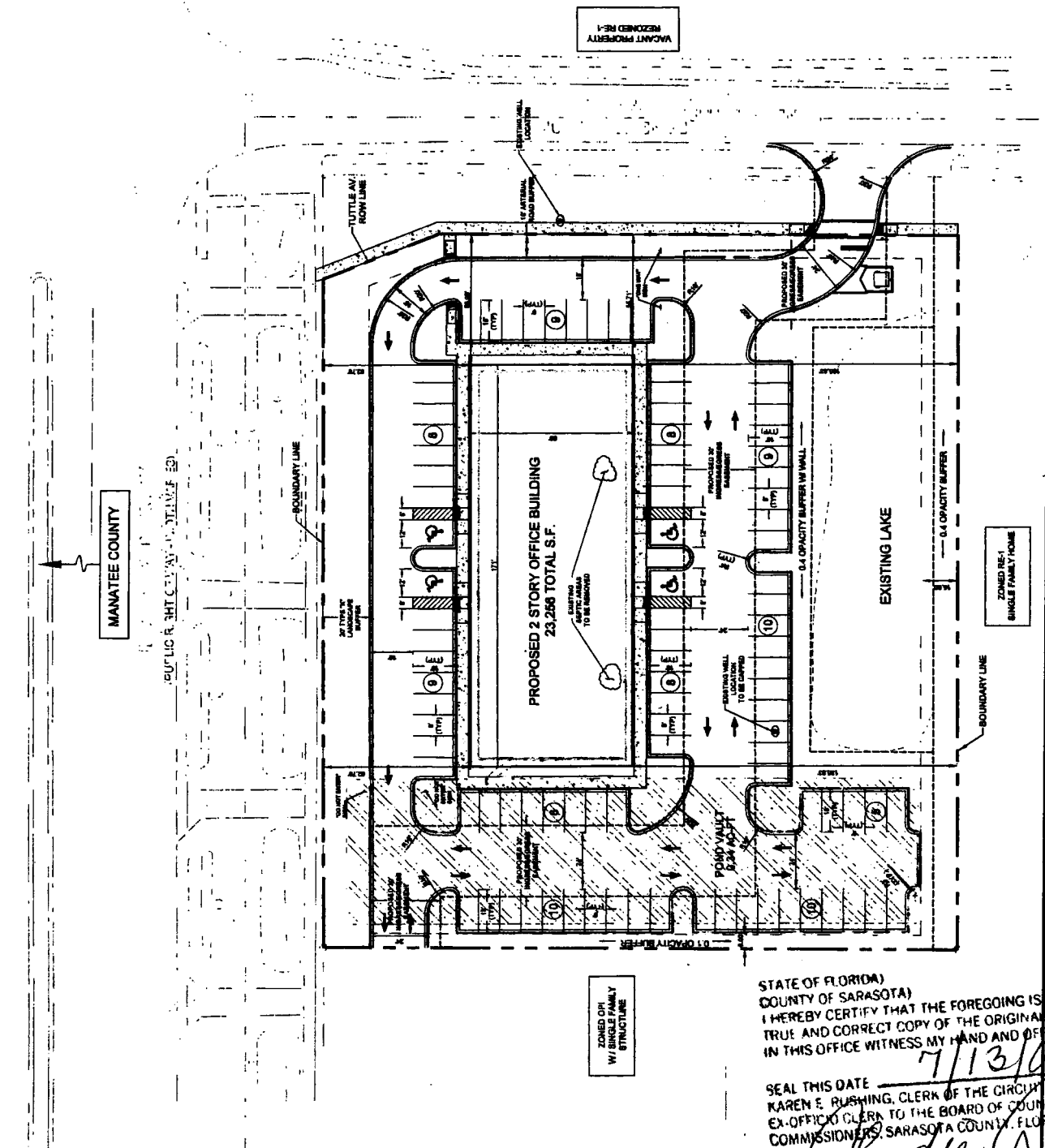
LEGEND

--- 0.4 OPA CITY BUFFER
 --- 0.4 OPA CITY BUFFER W/ WALL
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RECEIVED

JUN 21 2006

BY GROWTH MANAGEMENT



ZONED OR
 W/ SINGLE FAMILY
 STRUCTURE

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 7/13/06
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA

[Signature]

BY
 DEPUTY CLERK