

ORDINANCE NO. 2005-056

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.

2006 FEB -7 PM 3:44
BOARD RECORDS
FILED FOR RECORD

RECEIVED
MAY 02 2006
By: Sarasota County Planning

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. 04-11, 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 11.2 acres \pm from Districts CI (Commercial Intensive) and RMF-1 (Residential Multifamily, 6 units/acre) with stipulations and binding development concept plan to Districts CI (Commercial Intensive) and RMF-1 (Residential Multifamily, 6 units/acre) with amended stipulations and substitute binding development concept plan for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being: east of U.S. 41 and north of Silver Spray Lane in Nokomis, Florida, being more particularly described as follows:

Parcel 1

Commence at the Northeast corner of the Southeast 1/4 of Section 36, Township 38 South, Range 18 East, Sarasota County, Florida; thence, along the East line of the Southeast 1/4 of said Section 36, South 00°42'21" West, 628.86 feet; thence North 89°02'05" West, 649.10 feet for a point of beginning; thence South 00°17'20" East, 621.11 feet; thence North 89°02'05" West, 173.05 feet; thence South 00°17'20" West, 240.00 feet to the North Right-of-Way line of Silver Spray Lane (Public R/W), as recorded in Official Records Book 92, Page 407, of the Public Records of Sarasota County, Florida; thence, along said Right-of-Way line the following three (3) calls; thence, North 89°02'05" West, 202.00 feet; thence South 00°17'20" West, 6.00 feet; thence North 89°01'05" West, 173.00 feet to the Easterly Right-of-Way line of State Road No. 45 (U.S. Highway 41 - Tamiami Trail), Florida Department of Transportation Right-of-Way Map, Section No. 17020-2207; thence, along said Right-of-Way line, North 00°17'20" East, 271.00 feet to the Easterly Right-of-Way line of said State Road No. 45 (U.S. Highway 41 - Tamiami Trail), Florida Department of Transportation Right-of-Way Map, Section No. 17020-2118 & 17020-2504; thence, along said Right-of-Way line the following four (4) calls; thence North 89°02'05" West, 18.00 feet; thence North 00°17'20" East, 411.77 feet; thence South 89°41'40" East, 10.00 feet; thence North 00°17'20" East, 284.12 feet; thence South 89°02'05" East, 546.77 feet; thence South 00°17'20" East, 100.02 feet to the point of beginning.

Parcel 2

Commence at the Northeast corner of the Southeast 1/4 of Section 36, Township 38 South, Range 18 East, Sarasota County, Florida; thence, along the East line of the Southeast 1/4 of said Section 36, South 00°42'21" West, 628.86 feet for a point of beginning; thence, continue along said line, South 00°42'21" West, 706.05 feet to the Northerly line of those lands described in Official Records Book 1439, Pages 2196-2198 and revised in Official Records Book 1822, Pages 1776-1777, of the Public Records of Sarasota County, Florida; thence, along said Northerly line the following five (5) calls; thence North 79°58'02" West, 136.47 feet (calculated), 137.16 feet (deed); thence South 01°06'09" West, 26.79 feet; thence South 84°56'57" West, 189.32 feet; thence North 89°02'05" West, 314.85 feet; thence North 00°17'20" West 621.11 feet; thence South 89°02'05" East, 649.10 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. The subject parcel shall have no direct access to/from U.S. 41. Access to/from U.S. 41 shall be via Silver Spray Lane. Prior to or concurrent with the development of the subject parcel, the owner shall construct a northbound to eastbound right turn lane on U.S. 41. The right turn lane shall be designed in accordance with Indexes 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. There shall be no development on the subject parcel(s) until the widening of the segment of U.S. 41 from Laurel Road to Albee Road from a 4-lane roadway to a 6-lane roadway is the subject of a binding executed contract.
3. Prior to Construction Authorization, the Owner/Developer shall amend the Warranty Deed as described in the Official Records Instrument # 2004138705 to allow for the relocation of the "hammer head" turn around as generally located on the attached Exhibit "A" (Binding Development Concept Plan).
4. The following stipulation is to be completed prior to final Site and Development approval:
 - a. An Archaeological Resource Protective Covenant Agreement acceptable to Sarasota County protecting the remaining portion of the site, as depicted on the Development Concept Plan dated February 3, 2006, must be signed by the property owner.
 - b. Conduct an archaeological investigation in areas to be impacted by the pond, as depicted on the Development Concept Plan dated February 3, 2006. The investigation will employ, at a minimum, the following methods and analyses:
 - (1) Short Interval Testing in areas of site impacted by pond.

- (2) Conduct Phase II testing in areas identified by short interval testing. (If no areas are identified by the History Center, or the Applicant's consultant, then no Phase II testing will be required.)
 - (3) If sufficient archaeological material is present, then obtain two Radio Carbon dates for the site.
 - (4) All work is to be written up into an addendum of the 1994 Additional Phase I Testing of the Silver Spray Shell Scatter (8So2309), located in Section 36, Township 38 South, Range 18 East, Laurel, FL, by Bill Burger.
5. The proposed development shall impact no more than 25% of the on-site mesic hammock habitat and all mesic hammock habitat not impacted shall be preserved in perpetuity.
6. Concurrent with submittal of site and development plans, the owner shall coordinate with all appropriate government agencies to establish a gopher tortoise conservation area within the project boundaries and to obtain all necessary permits required to transfer gopher tortoises existing onsite to said conservation area. Site and development plans shall clearly depict and label the gopher tortoise conservation area. Tortoises shall be relocated to the conservation area prior to any construction and best management practices shall be employed to keep the tortoises out of all construction areas.
7. Prior to, or concurrent with the submission of the site and development plan, the landscape buffers shall be in substantial compliance with the development concept plan date-stamped February 3, 2006. This includes a section of 25' wide landscape buffer west of the display plaza and a 15' wide landscape buffer along Silver Spray Lane.
8. Development shall take place in substantial compliance with the Development Concept Plan date stamped February 3, 2006, and attached hereto as Exhibit "A", except for modifications necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.
9. Should the Applicant plan to utilize the County-owned drainage

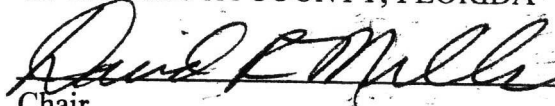
easement for the proposed private stormwater management system, he shall demonstrate at the time of Site and Development / Construction Plan Approval Submittal that there shall be no adverse impact to private property. The Applicant has been made aware that a new permanent drainage easement and conveyance system shall be designed to provide the same or better conveyance capacity and flood protection.

10. The Master Surface Water Management Plan shall be consistent with the Cow Pen Slough Basin Master Plan.
11. All future development shall be consistent with the applicable conditions for development approval contained in the Nokomis Revitalization Plan (Ordinance No. 2001-008) as may be amended from time to time.

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 24th day of JANUARY, 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.

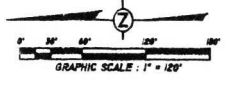
By: 
Deputy Clerk

LEGEND:

-  PROPOSED LITTORAL SHELF
-  PROPOSED NATURAL AREA TO BE PRESERVED
- PROPERTY LINE

BUILDING DATA TABLE:

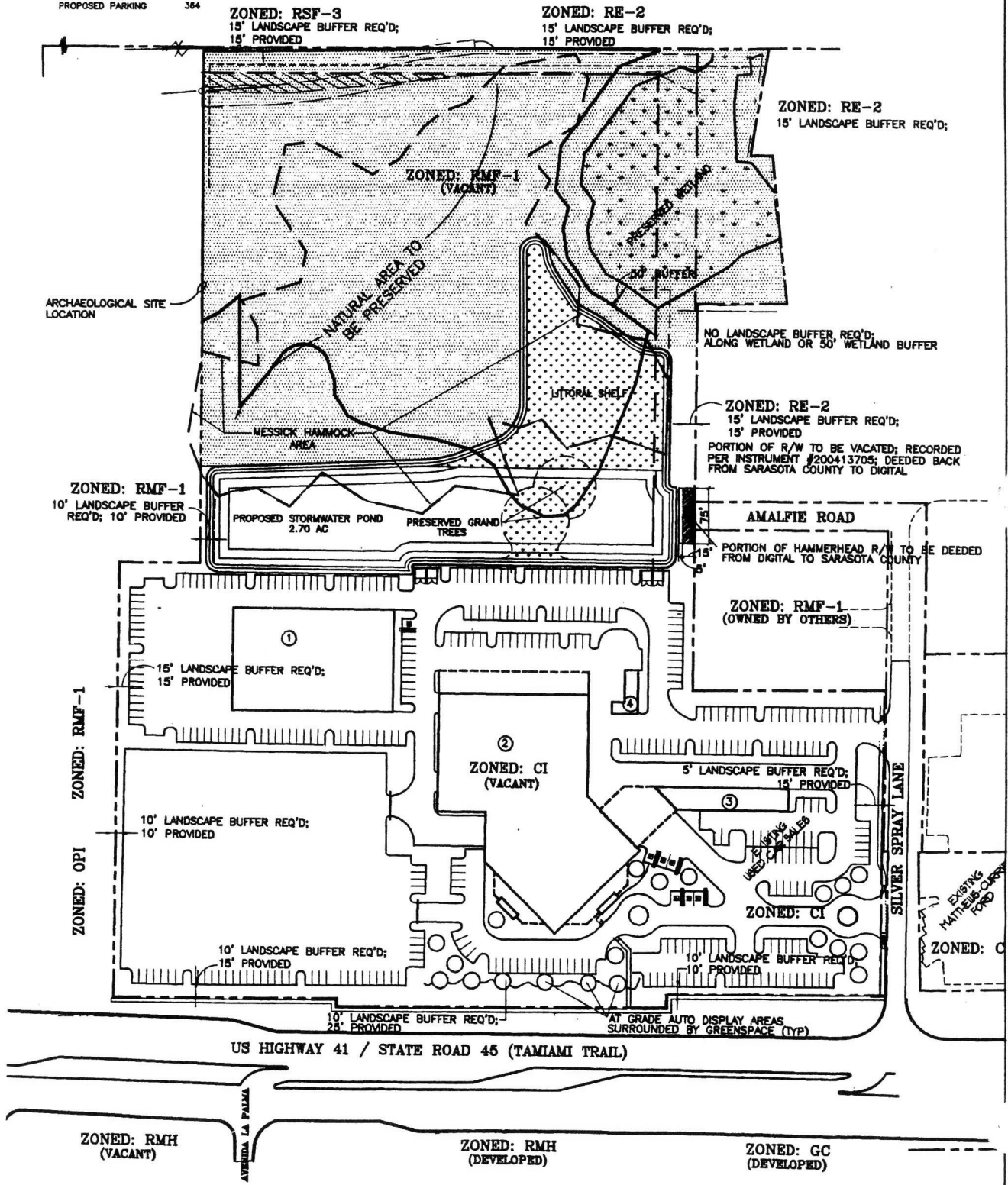
BLDG. NO.	USE	AREA (SF)
①	COLLISION	27,000 SF
②	SHOWROOM, SVS PARTS & ADMIN	60,800 SF
③	QUICK LUBE	4,300 SF
④	CAR WASH	1,200 SF
TOTAL		93,100 SF



SITE DATA:

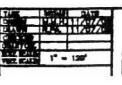
SITE AREA 21.10 AC
 BLDG COVERAGE 79,400 OR 9.0%
 EXISTING USE 19.05 AC VACANT; 2.05 AC ON USED CAR SALES
 PROPOSED USE VEHICLE SALES
 EXISTING ZONING CI & RMF
 PROPOSED ZONING CI & RMF
 REQ'D OPEN SPACE 30% RMF; 6% CI
 PROVIDED OPEN SPACE 100% IN RMF, 19.74% IN CI = 61.85% OVERALL
 MAX PERVIOUS AREA 30% RMF; 0% CI OVERALL
 PROVIDED PERVIOUS AREA 55.92% RMF; 19.74% CI = 38.72% OVERALL
 1.12 AC MESIC HAMMOCK IMPACTED/
 4.57 AC MESIC HAMMOCK TOTAL = 24.51% IMPACTED,
 WHICH IS LESS THAN 25% ALLOWED; THEREFORE, OKAY.
 REQ'D PARKING 333
 PROPOSED PARKING 384

RECEIVED
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 By: Sarasota County Planning



22005 056

MATTHEWS - CURRIE FORD
 DEVELOPMENT CONCEPT PLAN
 (BINDING)



DESCRIPTION	DATE



HOUGH ENGINEERING, INC.
 CONSULTING ENGINEERS