

ORDINANCE NO. 2004 - 067

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.

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. 04-21, 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 59.61 acres ± from District PID (Planned Industrial District) to District PID (Planned Industrial District) with stipulations, for the following described property located in Sarasota County, Florida:

FILED
2004-09-29 PM 3:17
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

BOARD RECORDS
FILED FOR RECORD

2004 SEP 29 PM 3:17

CLARENCE HUBBARD
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

The legal description of said property in Sarasota County, Florida being: The southeast corner of Clark Road and Sawyer Loop Road, being more particularly described as follows;

A tract of land located in the northeast 1/4 of Section 15, Township 37 South, Range 18 East, Sarasota County, Florida, described as follows: Commence at the northwest corner of the northeast 1/4 of said Section 15; thence S.00°14'47"W., along the westerly line of said northeast 1/4, a distance of 50.06 feet to the southerly line of premises conveyed by Honore A. Palmer and wife to the State of Florida by Deed dated February, 1957 recorded in Deed Book 272 on Page 61 of the Public Records of Sarasota County, Florida; thence S.89°26'19"E, along said southerly line, a distance of 75.00 feet to the northwest corner of the tract described in Official Records Book 2503, Pages 2617-2619 of said Public Records (a warranty deed from Publix Super Markets, Inc., a Florida Corporation to the State of Florida Department of Transportation); thence S.00°14'47"W, along the west line of said tract described in Official Records Book 2503, Pages 2617-2619, also being the east right-of-way line of Sawyer Road (as described in Official Records Book 2028, Page 572 of said Public Records), a distance of 14.00 feet to the **POINT OF BEGINNING**; thence S.89°26'19"E., along the southerly line of said tract described in Official Records Book 2503, Pages 2617-2619, also being the southerly line of State Road 72 (Clark Road) as shown on Florida Department of Transportation Right-of-Way Map Section 17070-2527, Sheet 4, revised April 5, 1993, a distance of 1,188.47 feet; thence S.00°14'47"W., parallel with the westerly line of the northeast 1/4 of said Section, a distance of 2,392.55 feet to the centerline of an existing drainage ditch (the following 3 calls are along said centerline); (1) thence S.63°23'30"W., a distance of 235.88 feet; (2) thence N.87°41'46"W., a distance of 194.60 feet; (3) thence N.62°41'56"W., a distance of 271.53 feet to the easterly right-of-way line of above mentioned Sawyer Road (150-feet-wide in this location) (the following 7 calls are along the easterly right-of-way line of said Sawyer Road); (1) thence N.44°45'13"W., a distance of 374.67 feet to the point of curvature of a curve to the right, having a central angle of 45°00'00" and a radius of 688.94 feet; (2) thence northerly along the arc of said curve, a distance of 541.09 feet; (3) thence N.00°14'47"E., a distance of 1,178.18 feet to the point of curvature of a curve to the left, having a central angle of 20°16'46" and a radius of 484.26 feet; (4) thence northerly along the arc of said curve, a distance of 171.40 feet; (5) thence N.20°01'59"W., a distance of 70.00 feet to the point of curvature of a curve to the right, having a central angle of 20°16'46" and a radius of 334.26 feet; (6) thence northerly along the arc of said curve, a distance of 118.31 feet; (7) thence N.00°14'47"E., a distance of 95.52 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 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 or 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.
2. Prior to approval of any development that will allow cumulative development generating more than 171 net new p.m. peak hour trips, either of the following two requirements shall occur:
 - the programmed improvement project for McIntosh Road from Sawyer Loop Road to Proctor Road shall be under contract for construction; or
 - other comparable improvements shall be made to address operational and concurrency deficiencies at the intersections of McIntosh Road (south) at Clark Road and McIntosh Road (north) at Clark Road.
3. Prior to approval of any development orders that will allow cumulative development generating more than 435 net new p.m. peak hour trips, a traffic impact analysis shall be performed consistent with Sarasota County traffic impact analysis procedures. The study shall identify any improvements needed to mitigate the concurrency and operational impacts of cumulative development on the subject property within the study area. Necessary mitigation, as identified by the approved study, shall be provided prior to or concurrent with approval of construction plans for development generating greater than 435 net new p.m. peak hour trips.
4. The Master Surface Water Management Plan shall be consistent with the Matheny Creek Basin Master Plan.
5. On-site wetlands and associated wetland buffers not approved for impact and wetland mitigation areas shall be designated as preserve areas on submitted site and development plans and plats, and maintained consistent with the Guiding Principles of *Apoxsee*. All activities including, but not limited to, filling, excavating, well drilling, altering

vegetation (including trimming of trees and understory), and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate implementation of approved resource management plans or removal of nuisance/invasive vegetation.

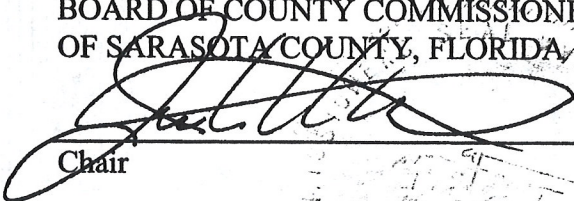
6. A resource management plan that maintains the functions and values of on-site preservation and conservation areas and is consistent with the Guiding Principles of *Apoxsee* shall be submitted to Resource Protection with site and development plans.
7. During development of the subject property, all vegetative species contained within Section 54-621 of Sarasota County Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52-011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be eradicated or removed from the property. Any such vegetation eradicated or removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan, and any such vegetation eradicated or removed from preserve areas shall be replaced in accordance with a County-approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.
8. Prior to or concurrent with submittal of site and development plans, listed species surveys shall be conducted at the subject property by an appropriate environmental professional using State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (location of transects, dates and times of surveys, etc.), shall be submitted to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the site.
9. All development shall occur in substantial accordance with the Development Concept Plan, date-stamped April 22, 2004, and the landscaping plan date-stamped August 24, 2004.. This does not imply or confer any other deviations from applicable zoning or land development regulations, unless expressly granted in the footnote on said Development Concept Plan titled "Variances to Sarasota County Zoning Regulations - PID District."
10. Prior to, or concurrent with the submission of the site and development plan for any expansion of the existing warehouse or development of any outparcel, a common plan for perimeter landscaping, which establishes a landscape theme identifying the type and quantity of plantings, shall be submitted to the Growth Management Business Center, Planning Services, and the County Landscape Architect, to ensure implementation of the landscape plan.

- 11. Unless otherwise expressed herein, all development shall be consistent with the Clark Road Corridor Plan (Ordinance No. 97-006, as may be amended).
- 12. There shall be no loudspeaker or paging systems outside of any building or structure except for personal hand-held communication devices and emergency communication systems.
- 13. No chain-linked fencing shall be allowed around any of the stormwater retention facilities on the subject parcel.

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.

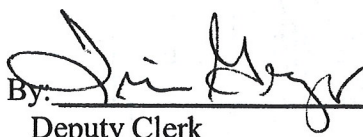
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 28th day of September, 2004.

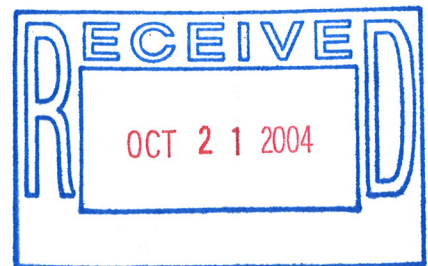
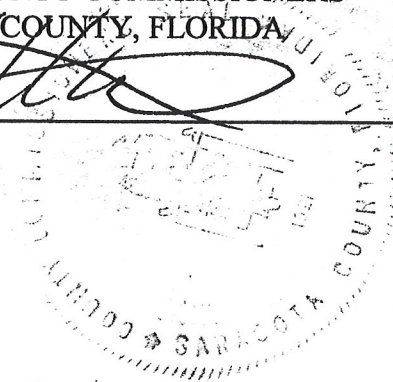
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


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: 
Deputy Clerk

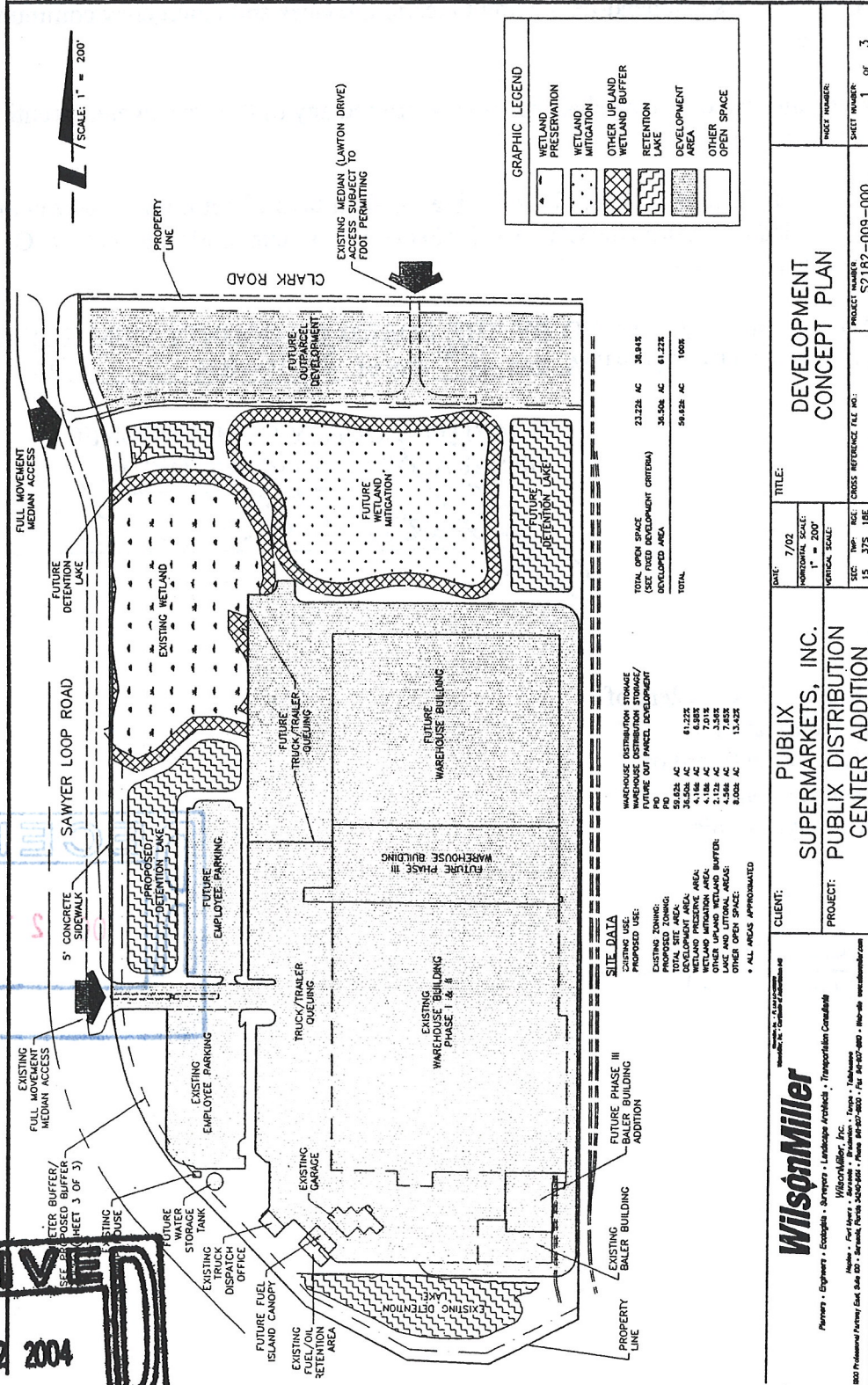


MAP SERIES/CONCEPT PLAN

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APR 24 2004

02004-067

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MAP SERIES/CONCEPT PLAN

FIXED DEVELOPMENT CRITERIA:

1. WAREHOUSE AREA SHALL NOT EXCEED 725,000 SF. WITHOUT ADDITIONAL TRAFFIC REVIEW.
2. OUTPARCEL DEVELOPMENT SHALL NOT EXCEED 32,000 SF. WITHOUT ADDITIONAL TRAFFIC REVIEW.
3. OPEN SPACE USE SHALL BE 38.78% OR 23.12 ACRES. FINAL ACREAGE MAY BE INCREASED OR DECREASED BASED ON FINAL SITE DESIGN BUT OPEN SPACE SHALL NOT BE LOWER THAN 30%.

INSTRUMENT # 2004201278
9 PGS

VARIABLE DEVELOPMENT CRITERIA:

1. DEVELOPMENT PHASING AND PARCEL BOUNDARIES.
2. PEDESTRIAN CIRCULATION.
3. INTERNAL DRIVEWAY ALIGNMENTS.
4. ACCESS TO OUTPARCELS WITH SAWYER LOOP ROAD MAY BE MODIFIED, BASED ON FINAL PERMITTING.

MODIFICATIONS TO SARASOTA COUNTY ZONING REGULATIONS:

1. ARTICLE 7.3 THE SCREENING OF THE OFF STREET LOADING AREAS FOR THE FUTURE WAREHOUSE EXPANSION IS PROVIDED BY HARDWOOD VEGETATION IN THE ADJACENT WETLAND. TO THE EXTENT EXOTIC VEGETATION REMOVAL REDUCES THIS SCREENING, ALTERNATIVE BUFFER PLANS WILL BE COORDINATED WITH SARASOTA COUNTY, AS NECESSARY. THE EXISTING VEGETATION THAT IS SCREENING LOADING AREAS WILL BE RETAINED.
2. ARTICLE 7.1.7 OFF STREET PARKING RATIOS FOR THE EXISTING WAREHOUSE DEVELOPMENT WILL INCLUDE 135 SPACES APPROVED IN THE PREVIOUS SITE AND DEVELOPMENT PLAN. FUTURE WAREHOUSE EXPANSION WILL PROVIDE PARKING AT A RATIO OF 1 SPACE PER 3,500 SF. PARKING RATIOS FOR THE OUTPARCELS WILL BE DETERMINED FOR SPECIFIC USES AT THE TIME OF SITE AND DEVELOPMENT PLAN REVIEW.
3. ARTICLE 7.3.17, a (4) PROPOSED BOUNDARY BUFFERS. ELLIMINATION OF BUFFER REQUIREMENTS (.2 OPAQITY) ALONG EASTERN PROPERTY LINE ADJACENT TO RAILROAD RIGHT-OF-WAY.

OTHER MODIFICATIONS AND NOTES:

1. FINAL ACREAGE WILL VARY BASED ON DETAILED SITE PLANNING (LAKES, DEVELOPMENT PODS, OTHER OPEN SPACE, ETC.)
2. LAKES MAY ENCRGACH INTO WETLAND BUFFERS AND OTHER OPEN SPACE AREAS AS REQUIRED TO PROVIDE HYDRAULIC CONNECTION.
3. THE 30' WETLAND BUFFERS MAY BE ADJUSTED SUBJECT TO FINAL LAND PLAN OR SITE DEVELOPMENT PLAN AND AS APPROVED THROUGH THE SITE AND DEVELOPMENT PLAN PROCESS AND SUBSEQUENT PERMITTING.
4. PRIOR TO SITE AND DEVELOPMENT PLAN APPROVAL FOR EACH PHASE, INFORMATION ON INTERNAL STREET LAYOUT, OFF-STREET PARKING AND OFF-STREET LOADING LOCATIONS SHALL BE PROVIDED TO THE COUNTY.
5. PHASING BASED UPON MARKET CONDITIONS. ACTUAL SQUARE FOOTAGE OF WAREHOUSE PER PHASE MAY VARY BASED ON MARKET CONDITIONS.
6. NATIVE HABITAT PRESERVATION/MITIGATION ACREAGES AND CONFIGURATIONS MAY BE SLIGHTLY MODIFIED BASED ON STORMWATER LAKE DESIGN, OTHER ENGINEERING REQUIREMENTS AND FINAL PERMITTING.

DEVELOPMENT CONCEPT PLAN NOTES

PROJECT: PUBLIX DISTRIBUTION CENTER ADDITION

CLIENT: PUBLIX SUPERMARKETS, INC.

WilsonMiller

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

WilsonMiller, Inc.

Naples • Fort Myers • Sarasota • Bradenton • Tampa • Tallahassee

6900 Professional Parkway East, Suite 100 • Sarasota, Florida 34240-9424 • Phone 941-907-6800 • Fax 941-907-6910 • Web-Site www.wilsonmiller.com

SCALE:	N.T.S.	DATE:	7/02
SEC:	15	TWP:	37S
PROJECT NO.:	S2182-009-000	REV NO.:	18E
INDEX NO.:		INDEX NO.:	
DRWN BY/EMP NO.:	MLP/1536	SHEET NO.:	2 of 3

MATCH LINE SEE THIS SHEET

COLLECTION/ ARTERIAL STREET BUFFERS PER 100 LF. 1.45 LF * 27 CANOPY TREES AND 27 ACCENT TREES PROVIDED BY EXISTING VEGETATION

26 EXISTING OAK TREES (TYP.)

PROPOSED CANOPY TREE (TYP.)
PROPOSED HEDGE (TYP.)
PROPOSED ACCENT TREES (TYP.)

57 EXISTING ACCENT TREES (TYP.)
32 EXISTING PINES (TYP.)

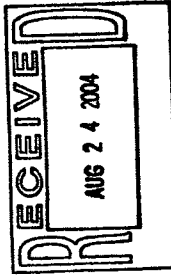
RELOCATED RAILROAD ROW BUFFER (2' OPACITY, A MIN. OF 10' WIDE)
1 CANOPY TREE, 10 ACCENT TREE AND 1142 LF * 22 CANOPY TREES, 2142 LF * 22 CANOPY TREES, 22 ACCENT TREES AND 150 SHRUBS

EXISTING SHRUBS/HEDGE (TYP.)
PROPOSED HEDGE (TYP.)
PROPOSED ACCENT TREES (TYP.)

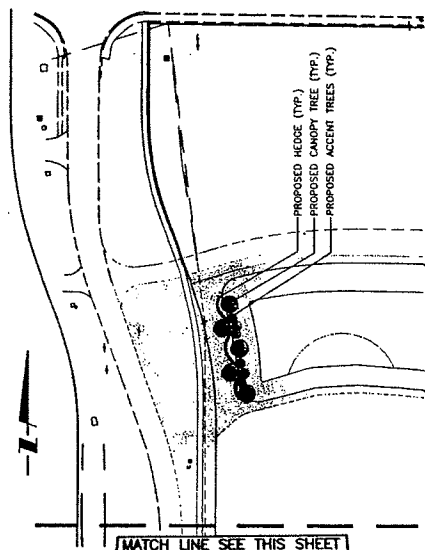
EXISTING HEDGE (TYP.)
EXISTING HEDGE (TYP.)

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
9-29-04
KAREN E. PUSHING CLERK OF THE CIRCUIT COURT EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY FLORIDA
BY [Signature] DEPUTY CLERK

SHRUB SPECIFICATIONS TO THE FINAL PERIMETER LANDSCAPE PLAN SHALL BE APPROVED. THE SITE AND DEVELOPMENT PLAN / CONSTRUCTION PLAN PROCESS TO BE DESIGN AND PERMITTING PROCESS TO BE DESIGNATED WITH ADJUSTING STORM WATER LAKES.



INSTRUMENT # 2004201278
9 PGS



MATCH LINE SEE THIS SHEET

DATE: 08/24/04	SCALE: 1/8" = 1'-0"	PROJECT: PUBLIC SUPERMARKETS, INC. PUBLIC DISTRIBUTION CENTER ADDITION (CONCEPTUAL)	TITLE: LANDSCAPE EXHIBIT
DESIGNED BY: WILSON MILLER	CHECKED BY: WILSON MILLER	DATE: 08/24/04	PROJECT NO: 02182-009-000
DRAWN BY: WILSON MILLER	DATE: 08/24/04	PROJECT: PUBLIC SUPERMARKETS, INC. PUBLIC DISTRIBUTION CENTER ADDITION (CONCEPTUAL)	TITLE: LANDSCAPE EXHIBIT
DATE: 08/24/04	SCALE: 1/8" = 1'-0"	PROJECT: PUBLIC SUPERMARKETS, INC. PUBLIC DISTRIBUTION CENTER ADDITION (CONCEPTUAL)	TITLE: LANDSCAPE EXHIBIT

02004-067