

COUNTY OF SARASOTA, FLORIDA

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

Date: July 20, 2005

*Mailed
7-21-05
ces*

MEMORANDUM TO:

James A. May
421 Jepson LN
Portsmouth, RI 02871

Community Services, Parks & Recreation (Doug Smith)
Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saraniero)
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. (Isaac Brownman)
Planning & Development Services, Land Dev. (Mary Stephens)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services, Resource Protection (Paul Semeneć)
Property Appraiser (Jim Todora)
Public Works, Watershed (Candace Hendrickson)
Public Works, Transportation (Lorraine Branzei)
School Board (Keyl Groff)

SUBJECT:

Rezone Petition No. 04-29

PLANNER:

Brian Lichterman

ORDINANCE NO. 2004-104

PID#: 0855-13-0001


ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **December 8, 2004**, the Sarasota County Board of County Commissioners **GRANTED** Rezone Petition No. 04-29 to rezone 2.8 acres \pm located east of Pine Street and north of the Englewood Hospital in Sarasota County, Florida, from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RMF-3 (Residential Multifamily, 13 units/acre) with stipulations.

A copy of **Ordinance No. 2004-104** is attached for your information.

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2005010331 5 PGS
2005 JAN 18 02:16 PM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
GBURCH Receipt#572034
2005010331



Please record and return to: (Via Inter-Office Mail)

Susan Anderson
Planning and Development Services Business Center
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 East of Pine Street and north of the Englewood Hospital in Sarasota County, Florida, owned by James A. May, and described in Ordinance No. 2004-104 attached hereto, has been rezoned to a RMF-3 (Residential, Multi-family, 13 units/acre) zone district pursuant to Rezoning Petition No. 04-29 filed by James A. May, Agent, and granted by Sarasota County on December 8, 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. 2004-104, attached hereto)

Hank Epstein
Hank Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Hank Epstein, 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 he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 4th day of January, 2005.

Shelley E. Hamilton
Notary Public
State of Florida at Large

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



44.00

BOARD RECORDS FILED FOR RECORD

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.

FILED
2004 DEC 10 PM 3:31
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

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. 04-29**, 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, 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 2.8 acres ± from District OUE-1 (Open Use Estate, 1 unit/5 acres) to District RMF-3 (Residential, Multi-family, 13 units/acre) for the following described property located 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:

The legal description of said property in Sarasota County, Florida being: East of Pine Street and north of the Englewood Hospital, being more particularly described as follows; Lot 576, LESS the west seven (7) feet thereof, Englewood Gardens, Unit# 6, according to the Plat thereof recorded in Plat Book 4, page 74, of the Public Records of Sarasota County, Florida

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, in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction plan approval, the Owner shall be required to record in public records a Notice To Purchaser, approved by Sarasota County, putting purchasers on notice that maintenance of drainage facilities is a private responsibility.
2. The Master Surface Water Management Plans for the development shall be consistent with the Gottfried Creek Basin Master Plan.

3. A resource management plan that maintains the functions and values of on-site preserved and conserved native habitats consistent with the Guiding Principles of Apoxsee shall be submitted to the County with preliminary or site and development plans.

4. Onsite pine flatwood habitats shall be applied toward the 30% open space requirement prior to other allowable types of open space. Should existing acreage of pine flatwood habitat be adequate to fulfill the 30% open space requirement, the entirety of open space acreage shall consist of pine flatwood habitat.

5. Prior to or concurrent with submittal of site and development plans, listed species surveys shall be conducted at the subject property by an appropriate professional using

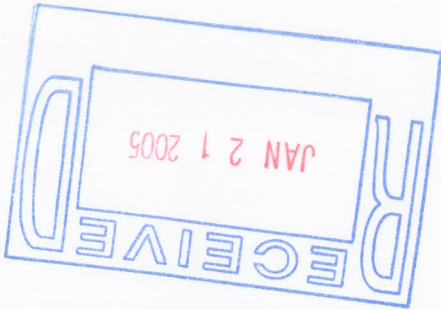
DEPARTMENT OF
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Deputy Clerk
 [Signature]

7. All development shall comply with the applicable conditions for development approval contained in the adopted Pine Street, Dearborn Street and South River Road Sector Plan, adopted by Ordinance No. 93-059.
 6. Prior to or concurrent with the development of the subject parcel, the developer shall construct a southbound to eastbound left turn lane at the intersection of Pine Street and the development's access driveway. The left 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 improvement shall be included in the construction plans for the proposed development.
- State accepted sampling techniques to identify endangered, threatened, and species of special concern that may utilize on-site habitats. The results of the surveys, including details of the methodologies used (i.e., 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.

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 1/18/05
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK FOR THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY Paula J. Klutman
 DEPUTY CLERK



By: Paula J. Klutman
 Deputy Clerk

KAREN E. RUSHING, Clerk of
 the Circuit Court and Ex-
 officio Clerk of the Board of
 County Commissioners of
 Sarasota County, Florida.

ATTEST:

[Signature]
 Chair
 BOARD OF COUNTY COMMISSIONERS
 OF SARASOTA COUNTY, FLORIDA

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF
 SARASOTA COUNTY, FLORIDA, this 8th day of December, 2004.

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.

INSTRUMENT # 2005010331
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