

COUNTY OF SARASOTA, FLORIDA

Board of County Commissioners

Sarasota County Planning and Development Services Business Center

Date: March 29, 2005

Mailed

MEMORANDUM TO:

Don Neu
6900 Professional Pkwy. E.
Sarasota, FL 34240

Community Services, Parks & Recreation (Doug Smith)
Emergency Services, Fire Department (Jane Ross)
Environmental Services, Utilities (John Saramiero)
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 (Elaine Wickwire)
Planning & Development Services, Resource Protection (Paul Semene)

Property Appraiser (Jim Todora)
Public Works, Stormwater (Candace Hendrickson)
Public Works, Transportation (Lorraine Branzei)
School Board (Keyl Groff)

SUBJECT: RZ 04-34

PLANNER: Jack Wilhelm

ORDINANCE NO. 2005-018

FID#: 0147-08-0004, 0147-02-0006, 0147-01-0023, 0147-08-0019, 0147-01-0002, 0147-08-0014, 0147-02-0001, 0147-08-0013, 0147-01-0021, 0147-08-0006, 0147-01-0019, 0147-02-0004, 0147-08-0004, 0147-02-0006, 0147-01-0023, 0147-08-0019, 0147-01-0002, 0147-08-0014, 0147-02-0004, 0147-08-0004, 0147-01-0019, 0147-02-0004, 0147-08-0027, 0147-01-0005, 0147-08-0006, 0147-01-0019, 0147-02-0004, 0147-08-0027, 0147-01-0005, 0147-08-0022, 0147-01-0006, 0147-08-0024, 0147-09-0005, 0147-08-0008, 0147-01-0028, 0147-08-0020, 0147-07-0007, 0147-08-0017, 0147-08-0009, 0147-08-0016, 0147-01-0022

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On **March 16, 2005** the Sarasota County Board of County Commissioners **Approved** Rezone Petition No. **04-34** to rezone 40.95 acres ± located south of Bay Street and east of US 41 in Sarasota County, Florida, from Districts RMH (Residential Mobile Home), RSF-3 (Residential, Single family, 4.5 units/acre), RSF-1 (Residential, Single Family, 2.5 units/acre) and OUE-2 (Open Use Estate, 1 unit/2 acres) to District RMF-3/PUD (Residential, Multi-Family, 13 units per acre/Planned Unit Development) with stipulations.

A copy of **Ordinance No. 2005-018** is attached for your information.

RECORDED IN OFFICE RECORDS
INSTRUMENT # 2005064805 11 Pgs

2005 MAR 31 11:29 AM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#604558



2025064805

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 south of Bay Street and east of US 41 in Sarasota County, Florida, owned by Henry Rodriguez, and described in Ordinance No. 2005-018 attached hereto, has been rezoned to a RMF-3/PUD (Residential, Multi-Family, 13 units per acre/Planned Unit Development) zone district pursuant to Rezone Petition No. 04-34 filed by Don Neu, Agent, and granted by Sarasota County on March 16, 2005, 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. 2005-018, attached hereto)

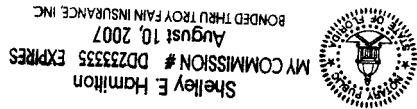
Henry M. Epstein, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Henry (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 29th day of March, 2005.

Notary Public
Shelley E. Hamilton
State of Florida at Large



This instrument prepared by:
lam

ORDINANCE NO. 2005-018

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 AND PROVIDING RESTRICTIONS, STIPULATIONS AND SAFEGUARDS; AND PROVIDING AN EFFECTIVE DATE.

WENDE R. BARTLE
CLERK OF CIRCUIT COURT
SARASOTA COUNTY
TALLAHASSEE, FLORIDA

2005 MAR 17 PM 12: 02

BOARD RECORDS
FILED FOR RECORD

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. 04-34, 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 40.95 acres ± from Districts RMH (Residential Mobile Home), RSF-3 (Residential, Single Family, 4.5 units/acre), RSF-1 (Residential, Single Family, 2.5 units/acre) and OUE-2 (Open Use Estate, 1 unit/2 acres) to District RMF-3/PUD (Residential, Multi-Family, 13 units per acre/Planned Unit Development) for the following described property located in Sarasota County, Florida:

FILED

2005 MAR 29 PM 2:29

DEPARTMENT OF SALES
TALLAHASSEE, FLORIDA

The legal description of said property in Sarasota County, Florida being: East of US 41, south of East Bay Street and west of Old Venice Road, being more particularly described as follows;

A parcel of land being a portion of Lots 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112 and 113 and all of Lots 105 and 106 SARABAY ACRES, as recorded in Plat Book 4, Page 62, Public Records of Sarasota County, Florida, lying in Section 10, Township 38 South, Range 18 East, Sarasota County, Florida, described as follows: Commence at the Northeast corner of said Section 10, thence S.89°42'12"W., along the North line of said Section 10, a distance of 1345.09 feet to it's intersection with the East line of aforementioned Lot 98 extended Northerly, thence S.00°58'20"E., along said East line of Lot 98 extended Northerly, a distance of 25.00 feet to the POINT OF BEGINNING, same being the Northeast corner of said Lot 98, also being a point on the South Right of Way line of Bay Street, as recorded in Record Plat Book 4, Pages 25, 25A and 25B, Public Records of Sarasota County, Florida; thence S.89°42'12"W., along said South Right of Way line of Bay Street, a distance of 867.29 feet to a point on a non-tangent curve turning to the left, having: a radius of 2069.17 feet, a delta angle of 5°35'13", a chord bearing of S.07°42'28"E., a chord length of 201.68 feet; thence along the arc of said curve, an arc length of 201.76 feet to a point on the South line of aforementioned Lot 97, thence N.89°42'12"E., along said South line of Lot 97, a distance of 101.69 feet to a point on a curve turning to the left, having: a radius of 1969.17 feet; a delta angle of 9°03'26", a chord bearing of S.15°33'14"E., a chord length of 310.96 feet; thence along the arc of said curve, being 400 feet Westerly of and parallel with the Easterly Right of Way of U.S. 41 as recorded in Record Plat Book 1, Page 76, Public Records of Sarasota County, Florida, an arc length of 311.28 feet to a point on the South line of aforementioned Lot 94, thence N.89°42'12"E., along said South line of Lot 94, a distance of 663.65 feet to the Southeast corner of said Lot 94; thence S.00°58'20"E., along the West line of aforementioned Lots 104, 105 and 106, a distance of 300.02 feet to the Southwest corner of said Lot 106; thence N.89°42'12"E., along the South line of said Lot 106 a distance of 358.17 feet; thence S.01°09'01"E., a distance of 700.08 feet to a point on the South line of

1. Development of the subject parcel shall comply with all applicable conditions contained in the Osprey Revitalization Plan (No. 98-01-SP, Ordinance No. 99-079).

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:

distance of 100.01 feet to the Point of Beginning.
forementioned Lot 113: thence N.89°42'12"E., along said South line of Lot 113, a distance of 539.72 feet: thence N.00°58'20"W., along the West line of the East 420 feet of said Lots 112 and 113, a distance of 200.01 feet to the North line of said Lot 112; thence N.89°42'12"E., along said North line of Lot 112, a distance of 420.03 feet to a point on the West plotted Right of Way line per said plat of SARABAY ACRES; thence N.00°58'20"W., along said platted Right of Way line, a distance of 1000.07 feet to the North line of aforementioned Lot 102; thence S.89°42'12"W., along said North line of Lot 102, a distance of 790.04 feet: thence N.00°58'20"W., a distance of 100.01 feet to a point on the North line of aforementioned Lot 101; thence N.89°42'12"E., along said North line of Lot 101, a distance of 40.00 feet; thence N.00°58'20"W., a distance of 200.01 feet to a point on the aforementioned South Right of Way of Bay Street: thence S.89°42'12"W., along said South Right of Way line of Bay Street, a distance of 420.03 feet; thence S.00°58'20"E., along the East line of the West 150 feet of aforementioned Lot 99 a distance of 100.01 feet to a point on the South line of said Lot 99; thence S.89°42'12"W., along said South line of Lot 99, a distance of 150.01 feet to the Southwest corner of said Lot 99; thence N.00°58'20"W., along the West line of said Lot 99, a

2. The Owner shall be required to maintain the appearance 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.
3. Development shall occur in substantial accordance with the Development Concept Plan date stamped November 10, 2004, 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.
4. The Master Surface Water Management Plans shall be consistent with the North Creek Basin Master Plan.
5. Prior to issuance of the first Certificate of Occupancy, all vegetative species contained within Section 54-621 of Sarasota County's 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 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.
6. The western access along Bay Street shall be aligned with Patterson Avenue to the north and restricted as a directionalized median opening to allow for westbound to southbound and eastbound to northbound left turning movements only. A median and/or raised concrete separator shall be constructed to prohibit left and through movements out of the proposed access.

7. Prior to or concurrent with the development of the subject parcel(s), the developer shall construct a westbound to southbound and an eastbound to northbound left turn lane at the Bay Street and Patterson Avenue intersection. The turn lanes 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.

8. A signal warrant analysis for the intersection of Bay Street and Old Venice Road shall be conducted if Bay Street and Honore Avenue are connected prior to construction authorization of any phase of the proposed development. If warrants for a signal are met, the developer shall contribute a proportionate share of the cost of a signal at the intersection of Bay Street and Old Venice Road.

9. Prior to or concurrent with the development of the subject parcel, the developer shall construct a northbound to westbound left turn lane on Old Venice Road at Bay Acres Avenue. 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 subject development.

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 16th day of MARCH, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Chair

[Signature]

ATTEST:

KAREN E. RUSHING, Clerk of

the Circuit Court and Ex-

Officio Clerk of the Board of

County Commissioners of

Sarasota County, Florida.

By: [Signature]

Deputy Clerk

[Signature]



EXHIBIT "A"

BAY STREET VILLAGE & TOWNCENTER

A MIXED USE PLANNED UNIT DEVELOPMENT

CONCEPT PLAN

SITE DATA:

- 40.95 AC. TOTAL
- REQUESTED ZONING: RUF-3/PUD
- 532 DWELLING UNITS PER ACRE
- 13 DWELLING UNITS/COMMERCIAL/OFFICE
- 4,083 ACRES OF COMMERCIAL DEVELOPMENT PERMITTED
- 25,000 SF COMMERCIAL/RESIDENTIAL OR CMC BUILDING AREA
- 36% OPEN SPACE PROVIDED
- 14.83 AC. OPEN SPACE
- 5.24 AC. BUFFERS & VILLAGE OPEN SPACE
- 0.83 AC. RECREATIONAL AREA OPEN SPACE

Note: The subject parcel shall be developed in accordance with the Variable Development Criteria, Design Standards For Bay Street Village & Town Center, Perimeter Landscape Buffer Requirements, and all other applicable regulations and requirements contained on the Development Concept Plan (Exhibit "A").

THIS DOCUMENT RECEIVED BY:
PLANNING SERVICES ON
NOVEMBER 10, 2004

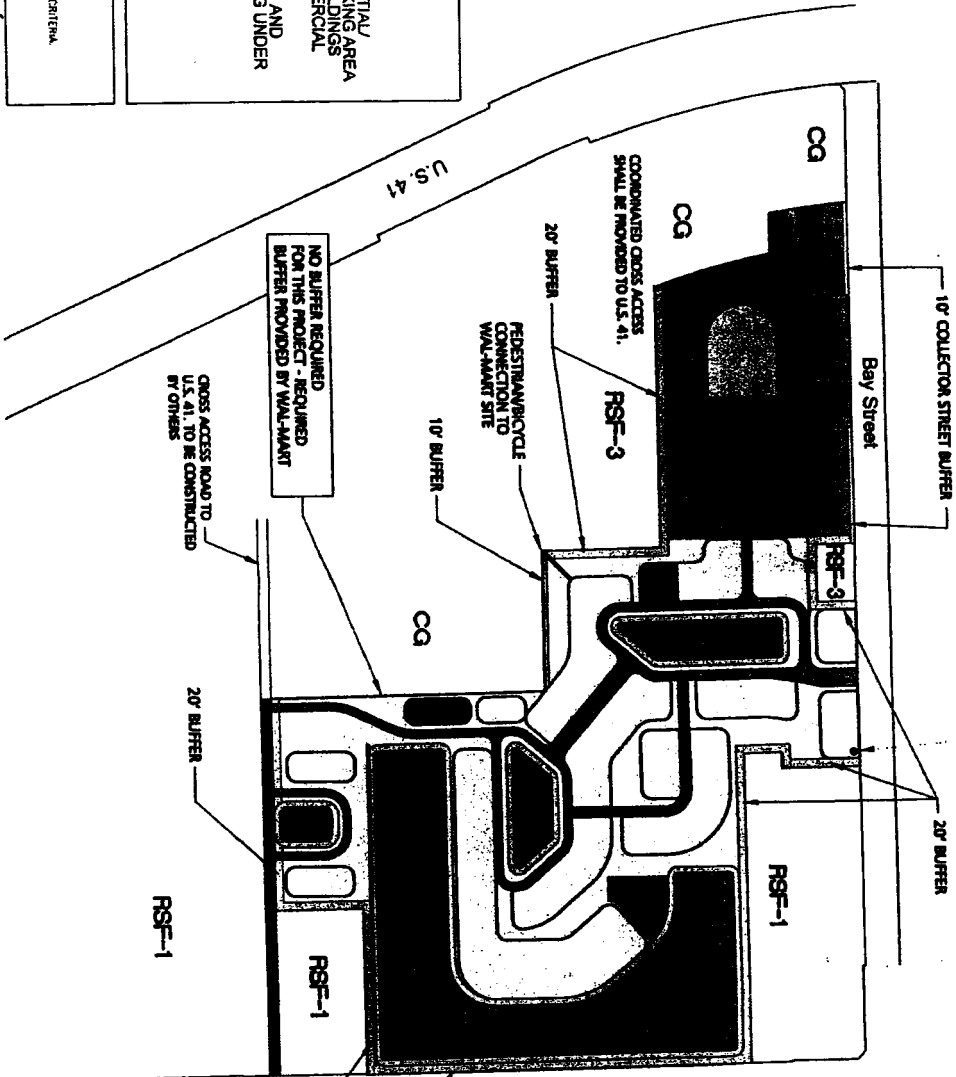


LEGEND:

- PRIMARY INTERNAL ACCESSWAYS
- CONCEPTUAL COMMERCIAL/RESIDENTIAL/POTENTIAL CIVIC BUILDING AND PARKING AREA WITH OPTIONAL PARKING UNDER BUILDINGS GENERAL (CG)
- CONCEPTUAL RESIDENTIAL BUILDING AND PARKING AREA W/ OPTIONAL PARKING UNDER BUILDINGS
- RETENTION AREAS / OPEN SPACE
- RECREATIONAL AREA / OPEN SPACE

DEVELOPMENT DESIGN CRITERIA:

1. FINAL LOCATIONS AND DIMENSIONS OF BUILDINGS TO BE DETERMINED DURING SITE AND DEVELOPMENT PLAN APPROVAL PROCESS IN ACCORDANCE WITH APPROVED DESIGN CRITERIA
2. PARKING AREA ALLOCATION AND LOCATIONS TO BE DETERMINED DURING SITE AND DEVELOPMENT PLAN APPROVAL PROCESS.



APPROXIMATE LOCATION OF GRAND OAK PERMITTING SHALL COMPLY WITH ORDINANCE NO.2003-027

- FIXED DEVELOPMENT CRITERIA:**
1. ANY INTERNAL, INTERCONNECTED SIDEWALK & PATHWAY SYSTEM SHALL BE PROVIDED.
 2. MAXIMUM HEIGHT OF ANY MIXED USE OR RESIDENTIAL BUILDINGS SHALL BE 37 FEET IN ACCORDANCE WITH PROVISIONS OF THE OSNEY REVITALIZATION PLAN.
- MODIFICATIONS TO SARASOTA COUNTY ZONING REGULATIONS:**
1. ARTICLE 6 - SECTION 6.10.1 COMMERCIAL GENERAL (CG) USE HEIGHT OF STRUCTURES OVER 35 FEET.
 2. ARTICLE 6 - SECTION 6.11.2.D.2 LOCATION OF THE PUD COMMERCIAL COMPONENTS FOR THE PERIMETER STREETS AND PROPERTY BOUNDARIES.
 3. ARTICLE 6 - SECTION 6.11.2.E.2 MINIMUM BUILDING SETBACK ELIMINATE THE PUD REQUIREMENT FOR MINIMUM SETBACK TO BE LOCATED OUTSIDE THE HEIGHT OF THE BUILDING FRONT AND SETBACK PROVISIONS OF THE OSNEY REVITALIZATION PLAN.
 4. ARTICLE 7 - SECTION 7.3.6 STREET BUFFER b. ARTERIAL OR COLLECTOR STREET TO ALLOW FOR NEW BUILDINGS ON BAY ST.

20' BUFFER REQUIRED ALTERNATIVE WALL & PLANTING AREA LOCATED 20' INSIDE OF PAD BOUNDARY 3 CANOPY TREES 6 ACRES PER 100 U.F.

A-1

INSTRUMENT # 2005064805
14 PGS

02005-018

DEVELOPMENT CONCEPT PLAN - EXHIBIT "A"

VARIABLE DEVELOPMENT CRITERIA

Buildings and parking area may be replaced with green space or retention areas.

Structures may be replaced with less intense uses such as parking and open space.

All building areas may have breaks to allow for alleys and pedestrian access between buildings.

All buildings may have parking or partial parking on the ground floors and be limited to 57' total height with or without in-structure parking.

In structure parking shall be as illustrated in sheets A-3 & A-4 of the concept plan or traditional ground floor parking as allowed by the zoning code.

Parking areas may be covered or open.

DESIGN STANDARDS FOR BAY STREET VILLAGE & TOWNCENTER

All internal access ways shall provide sidewalks on at least one side of each travelway.

Parking space dimensions shall be in accordance with the Sarasota County Zoning Code.

Two-way vehicular travelways shall provide a minimum of 10-foot lanes for each direction of travel.

All primary internal accessways shall provide streetscaping in general accordance with the attached design graphics.

Building height limitations shall be 57'.

Buildings may be 5-stories total.

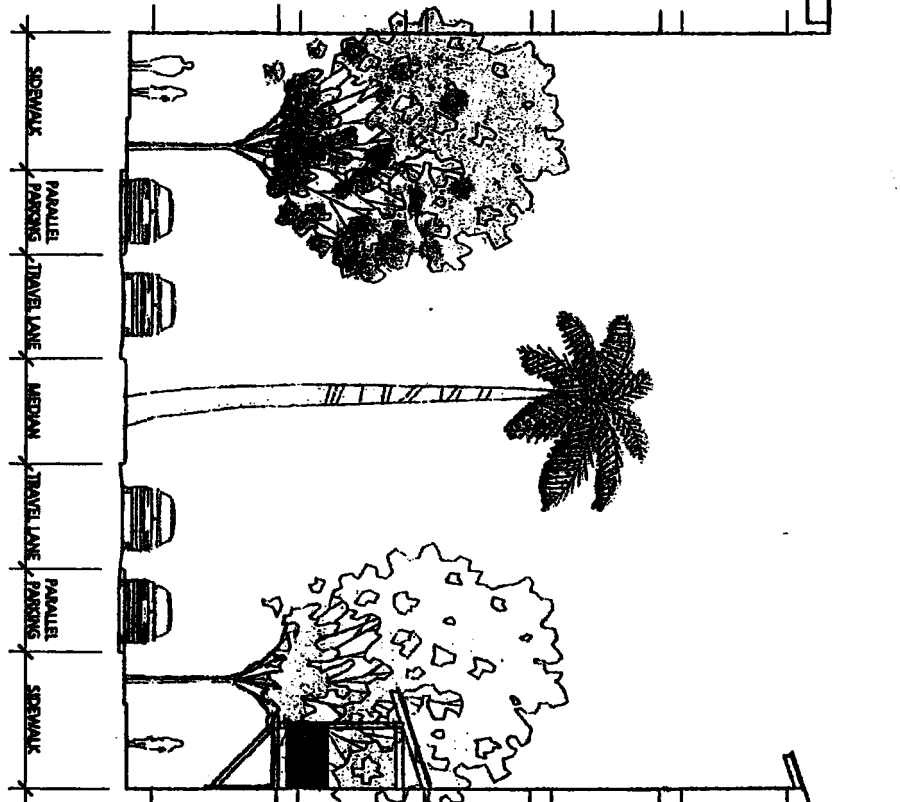
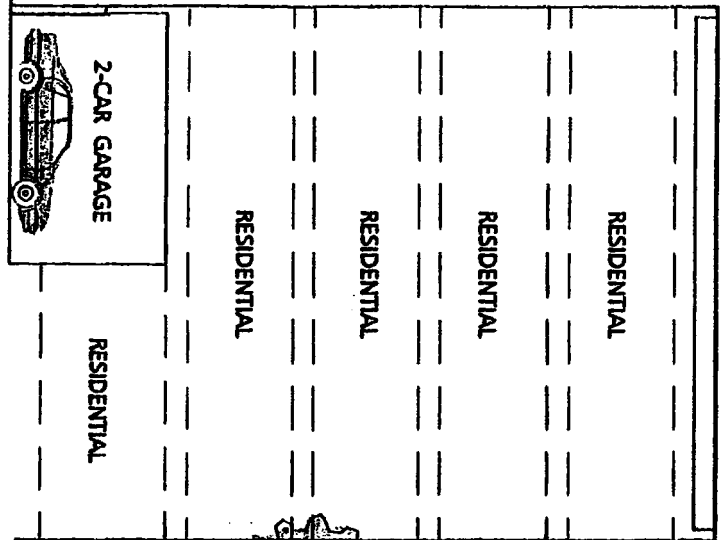
The ground floor may be residential, commercial, parking or combination of parking and habitable space.

Note: The subject parcel shall be developed in accordance with the Variable Development Criteria, Design Standards For Bay Street Village & Towncenter, Perimeter Landscape Buffer Requirements, and all other applicable regulations and requirements contained on the Development Concept Plan (Exhibit "A").

STATEMENT # 2005004805

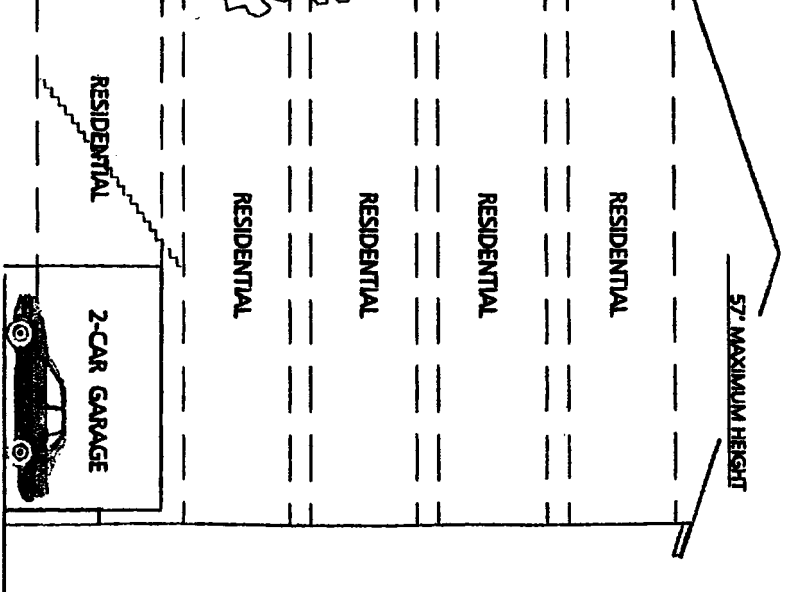
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MULTIFAMILY BUILDINGS
EACH LEVEL MAY HAVE
SEPARATE OWNERSHIP



BOULEVARD

MULTIFAMILY BUILDINGS
EACH LEVEL MAY HAVE
SEPARATE OWNERSHIP



INSTRUMENT # 2005054805
11 PGS

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
3/17/05
KAREN E. HUSKING, CLERK OF THE CIRCUIT COURT
IN OFFICE TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY
Karen E. Husking
CLERK