

ORDINANCE NO. 2007 - 055

BOARD RECORDS
FILED PER 007-055

2007 AUG 30 11:19

CLERK OF COUNTY COMMISSIONERS
SARASOTA COUNTY FL

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. 06-31, 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 from District CG (Commercial General) and District CN (Commercial Neighborhood) and District OPI (Office, Professional and Institutional) to District CG (Commercial General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being: Southwest corner of Tamiami Trail and Albee Road in Nokomis and being more particularly described as follows:

PARCEL 1:

That part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 38 South, Range 18 East, Sarasota County, Florida, described as follows, to-wit: Beginning at the SE corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 38 South, Range 18 East, in the center line of the Tamiami Trail, running thence North with the center line of said Trail 638 feet to a point opposite the South boundary line of the Albee Road; thence West and with the South boundary line of the Albee Road 458 feet to a pipe; thence South 326.7 feet to a pipe; thence East 458 feet to the center line of the Tamiami Trail; thence North with said center line 326.7 feet, more or less, to the point of beginning, excluding therefrom so much of said area as is included in the right of way of the Tamiami Trail.

PARCEL 2:

Begin at the SE corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, Township 38 South, Range 18 East; thence North along center of Tamiami Trail 638 feet; thence West along South line of Albee Road 458 feet for a point of beginning; thence with an angle of 90° run South 326.7 feet; thence West 200 feet; thence North 326.7 feet; thence East 200 feet to the Point of Beginning, being in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, township 38 South, Range 18 East, Sarasota County, Florida.

PARCEL 3:

That part of the Southwest corner of the Southeast Quarter (1/4) of Section 36, Township 38 South, Range 18 East, Sarasota County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Southwest Quarter (1/4) of the Southeast Quarter (1/4) of Section 36, Township 38 South, Range 18 East; thence run North 00°17'20" East along the centerline of Tamiami Trail (U.S. 41) for a distance of 311.30 feet; thence run North 89°15'30" West for a distance of 50.00 feet to the West Right-of-Way line of Tamiami Trail and to the Southeast corner of property owned by Leach and Leach, Inc., by virtue of deed recorded in Official Records Book 775, page 962, Public Records of Sarasota County, Florida, also being the POINT OF BEGINNING; thence run South 00°17'20" West along said West Right-of-Way line for a distance of 25.00 feet; thence run North 89°15'30" West for a distance of 753.00 feet; thence run North 00°17'20" East for a distance of 25.00 feet to the extension of the southerly line of property owned by Leach and Leach, Inc. by virtue of deeds recorded in Official Records Book 618, page 332 and Official Records Book 775, page 962, Public Records of Sarasota County, Florida; thence run South 89°15'30" East along the extension of the said southerly

line, and along said southerly line, of property owned by Leach and Leach, Inc., for a distance of 753.00 feet to the Point of Beginning.

LESS AND EXCEPT (A-D):

- A. Property conveyed to Sarasota County by virtue of deed recorded as Instrument #2002176263, Public Records of Sarasota County, Florida, and
- B. Property conveyed to the State of Florida Department of Transportation by virtue of deed recorded as Instrument Number 1998077036, Public Records of Sarasota County, Florida.
- C. Property taken by State of Florida Department of Transportation and Sarasota County by virtue of Order of Taking recorded in Official Records Book 265, page 442, and Final Judgment recorded in Official Records Book 339, page 302, all of the Public Records of Sarasota County, Florida.
- D. Road rights-of-way for Albee Road and U.S. 41 (Tamiami Trail).

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. Development shall take place in substantial compliance with the Development Concept Plan dated February 16, 2007. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Development of the subject parcel shall be consistent with all applicable conditions of the Nokomis Center Revitalization Plan (Ordinance No. 2001-008).
3. At the time of site and development review the Applicants shall provide a written contingency plan for proper handling and disposal of petroleum contaminated soil and groundwater, if present.
4. The subject parcel shall be required to connect to Sarasota County Environmental Utilities for water and sewer. Connections shall be made to existing water and sewer lines on Albee Road.
5. The master lift station located adjacent to the parcel was constructed as a shell only. If the construction of the master lift station is not completed by other parties prior to construction plan approval for the subject parcel, the developer shall complete construction of the


master lift station pursuant to Sarasota County's final design specifications. These improvements shall be included in the construction plans for the proposed development and shall be made subject to a development agreement or oversize agreement.

6. Prior to, or at the time of site and development review the Applicant shall conduct or cause to be conducted a Limited Phase II Environmental Site Assessment (Phase II ESA). Said assessment shall be performed by a qualified environmental professional, and shall address whether the existing buildings on the site contain asbestos-containing material and whether the site contains contamination associated with historic wastewater disposal via an onsite treatment and disposal system (septic system). A copy of the report shall be made available to Water Resources for review.
7. All buildings or portions of buildings within 100 feet of the subject parcel's east property line abutting U.S. 41 shall have a maximum height of 35 feet.
8. In order to incorporate a Key West architectural style into the project, the following details shall be included in its design and construction: metal roofs, awnings, an arcade and a cupola.

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.

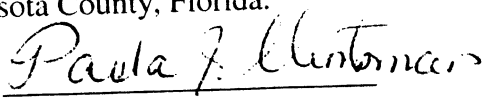
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 28th day of August, 2007

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

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 8/20/67
 KAREN E. BUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY: [Signature]
 DEPUTY CLERK

EXHIBIT A

