

COUNTY OF SARASOTA, FLORIDA

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

Date: February 28, 2008

MEMORANDUM TO:

Roland P. Piccone
GAP Engineering & Planning,
LLC
4173 Clark Road, Unit 1200
Sarasota, FL 34233

Community Services, Parks & Recreation (Bill Wisniewski)
Emergency Services, Fire Department (Rick Fulwider)
Environmental Services, Utilities (Mike Mylett)
Environmental Services, Water Resources (Joe Kraus)
Health/Human Services (Rich Cantin)
History Center (Dan Hughes)
Planning & Development Services, Code Enforcement (Jim LeGay)
Planning & Development Services, Teri Owen
Planning & Development Services, Land Dev. (Raz Alexe)
Planning & Development Services, Landscape (Martha Horton)
Planning & Development Services (Steve Brown)
Planning & Development Services, Res. Protection (Todd Hershfeld)
Planning & Development Services, Zoning (Brad Bailey)
Planning & Development Services, Zoning (Donna Thompson)
Property Appraiser (Jim Todora)
Public Works, Watershed (Candace Hendrickson)
Public Works, Transportation (Kim Stafford)
School Board (Micki Ryan)
SCAT (Elise Cohen)

SUBJECT: RZ 07-33

PLANNER: Timothy Lampkin

ORDINANCE NO.
2008-016
2008-017

PID#: 0416-070-0005, 0416-10-0003, 0416-15-0001,
0416-10-0002, 0416-07-0004

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On the 22nd day of January, 2008, the Sarasota County Board of County Commissioners APPROVED Rezone Petition No. 07-33 to rezone 38.34 acres ±, located on the southeast corner of Venice Avenue and Fellsmere Road, Sarasota County, Florida, from District RSF-3 (Residential, Single Family, 4.5 units/acre) with stipulations to District RSF-3 ((Residential, Single Family, 4.5 units/acre) with amended stipulations.

A copy of **Ordinance No. 2008-016** is attached for your information.

ACTION TAKEN ON ABOVE SUBJECT IS AS FOLLOWS:

On the 22nd day of January, 2008, the Sarasota County Board of County Commissioners APPROVED Rezone Petition No. 07-33 to rezone 10.3 acres ±, located south of East Venice Avenue and 300 feet east of Fellsmere Road, Sarasota County, Florida, from District RSF-3 (Residential, Single Family, 4.5 units/acre) with stipulations to District RSF-3 ((Residential, Single Family, 4.5 units/acre) with amended stipulations.

A copy of **Ordinance No. 2008-017** is attached for your information.

RECEIVED
FEB 05 2008
BY:

ORDINANCE NO. 2008-016

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.

2008 JAN 28 PM 1:55
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS 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 Rezone Petition No. 07-33, 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 38.34 acres ± from District RSF-3 (Residential, Single Family, 4.5 units/1 acre) with stipulations to District RSF-3 (Residential, Single Family, 4.5 units/1 acre) with amended stipulations for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being the Southeast corner of Venice Avenue and Fellsmere Road and being more particularly described as follows:

Parcel 1

Commence at the S.E. corner of Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida; thence S 89°54'05" W, along the South line of said Section 11; a distance of 2704.60 feet; thence N 00° 05'29" W, 881.08 feet for a point of beginning; thence continue N.00°05'29"W, 410.09 feet; thence S.89°20'48"E, 300.00 feet; thence N.00°05'29"W, 169.13 feet; thence S.86°27'57"E, 399.06 feet, to the N.W. corner of that certain parcel of land described in O.R. Book 245, page 634, Public Records of Sarasota, County, Florida; thence S.00° 07'18"E, along the West line of said parcel, 550.00 feet to the S. W. corner thereof; thence S.89°54'05"W, 698.53 feet to the point of beginning. Lying and being in Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida.

Parcel 2

Commence at the S.E. corner of Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida; thence S.89°54'05" W, along the South line of said Section 11, a distance of 1369.61 feet for a point of beginning; thence continue S.89°54'05" W along said Section line, 1314.99 feet; thence N.00°05'29" W, 881.08 feet; thence N.89° 54'05" E, 698.53 feet to the S.W. corner of that certain parcel of land described in O.R. Book 245, page 634, Public Records of Sarasota County, Florida; thence S.69°52'21" E, along the southerly line of said parcel, 422.08 feet to the S.E. corner thereof; thence S.72°56'08" E, 230.29 feet; thence S.00°07'18" E, 667.20 feet to the point of beginning. Lying and being in Sec. 11, Twp. 39 South, Range 19 East Sarasota County, Florida.

Parcel 3

A Part of Tract 128, VENICE FARMS, and part of Section 11, Twp. 39 South, Range 19 East, these parts more particularly described as follows: begin at the NW corner of Tract 128, VENICE FARMS, recorded in Plat Book 2, Page 179, public records of Sarasota County, Florida; thence S.89°20'48" E, along South R/W of Venice Avenue (100'width) a distance of 233.99 ft.; thence S.00°05'29" E, 774.13 ft; thence N.89°20'48" W, 300.00 ft; thence N.00°05'29" W, 574.52 ft; thence S.62°59' E, 74.14 ft; thence N.00°05'29" W, 232.54 ft. to the point of beginning, All lying and being in Section 11, Twp. 39 South, Range 19 East, Sarasota County, Florida. Together with that part of vacated Fellsmere Road; described as follows: begin at Northwest corner of Tract 128 of VENICE FARMS, recorded in Plat Book 2, Page 179, of Public Records of Sarasota County, Florida; thence S.00°05'29" E, along west line of said Tract 128, a distance of 232.54 feet to Southeast corner of said Tract 128; thence N.62°59' W, along an extension of the southerly line of said Tract 128; a distance of 74.14 ft to the Southeast corner of Tract 127 of said VENICE FARMS; Thence N.00°05'29" W, along

east line of said Tract 127 a distance of 199.61 ft., to the Northeast corner of said Tract 127, thence S.89°20'48" W, along an extension of the South Right-of-Way line of Venice Avenue, 66.0 ft., to 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:

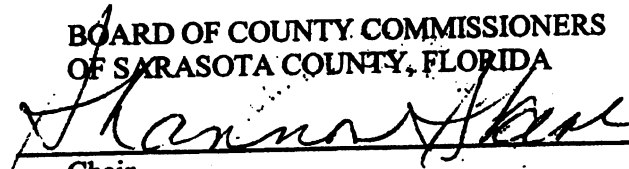
1. The Owner shall maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state, or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall 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 or concurrent with the development of the subject parcel, the improvements to the Jacaranda Boulevard and Venice Avenue intersection (the "Improvements") as contained in the County's Capital Improvements Plan shall meet the criteria to find the Improvements have available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code). Upon the County's approval of an enforceable Development Agreement guaranteeing the Improvements, the intersection shall be found to have adequate capacity to support the transportation impacts of the development.
3. Access to a full median opening (unrestricted turning movements) from the subject parcel's entrance on Venice Avenue via Fellsmere Road will be prohibited when Venice Avenue is widened to a four-lane divided roadway, unless Fellsmere Road south of Venice Avenue is realigned with Fellsmere Road north of Venice Avenue.
4. A cross-access easement shall be obtained by the Owner across the adjacent parcel (s) to the east, in order to construct and maintain a roadway and utilities within the easement. This easement will provide the internal connection needed within the development to have full use of the access through the northern half of the site. The easement shall be identified on the final construction plans and shall be dedicated upon plat recordation.
5. The Master Surface Water Management Plan shall be consistent with the Curry Creek and Myakka River Basin Master Plans.

6. Prior to or concurrent with submittal of preliminary plans, the owner shall coordinate with all appropriate government agencies in regard to listed species. Any required surveys shall utilize State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (i.e., location of transects, dates and times of surveys, etc.), shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the subject project.
7. The owner shall design and provide a focal point other than the clubhouse shown on the concept plan. The focal point shall be shown on development plans for the subject property. The clubhouse shall not be considered or counted as the focal point in order to determine compliance with cluster housing requirements.

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.

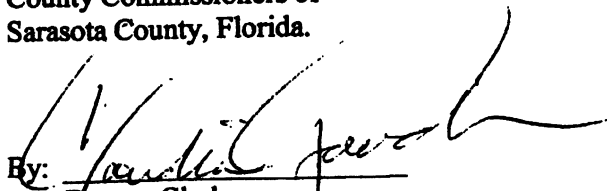
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 22nd day of JANUARY, 2008.

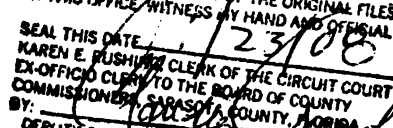
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


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: 1/23/08
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: 
DEPUTY CLERK

RECEIVED
FEB 05 2008
BY:

ORDINANCE NO. 2008-017

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.

2008 JAN 28 PM 1:59
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

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 Rezone Petition No. 07-33, 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 10.3 acres ± from District RSF-3 (Residential, Single Family, 4.5 units/1 acre) with stipulations to District RSF-3 (Residential, Single Family, 4.5 units/1 acre) with amended stipulations for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being:
The south of East Venice Avenue and 300' east of Fellsmere Road being
more particularly described as follows:

Venice Avenue frontage: The west 208.75 feet of the east 297.38 feet of
the north 208.75 feet of tract #128, Venice Farms, recorded in Plat Book
2, Page 179, of the public records of Sarasota County, Florida.

ALSO

A part of Tract No. 128, Venice Farms; Also part of Section 11,
Township. 39 S., Range. 19E.; recorded in Plat Book 2, Page 179, of the
public records of Sarasota, Florida.; Those parts being more particularly
described as follows: Begin at the Northeast corner of said Tract No.
128; Thence S. 00°05'29"E., along the east boundary of said Tract No.
128, 232.54 feet; Thence S.28° 10'06"W., Continuing along said east
boundary, 275.38 feet to the Southeast corner of said Tract No. 128;
Thence S.62°59'E., along the south boundary of Tract 134, Venice
Farms, 105.13 feet to the P.C. of a curve to the left; Thence
Southeasterly along said curve whose radius is 2442.52 feet a chord
distance of 78.25 feet to an iron pipe; Thence S. 15°41'18"W., 66.0 feet;
Thence N.86°27'57" W., 399.06 feet; Thence N.0°05'29"W., 605.0 feet to
the north boundary of said Tract No. 128; Thence S.89°20'48" E., 88.63
feet; Thence S. 0°05'29"E., 208.75 feet; Thence S.89°20'48"E., 208.75
feet; Thence N.0°05'29" W., 208.75 feet; Thence S.89°20'48"E., Along
the north boundary said Tract No. 128, 88.63 feet to the P.O.B.; Together
with that portion of vacated Gladesview Drive lying adjacent to the
captioned land.

Gladesview Drive frontage: Commence at the SE comer of Tract 134
Venice Farms; thence South 15°41'18" West along East boundary line
projected of said Tract, 66.00 feet for a P.O.B.; Thence South 00°07'18"
East, 550.00 feet; thence North 69°52'21" West, 422.08 feet; thence
North 00°07'18" West, 550.00 feet to intersection with a curve; thence
Southeasterly along said curve whose radius is 2,508.52 feet and chord is
422.08 feet and has an arc distance of 422.59 feet to P.O.B.; Situated in
Section 11, Township 39 South, Range 19 East, 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:

1. Prior to or concurrent with the development of the subject parcel, the
improvements to the Jacaranda Boulevard and Venice Avenue intersection (the

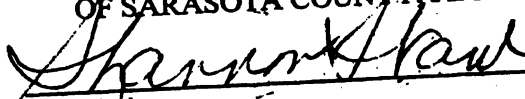
"Improvements") as contained in the County's Capital Improvements Plan shall meet the criteria to find the Improvements have available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code). Upon the County's approval of an enforceable Development Agreement guaranteeing the Improvements, the intersection shall be found to have adequate capacity to support the transportation impacts of the development.

2. Direct access shall be limited to a right-in/right-out on Venice Avenue when Venice Avenue is widened to a four-lane divided roadway. The access restriction shall be included in the recorded plat for the subdivision.
3. Three roadway cross-connections shall be created between the subject parcel and the neighboring Sable Palm Preserve Phase One development
4. The Master Surface Water Management Plan shall be consistent with the Curry Creek Basin Master Plan.
5. A minimum 10' wide landscape buffer shall be required along East Venice Avenue. Should a structure be placed in the landscape buffer, at least 5' of the buffer shall be on the north side.

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 22nd day of JANUARY 2008.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

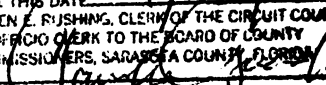

Chair

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 FILED
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 1/23/08
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: 
DEPUTY CLERK