

ORDINANCE NO. 2008-066

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. 07-40, 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 RE-1 (Residential Estate, 1 unit/2 acres) to District CG (Commercial General) for the following described property located in Sarasota County, Florida:

A tract of land lying in the northeast ¼ of Section 34, Township 37 South, Range 19 East, Sarasota County, Florida, described as follows:

Begin at the Northwest corner of the Northeast ¼ of said Section 34;

FILED FOR RECORD
BOARD RECORDS
JUN 10 4 17:52
KAPEN I. STAVINS
CLERK OF COUNTY OF
SARASOTA, FLORIDA

FILED
2008 JUN 10 AM 9:16
CLERK OF STATE
TALLAHASSEE, FLORIDA

thence S03030'32"W along the westerly line of said Northeast ¼ a distance of 1,318.90 feet to the southwest corner of Lot 6, Block 1, Sarasota-Venice Company's Subdivision of the East Half and the Northwest ¼ of Section 34, Township 37 South, Ranch 18 East, recorded in Plat Book A, Page 12 of the Public Records of Sarasota County, Florida (Plat Book 2, Page 31, Manatee County Records), vacated per Resolution of the Board of County Commissioners dated August 19, 1986, recorded in O.R. Book 1881, Page 0193 of said Public Records; thence S89053'01"E along the southerly line of said Lot 6, a distance of 635.53 feet; thence N00006'59"E a distance of 669.21 feet to a point on a curve of which the radius point lies N30003'16"W a radial distance of 150.00 feet; thence northeasterly along the arc through a central angle of 29005'40" a distance of 76.17 feet; thence N30051'05"E a distance of 249.12 feet to the PC of a curve to the right having a central angle of 20023'02" and a radius of 350.00 feet; thence northeasterly along the arc a distance of 124.52 feet to the PRC of a curve to the left having a central angle of 36022'59" and a radius of 175.00 feet; thence northeasterly along the arc a distance of 111.13 feet to a point on a curve of which the radius point lies N14051'08"E a radial distance of 973.47 feet; thence northwesterly along the arc through a central angle of 08024'23" a distance of 142.83 feet; thence N66044'29"W, a distance of 215.00 feet to the PC of a curve to the left having a central angle of 23000'00" and a radius of 789.47 feet; thence northwesterly along the arc a distance of 316.91 feet; thence N89044'29"W a distance of 237.89 feet to the Point of Beginning.

Section 3. Restrictions, Stipulations and Safeguards. As used in the stipulations hereinafter set forth, the term "Applicant" 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 occur in substantial compliance with the Development Concept Plan, date stamped May 15, 2008, (and attached hereto as Exhibit "A"), except as provided herein.
2. Development shall comply with all commitments and impact-mitigating actions specified by Palmer Ranch Increment III Development Order. All preliminary, final, and site and development plans shall be consistent with the Master Development Plan.
3. The project buildings shall be constructed using Green Building principles, consistent with the standards of the Sarasota County Green Building Program as outlined in Sarasota Resolution No. 2005-048.

4. Applicant shall implement noise-reduction strategies for the Lowe's Home Centers, Inc. facility to be located on the subject property to include:
 - Prohibit use of outdoor loudspeakers;
 - Utilize strobe-activated/self-adjusting backup alarms on delivery trucks and forklifts; and
 - Rotation of rooftop HVAC equipment to face air intakes away from residential properties.
5. Applicant shall implement lighting-reduction strategies for this store, to include:
 - All site lighting designed and installed so that light levels measured at property lines shall be in compliance with Section 7.5 of the Sarasota County Zoning Regulations and with the existing Palmer Ranch Commercial Design standards); and
 - Parking lot and drive aisle lighting for this store reduced to minimum "security levels" on site within one hour after store closing.
6. Delivery hours for this store shall be restricted to 7:00 a.m. to 8:30 p.m. Monday through Saturday, and 8:00 a.m. to 8:00 p.m. Sunday.
7. Hours of Operation for this store shall be limited to the following:

Monday through Thursday	6:00 a.m. – 9:00 p.m.
Friday	6:00 a.m. – 10:00 p.m.
Saturday	6:00 a.m. – 9:00 p.m.
Sunday	8:00 a.m. – 8:00 p.m.
8. The owner shall direct its merchandise suppliers, in writing, not to use McIntosh Road and/or Honore Avenue as a truck delivery route to and from the store. Copies of the requests and any replies shall be filed with the Sarasota County Zoning Department.
9. The Revised Alternative Parking Plan approval by the Zoning Administrator dated April 24, 2008, granting the reduction in the number of required parking spaces to allow a minimum 400 parking spaces, is only applicable to and sufficient for the proposed 139,000 square foot Lowe's Home Center and its accompanying garden center. If any other use allowed in the CG zone district is proposed for the subject property in the future, the required parking for the new use must be provided or a new Alternative Parking Plan for the proposed new use must be submitted by the Applicant for the new use and approved by the Zoning Administrator, after consultation and in coordination with the County Engineer.
10. The preservation areas and conservation areas (as shown on Map F, attached hereto as Exhibit "B") shall be maintained consistent with the Guiding Principles of the Sarasota County Comprehensive Plan. Onsite wetland habitat, wetland mitigation areas, associated wetland buffers, not approved for impact, shall be designed as preserve areas on submitted site and development plans and plats. All activities involving filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation/conservation areas, unless written approval is first obtained from Resource Protection Services. Exception shall be granted by Resource Protection

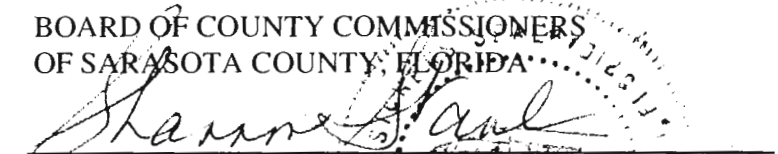
Services to facilitate implementation of approved habitat management plans (annual monitoring) and the removal of nuisance/invasive vegetation.

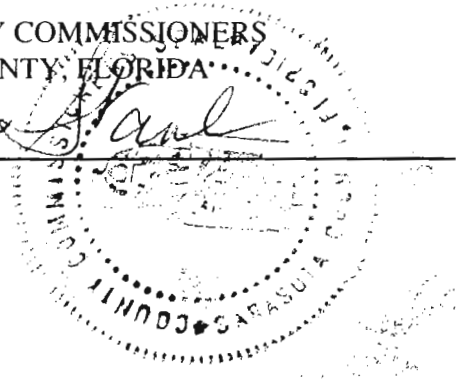
11. Maintenance plans to address the requirements of the Sarasota County Environmental Technical Manual, Sections B and E shall be prepared for all preserved and conserved habitats. These maintenance plans shall be submitted during the site and development plan stage. The conceptual locations of preservation and conservation areas shall be as illustrated on Map F, attached hereto as Exhibit "B." Preservation and conservation areas will be managed in perpetuity in their existing natural or restored condition. Each maintenance plan shall identify the entity responsible for perpetual maintenance of the preserved and/or conserved lands. Each maintenance plan shall also identify the prohibited and permissible activities within the preserved and conserved upland and wetland habitats.
12. During Site and Development the applicant shall show on the construction plans how the continuity and function of the wildlife corridor along Catfish Creek will be maintained
13. The Master Surface Water Management Plans shall be consistent with the Catfish Creek and Clower Creek Basin Master Plans.
14. Prior to or concurrent with the development of the subject parcels, the developer shall construct a traffic signal at no cost to Sarasota County at the intersection of Central Sarasota Parkway and Potter Park Drive. The improvements shall be included in the construction plans for the proposed development.
15. Prior to or concurrent with the development of the subject parcels, the developer shall construct a westbound to southbound left turn lane at the intersection of Central Sarasota Parkway and Potter Park Drive (the development's access location). The improvements shall be included in the construction plans for the proposed development.
16. Prior to or concurrent with the development of the subject parcels, the developer shall construct an eastbound to southbound right turn lane at the intersection of Central Sarasota Parkway and Potter Park Drive (the development's access location). The improvements shall be included in the construction plans for the proposed development.
17. The proposed secondary access to Central Sarasota Parkway shall be located at least 440 feet east of the intersection of Central Sarasota Parkway and Potter Park Drive and shall be restricted to right-in/right-out access only by a physical separator or median.
18. A cross access easement shall be provided to the adjacent parcel to the west and a stub out to the property line constructed as reflected in the Development Concept Plan date stamped May 15, 2008 (and attached hereto as Exhibit "A").

Section 4. Effective Date. This Ordinance shall take effect upon filing with the Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 10 day of June, 2008

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

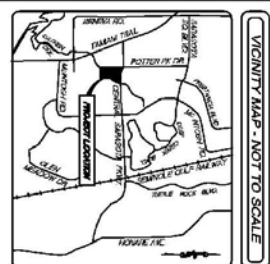


ATTEST:

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

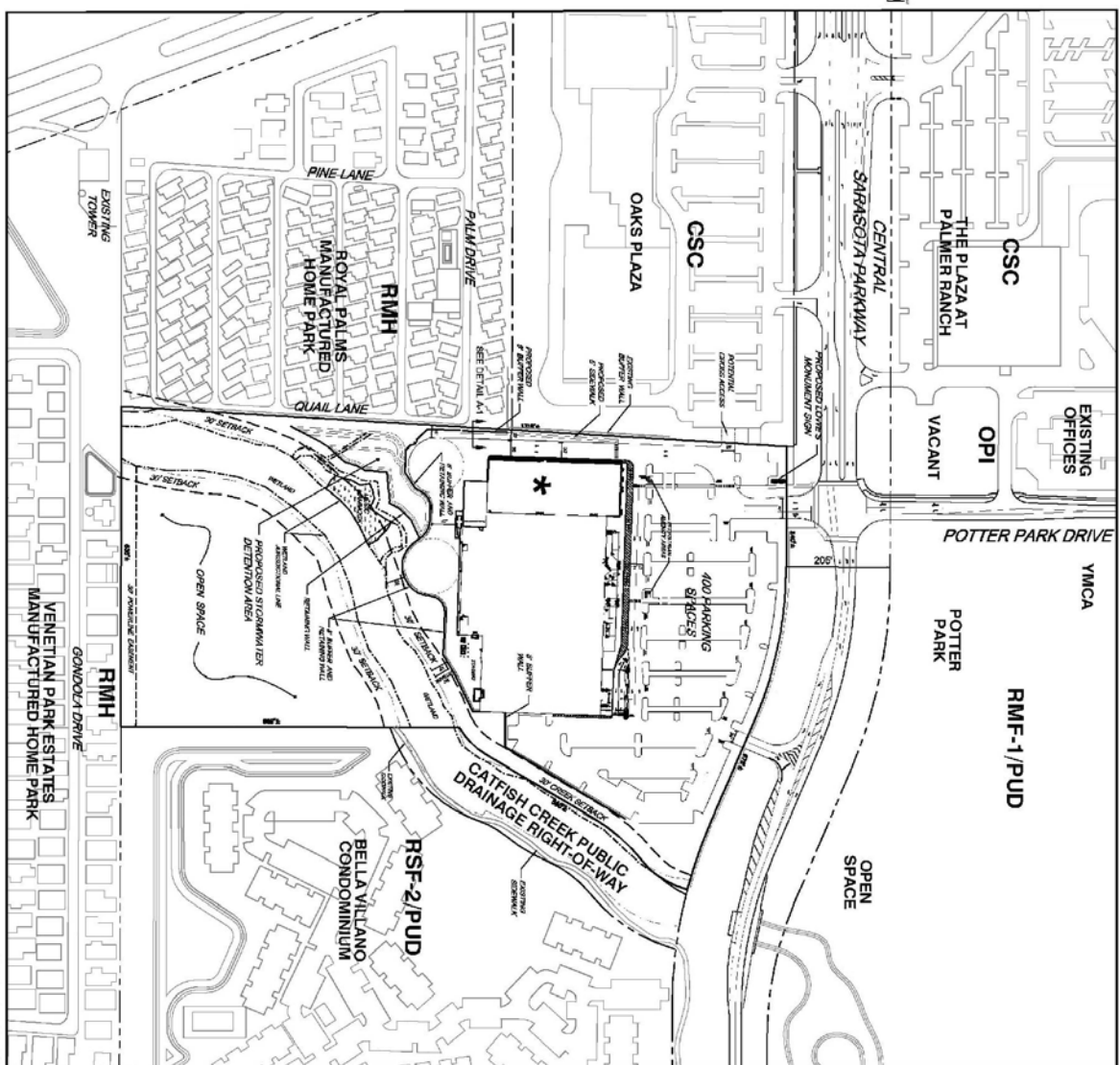
By: 
Deputy Clerk

EXHIBIT A
BINDING DEVELOPMENT CONCEPT PLAN



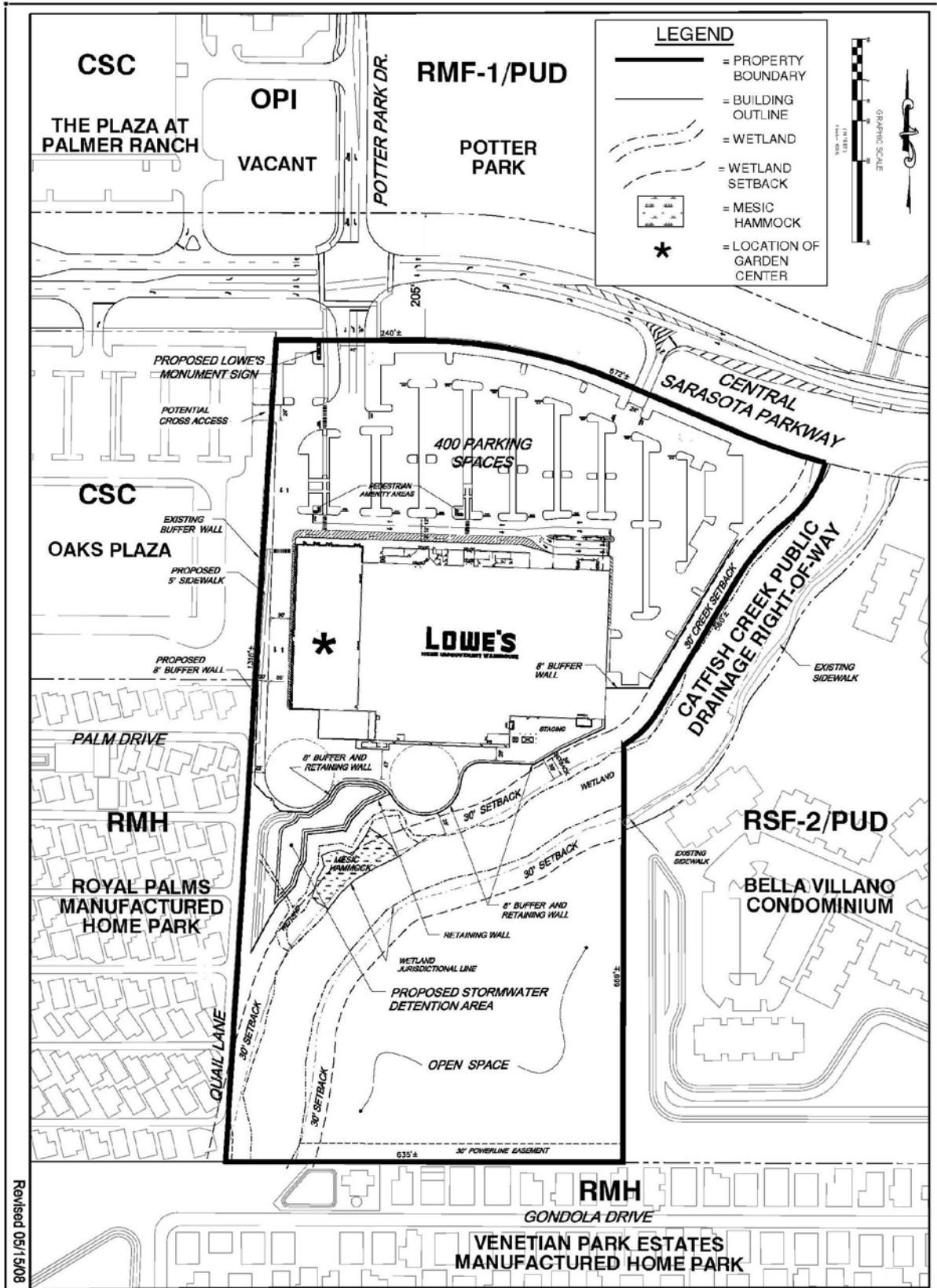
SITE DATA

SIZE: 20.01 ACRES±
EXISTING ZONING: RE-1
PROPOSED ZONING: OG
TOTAL SQUARE FOOTAGE: 139,000 SF
BUILDING SQUARE FOOTAGE: 111,200 SF
GARDEN CENTER: 27,800 SF
PARKING SPACES REQUIRED: 473 SPACES
PARKING SPACES PROVIDED: 400 SPACES
TOTAL OPEN SPACE: 10.31 ACRES± (52%)
TOTAL IMPERVIOUS SURFACE: 9.7 ACRES± (48%)
*** LOCATION OF GARDEN CENTER**



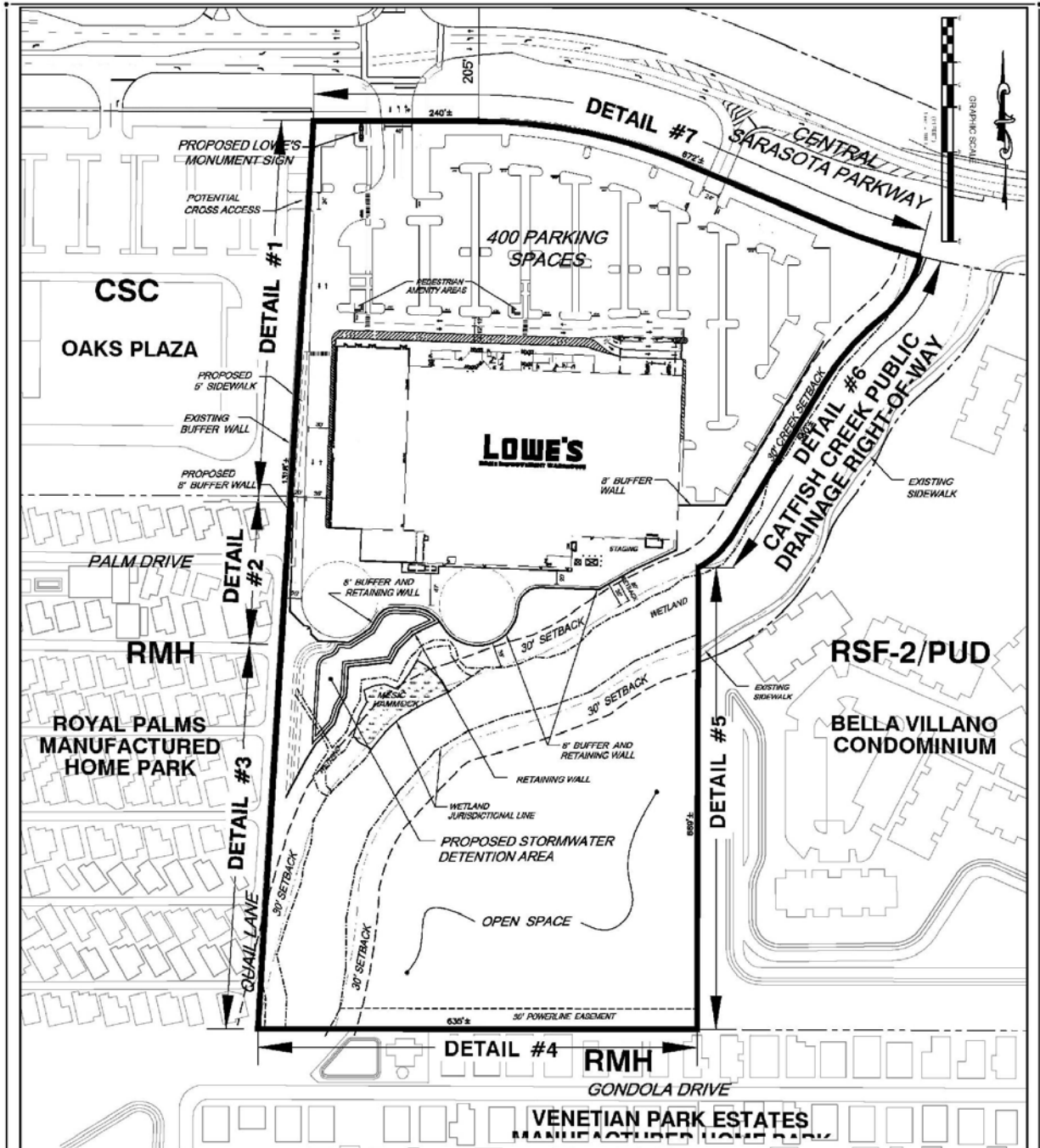
Revised 05/15/08

<p>1 of 4</p>	<p>Concept Plan "Binding" Development LOWE'S OF S.W. SARASOTA SARASOTA, FLORIDA</p>		<p>LINKS & ASSOCIATES, INC. Engineers Planners</p>	<p>2025 West Lake Street Tampa, Florida 33607 408.917.6420 LINKS@LINKS-PA.COM</p>
---------------	---	--	--	---



Revised 05/15/08

<p>2 of 4</p>	<p>Concept Plan "Binding" Development LOWE'S OF S.W. SARASOTA SARASOTA, FLORIDA</p>		<p>LOWE'S OF S.W. SARASOTA 1000 S.W. 11TH AVENUE SARASOTA, FLORIDA 34237 TEL: (941) 554-1234 FAX: (941) 554-1235</p>	<p>LINICKS & ASSOCIATES, INC. 5000 West Laurel Street TAMPA, FLORIDA 33607 Tel: (813) 289-2500 Fax: (813) 289-0874</p> <p>Engineers Planners</p>	
----------------------	--	--	--	---	--



DETAIL #1

NO ADDITIONAL LANDSCAPING PROPOSED. THERE IS AN EXISTING 8' BUFFER WALL ALONG FULL LENGTH OF THE OAKS PLAZA EASTERN BUFFER.

DETAIL #2

SEE SCREEN WALL DETAIL #2 ON PAGE 4 OF 4 ATTACHED HERETO.

DETAIL #3

10 FOOT BUFFER REQUIRED PAST EXISTING 20 FOOT FORCE MAIN EASEMENT - 30 FEET TOTAL, WITH 50% OPACITY - PROVIDED.

DETAIL #4

10 FOOT REQUIRED PAST EXISTING FP&L EASEMENT - 40 FEET TOTAL, WITH 50% OPACITY, EXCEPT WITHIN AREA

DETAIL #4 (con't)

OF EXISTING DRAINAGE RIGHT-OF-WAY/SETBACK - PROVIDED.

DETAIL #5

25 FEET REQUIRED WITH PLANTINGS - EXCEPT WITH AREA OF EXISTING DRAINAGE RIGHT-OF-WAY/SETBACK - EXISTING VEGETATION WILL REMAIN, SUPPLEMENTED WITH ADDITIONAL PLANTINGS, IF NECESSARY.

DETAIL #6

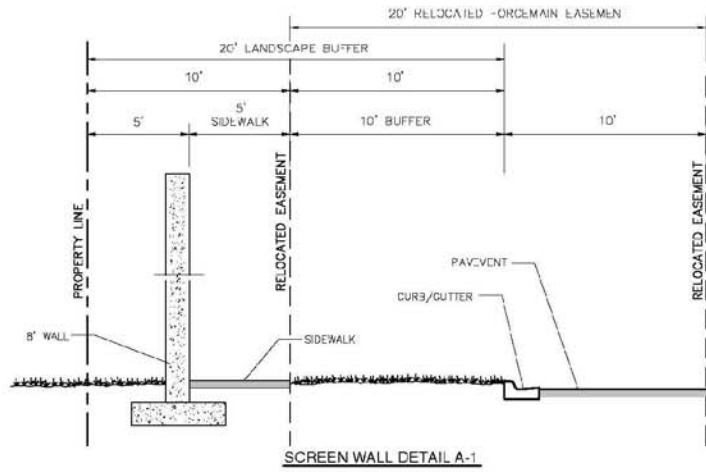
60% OPACITY - PROVIDED THROUGH 30 FOOT CREEK SETBACK AND PROPOSED WALL. IN AREAS NORTH AND SOUTH OF PROPOSED WALL, 25 FOOT BUFFER WITH 60% OPACITY WILL BE PROVIDED.

DETAIL #7

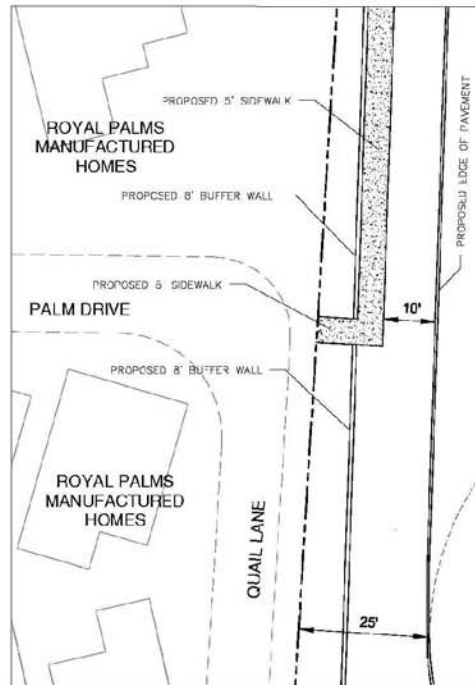
20 FOOT REQUIRED BY PALMER RANCH LANDSCAPING REGULATIONS - PROVIDED.

Revised 05/15/08

3 of 4	Landscape Plan LOWE'S OF S.W. SARASOTA SARASOTA, FLORIDA		<small> LINCKS & ASSOCIATES, INC. 5009 99th Ave N, Suite 100 Tampa, FL 33635 Tel: 813-285-0039 Fax: 813-285-0044 </small>	
--------	--	--	---	--



SCREEN WALL DETAIL A-1



SIDEWALK PLAN DETAIL

DETAIL #2

N.T.S.

Revised 03/21/08

4 OF 4

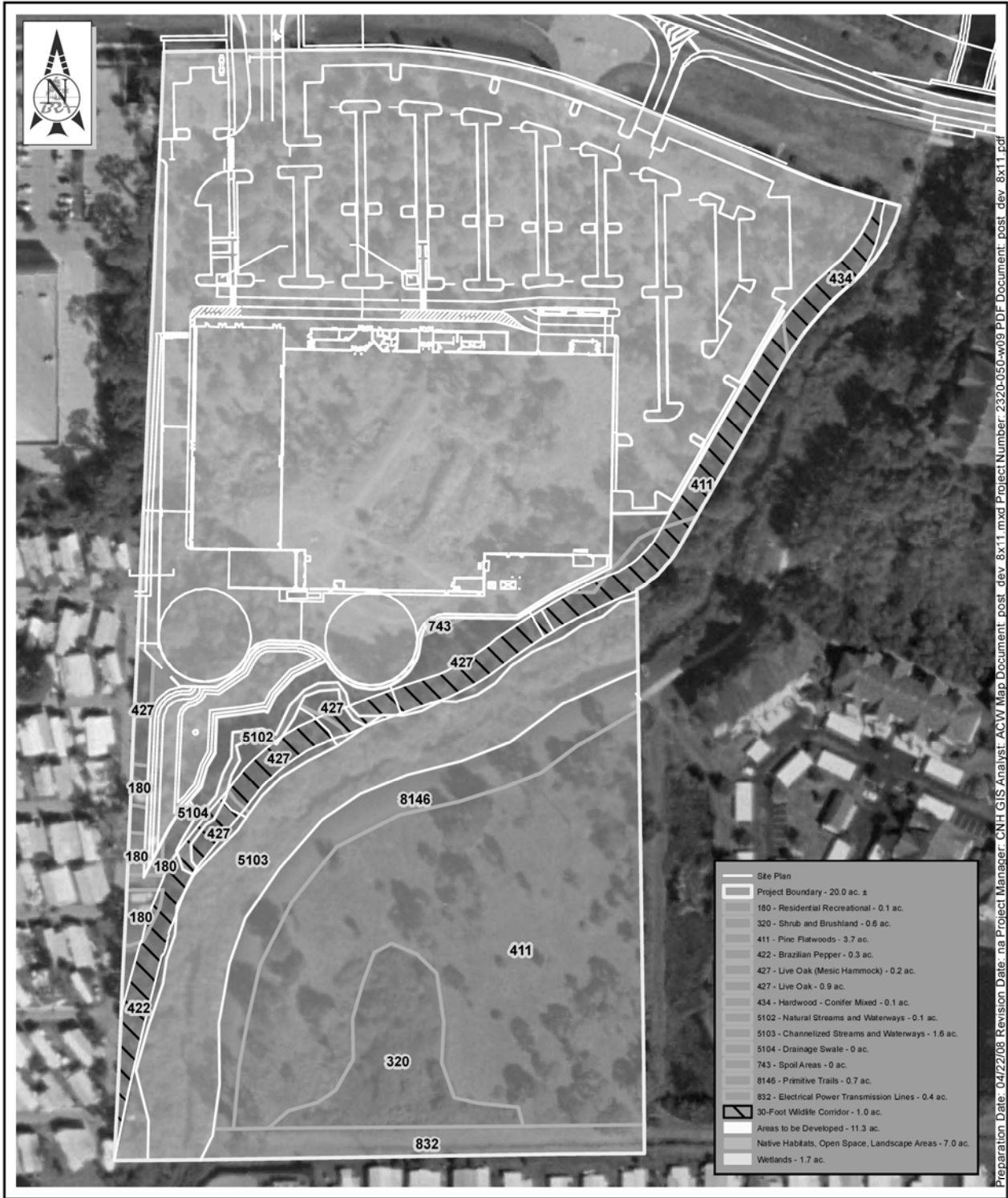
Landscape Detail
 LOWE'S OF:
 S.W. SARASOTA
 SARASOTA, FLORIDA



LINKS & ASSOCIATES, INC.
 ENGINEERS
 1100 W. PALM BLVD.
 SUITE 100
 SARASOTA, FL 34231
 TEL: 941.554.4200
 FAX: 941.554.4201



EXHIBIT B
MAP F: POST DEVELOPMENT HABITAT CONDITIONS



Preparation Date: 04/22/08 Revision: na Project Manager: CNH GIS Analyst: ACW Map Document: post dev 8x11.mxd Project Number: 2320-05-04-w09 PDF Document: post dev 8x11.pdf

Sec 34 Twp 37 S Rng 18 E 0 150 300 450 Feet Map Scale: 1:1,800

This map and all data contained within are supplied as is with no warranty. Biological Research Associates expressly disclaims responsibility for damages or liability from any claims that may arise out of the use or misuse of this map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. It is the user's responsibility to obtain proper survey data, prepared by a licensed surveyor, where required by law.

Map F / Post-development Habitat Conditions
Lowe's @ Palmer Ranch
Sarasota County, FL

Biological Research Associates
 22 Sarasota Center Blvd
 Sarasota, Florida 34240
 ph 941.378.0660 fx 941.378.0787
 www.biologicalresearch.com

