

**RESOLUTION NO. 2008-248**  
**RESOLUTION OF THE BOARD OF COUNTY**  
**COMMISSIONERS OF SARASOTA COUNTY, FLORIDA**  
**REZONE PETITION NO. 08-15**

**WHEREAS**, Alan Garrett, Agent for the owner of the hereinafter described real property has filed Rezone Petition No. 08-15 requesting that a rezone be granted to allow the hereinafter described property to be rezoned from District RE-2 (Residential Estate, 1 unit/acre) to OPI (Office, Professional and Institutional):

The legal description of said property in Sarasota County, Florida, being west of S.R. 776 and south of Adams Road and being more particularly described as follows:

LOT 34, BLOCK "A", LESS THE WEST 300 FEET THEREOF AND LESS THAT PART OF LOT 34 DEEDED TO THE STATE OF FLORIDA FOR ROAD RIGHT-OF-WAY FOR SR 776, DESCRIBED IN OR 2662/ PAGE 1112, FLORIDA TROPICAL HOMESITES & LITTLE FARMS, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 71, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, SECTION 03, TOWNSHIP 40S, RANGE 19E.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

Section 1. Based on evidence and testimony presented, and substantial evidence contained in the record of this application maintained in the Office of the Clerk of the Board of County Commissioners, the Rezone is hereby **DENIED**. Section 3.12. of the Zoning Ordinance governs the Board's decision in the proposed rezone in the application, as follows:

*3.12. Zoning Map Amendment (Rezoning).*

*The Official Zoning Map may from time to time be amended, supplemented, or changed. The procedures shall be as follows:*

*3.12.1. Initiation of Proposals for Amendment.*

*a. A zoning map amendment may be proposed by:*

- 1. Board of County Commissioners; or*
- 2. Any other person; provided, however, that no person shall propose an amendment for the rezoning of property (except as agent or attorney for an owner) which he or she does not own. The name(s) of the owner shall appear on each petition.*

*b. All proposals for zoning map amendments shall be considered first by the Planning Commission.*

*c. All proposals for zoning map amendments shall be submitted in writing to the Planning and Development Services Business Center, accompanied by all pertinent information required by these zoning regulations.*

*d. The applicant must hold an advertised neighborhood workshop in accordance with the Sarasota County Planning Commission's Rules of Procedure and Processing Guidelines, as may be amended.*

*3.12.2. Notice Generally. Notice shall be provided as set forth in Section 3.1.10 for both the Planning Commission and Board of County Commissioners public hearings.*

*3.12.3. Nature and Requirements of Planning Commission Report.*

*a. The report and recommendations of the Planning Commission to the Board of County Commissioners regarding a specific site or sites shall show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:*

*1. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;*

*2. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;*

*3. Whether the proposed change would have an impact on the availability of adequate public facilities consistent with the level of service standards adopted in the comprehensive plan, and as defined and implemented through the Sarasota County Concurrency Management System Regulations, Chapter 94, Article VII of Exhibit A of the Sarasota County Code, as amended;*

*4. Whether the existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;*

*5. Whether the proposed change will adversely influence living conditions in the neighborhood;*

*6. Whether the proposed change will create a drainage problem;*

*7. Whether there are substantial reasons why the property cannot be used in accord with existing zoning;*

*8. Whether it is impossible to find other adequate sites in the County for the proposed use in districts already permitting such use;*

*9. Whether gradual and ordered growth contemplated in the Comprehensive Plan can best be accomplished through the approval of a land use which is less intense than the intensity designated on the Future Land Use Map of the Comprehensive Plan;*

*10. Whether the proposed change would create adverse impacts in the adjacent area or the County in general;*

*11. Whether the subject parcel is of adequate shape and size to accommodate the proposed change;*

*12. Whether ingress and egress to the subject parcel and internal circulation would adversely affect traffic flow, safety or control; and*

*13. Whether the proposed change has been reviewed in accordance with the*

*interlocal agreement with the School Board of Sarasota County and whether school capacity has been adequately addressed, including on-and off-site improvements.*

*3.12.4. Status of Planning Commission Report and Recommendations. The report and recommendations of the Planning Commission required by Section 3.12.3 above shall be advisory only and shall not be binding upon the Board of County Commissioners.*

*3.12.5. Restrictions, Stipulations, Conditions and Safeguards.*

*a. The Planning Commission may recommend that a petition to rezone property be approved subject to stipulations. The Board of County Commissioners, after receiving the recommendation from the Planning Commission on the petition, may grant or deny the petition or modify the petition to a zoning district consistent with the Comprehensive Plan. The Board may make the granting conditional upon such restrictions, stipulations, conditions and safeguards as it may deem necessary to ensure consistency with the Comprehensive Plan.*

*b. Restrictions, stipulations, conditions and safeguards attached to a rezoning of property may include but are not limited to those necessary to protect adjacent or nearby land owners from any deleterious effects from the full impact of any permitted uses, limitations more restrictive than those generally applying to the district including, but not limited to, density, height, buffers, connection to central water and sewer systems and stipulations requiring that certain aspects of development take place in accordance with a development concept plan. The Board of County Commissioners may also stipulate that the development take place within a given period of time after which time public hearings will be initiated and the district returned to the original designation or such other district as determined appropriate by the Board of County Commissioners that is consistent with the Comprehensive Plan.*

*c. All stipulations shall be recorded in the deed records of Sarasota County.*

*d. Where the purpose statement in Article 4 for a district applied by rezoning after October 27, 2003, requires it, development concept plans shall be binding.*

*e. Stipulations shall be shown on the cover sheet of any subsequent request for a subdivision, site and development plan, building permit or other approval under this Article 3.*

*f. Violations of restrictions, stipulations, conditions or safeguards contained in an amendment granted by the Board of County Commissioners shall constitute a violation of these zoning regulations and be enforced as set forth in Article 9.*

*3.12.6. Board of County Commissioners Action on Planning Commission Report.*

*a. Upon receipt of the Planning Commission report and recommendations, the Board of County Commissioners shall hold public hearings with notice to be given pursuant to the provisions of Section 3.1.10.*

*b. The reports and recommendations of the staff and the Planning Commission on the petition shall be presented prior to the close of the Public Hearing on the petition. The applicant shall have the right, prior to the close of the public hearing, to respond*

*to any testimony or other evidence presented during the public hearing.*

**3.12.7. Limitations on the Filing of Rezoning of Property.**

*a. Whenever the Board of County Commissioners has taken final action on a petition for rezoning or the grant of a special exception for property, whether approved or denied, the Planning and Development Services Business Center shall not accept any further petition for any rezoning of any part of or all of the same property for a period of 12 months from the date of such action, or the date of final judicial review of such action, whichever is later.*

*b. The time limits of subsection a. above may be waived by three affirmative votes of the Board of County Commissioners when the Board finds, based on new information or changed conditions, that new action may be warranted to prevent injustice or to assure protection of the public health, safety and welfare. Any petition for a waiver of the time limits shall be submitted to the Planning and Development Services Business Center for consideration by the Board. A written notice of the waiver shall be sent to persons on the mailing list from the original Zoning Map Amendment petition, and to interested parties registered in accordance with Section 3.1.10.f. This notice shall be prepared by the Planning and Development Services Business Center and provided, along with mailing labels, to the applicant who shall bear the responsibility of mailing the notice. The subject site shall also be posted in accordance with Section 3.1.10.d. A request for waiver of the time limit is not a public hearing.*

**Section 2.** Based on the testimony and other evidence in the record the Board makes the following specific findings why the application should be denied:

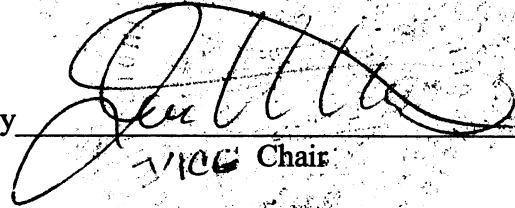
1. The proposed use would be inconsistent with Section 3.12.3.a.2 and 3.12.3.a.5 of the Zoning Ordinance because it would have adverse effects on the adjacent residential areas. Therefore, it would not be compatible with the existing land use patterns and designated future land uses surrounding the subject parcel.
2. The proposed rezoning would be inconsistent with Section 3.12.3.a.3 of the Zoning Ordinance, because adequate alternative sites are available for the requested uses in existing districts that permit such use.
3. The proposed rezoning would be inconsistent with Section 3.12.3.a.4 of the Zoning Ordinance, because the existing zoning district boundaries are not illogically drawn with respect to this parcel. The proposed change would cause the unwarranted intrusion of nonresidential land uses into a residential area.
4. Pursuant to Future Land Use Policy 1.2.1 of the Comprehensive Plan, the existing RE-2 zoning designation is an appropriate designation for this site in order to maintain compatibility with the residential uses in the area. The size and configuration of the parcel and the development proposed for the property render the proposed development incompatible with the adjacent residential uses.

**Section 3.** The Clerk is hereby directed to mail a copy of this Resolution to Alan Garrett, 2424Yorkshire Drive, Sarasota, Florida 34231.

Section 4. This Resolution shall take effect immediately upon filing with the Clerk.

PASSED AND DULY ADOPTED this 18<sup>th</sup> day of November, 2008.  
BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By

  
Vice Chair

ATTEST:

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

  
Deputy Clerk

