

ORDINANCE NO. 2008 - 100

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.

KAREN E. HOSKINS
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

2008 AUG 28 AM 9:02

BOARD RESOLUTION
FILED FOR RECORDED

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. 08-17, 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 OUR (Open Use Rural, 1 unit/10 acres) and OUE-2 (Open Use Estate, 1 unit/2 acres) to District SAPD (Settlement Area Planned Development) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being: west of South River Road and 4 miles ± southwesterly of the South River Road intersection and being more particularly described as follows:

02008-100

All of Section 16, Township 40 South, Ranch 20 East, Sarasota County, Florida, lying northwesterly of S.R. 775 (River Road).

Less:

A tract of land lying in Section 16, Township 40 South, Ranch 20 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of Section 16, Township 40 South, Range 20 East, Sarasota County, Florida; thence N 00°45'92" E, for 500.00 feet; thence N 50°00'00" W for 585.00 feet to the point of beginning; thence continue N 50°00'00" W along said line, a distance of 215.00 feet; thence N 10°00'00" E for 430.00 feet; thence N 29°00'00" W for 1,180 feet; thence N 10°00'00" E for 237.75 feet; thence N 23°14'01" E for 164.71 feet; thence N 09°06'38" E for 709.72 feet; thence N 40°08'54" W for 34.76 feet; thence N 36°26'57" W for 812.60 feet; thence N 85°47'02" W for 208.20 feet; thence N 57°07'00" W for 1,006.00 feet; thence S 59°00'00" W for 475.00 feet; thence S 01°00'00" E for 970.00 feet; thence S 38°00'00" E for 995.00 feet; thence S 34°00'00" W for 485.00 feet; thence N 69°00'07" W for 470.17 feet; thence N 66°00'00" W for 949.82 feet; thence N 89°00'00" W for 370.00 feet; thence S 50°00'00" W for 870.00 feet; thence S 01°00'00" W for 225.00 feet; thence S 19°36'06" E for 51.13 feet; thence N 79°24'39" E for 200.90 feet; thence S 87°00'00" E for 170.07 feet; thence N 81°00'00" E for 610.00 feet; thence S 85°00'00" E for 673.73 feet; thence S 00°08'26" W for 703.09 feet; thence S 08°00'00" W for 68.48 feet; thence S 39°00'00" E for 830.00 feet; thence S 57°00'00" E for 790.00 feet; thence N 77°00'26" E for 658.19 feet; thence N 73°06'41" E for 48.67 feet; thence S 29°48'05" E for 137.61 feet; thence S 66°53'47" E for 70.24 feet; thence N 70°36'14" E for 71.13 feet; thence N 48°07'40" E for 140.16 feet; thence N 86°08'02" E for 108.08 feet; thence N 61°45'21" E for 172.48 feet; thence S 42°22'18" E for 25.00 feet to the point of curvature of a non-tangential curve, concave northwest, of which the radius point lies N 42°22'18" W, a radial distance of 2,100.00 feet; thence northeasterly along the arc of said curve, through a central angle of 11°53'44", for 436.00 feet to the Point of Beginning.

And Less:

That portion thereof conveyed to Sarasota County by deed recorded in O.R. Instrument No. 2001037642, of the public records of Sarasota County, Florida.

Subject to an easement for ingress, egress and utilities over and across the following described portion of said Section 16, Township 40 South, Range 20 East;

From the Southeast corner of Section 16, Township 14 South, Range 20 East, as a Point of Beginning; thence N 44°13'14" W, 904.79 feet; thence along a curve to the left with radius of 2100, (arc 100.15) chord bearing N 42°27'04" E 100.15 feet; thence S 44°13'14" E, 811.72 feet; thence S 01°05'04" W, 140.67 feet, to the 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. Development shall take place in substantial compliance with the Development Concept Plan series attached hereto as Exhibits "A," "B," "C," and "D" date stamped July 25, 2008. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Prior to Neighborhood Plan approval the owner/developer shall commission, and provide the results of a Limited Phase II Environmental Site Assessment demonstrating the presence/absence of environmental contamination on the subject property. Sampling shall be limited to the areas of concern identified in the Phase I Environmental Site Assessment conducted by Ardaman & Associates, Incorporated, in the report dated February 26, 2007, and lake sediments from the borrow pit lakes along the eastern property boundary and in the northeastern portion of the property. The owner/developer shall take all appropriate actions required by County, state, and federal agencies in the event that contamination is found. Said actions shall be performed prior to, or in conjunction with the commencement of site development.
3. Prior to Construction Authorization for the proposed development, it shall be demonstrated that the intersection of U.S. 41 and River Road has available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).
4. The temporary access to River Road shall be restricted to right-in/right-out only. The temporary access shall be removed once reasonable access to another local or thoroughfare road, as determined by Sarasota County, is available. The temporary right-in/right-out access to River Road shall be constructed to County standards for a local road.
5. The Master Surface Water Management Plan shall be consistent with the Gottfried Creek Basin Master Plan and the Lower Myakka River Study.

6. A minimum of 35 percent of the subject parcel shall be maintained as open space.
7. All housing types shall be constructed using Green Building principles, consistent with the standards of the Sarasota County Green Building Program, using, as selected by the Developer, one of the following, the LEED, Florida Green Build, or Green Globes standards, in accordance with Sarasota County Resolution No. 2006-174, as it exists at the time of adoption of this ordinance. The recorded plat shall require that all housing types and yards must remain "green."
8. If deemed feasible by the Developer, a self-service convenience store shall be placed in the designated Neighborhood Oriented Commercial site within Neighborhood "A." This self-service convenience store shall be designed to provide the daily needs to residents, and shall utilize the latest technology for such a store concept.
9. The residential rear setbacks shall be increased from the required 10 foot to a minimum of 25 feet for all single family dwelling lots abutting the Myakka Pines Golf Course.
10. In accordance with Section 11.2.9.c.2.ii. of the Sarasota County Zoning Regulations, a separate Conservation Easement shall be filed with Sarasota County, which defines each of the following phases of the proposed development as depicted on Exhibit "B":

PHASE	NEIGHBORHOOD
1	"A"
2	"B"
3	"C"

Each Conservation Easement shall also clearly define the amount of open space to be provided in that phase. Each Conservation Easement shall be incrementally recorded at the time of Construction Plan approval for each separate phase and prior to the commencement of construction within each separate phase.

11. At the time that Sarasota County Area Transit (SCAT) service is made available on South River Road, in the vicinity of the subject property, the applicant and/or assigns shall construct an ADA Accessible Bus Stop Pad and Shelter Facility. The appropriate location shall be decided in coordination with SCAT.
12. In accordance with Section 11.2.9.c.7. of the Sarasota County Zoning Regulations, the Resource Management Plan, attached hereto as Exhibit "E," date stamped June 24, 2008, shall control use, maintenance and monitoring of the Open Space. The Land Management Plan may be revised and updated, as necessary during the biennial monitoring process, to facilitate implementation of approved habitats and the removal of nuisance/invasive vegetation.

13. At the time of first Neighborhood Plan submittal, the feasibility of providing the proposed Fire Station site, as depicted on the binding Master Land Use Plan, date stamped July 25, 2008, as attached hereto as Exhibit "A" shall be reviewed by Sarasota County, in coordination with the Englewood Area Fire Control District. If the site is no longer desired by Sarasota County and the Englewood Area Fire Control District for the provision of a fire station, the land shall revert back to the property owner for use as a community facility, as allowed by Section 11.2.5. of the Sarasota County Zoning Regulations.

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 27th day of AUGUST, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

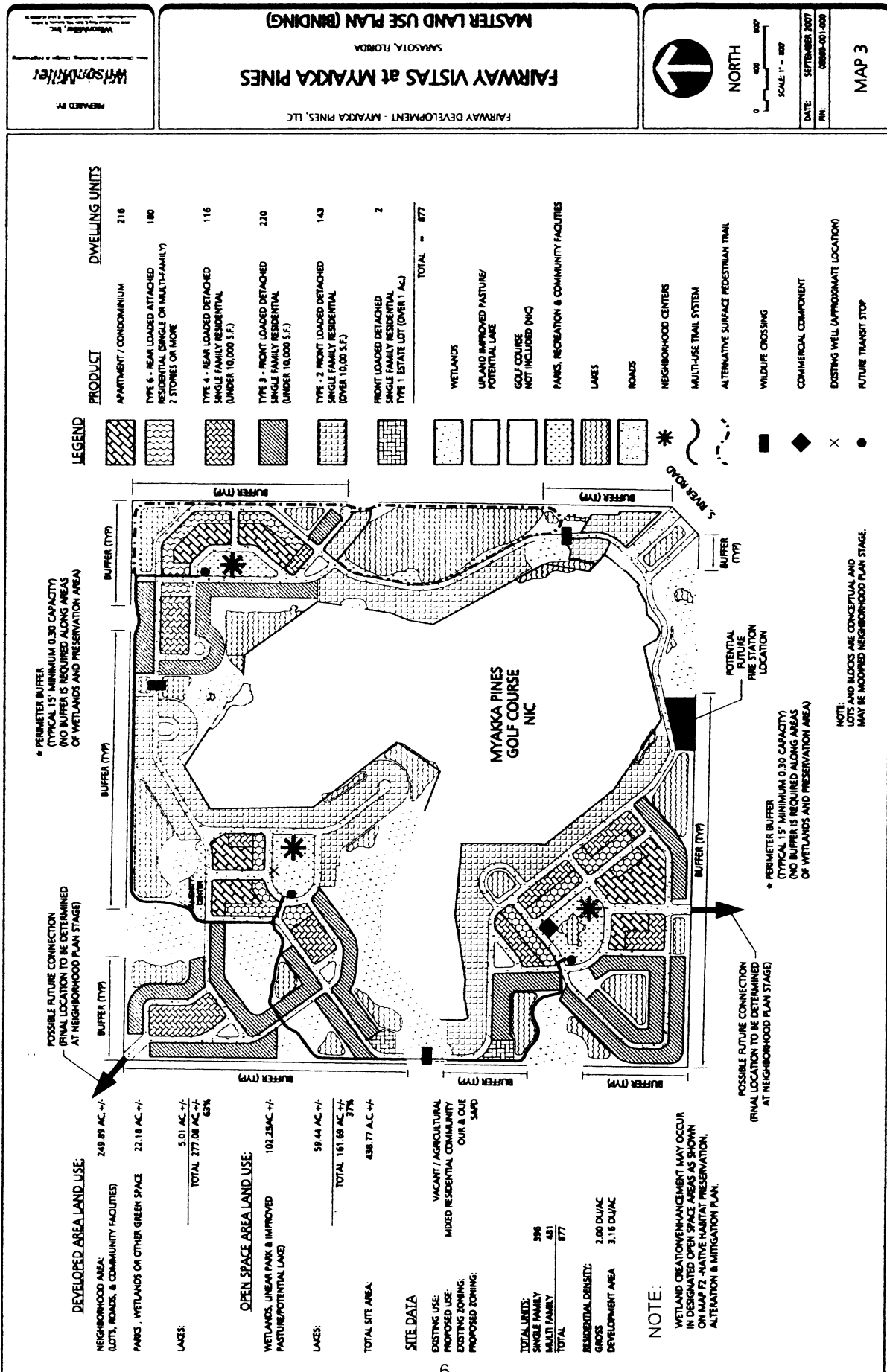
ATTEST:

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

Received by Planning Services
July 25, 2008



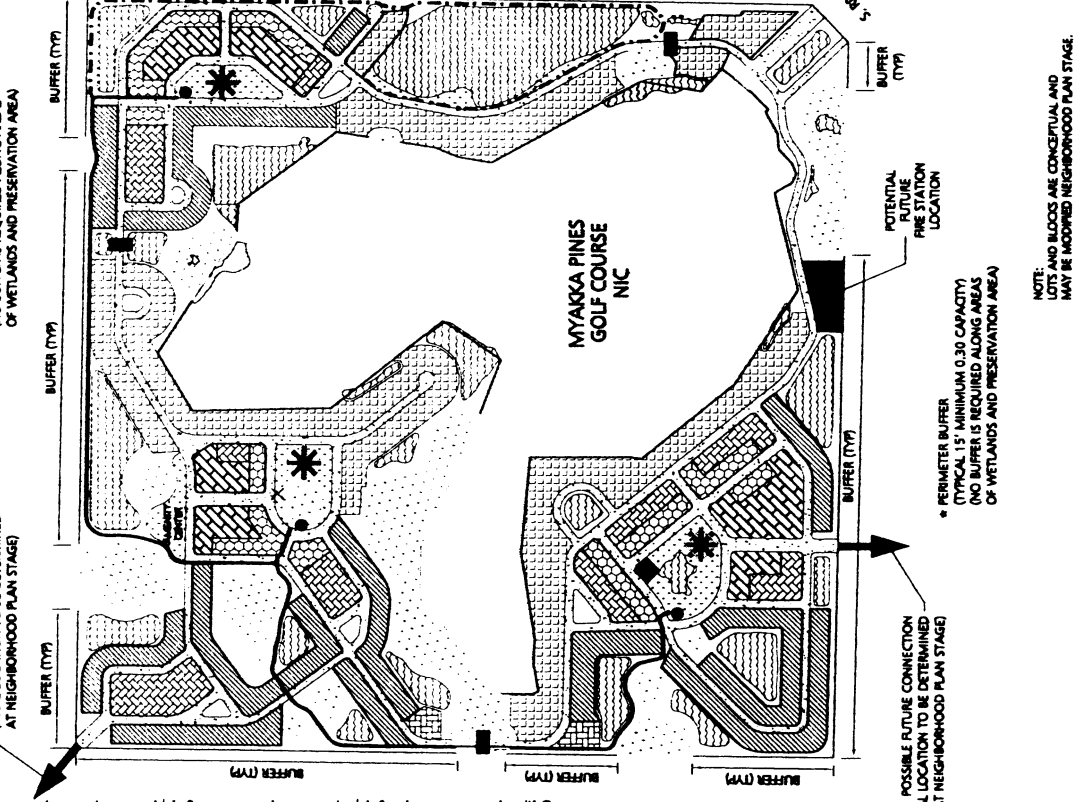
DESIGNED BY
WATSON WATNER
WATSON WATNER, INC.

FAIRWAY DEVELOPMENT - MYAKKA PINES, LLC
FAIRWAY VISTAS at MYAKKA PINES
SARASOTA, FLORIDA
MASTER LAND USE PLAN (BINDING)

MAP 3
DATE: SEPTEMBER 2007
PH: 0888-001-000
SCALE: 1" = 800'
NORTH
0 400 800

LEGEND	PRODUCT	DWELLING UNITS
[Symbol]	APARTMENT / CONDOMINIUM	218
[Symbol]	TYPE 6 - REAR LOADED ATTACHED RESIDENTIAL (SINGLE OR MULTI-FAMILY) 2 STORIES OR MORE	180
[Symbol]	TYPE 4 - REAR LOADED DETACHED SINGLE FAMILY RESIDENTIAL (UNDER 10,000 S.F.)	116
[Symbol]	TYPE 3 - FRONT LOADED DETACHED SINGLE FAMILY RESIDENTIAL (UNDER 10,000 S.F.)	220
[Symbol]	TYPE 2 - FRONT LOADED DETACHED SINGLE FAMILY RESIDENTIAL (OVER 10,000 S.F.)	143
[Symbol]	FRONT LOADED DETACHED SINGLE FAMILY RESIDENTIAL TYPE 1 ESTATE LOT (OVER 1 AC)	2
	TOTAL	877

- WETLANDS
- UNLAND IMPROVED PASTURE/POTENTIAL LAKE
- GOLF COURSE NOT INCLUDED (MCO)
- PARKS, RECREATION & COMMUNITY FACILITIES
- LAKES
- ROADS
- NEIGHBORHOOD CENTERS
- MULTI-USE TRAIL SYSTEM
- ALTERNATIVE SURFACE PEDESTRIAN TRAIL
- WILDLIFE CROSSING
- COMMERCIAL COMPONENT
- EXISTING WELL (APPROXIMATE LOCATION)
- FUTURE TRANSIT STOP



Scale: 7/23/2008 2:01:31 PM OPERARY | Project: 7/23/2008 10:51:48 AM | Parcel: T:\K\K\0593_2_MyakkaPines\000\MyakkaPines\000\MyakkaPines\000\Map\Map3.dwg

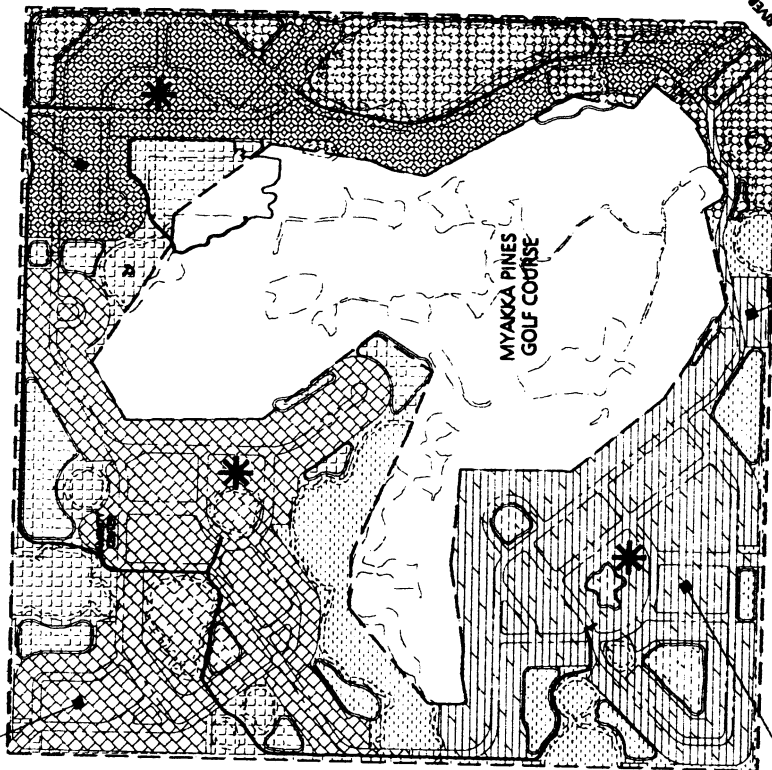
Received by Planning Services
July 25, 2008

NEIGHBORHOOD 'B'

TOTAL UNITS	324
TOTAL ACRES +/-	162 AC +/-
DEVELOPED AREA	108.1 AC (66.1%)
OPEN SPACE	54.9 AC (33.9%)

NEIGHBORHOOD 'C'

TOTAL UNITS	240
TOTAL ACRES +/-	120 AC +/-
DEVELOPED AREA	67 AC (55.8%)
OPEN SPACE	53 AC (44.2%)



LEGEND:

- * NEIGHBORHOOD CENTER
- [Hatched pattern] NEIGHBORHOOD 'A'
- [Dotted pattern] NEIGHBORHOOD 'A' OPEN SPACE
- [Cross-hatched pattern] NEIGHBORHOOD 'B'
- [Grid pattern] NEIGHBORHOOD 'B' OPEN SPACE
- [Stippled pattern] NEIGHBORHOOD 'C'
- [Square pattern] NEIGHBORHOOD 'C' OPEN SPACE
- MULTILEASE TRAIL SYSTEM
- - - ALTERNATIVE SURFACED PEDESTRIAN TRAIL

NEIGHBORHOOD 'A'

TOTAL UNITS	313
TOTAL ACRES +/-	156.5 AC +/-
DEVELOPED AREA	104.7 AC (66.9%)
OPEN SPACE	51.8 AC (33.1%)

NOTE:
THE EXACT LIMITS OF EACH NEIGHBORHOOD WILL BE
DEFINED AT THE NEIGHBORHOOD PLAN STAGE.

MEMBERED BY: WisnMiller

WisnMiller
2000 N.W. 11th Street, Suite 200
West Palm Beach, FL 33411
TEL: 561-833-8000 FAX: 561-833-8001

FAIRWAY DEVELOPMENT - MYAKKA PINES, LLC

FLORIDA

FAIRWAY VISTAS at MYAKKA PINES

SAFASOTA FLORIDA

NEIGHBORHOOD / CONSERVATION OPEN SPACE EXHIBIT

North arrow

NORTH

SCALE 1" = 800'

DATE: SEPTEMBER 2007

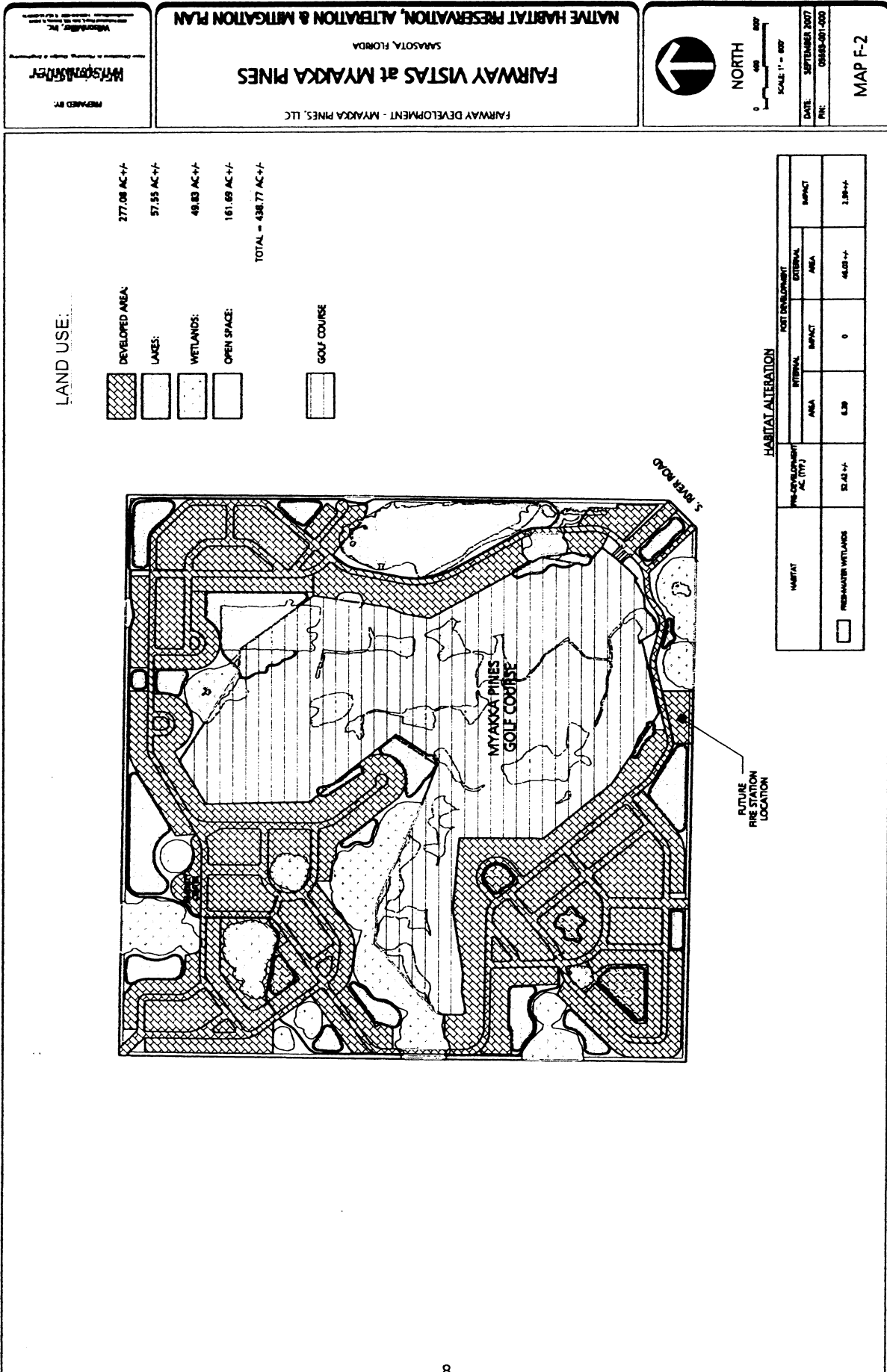
PK: 02598-001-000

Exhibit

Source: 7/23/2008 3:42:16 PM DPERRY | Project: 7/23/2008 3:42:16 PM DPERRY | X:\V\055253_00001\01\055253-00001.dwg Layout - Layout1

EXHIBIT "C"

Received by Planning Services
July 25, 2008



07006-100

Received by Planning Services
 July 25, 2008

EXHIBIT "D"

REVISIONS

DATE: SEPTEMBER 2007

BY: [Signature]

FAIRWAY VISTAS at MYAKKA PINES

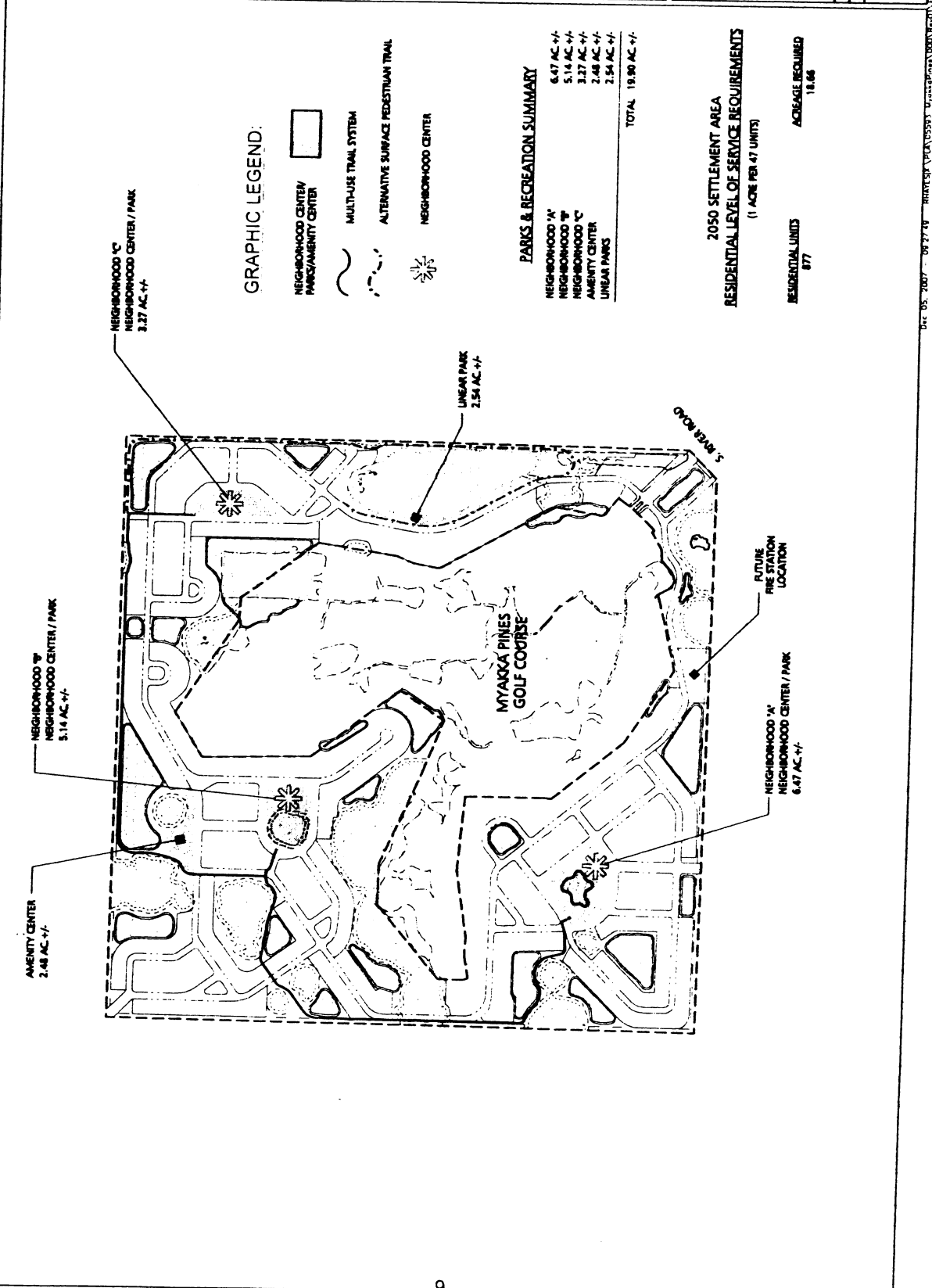
SAASOTA, FLORIDA

PARCS & RECREATION PLAN

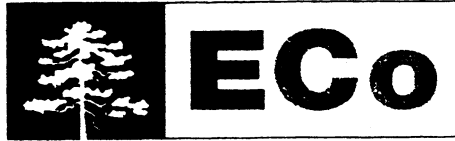
SCALE: 1" = 800'

DATE: SEPTEMBER 2007

BY: [Signature]



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 MAP 5



CONSULTANTS INC. ORLANDO, FL.

SEPTEMBER 27, 2007
Revised 06/08

MYAKKA PINES

RESOURCE MANAGEMENT PLAN

The Myakka Pines project area (Please refer to the enclosed aerial is comprised of only two (2) habitats as defined by the Sarasota County Comprehensive Plan and three (3) habitats as defined by the Florida Land Uses and Covers Classification System. These habitats consist of Improved Pasture (Habitat #211), Freshwater Wetlands (Habitat #641) and man-made lakes (Habitat #524). Of these habitats, only one (1) is considered a "native" or "natural habitat", and that is of course the Freshwater Wetlands (Habitat #641). As such, the Resource Management Plan addresses the activities relative to the management of the Freshwater Wetlands proposed for conservation/preservation.

Those other portions of the site proposed to be set-aside as native habitat in open space or as preservation/conservation areas, which are comprised of native habitats (i.e. Wetlands) will be maintained in their current state or an enhanced state if the current state exhibits greater than ten percent coverage by nuisance or exotic vegetation. All native habitats to be maintained (preserved or conserved) on the site that exhibit more than ten percent coverage by exotic or nuisance vegetation will first be enhanced via the removal of such species so as to result in the coverage by such species at less than ten percent of the area of the habitat. Once this enhancement activity has occurred, all native habitats will be maintained with less than ten percent coverage by exotic or nuisance vegetation. The entity required to provide the maintenance of these habitats will be the Home Owner's Association.

The Applicant proposes to initiate a land management plan consisting of roller chopping, mowing and where necessary a herbicide and hand removal activity on the property to reduce the excessive wildfire fuel, to remove the majority of the exotics and nuisance vegetative species and to perpetuate the natural maintenance of the on-site native Florida habitats.

Areas requiring enhancement will first be identified on an aerial photograph and

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P.O. BOX 50008, **Sarasota**, FL. 34233-- **Telephone** 941.388.0505 **Fax** 941.722.4931
233 East Park Avenue, Suite 101, **Lake Wales** FL 33853 -- **Telephone** 863.676.8996 **Fax** 863.676.9897

provided to County RP staff at the time of more detailed neighborhood development plan submittals. It would be appropriate to compile such reports and maps at this date, as conditions will vary significantly between today's date and the anticipated start of the development of the site.

Panoramic photographs of each of the areas to be maintained in a native state will be taken two times each year: once during the wet season and once during the dry season of each year. Each area will be evaluated by an appropriate environmental scientist at the time of each monitoring event, for percent coverage by species. Monitoring reports consisting of the panoramic photographs and data relative to percent coverage by exotic or nuisance vegetation and will be submitted to the County RP staff within 30 day of each event.

All opens space in native habitat areas (conservation and preservation areas) will be maintained in perpetuity by the Home Owners Association.

The following is a preliminary description of the types and frequencies of anticipated resource management activities, relative to the native habitat type found within the project area:

Wetlands:

The site contains herbaceous wetlands with small pockets of shrub vegetation or of Willow trees. The existing wetlands exhibit varying degrees of exotic and nuisance vegetation due to the altered nature of their hydroperiods resulting from historic agricultural drainage improvements to the property. The greatest dominance of invasive nuisance species is located along the outer zones (nuisance vegetation consisting mostly of brazilian pepper with some primrose willow and areas of torpedo grass).

Herbicide and Hand Removal:

Mowing and roller chopping should not be performed in the saturated soils of the wetlands. Areas of dense nuisance vegetation should be treated with an approved

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herbicide, and when dealing the larger species, the stumps treated with a herbicide and the hand removal of the balance of the vegetation. The herbicide and removal of nuisance vegetation should be performed twice a year for the first four years and once a year thereafter to maintain the wetlands with nuisance species coverage of ten percent or less.

Pre-maintenance activities:

Prior to performing any maintenance activities in the wetland systems, a listed species survey should be performed to verify no nesting sites have been established in the areas of proposed activities. If any such species are found all necessary protocol should be adhered to and implemented.

Seasonal Considerations:

Nuisance species removal should be initially performed during the early spring to allow the desirable herbaceous vegetation an unabated growing season, and again in the early fall. After the first year, treatments should be performed a minimum of twice a year, but at anytime the undesirable vegetation exceeds the desired ten percent coverage.

Of course new types of habitat management equipment and methodologies are being developed. Any such equipment or methodologies developed in the interim of this report and the implementation of the proposed activities, which become known to the applicant, will be considered and if deemed appropriate by County staff and by the applicant, will be incorporated into the proposed methodology and activities.

In summary, the Applicant is aware of the requirements presented in Section 11.2.9.c.7 of Ordinance No. 2001-076 (maintenance plan for native habitats/open space, proposed Master Land-use Plan, etc.), and agrees to comply. Details as to what, how and when these activities occur, will be submitted for review by Resource Protection Services at the time of the Neighborhood Plan submittal.

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 11/28/08
HAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

BY [Signature] PO BOX 50008, Sarasota, FL 34233 -- Telephone 941.388.0505 Fax 941.722.4931
DEPUTY CLERK 233 East Park Avenue, Suite 101, Lake Wales FL 33853 -- Telephone 863.676.8996 Fax 863.676.9897

2008-11-11