

FILED
2010 MAR 29 PM 3:30
CLERK OF DISTRICT COURT
MILWAUKEE COUNTY WISCONSIN

MAR 29 2010 11:03 AM

BOARD RECORDS
OPEN FOR RECORD

ORDINANCE NO. 2010-013

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 SARASOTA COUNTY COMMISSION 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. 09-02, 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 roads, drainage, solid waste, 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 OUE-1 (Open Use Estate, 1 unit/5 acres) to District IR (Industrial and Research) on the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being approximately 1,050 north of Clark Road and approximately 660 feet west of Honore Avenue and being more particularly described as follows:

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COMMENCE AT THE SE CORNER OF SECTION 11 TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA; THENCE N 890 40' W, 668.79 FEET; THENCE N 0007' 50" E, 971.37 FEET FOR A P.O.B.; THENCE CONTINUE N 0007' 50" E, 51.05 FEET; THENCE N 89049' 59" W, 434.95 FEET; THENCE N 0007' 42" E, 325.05 FEET; THENCE S 89049' 59" E, 493.85 FEET; THENCE S 0007' 50" W, 375.84 FEET THENCE WESTERLY 58.89 FEET TO P.O.B. BEING PART OF LOT 10, BLOCK 4, SARASOTA VENICE COMPANY SUBDIVISION OF SECTION 11, TOWNSHIP 37 SOUTH, RANGE 18 EAST, RECORDED IN PLAT BOOK A, PAGE 70, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. LESS THAT PARCEL OF LAND DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL INSTRUMENT NUMBER 2006028258 AS RECORDED IN THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, DESCRIBED AS "GRANTOR" SARASOTA SOUTH LODGE NO. 2495 BENEVOLENT ORDER OF THE ELKS TO DIAMOND HOMES OF SOUTHWEST FLORIDA DATED FEBRUARY 13, 2006.

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 of the subject property shall be consistent with all applicable conditions of the Clark Road Corridor Plan (No. 91-02-SP).
2. Prior to construction plan approval, the Owner shall record a 30-foot wide cross-access easement along the entire length of the north side of the subject parcel to connect with the adjacent properties, consistent with the Clark Road Corridor Plan (No. 91-02-SP).
3. Prior to Construction Authorization, the improvements to the Clark Road and Honore Avenue intersection (the "Intersection Improvements") as contained in the Contract No. 2006-170, as amended, shall have available transportation facility capacity consistent with the Concurrency Management Regulations.
4. Prior to approval of development orders that would allow cumulative development generating more than 54 p.m. peak hour trips, a detailed traffic impact analysis shall be performed consistent with Sarasota County traffic impact analysis procedures. The study shall identify any improvements needed to mitigate the concurrency and operational impacts of cumulative development on the subject property within the study area. Necessary mitigation, as identified by the approved study, shall be provided prior to or concurrent with approval of construction plans for development generating greater than 54 p.m. peak hour trips.

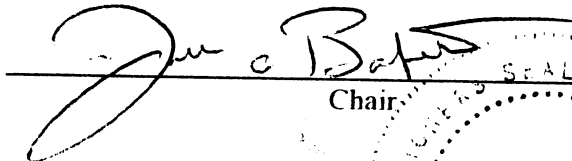
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5. Master Surface Water Management Plan shall be consistent with the Catfish Creek Basin Master Plans.
6. All stormwater treatment shall be open and above ground.

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 17th day of March, 2010.

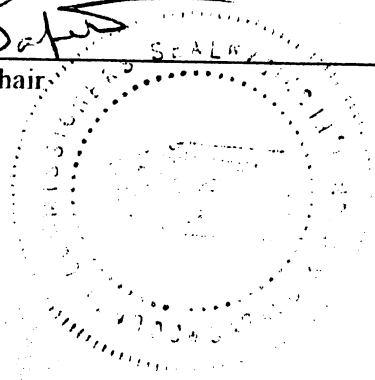
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

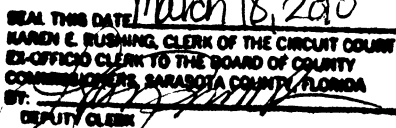
ATTEST:

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 March 18, 2010
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: 
DEPUTY CLERK

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