

RESOLUTION NO. 2010- 032
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
REZONE PETITION NO. 09-05

WHEREAS, Joel Freedman, Agent for the Owner of the hereinafter described real property has filed Rezone Petition No. 09-05 requesting the rezoning of approximately 48.9 acres from RE-1 (Residential Estate, 1 unit/2 acres) to RSF-2 (Residential Single Family, 3.5 units/acre), located south of Gulf Gate Drive and west of Beneva Road; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 15th day of October, 2009, to consider said Rezone Petition No. 09-05; and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Rezone Petition No. 09-05 be denied; and

WHEREAS, this Board, after due public notice, did on the 13th day of January, 2010, hold a public hearing to consider said rezone petition, the recommendation of the Planning Commission and all matters relevant to said petition.

This petition relates to the property described below:

South of Gulf Gate Drive and west of Beneva Road and being more particularly described as follows:

Tract I:

Commence at the Northwest corner of the NE 1/4 of Section 21, Township 37 South, Range 18 East, Sarasota County, Florida, for a point of beginning; thence S.0°01'07"E., 50'; thence S.89°22'36"E., 25' to a point on the boundary of Gulf Gate Unit No.8 as per plat thereof recorded in Plat Book 17, Page 50, Public Records of Sarasota County, Florida; thence along said boundary the following calls and distances: S.0°01'07"E. 205'; S.83°38'17"E., 181.92'; N.68°47'07"E. 192.96'; S.72°19'09"E., 228.09'; S.82°05'09"E., 177.96'; S.89°38'34"E., 400' to a point on the boundary of Gulf Gate Unit No. 11 as per plat thereof recorded in Plat Book 18, Page 20, of the Public Records of Sarasota County, Florida; thence along said boundary the following calls and distances; continue S.89°38'34"E., 400'; S.0°43'57"W., 332.94; N.89°16'03"W., 462.50' to the point of curvature of a curve to the right; thence Westwardly along the arc of said curve, having a radius of 1245' and a central angle of 15°56'36", 346.44; to the point of tangency; thence N.73°19'27"W., 33.17' to a point on the boundary of the aforementioned Gulf Gate Unit No. 8; thence continue N.73°19'27"W., 42.43' to the point of curvature of a curve to the left; thence Westwardly along the arc of said curve having a radius of 2155' and a central angle of 11°15'16", 423.30' to the point of tangency; thence N.84°34'43"W., 262.10' to the point of curvature of a curve to the left; thence Westwardly along the arc of said curve having a radius of 655' and a central angle of 17°29'42", 200'; thence S.5°38'09"E., 131.03' to a point on the arc of a curve to the

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left said point lying 525', N.13°40'38"W. of the center thereof; thence Westwardly along the arc of said curve, having a radius of 525' and a central angle of 6°14'19", 57.16' to the point of a compound curve to the left; thence Westwardly along the arc of said curve, having a radius of 1194.15' and a central angle of 5°38'21", 117.53'; thence continue along said Gulf Gate Unit 8, N.25°33'18"W., 190.38'; N.12°26'08"W., 126.50'; N.19°34'59"W., 330.64'; N.72°48'01"E., 175'; N.14°07'43"W., 140' to a point on the arc of a curve to the left; said point lying 330', S.22°47'00"E. of the center thereof; thence Eastwardly along the arc of said curve, having a radius of 330' and a central angle of 4°53'58", 28.22' to the point of tangency; thence continue along said boundary of Gulf Gate Unit No. 8; N.62°19'02"E., 430.35'; thence leaving said boundary of Gulf Gate Unit No. 8 run S.36°40'47"E., 127.89'; thence S.1°51'34"E., 149.35'; thence N.89°22'36"W., 75'; thence S.0°12'08"E., 100' to the Point of Beginning.

Tract 2:

Commence at the Southeast corner of the NE 1/4 of the NW 1/4 of Section 21 Township 37 South, Range 18 East for a Point of Beginning, said point also being a point on the boundary of Gulf Gate Woods, Unit No. 1, as per plat thereof recorded in Plat Book 19, Page 36 Public Records of Sarasota County, Florida; thence S.89°38'08"W., along said boundary and the South line of said NE 1/4, of the NW 1/4, 172.98' to a point on the boundary of Gulf Gate Unit No. 10, as per plat thereof recorded in Plat Book 18, Page 13, Public Records of Sarasota County, Florida; thence along said boundary the following calls and distances: N.11°46'49"W., 402.25'; N.18°17'18"W., 87.90' to a point on the boundary of Gulf Gate Unit No. 8 as per plat thereof recorded in Plat Book 17, Page 50 Public Records of Sarasota County, Florida; thence along said boundary the following calls and distances: N.23°50'38"W., 100' to a point on the arc of a curve to the right, said point lying N.26°34'34"W. of the center thereof; thence Eastwardly along the arc of said curve having a radius of 1144.15' and a central angle of 6°39'37", 133'; thence continue along said boundary of Gulf Gate Unit No. 8, S.19°54'57"E. along a line radial to said curve, 130' to a point on the arc of a curve to the right said point lying 345', N.19°54'57"W. of the center thereof thence Eastwardly along the arc of said curve, having a radius of 345' and a central angle of 25°20'14", 152.57' to the point of tangency; thence S.84°34'43"E., 262.10' to the point of curvature of a curve to the right; thence Eastwardly along the arc of said curve, having a radius of 1845' and a central angle of 6°08'44", 197.90' to the point of tangency; thence S.78°25'59"E., 102.27' to a point on the aforementioned boundary of Gulf Gate Woods Unit No. 1; thence along said boundary the following calls and distances: S. 13°42'49"E. 160'; S.25°34'01"E., 80'; S.12°05'40"E., 95.15'; S.0°43'57"W., 130' to the South line of the NE 1/4 of the NW 1/4 of said Section 21; thence N.89°16'03"W along said south line and said boundary of Gulf Gate Woods, Unit No. 1, 160' to the Southeast corner of Gulf Gate Sewer Plant site' thence along the boundary of said Sewer Plant Site the following calls and distances; N.0°43'57"E., 155'; N.33°29'00"W., 151.16' N.89°16'03"W., 315'; S.0°43'57"E., 280' to the aforementioned boundary of Gulf Gate Woods Unit No. 1 and South line of said NW 1/4 of the NE 1/4 of Section 21; thence N.89°16'03"W. along said line 80.96' to the Point of Beginning.

Tract 2 subject to the following easement:

Easement Descriptions: An easement for ingress and egress across a portion of land lying and being in the NE 1/4 OF Section 21, Township 37 South, Range 18 East, Sarasota County, Florida, being more particularly described as follows:

A parcel of land 12.00' wide, lying 6.00' on either and both sides of the following described centerline. Commence at the SE corner of NW 1/4 of NE 1/4 of Section 21, Township 37 South, Range 18 East, Sarasota County, Florida; thence N.89°16'03"W. along the Southerly line of said NW 1/4 of NE 1/4 of Section 21, 1263.44'; thence N.0°43'57"E, 264.00' for a Point of Beginning; thence N.89°16'03"W. and parallel with the Southerly line of said NW 1/4 of NE 1/4 of Section 21, 38.55'; thence N.60°20'24"W., 179.70'; thence N.19°54'57"W., said line being parallel with and 6.00' Westerly of the Westerly property line of Lot 1, Block 46, Unit 8, Gulf Gate Subdivision, as recorded in Plat Book 17, Pages 50B, Public Records of Sarasota County, Florida, 282.54' to the Southerly R/W of Post Road as per the aforementioned plat, for a point of termination.

Also:

Tract "A" in Gulf Gate Woods Unit No. 1 as per plat thereof recorded in Plat Book 19, Page 36, of the Public Records of Sarasota County, Florida.

Also:

Tract "A" in Gulf Gate Woods Unit No. 3 as per plat thereof recorded in Plat Book 21, Page 5, of the Public Records of Sarasota County, Florida.

Also:

Tract "B" in Gulf Gate Woods Unit No. 3 as per plat thereof recorded in Plat Book 21, Page 5, of the Public Records of Sarasota County, Florida.

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

Section 1. Before any rezoning shall be approved, the Board of County Commissioners must determine that the rezoning meets the standards set forth in Section 3.12.3.a of the Zoning Regulations, which are as follows:

1. The proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
2. The proposed change would be compatible with the existing land use pattern and designated future land uses;
3. The proposed change would not 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. The existing district boundaries are logically drawn in relation to existing conditions on the property proposed for change;
5. The proposed change will not adversely influence living conditions in the neighborhood;
6. The proposed change will not create a drainage problem;
7. There are substantial reasons why the property cannot be used in accord with existing zoning;
8. It is not possible to find other adequate sites in the County for the proposed use in districts already permitting such use;
9. The gradual and ordered growth contemplated in the Comprehensive Plan cannot 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. The proposed change would not create adverse impacts in the adjacent area or the County in general;
11. The subject parcel is of adequate shape and size to accommodate the proposed change;
12. The ingress and egress to the subject parcel and internal circulation would not adversely affect traffic flow, safety or control; and
13. 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.

Section 2. Based on the 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 Petition is hereby **DENIED**.

Section 3. The Board makes the following specific findings why the application does not meet the criteria outlined in Section 3.12.3. of the Zoning Ordinance:

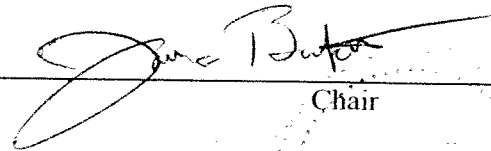
1. Rezone Petition No. 09-05 is inconsistent with the intent, goals, objectives, policies and guiding principles of the Comprehensive Plan, which means it fails to meet the first numerated criteria. Specifically, Future Land Use Objective 1.2 requires that the County, "Protect the quality and integrity of established residential neighborhoods from adjacent incompatible development." Policy 1.2.1 provides that potential incompatibilities between proposed developments and existing residential areas shall be mitigated by techniques such as requiring increased lot sizes or lower density. Testimony and other evidence in the record demonstrate that the proposed rezoning of the subject parcel does not represent a timely, orderly progression or phasing of development on the subject parcel.
2. Rezone Petition No. 09-05 also fails to meet Subsections 3.12.3.a 1, 2, 4, 5, 7, 8, 9, and 10. Testimony and other evidence in the record demonstrate that the property is zoned logically and

consistent with its historic use, that an existing community around and oriented to that use and the open space function it provides, that the proposed change would adversely affect surrounding residential uses, that the applicant has not established that the property cannot be used in accordance with existing zoning, that adequate sites exist for residential development elsewhere in districts already permitting similar development, and that the gradual and ordered growth contemplated in the Comprehensive Plan can be accomplished with the rezoning of this property for denser residential development.

PASSED AND DULY ADOPTED this 16 day of March, 2010.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

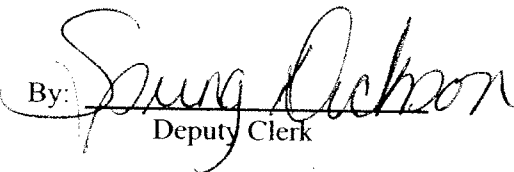
By:


Chair

ATTEST:

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

By:


Deputy Clerk

