

FILED
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CLERK OF DISTRICT COURT
SARASOTA COUNTY FLORIDA
AREN E RUSHING
JUL 15

ORDINANCE NO. 2010 - 051

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. 10-04 , 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 OUE-1 (Open Use Estate, 1 unit/5 acres) and OUE-2 (Open Use Estate, 1 unit/2 acres) and CN (Commercial, Neighborhood), to RE-1 (Residential Estate, 1 unit/2 acres) and CN (Commercial, Neighborhood) zone district for the following described property located in Sarasota County, Florida:

South of Fruitville Road and east of East Road and being more particularly described as follows:

A PARCEL OF LAND BEING A PORTION OF LOT 15 OF THE FIFTH UNIT OF PALMER FARMS, A SUBDIVISION IN SECTIONS 20, 29, AND 32, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 3 AT PAGE 15 OF THE

PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHEAST CORNER OF LOT 15 OF THE FIFTH UNIT OF PALMER FARMS, A SUBDIVISION IN SECTIONS 20, 29, AND 32, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 3 AT PAGE 15 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N.00°21'14"E. ALONG THE EASTERLY BOUNDARY LINE OF SAID LOT 15, A DISTANCE OF 512.20 FEET TO THE POINT OF BEGINNING; THENCE N.88°19'04"W. AND PARALLEL WITH THE SOUTHERLY BOUNDARY LINE OF SAID LOT 15, A DISTANCE OF 324.86' (325' PLAT) TO INTERSECT THE WESTERLY BOUNDARY LINE OF SAID LOT 15, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF EAST ROAD (50' R/W); THENCE N.00°21'14"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 15, A DISTANCE OF 426.01 FEET; THENCE S.88°19'04"E., 100.00 FEET; THENCE N.00°21'14"E. AND PARALLEL WITH THE WESTERLY BOUNDARY LINE OF SAID LOT 15, A DISTANCE OF 100.00 FEET; THENCE N.88°19'04"W., 100.00 FEET TO INTERSECT THE WESTERLY BOUNDARY LINE OF SAID LOT 15; THENCE N.00°21'14"E. ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT 15, A DISTANCE OF 175.48 FEET TO INTERSECT THE SOUTHERLY RIGHT-OF-WAY LINE OF FRUITVILLE ROAD (100.00' R/W); THENCE S.88°15'26"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FRUITVILLE ROAD, 202.70 FEET TO THE POINT OF CURVATURE OF A CONCAVE CURVE TO THE NORTH WHOSE CENTER BEARS N.01°44'34"E., 5742.81 FEET AND HAVING A CENTRAL ANGLE OF 01°10'07"; THENCE EASTWARDLY ALONG THE ARC OF SAID CURVE AND SOUTHERLY RIGHT- OF-WAY LINE OF SAID FRUITVILLE ROAD, 117.13 FEET TO THE POINT OF TANGENCY; THENCE S.89°25'06"E. ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID FRUITVILLE ROAD, 5.01 FEET TO INTERSECT THE EASTERLY BOUNDARY LINE OF SAID LOT 15; THENCE S.00°k21'14"W. ALONG THE EASTERLY BOUNDARY LINE OF SAID LOT 15, A DISTANCE OF 702.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.00 ACRES;

LESS ADDITIONAL RIGHT OF WAY FOR FRUITVILLE ROAD AND EAST AVENUE AS RECORDED IN OFFICIAL RECORDS BOOK 2877, PAGES 405-407 PUBLIC RECORDS OF SARASOTA, COUNTY, FLORIDA.

THAT PART OF SAID LOT 15, PALMER FARMS 5TH UNIT, A SUBDIVISION IN SECTIONS 20, 29, AND 32, TOWNSHIP 36

SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE ALONG THE SOUTH LINE OF SAID LOT 15, N.88°15'52"W., 325.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE ALONG THE WEST LINE OF SAID LOT 15, N.00°21'33"E., 938.38 FOR A POINT OF BEGINNING OF LAND BEING DESCRIBED; THENCE CONTINUE N.00°21'33"E., 100.00 FEET; THENCE S.88°15'52"E., 100.00 FEET; THENCE S.00°21'33"W., 100.00 FEET; THENCE N.88°15'52"W., 100.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,997.11 SQUARE FEET MORE OR LESS.

THAT PART OF LOT 15, PALMER FARMS 5TH UNIT, A SUBDIVISION IN SECTIONS 20, 29, AND 32, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 15; THENCE ALONG THE SOUTH LINE OF SAID LOT 15, N.88°15'52"W., 325.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15; THENCE ALONG THE WEST LINE OF SAID LOT 15, N.00°21'33"E., 512.20 FEET TO THE SOUTH LINE OF LANDS AS DESCRIBED IN SARASOTA COUNTY ORDINANCE NO. 87-127 FOR A POINT OF BEGINNING OF LAND BEING DESCRIBED; THENCE CONTINUE N.00°21'33"E., 30.77 FEET; THENCE S.88°15'52"E., 325.01 FEET TO THE EAST LINE OF SAID LOT 15; THENCE ALONG SAID EAST LINE, S.00°21'37"W., 30.77 FEET; THENCE N.88°15'52"W., 325.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 9,997.11 SQUARE FEET MORE OR LESS.

THAT PART OF LOT 15, PALMER FARMS 5TH UNIT, A SUBDIVISION IN SECTIONS 20, 29, AND 32, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT A 5/8" IRON ROD WITH PLASTIC CAP STAMPED A M ENG. LB 4334 FOUND AT THE SE CORNER OF SAID LOT 15 FOR A POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID LOT 15, N.88°15'52"W., 325.00 FEET TO A NAIL WITH 2" ALUMINUM DISK STAMPED PCP PLS 4521 FOUND AT THE SW CORNER OF SAID LOT 15; THENCE ALONG THE

WEST LINE OF SAID LOT 15, N.00°21'33"E., 512.20 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED A M ENG. LB 4334; THENCE PARALLEL WITH THE SOUTH LINE OF SAID LOT 15, S.88°15'52"E., 325.01 FEET TO THE EAST LINE OF SAID LOT 15; THENCE ALONG SAID EAST LINE, S.00°21'37"W., 512.20 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, AND/OR RIGHTS OF WAY OF RECORD, IF ANY.


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 accordance with the Development Concept Plan, date-stamped February 19, 2010, for the approximately 9,997.11 square foot area designated for the Off-Site Stormwater and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations. The remaining area of the Development Concept Plan is non-binding.
2. Access to Fruitville Road shall be limited to right-in/right-out or right-out only. The access shall be located no closer than 245 feet east of East Road.
3. If the access to Fruitville Road is constructed as a right-in/right-out access, then the developer/owner shall construct an eastbound to southbound right-turn lane at the subject parcel's access on Fruitville Road. The right-turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the development.
4. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
5. All stormwater treatment shall be open and above ground.
6. All trees designated by Resource Protection staff as Grand Trees shall be preserved, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety, and welfare.

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 14th day of July, 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: Paula J. Montmar
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 7/15/10
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY Paula J. Montmar
DEPUTY CLERK

