

BOARD RECORDS
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JUL 15 PM 1:06

KAREN B. BUCHING
CLERK OF COUNTY COURT
SARASOTA COUNTY FL

ORDINANCE NO. 2010 - 048

FILED
2010 JUL 19 AM 11:41
TALLAHASSEE, FLORIDA

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. 10-05, 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 OPI/PD (Planned Office, Professional, and Institutional) with stipulations to OPI/PD (Planned Office, Professional, and Institutional) zone district with amended stipulations for the following described property located in Sarasota County, Florida:

East of Beneva Road and north of Teate Drive and being more particularly described as follows:

PARCEL 1

COMMENCE AT THE NORTHWEST CORNER OF SECTION 27, TOWNSHIP 36S, RANGE 18 EAST, SARASOTA COUNTY FLORIDA; THENCE SOUTH (ASSUMED BEARINGS) ALONG THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 1113.24 FEET; THENCE N 89°26'04"E, TO A POINT BEING THE NORTHWEST CORNER OF

LAND DESCRIBED IN OR BOOK 1635, PAGE 455 PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE ALONG THE NORTH LINE OF AFORESAID LANDS, THE FOLLOWING THREE (3) COURSES AND DISTANCES, N 89°26'04" E, A DISTANCE OF 7.72 FEET; THENCE N72°29'36"E, SAID COURSE BEING THE SOUTHEAST LINE OF A 35 FOOT WIDE INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OR BOOK 246, PAGE 262, OF THE AFORESAID PUBLIC RECORDS A DISTANCE OF 149.52 FEET; THENCE S89°12'20"E, A DISTANCE OF 28.39 FEET, MORE OR LESS, TO THE WEST BOUNDARY OF LANDS DESCRIBED IN ORI #2004040457, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA THENCE N0°49'04"E, ALONG AFORESAID WEST BOUNDARY, A DISTANCE OF 18.48 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID 35 FOOT WIDE INGRESS AND EGRESS EASEMENT; THENCE S89°10'56"E, ALONG AFORESAID CENTERLINE, A DISTANCE OF 267.72 FEET, MORE OR LESS, TO THE WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED IN ORI 1999002488, SAID PUBLIC RECORDS; THENCE NORTH ALONG THE WESTERLY BOUNDARY OF AFORESAID LANDS, A DISTANCE OF 407.46 FEET, TO THE SOUTHEAST CORNER OF LAND DESCRIBED IN OR BOOK 539, PAGE 296, SAID PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S88°42'00"W, AND ALONG SOUTH LINE OF LANDS DESCRIBED IN OR BOOK 539, PAGE 296, A DISTANCE OF 293.30 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF AFORESAID LANDS; THENCE NORTH ALONG WEST LINE OF AFORESAID LANDS AND THE WEST LINE OF LANDS DESCRIBED IN ORI 1999002488, PREVIOUSLY MENTIONED A DISTANCE OF 97.64 FEET; THENCE CONTINUE S88°42'00"W, (WEST PER DEEDS), A DISTANCE OF 45.00 FEET THENCE CONTINUE ALONG SAID BOUNDARY AND EAST LINE OF LANDS DESCRIBED IN OR BOOK 1602, PAGE 1094, SAID PUBLIC RECORDS, SOUTH, A DISTANCE OF 168.70', MORE OR LESS, TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OR BOOK 1602, PAGE 1094; THENCE S88°42'00"W, (WEST PER DEED), CONTINUING ALONG AFORESAID BOUNDARY, A DISTANCE OF 125.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF BENEVA ROAD, SAID LINE BEING 40 FEET EAST AND PERPENDICULAR TO THE AFOREMENTIONED WEST LINE OF SAID SECTION 27 THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SECTION 27 AND ALONG AFORESAID EAST RIGHT OF WAY LINE, A DISTANCE OF 162.95 FEET TO THE NORTHWEST CORNER OF LANDS DEEDED TO SARASOTA COUNTY FOR ADDITIONAL BENEVA ROAD RIGHT OF WAY, PER OR BOOK 969, PAGE 1707, SAID PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID ADDITIONAL RIGHT OF WAY LINE, THE FOLLOWING THREE COURSES AND DISTANCES; EAST, A DISTANCE OF 2.00 FEET; THENCE S3°26'01"E, A DISTANCE OF 200.36 FEET; THENCE S6°13'58"E, A DISTANCE OF 21.16 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

BEGINNING AT THE NW CORNER OF SECTION 27, TOWNSHIP 36S, RANGE 18E; THENCE SOUTH 528.7 FEET FOR A POINT OF BEGINNING; THENCE EAST 200 FEET; THENCE SOUTH 31.3 FEET; THENCE WEST 35 FEET THENCE SOUTH 68.7 FEET; THENCE WEST 165 FEET; THENCE NORTH 100 FEET TO THE POINT OF BEGINNING; LESS THE WEST 40 FEET THEREOF TO COUNTY FOR R/W LYING AND BEING IN THE NW1/4 OF THE NW1/4 OF SECTION 27, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA.

TOGETHER WITH:

BEGINNING AT THE NW CORNER OF SECTION 27, TOWNSHIP 36S, RANGE 18E; THENCE SOUTH ALONG THE WEST SECTION LINE 628.7 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH ALONG SAID WEST SECTION LINE 100 FEET; THENCE EAST 165 FEET; THENCE NORTH 100 FEET; THENCE WEST 165 FEET TO POINT OF BEGINNING; LESS THE WEST 40 FEET THEREOF FOR BENEVA ROAD, SARASOTA COUNTY, FLORIDA.

TOGETHER WITH:

A PARCEL OF LAND IN SECTION 27, TOWNSHIP 36S, RANGE 18E SARASOTA COUNTY FLORIDA; BEING 10' BY 31.30 FEET ON THE NORTHWEST CORNER OF THE LAND DESCRIBED IN OR BOOK 2868, PAGE 1886, LYING BETWEEN THE WEST BOUNDARY OF LANDS DESCRIBED IN ORI 1999002488 AND THE NORTHEAST BOUNDARY OF THE LANDS DESCRIBED IN OR BOOK 1594, PAGE 868, OF PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND AS SHOWN ON THE SURVEY JOB NO. 04-06-05, DATED JUNE 16, 2004, BY ESBER DRAFTING AND SURVEYING, INC.

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 June 15, 2010, 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.

2. Prior to Construction Authorization, it shall be demonstrated that the intersection of Fruitville Road and Beneva Road meets the criteria to find the roadway network has available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).
3. Prior to or concurrent with the development of the subject parcels, the developer shall construct a southbound to eastbound left turn lane at the intersection of Beneva Road and the development's access location. The left 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 proposed development.
4. Prior to or concurrent with the development of the subject parcels, the developer shall construct a northbound to eastbound right turn lane at the intersection of Beneva Road and the development's access location. 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 proposed development.
5. Prior to or concurrent with the development of the subject parcel, the developer shall construct an ADA-accessible bus stop shelter and bus stop pad with bike racks along the frontage of Beneva Road, including a bus bay/bus pull off. The exact location and design of the facility will be determined during the Site and Development review process in coordination with Sarasota County Area Transit (SCAT).
6. Access to the property shall be aligned with the existing access on Beneva Road
7. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
8. All stormwater treatment shall be open and above ground.
9. Stormwater facilities shall be designed to avoid healthy existing trees. The applicant shall work closely with the Sarasota County Forester to minimize the impact to the oaks located in the area of the proposed ponds.
10. Developer shall design and construct a lift station to County standards along the Beneva Road corridor. Easements shall be provided to allow future access to the station. The lift station shall not be located within 50 feet of the southern property boundary.
11. All Grand Trees on the site shall be preserved, unless deemed to be a hazard and approved for removal under the provisions of the Tree Protection Code (Article XVIII, CHAPTER 54, of the Sarasota County Code). Prior to the approval of any development plans under the Land Development Regulations (Chapter 74 of the County Code), the applicant shall submit a tree protection plan to Sarasota County for review and approval by Resource Protection. The plan shall be prepared by a forester, certified arborist or Florida licensed landscape architect with experience in specimen tree protection, and must specify the methods to be utilized to preserve Grand Trees and to conserve other trees on the site, consistent with the Tree Protection Code.

12. The southern landscape buffer shall consist of 0.4 Opacity with a 10 foot high wall. It shall average 25' wide, and be located north of the Teate Drive easement. Healthy existing trees, as determined by the Sarasota County Forester, within this buffer shall be preserved.
13. No parking shall be located within 50 feet of the southern property boundary.
14. The Owner is prohibited from using Teate Drive for construction access. 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



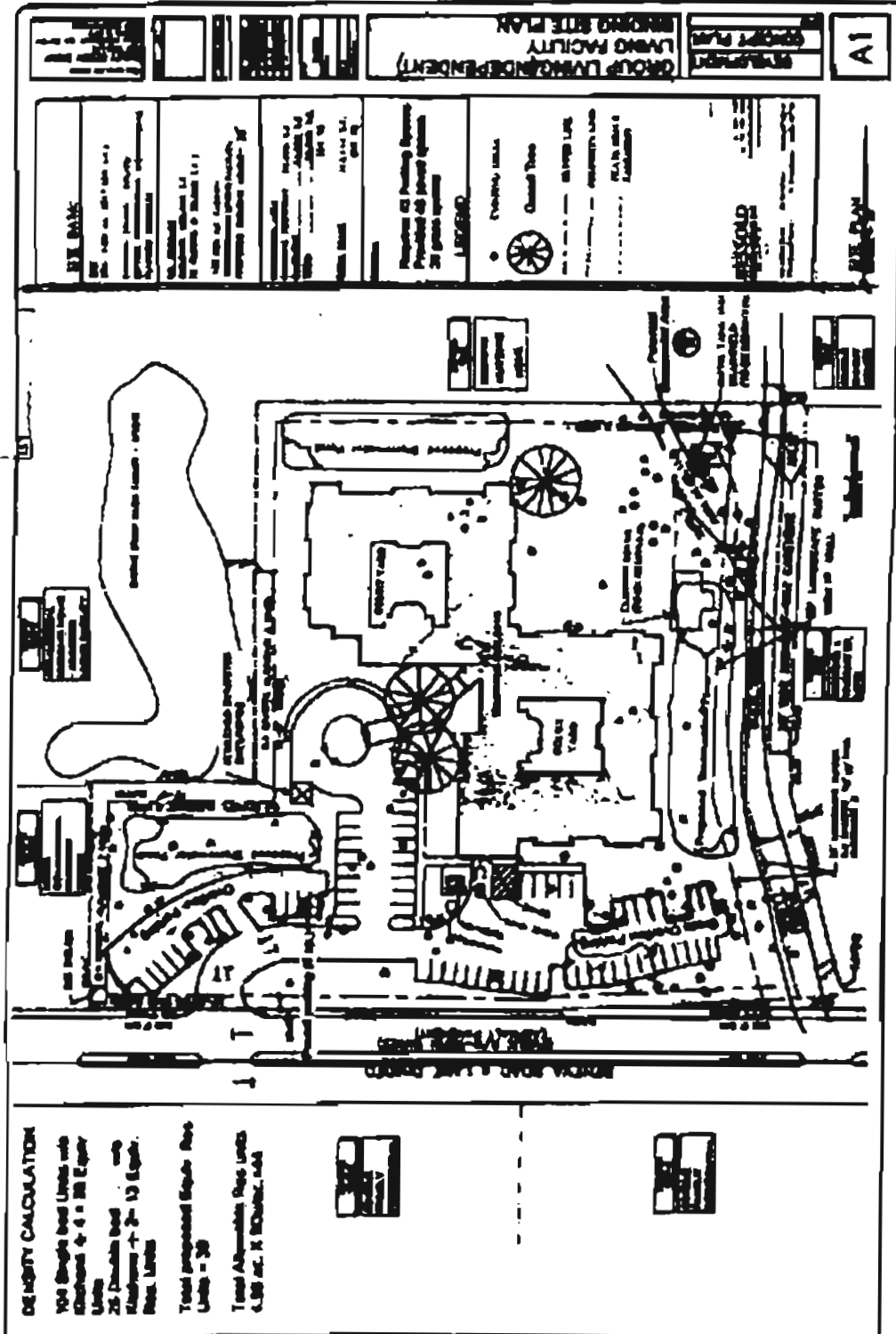
Chair

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 Hestman

Deputy Clerk



RECEIVED
 JUN 15 2010

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
 MARGEN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EXPEDITED CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY [Signature]
 DEPUTY CLERK