

BOARD RECORDS  
FILED FOR RECORD

ORDINANCE NO. 99-006

99 FEB -2 AM 8:31

99 FEB -5 PM 12:46  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FEB 5 1999

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA,  
CLERK OF CIRCUIT COURT  
SARASOTA AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF  
SARASOTA COUNTY ORDINANCE NO. 75-38, 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. 98-31, 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. 75-38 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 Sarasota County Ordinance No. 75-38 and any amendments  
thereto.

D. Pursuant to the provisions of Sarasota County Ordinance No. 89-103, 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 Ordinance No. 75-38. The Official Zoning Atlas, as part of  
Sarasota County Ordinance No. 75-38, is hereby amended by changing the zoning district  
classification for 7.5 acres ± from OUE-1 (Open Use, Estate, 1 unit/5 acres) to CG (Commercial,  
General) for the following described property located in Sarasota County, Florida:

Northwest corner of Clark Road (S.R. 72) and Honore Avenue, more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 18, Block A, RIDGECREST, Block B, RIDGECREST less RW for State Road described in OR 2486/75, less RW for Honore Avenue, described in OR 2486/75, Sarasota County, Florida

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 Sarasota County Ordinance No. 75-38 and any amendments thereto, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

1. The developer shall be responsible for its fair share of the cost of design and construction of a traffic signal at the Clark Road/Honore Avenue intersection, and if required to front end all or more than its fair share of such costs in order to obtain a building permit, the developer will be entitled to reimbursement of such excess cost through capital contribution front-ending agreement between the developer and the County. The calculation of fair share for the subject development shall be based upon the proportionate share of the traffic on the minor street that triggers the signal warrant. The plans for the signalization of the Clark Road/Honore Avenue intersection shall be included with the development construction plans or be the subject of a binding executable contract for construction.
2. The southbound to eastbound left-turn lane at the Clark Road/Honore Avenue intersection shall be extended. An analysis (based on existing turning movement counts at the intersection) to determine the needed length of the left-turn lane shall be completed concurrent with the construction plan review of the subject parcel. The improvement shall be included in the construction plan review of the subject parcel.
3. Any access to Honore Avenue within 660 feet of the future southbound stop line at Clark Road shall be limited to right-in/right-out only. A raised concrete separator shall be constructed along Honore Avenue to preclude left-turns at all access points consistent with this stipulation and the Clark Road Corridor Plan (No. 91-02 SP as amended).
4. Until improvements are constructed to address the existing level of service deficiencies associated with Clark Road in this area, the allowable release rate from the subject property shall be limited to the pro-rata capacity of the existing drainage system for Clark Road.
5. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its

own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.

- 6. Development on the subject parcel shall comply with the Clark Road Corridor Plan (Ordinance No. 95-020) as may be amended.

Section 4. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 28<sup>th</sup> day of January, A.D., 1999.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

*Sharon Staus*  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida.

By: *Jacin Gray*  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILES IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 2-2-99  
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA

By: *Jacin Gray*  
DEPUTY CLERK

1999 MAR 05 09:18 AM

KAREN E. RUSHING

CLERK OF CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

RECEIPT#082838

NOTICE OF STIPULATIONS AND LIMITATIONS ENCUMBERING  
REAL PROPERTY PURSUANT TO THE SARASOTA COUNTY ZONING CODE

The following property located in Sarasota County, Florida, owned by Comgen Partnership, SaraRealty, Francesco & Anna Giannini, Robert L. Koontz Jr., Mendell R. & Diane T. Moses, and Michael W. McGurk and described in Ordinance No. 99-006 attached hereto, has been rezoned to the CG (Commercial, General) zone district pursuant to Rezone Petition No. 98-31 filed by Peter Dailey, Agent, and granted by Sarasota County on January 28, 1999, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

(Stipulations and limitations are those described in Section 3 of Ordinance No. 99-006, attached hereto)

  
Sarasota County Director of Planning

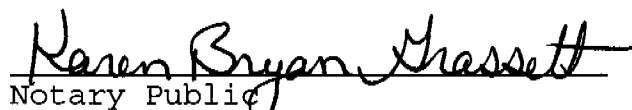
STATE OF FLORIDA  
COUNTY OF SARASOTA

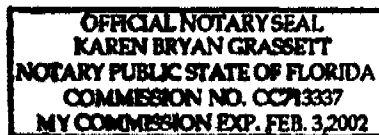
Before me, the undersigned Notary Public, personally appeared Jerry Gray, Director of the Sarasota County Department of Planning, to me known to be the individual who executed the foregoing Notice of Stipulations and Limitations Encumbering Real Property pursuant to the Sarasota County Zoning Code, and he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 3<sup>rd</sup> day of March, A.D. 1999.



1999030257

  
Notary Public  
State of Florida at Large



✓ This instrument prepared by:  
Lu Ann R. Clayton  
Sarasota County Department of Planning  
P.O. Box 8  
Sarasota, FL 34230