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KAREN E. RUSHING

CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
DCOURSEY Receipt#123836

Please record and return to Karen Grasset  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> Floor  
Sarasota, FL 34236

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 Edward L. Kalin, and described in Ordinance No 2001-088 attached hereto, has been rezoned as follows. 4.8 acres ± to CG (Commercial, General) and 6.1 acres ± to CI (Commercial, Intensive) with stipulations pursuant to Rezone Petition No. 01-21 filed by Bruce E. Franklin, Agent, and granted by Sarasota County on November 19, 2001, 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 2001-088, attached hereto)

Executive Director  
Growth Management Business Center

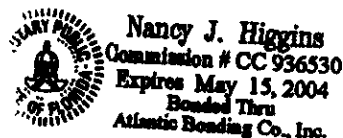
STATE OF FLORIDA  
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, 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 2<sup>nd</sup> day of January, A D 2001.

Notary Public  
State of Florida at Large

This instrument prepared by:  
Nancy Higgins



ORDINANCE NO 2001-088

FILED  
2001 DEC -3 PM 12: 07

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS, <sup>CLERK'S OFFICE OF COURT</sup> SARASOTA COUNTY ORDINANCE NO 75-38, <sup>SARASOTA COUNTY, FL</sup> 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. 01-21, 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, 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 Section 2 of the Zoning Ordinance, is hereby amended by changing the zoning district classification for 4.85 acres  $\pm$  from RMF-2 (Residential, Multi-Family, 9 units/acre) to CG (Commercial, General) and for 6.1 acres  $\pm$  from CI (Commercial, Intensive) to CI (Commercial, Intensive) with amended stipulations for the following described property located in Sarasota County, Florida:

West of U.S. 41 and approximately 1,300 feet  $\pm$  south of Landings Boulevard, more particularly described as follows

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CLERK'S OFFICE OF COURT  
SARASOTA COUNTY, FLORIDA

02001-088

All of Lot 3, Block 2, Phillippi Park Subdivision, along with that portion of Lot 1, Block 2, Phillippi Park Subdivision according to said County Zoning Map recorded on Map Sheet 84 as per Ordinance #88-104, revised on October 4, 1988 presently zoned RMF-2

RMF-2

A parcel of land being part of Lot 3, Block 2, Phillippi Park Subdivision, as recorded in Plat Book A, Page 45, Public Records of Sarasota County, Florida, Section 7, Township 37 South, Range 18 East, being more particularly described as follows:

Commence at the intersection of the south line of said Lot 3, Block 2, Phillippi Park Subdivision with the east right-of-way line of Phillippi Shores Drive, thence north  $00^{\circ} 21' 38''$  west (based on an assumed meridian) along the said east right-of-way line of Phillippi Shores Drive, a distance of 449.88 feet, thence north  $89^{\circ} 38' 02''$  east along the south right-of-way line of said Phillippi Shores Drive, a distance of 135.00 feet for the POINT OF BEGINNING, thence continue north  $89^{\circ} 38' 02''$  east along said south right-of-way line of Phillippi Shores Drive, a distance of 29.89 feet, thence north  $00^{\circ} 05' 39''$  west along the east right-of-way line of Phillippi Shores Drive, a distance of 33.38 feet to the northeast line of said Lot 3; thence south  $52^{\circ} 14' 03''$  east along said northeast line of Lot 3, a distance of 401.77 feet; thence south  $37^{\circ} 45' 57''$  west, a distance of 70.00 feet, thence south  $40^{\circ} 52' 08''$  east, a distance of 27.08 feet; thence south  $11^{\circ} 21' 37''$  east, a distance of 25.03 feet; thence south  $89^{\circ} 38' 23''$  west along a line parallel and 135.00 feet north of said south line of Lot 3, a distance of 325.25 feet, thence north  $00^{\circ} 21' 38''$  west along a line parallel and 135.00 feet east of said east right-of-way line of Phillippi Shores Drive, a distance of 314.90 feet to the POINT OF BEGINNING. Containing 1.788 acres. Subject to easements and restrictions of record, if any.

And,

A parcel of land being part of Lot 3, Block 2, Phillippi Park Subdivision, as recorded in Plat Book A, Page 45, Public Records of Sarasota County, Florida, Section 7, Township 37 South, Range 18 East, being more particularly described as follows.

Commence at the intersection of the south line of said Lot 3, Block 2, Phillippi Subdivision with the east right-of-way line of Phillippi Shores Drive; thence north  $89^{\circ} 38' 23''$  east (based on an assumed meridian) along said south line of Lot 3, a distance of

590 01 feet  $\pm$  to the approximate mean high water line of Phillippi Creek, thence north  $15^{\circ}39'06''$  east along said approximate mean high water line of Phillippi Creek, a distance of 31 21 feet for the POINT OF BEGINNING; thence south  $89^{\circ}38'23''$  west along a line parallel and 30.00 feet north of said south line of Lot 3, a distance of 117 96 feet  $\pm$ ; thence north  $11^{\circ}21'37''$  west, a distance of 132 00 feet; thence north  $40^{\circ}52'08''$  west, a distance of 27 08 feet; thence north  $37^{\circ}45'57''$  east, a distance of 70.00 feet to the northeast line of said Lot 3, thence south  $52^{\circ}14'03''$  east along said northeast line of Lot 3, a distance of 183 04 feet  $\pm$  to said approximate mean high water line of Phillippi Creek, thence south  $15^{\circ}39'06''$  west along said approximate mean high water line of Phillippi Creek, a distance of 95 94 feet to the POINT OF BEGINNING

Containing 0.546 acres more or less. Subject to a 10 foot wide utility easement for waterline purposes, recorded in Official Records Book 1197, Page 2184, Public Records of Sarasota County, Florida. Also subject to other easements and restrictions of record, if any.

And,

A parcel of land being part of Lot 3, Block 2, Phillippi Park Subdivision, as recorded in Plat Book A, Page 45, Public Records of Sarasota County, Florida, Section 7, Township 37 South, Range 18 East, being more particularly described as follows:

Begin at the intersection of the south line of said Lot 3, Block 2, Phillippi Park Subdivision with the east right-of-way line of Phillippi Shores Drive; thence north  $00^{\circ}21'38''$  west (based on an assumed meridian) along the said east right-of-way line of Phillippi Shores Drive, a distance of 449.88 feet; thence north  $89^{\circ}38'02''$  east along the south right-of-way line of said Phillippi Shores Drive, a distance of 135 00 feet; thence south  $00^{\circ}21'38''$  east along a line parallel and 135 00 feet east of said east line of Phillippi Shores Drive, a distance of 314.90 feet; thence north  $89^{\circ}38'23''$  east along a line parallel and 135 00 feet north of the south line of said Lot 3, a distance of 325.25 feet; thence south  $11^{\circ}21'37''$  east, a distance of 106.97 feet; thence north  $89^{\circ}38'23''$  east along a parallel and 30 00 feet north of said south line of Lot 3, a distance of 117 96 feet  $\pm$  to the approximate mean high water line of Phillippi Creek; thence south  $15^{\circ}39'06''$  west along said approximate mean high water line of Phillippi Creek, a distance of 31 21 feet to the said south line of Lot 3; thence south  $89^{\circ}38'23''$  west along said south line

of Lot 3, a distance of 590 01 feet + to the POINT OF BEGINNING Containing 2.519 acres more or less. Subject to a 10 foot wide utility easement for waterline purposes, recorded in Official Records Book 1997, Page 2184, Public Records of Sarasota County, Florida Also subject to other easements and restrictions of record, if any

CI

Lots 1 and 2, Block 2, of a resubdivision of Phillippi Park, as recorded in Plat Book 2, Page 13, Public Records of Manatee County, Florida (Plat Book A, Page 45, Public Records of Sarasota County, Florida), less the north 1,100 feet thereof, Tamiami Trail (U S Highway No. 41) right-of-way as recorded in Florida Department of Transportation right-of-way Sheet No. RPB-1, Page 62

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:

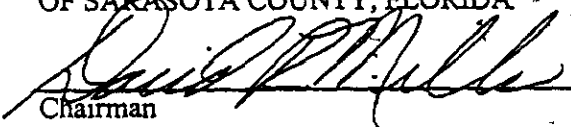
1. A traffic impact study shall be submitted prior to development on the subject parcel that causes cumulative trip generation for the entire parcel to exceed 73 PM peak hour net new trips. The traffic impact study shall encompass an impact area based on the cumulative trip generation of development on the entire parcel. The traffic analysis shall be completed consistent with the requirements of Resolution No 98-169
2. At the time of Site and Development Plan Approval for development on the subject parcel, the northern most Phillippi Shores Drive access (proposed as the two 90-degree turns) shall be aligned with the eastern most north-south portion of Phillippi Shores Drive. The access shall be aligned so as to create a T-intersection with Phillippi Shores Drive at the western 90-degree turn
3. 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 and 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
4. Outdoor refuse areas shall be visually screened in accordance with Section 11 6 f of the Sarasota County Zoning Ordinance
5. Exterior lighting on the site shall be directed only toward the subject site and shielded from glare on adjacent properties and streets.

- 6 All landscape buffers on Parcel B shall be in compliance with Section 13 14 of the Zoning Ordinance, with the exception of the landscape buffer "F" along the south property line which shall be 30 feet in width and landscape buffer "J" along the west property line which shall be 15 feet in width as depicted on the Development Concept Plan dated-stamped November 1, 2001, attached hereto as "Exhibit A" Existing vegetation shall be retained in the 30' buffer "F" and shall all be located on the residential side of the required wall/fence .
- 7 The relocated truck dock shall be in substantial compliance with the Development Concept Plan date stamped November 1, 2001, attached hereto as Exhibit "A" Site and Development Plans shall not be approved for Parcel B until such time that the relocation of the truck dock on Parcel A has been completed. All vehicles parked at the service area along the western property line of Parcel A shall be contained on the subject parcel
- 8 Automobile service stations, repair and service garages, and gasoline sales are prohibited uses on the subject site

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 19<sup>th</sup> day of NOVEMBER, A.D., 2001

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chairman

ATTEST.

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


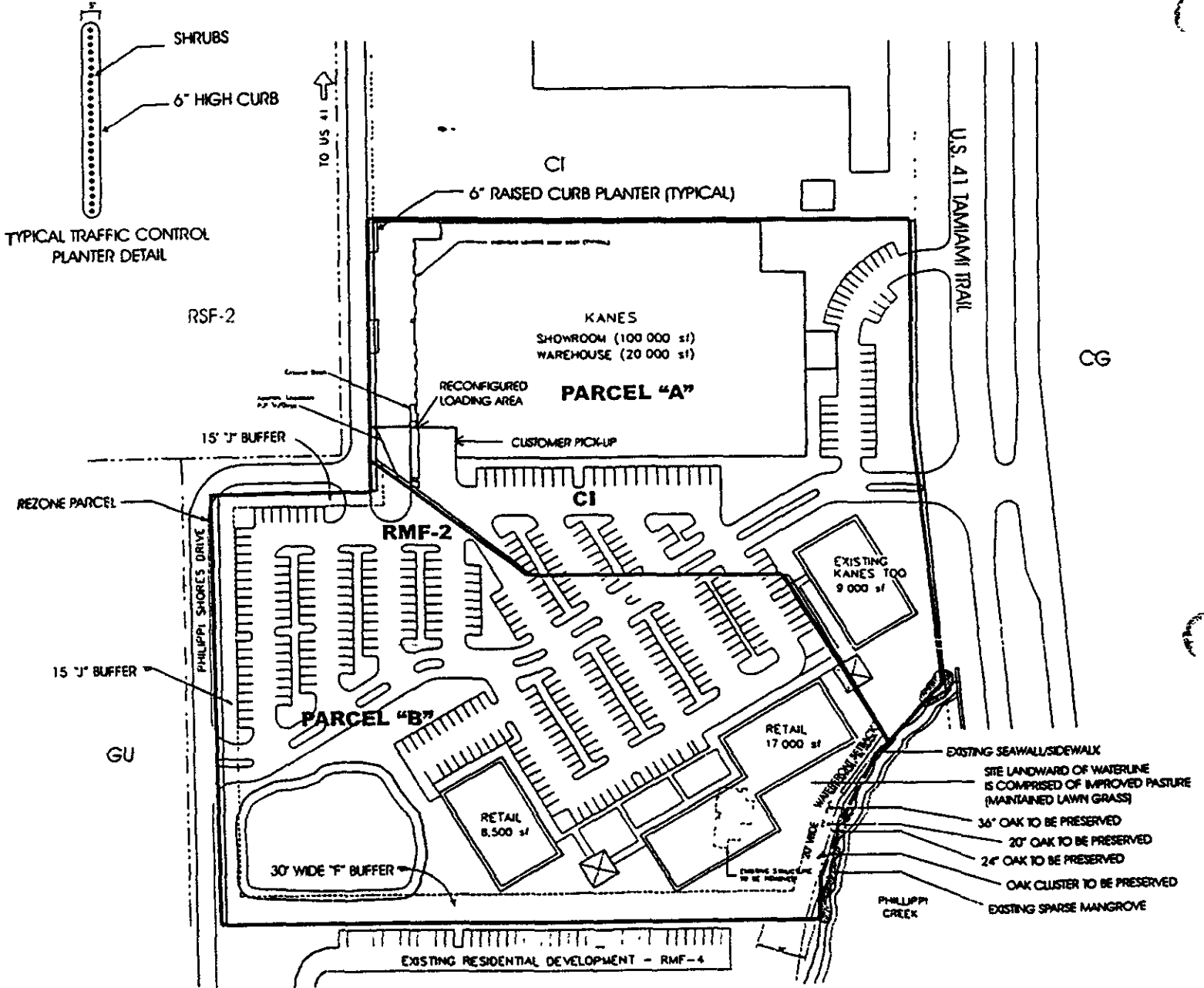
By   
Deputy Clerk

EXHIBIT "A"



SITE DATA

<b>BEFORE PARCEL</b>	
TOTAL ACREAGE	4.85 A
EXISTING ZONING	RMF-2
PROPOSED ZONING	CG
EXISTING LAND USE	VACANT/RESIDENTIAL
PROPOSED LAND USE	COMMERCIAL
TOTAL NO. BUILDINGS	2 BUILDINGS
TOTAL FLOOR AREA	25,500 SF
<b>OVERALL CALCULATIONS</b>	
TOTAL SITE AREA	10.95 A
TOTAL SQUARE FOOTAGE	154,500 SF
128,000 SF KANES PURCHASE	
(128,000 / 500 SF = 256 SPACES)	
8,000 SF KANES TOO	
(8,000 SF / 200 SF = 40 SPACES)	
15,000 SF NEW RETAIL	
(15,000 SF / 200 SF = 75 SPACES)	
23,500 SF NEW RETAIL	
(23,500 SF / 200 SF = 117.5 SPACES)	
TOTAL PARKING REQUIRED	356 SPACES
TOTAL PARKING PROVIDED	361 SPACES

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  
 12/3/01

SEAL THIS DATE  
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT  
 EX OFFICIO CLERK TO THE BOARD OF COUNTY  
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
 BY *Chandra P. [Signature]*  
 DEPUTY CLERK



THIS DOCUMENT RECEIVED BY  
 GROWTH MANAGEMENT ON NOVEMBER 1, 2001

02001-088