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Please record and return to: (Via Inter-Office Mail)

Karen Grassett  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> Floor  
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS  
 INSTRUMENT # 2003061026 7 P33  
 2003 APR 01 03:50 PM  
 KAREN E. RUSHING  
 CLERK OF THE CIRCUIT COURT  
 SARASOTA COUNTY, FLORIDA  
 KRICE Receipt#298341



2003061026

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

The following property, located at the northeast corner of Bee Ridge Road and I-75 in Sarasota County, Florida, owned by Edmund Ansin, Trustee of Trust, and described in Ordinance No. 2003-003 attached hereto, has been rezoned from OUE-1 (Open Use Estate, 1 unit/5 acres) to the PCD (Planned Commerce Development) Groups 2, 3 and 5 zone district pursuant to Rezone Petition No. 02-43 filed by Stephen D. Rees, Agent, and granted by Sarasota County on March 11, 2003, 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. 2003-003, attached hereto)

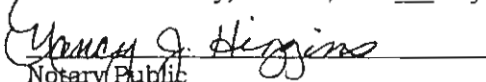


Executive Director  
Growth Management Business Center

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 31<sup>st</sup> day of March, A.D. 2003.



Notary Public  
State of Florida at Large

This instrument prepared by:  
SMA



Nancy J. Higgins  
Commission # CC 936530  
Expires May 15, 2004  
Bonded Thru  
Atlantic Bonding Co., Inc.

ORDINANCE NO. 2003-003

DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

2003 MAR 14 PM 12:40

FILED

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA AMENDING THE OFFICIAL ZONING ATLAS, AS PART OF SARASOTA COUNTY ORDINANCE NO. 75-38, 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. 02-43, 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 39.2 acres ± from OUE-1 (Open Use, Estate, 1 unit/5 acres) to PCD (Planned Commerce Development), Groups 2, 3 & 5 for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida being:

The northeast corner of Bee Ridge Road and I-75, more particularly described as follows;

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE S.89°38'21"E., ALONG THE SOUTH LINE OF SAID SECTION 31 AND THE CENTERLINE OF BEE RIDGE ROAD, 1654.77 FEET; THENCE N.04°13'35"E., A DISTANCE OF 113.22 FEET TO A POINT ON THE NORTHERLY RIGHT—OF—WAY LINE OF BEE RIDGE ROAD FOR THE POINT OF BEGINNING; THENCE N.89°38'19"W., ALONG SAID RIGHT—OF—WAY LINE, A DISTANCE OF 707.42 FEET; THENCE DEPARTING SAID RIGHT—OF—WAY LINE N.00°21'41"E., A DISTANCE OF 115.00 FEET; THENCE N.89°38'19"W., A DISTANCE OF 335.26 FEET; THENCE N.46°37'03"W., A DISTANCE OF 177.88 FEET; THENCE N.27°35'58"W., A DISTANCE OF 516.23 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1700.86 FEET, A CENTRAL ANGLE OF 25°55'00", A TANGENT LENGTH OF 391.37 FEET, A CHORD BEARING OF N.14°38'28"W. AND A CHORD LENGTH OF 762.81 FEET, THENCE ALONG THE ARC OF SAID CURVE, AN ARC LENGTH OF 769.35 FEET THENCE N.89°07'27"E., A DISTANCE OF 383.02 FEET; THENCE S.66°41'31"E., A DISTANCE OF 859.69 FEET; THENCE S.85°46'25"E., A DISTANCE OF 510.93 FEET; THENCE S.04°13'35"W., A DISTANCE OF 1070.23 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 39.20 ACRES, MORE OR LESS.

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 compliance with the Development Concept Plan dated August 5, 2002, (Exhibit A) and the Landscape Plan dated August 5, 2002, (Exhibit B). This does not imply or confer any variances from applicable zoning or land development regulations.
2. 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.
3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
4. The Applicant shall utilize the Phillippi Creek Model to demonstrate no adverse impacts to off-site flood levels upstream or downstream of the development.

5. In accordance with Section 74-61.a.2.c. of Sarasota County's Land Development Regulations, all nuisance/invasive plant species shall be removed from the site. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection Services.
6. Pursuant to management guidelines contained within the Environment Chapter of Apoxsee, all wetland areas and required buffers not approved for impact shall be designated as Preserve Areas on submitted site and development plans. All activities involving filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory), and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services. Exception may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans or the removal of nuisance/invasive vegetation.
7. The subject parcel shall be limited to development that cumulatively generates 235 PM peak hour net new trips or less until additional capacity is added in the Bee Ridge Road / I-75 / Cattlemen Road area that will allow the intersection of Bee Ridge Road and Cattlemen Road to operate at the adopted level of service. Such improvements may include the construction of Honore Avenue, Webber Road, and Spine Road.
8. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
9. Refuse areas shall be set back at least 50 feet of any residentially zoned property line.
10. Hours of operation of any and all uses listed as Retail Trade Activities, Financial Activities, and No. 11 and No. 16b. under Service Activities in the Land Use Groups Matrix in subsection C of the PCD district standards shall be limited to between 6:00 a.m. and 12:00 midnight.
11. All uses listed as Retail Trade Activities, Financial Activities, and No. 11 and No. 16b. under Service Activities, including parking lots and loading areas associated with such uses, in the Land Use Groups Matrix in subsection C of the PCD district standards shall be located at least 400' from the rights-of-way of Bee Ridge Road.

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.

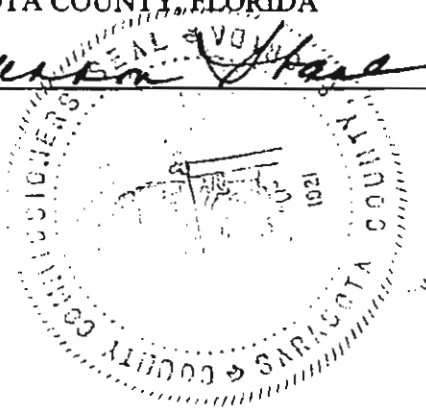
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 11<sup>th</sup> day of March, A.D., 2003.

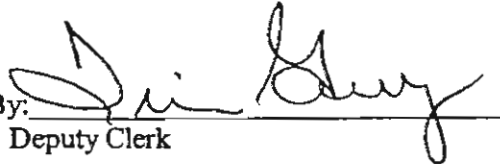
BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chairman

ATTEST:

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

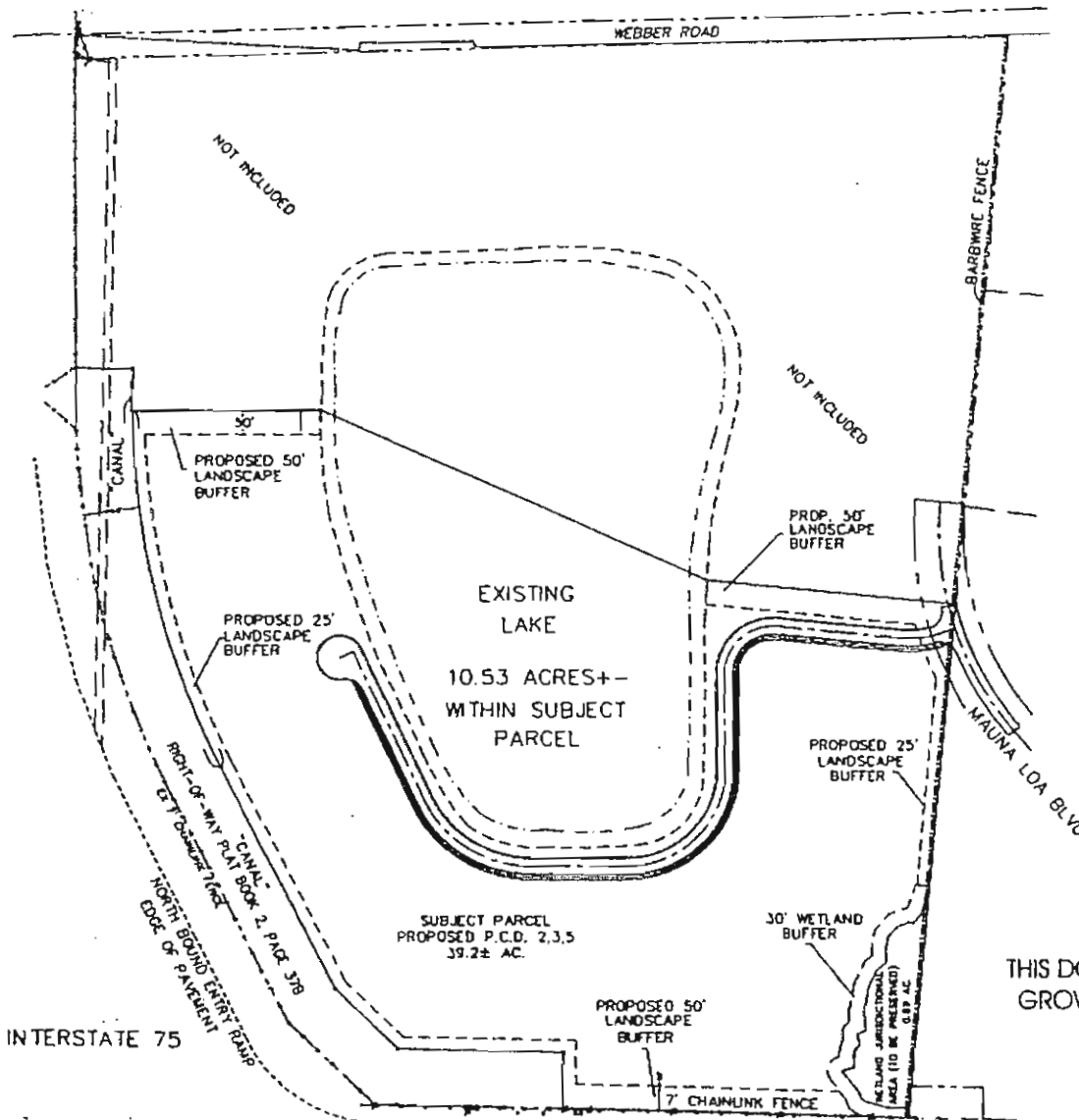


By:   
Deputy Clerk

# MAP SERIES/CONCEPT PLAN

7 PGS  
INSTRUMENT # 2003061026

## EXHIBIT "A"



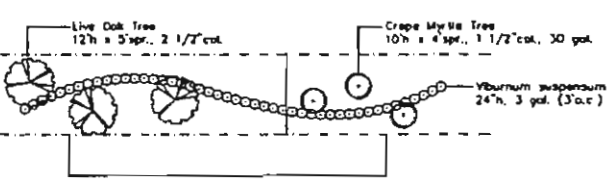
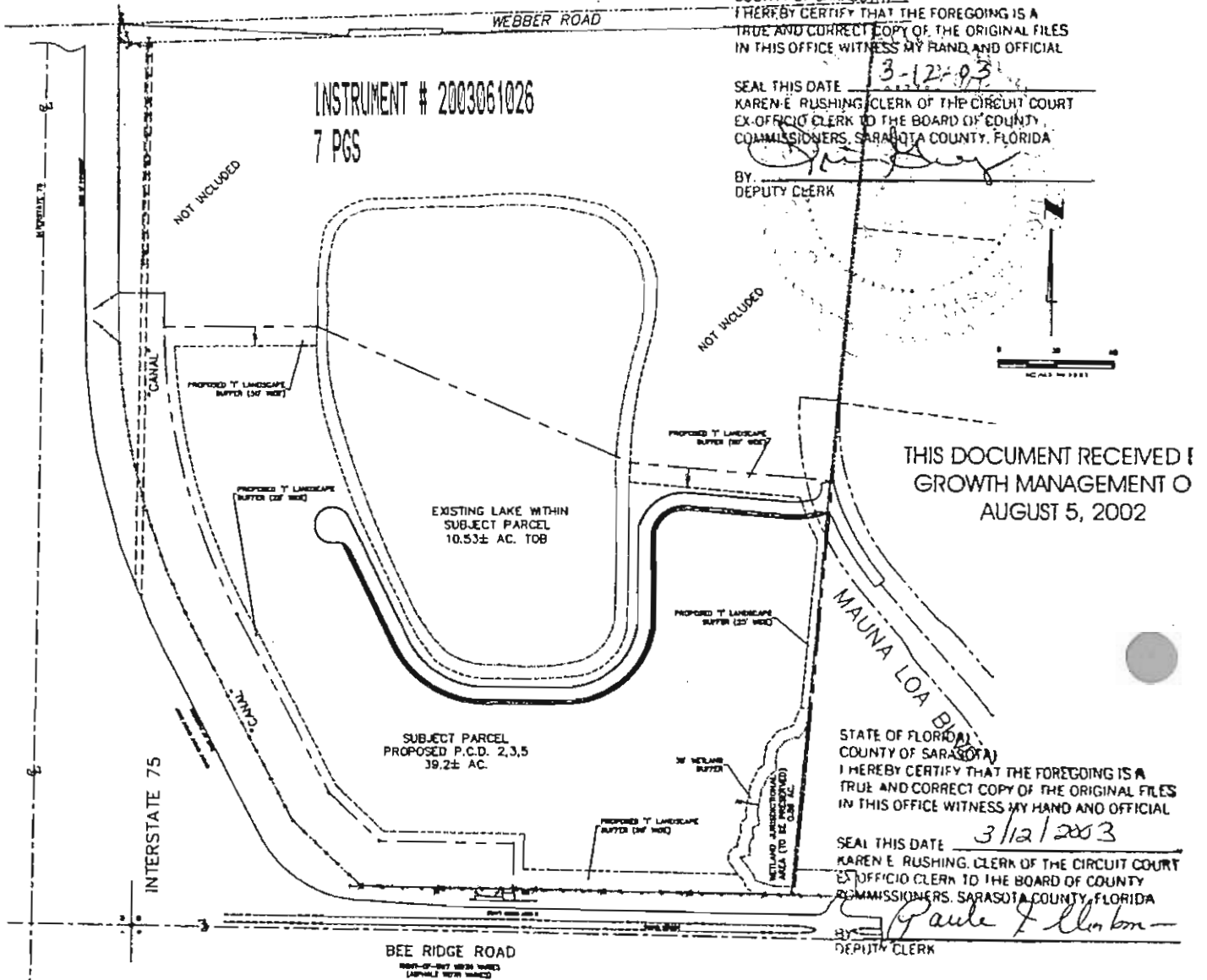
THIS DOCUMENT RECEIVED BY  
GROWTH MANAGEMENT ON  
AUGUST 5, 2002

### NOTES:

- LANDSCAPE BUFFERS SHALL BE PROVIDED AND PLANTED CONSISTENT WITH THE LANDSCAPE PLAN DATED 7/28/02, SHEET L1 PREPARED BY KURT R. CRIST - LANDSCAPE ARCHITECT, INC., PROJECT #02532.
- A PEDESTRIAN SIDEWALK/BIKE PATH SHALL BE PROVIDED AND LANDSCAPED CONSISTENT WITH THE LANDSCAPE PLAN DATED 7/28/02, SHEET L1 PREPARED BY KURT R. CRIST - LANDSCAPE ARCHITECT, INC., PROJECT #02532.
- DESIGNATION OF PARCEL SIZE, SPECIFIC LAND USE GROUP AND PROPOSED LAND USE AND LOCATION OF ACCESS TO AND FROM THE MAIN ACCESS ROAD SHALL BE IDENTIFIED AND DEPICTED AT TIME OF SITE AND DEVELOPMENT PLAN SUBMITTAL.
- ANY ACCESS SERVING MORE THAN ONE PARCEL SHALL PROVIDE THE LANDSCAPE, 5' WIDE SIDEWALK/BIKE PATH AND ROADWAY DEPICTED WITHIN THE LANDSCAPE PLAN DATED 7/28/02, SHEET L1 PREPARED BY KURT R. CRIST - LANDSCAPE ARCHITECT, PROJECT #02532.
- DESIGNATION OF LAND USES FOR GENERAL OFFICE, LIGHT MANUFACTURING AND HIGH TECHNOLOGY RESEARCH AND DEVELOPMENT WITHIN ONE OR MORE LAND GROUPS MAY EXCEED THE SUGGESTED SQUARE FEET AREA FOR EACH GROUP IF THE PROJECT BUILD OUT SHALL NOT EXCEED 235 NET NEW EXTERNAL VEHICLE TRIPS DURING THE P.M. PEAK HOURS (BASED ON TRIP GENERATION AS DETERMINED USING THE LATEST ADDITION OF ITE'S TRIP GENERATION OR OTHERWISE CAUSE A DETERMINATION OF LACK OF CONCURRENCY RESPECTING TRANSPORTATION, SOLID WASTE, POTABLE WATER, AND WASTE WATER. OWNER SHALL, AT TIME OF SUBMITTAL OF SITE AND DEVELOPMENT PLAN FOR EACH PROPOSED PARCEL, LAND USE GROUP AND LAND USE, PROVIDE SPECIFIC CALCULATION USED TO DETERMINE THE TRIP GENERATION FOR THAT SUBMITTAL AND CALCULATION OF TOTAL TRIP GENERATION FOR PROJECT DEVELOPMENT AT THAT DATE TO DEMONSTRATE COMPLIANCE WITH SECTION 6.C.(12), (15), PLANNED COMMERCE DEVELOPMENT (PCD) DISTRICT.
- DEVELOPMENT SHALL BE LIMITED TO LAND USE GROUPS 2, 3 AND B. SUCH LAND USE GROUP AND SPECIFIC PRINCIPAL LAND USE SHALL NOT CONSTITUTE A SUBSTANTIAL MODIFICATION UNDER SECTION 11.11, SARASOTA COUNTY CODE, APPENDIX A.
- A MASTER DRAINAGE PLAN DEMONSTRATING COMPLIANCE WITH REQUIREMENTS OF THE LAND DEVELOPMENT REGULATIONS SHALL BE SUBMITTED WITH THE FIRST SITE AND DEVELOPMENT PLAN FOR ANY LOT OR PARCEL WITHIN THE PROJECT FOR REVIEW AND APPROVAL.
- A UNIFORM SIGN FORMAT SHALL BE SUBMITTED WITH THE FIRST SITE AND DEVELOPMENT PLAN FOR ANY LOT OR PARCEL WITHIN THE PROJECT FOR REVIEW AND APPROVAL.
- PARCELS ABUTTING BEE RIDGE ROAD/1-75 LIMITED ACCESS, WITH OR WITHOUT AN INTERVENING DRAINAGE OR UTILITY RIGHT-OF-WAY, MAY ORIENT TOWARDS BEE RIDGE ROAD/1-75 LIMITED ACCESS A MAXIMUM OF TWO SIGNATURE WALL SIGNS OR, IF ONLY ONE SIGN IS USED, ONE MONUMENT SIGNATURE SIGN, CONSISTENT WITH SECTION 6.C.(12), (15), PLANNED COMMERCE DEVELOPMENT (PCD) DISTRICT.
- RESPECTING EACH PROPOSED LOT OR PARCEL, AT TIME OF SITE AND DEVELOPMENT PLAN SUBMITTAL, THERE SHALL BE DEMONSTRATED COMPLIANCE WITH APPLICABLE PCD DISTRICT REGULATIONS, INCLUDING BUT NOT LIMITED TO, MINIMUM LOT SIZE, MINIMUM LOT WIDTH, MAXIMUM LOT COVERAGE, MINIMUM YARD REQUIREMENTS, DISTANCE BETWEEN PROPOSED BUILDINGS, MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES, LOCATION, NUMBER AND TYPE OF SIGNS CONSISTENT WITH APPROVED UNIFORM SIGN FORMAT, BUFFER AREA AND OPEN-SPACE AREA AND PARKING AREA REQUIREMENTS AND STANDARDS AND SHALL DEMONSTRATE COMPLIANCE WITH PD DISTRICT REQUIREMENTS, INCLUDING BUT NOT LIMITED TO, MATERIALS FOR EXTERIOR WALLS OF PROPOSED BUILDING OR STRUCTURE, LOCATION AND TYPE OF SCREENING FOR OUTSIDE BUFFER

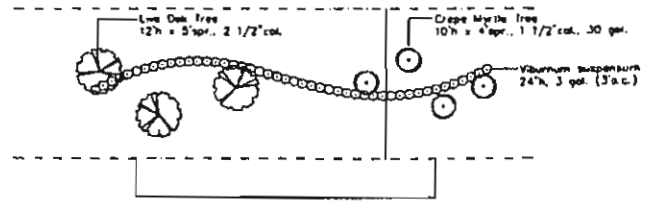
# MAP SERIES/LANDSCAPE PLAN

## EXHIBIT "B"



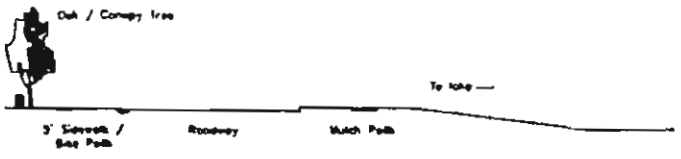
**TYPICAL 25' WIDE BUFFER**  
(East Property Line / I-75 Area / Front Yards)  
Scale: 1"=20'

- Per 80 linear feet:  
2 Canopy Trees (Live Oak Tree)  
2 Accent Trees (Crepe Myrtle Tree)  
2' High Hedge (Viburnum suspensum)



**TYPICAL 50' WIDE BUFFER**  
(Bee Ridge Road / North Parcel)  
Scale: 1"=20'

- Per 80 linear feet:  
2 Canopy Trees (Live Oak Tree)  
2 Accent Trees (Crepe Myrtle Tree)  
2' High Hedge (Viburnum suspensum)  
12"-18" High Berm (Optional)



**TYPICAL INTERNAL ROADWAY SECTION**

**NOTES:**

IF PARKING AREAS ARE LOCATED IN FRONT YARDS, A 1" LANDSCAPE BUFFER WILL BE PROPOSED.  
ALL PARKING LOT ISLANDS AND MEDIANS WILL BE A MINIMUM OF 10' WIDE, WITH ONE TREE AND TWO SHRUBS  
50 LINEAL FEET. CONCRETE CURBING SHALL PROTECT ALL PARKING LOT LANDSCAPING

**TYPICAL PLANT PALLET:**  
Live Oak Trees  
Crepe Myrtle Trees  
East Palatka Holly Trees  
Liquistum Trees  
Washingtonia / Coogee Palms  
Viburnum Hedges  
Parsoni Juniper / Indian Hawthorn / Liriope /  
Artex Grass