

Please record and return to: Karen Grasset
(VIA INTER-OFFICE MAIL)

Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

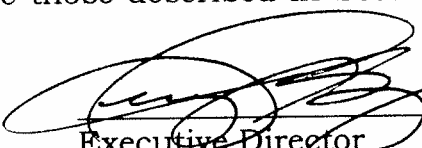
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INSTRUMENT # 2003223506 7 PDS
2003 NOV 05 11:00 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CFOLKINS Receipt#396457



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

The following property, located east of Porter Road and 1275 feet ± south of Danner Drive, in Sarasota County, Florida, owned by Edward L. Carlstrom, William E. Wright, Erick Shumway and Charles Palmeri, and described in Ordinance No. 2003-063 attached hereto, has been rezoned to a PCD (Planned Commerce Development) zone district pursuant to Rezone Petition No. 03-06 filed by Joel Freedman, Agent, and granted by Sarasota County on October 8, 2003, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

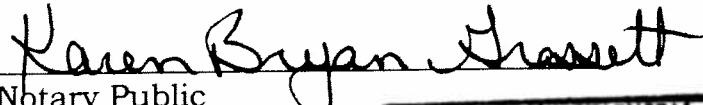
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2003-063, attached hereto)

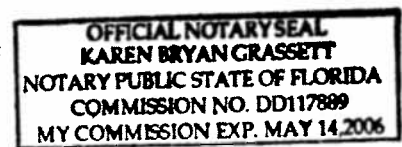

Executive Director
Growth Management Business Center

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 29th day of October 2003 A.D.


Notary Public
State of Florida at Large



This instrument prepared by:
SMA

ORDINANCE NO. 2003-063

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2003 OCT 16 PM 1:58

FILED

BOARD RECORDS
FILED FOR RECORD

2003 OCT 14 AM 8:51

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

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 AMENDMENTS 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. 03-06, 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 11.44 acres ± from OUE-1 (Open Use Estate, 1 dwelling unit/5 acres) to PCD (Planned Commerce Development) for the following described property located in Sarasota County, Florida:

Tract 72 of Palmer Farms, Second Unit, a subdivision recorded in Plat Book 3 at page 20, public records of Sarasota County, Florida, less additional right-of-way for Porter Road transferred to the County of Sarasota in Official Records Book 29, Page 299 of the public records of Sarasota County, Florida. The remainder of aforesaid tract 72 being more particularly described as follows:

Begin at the northwest corner of said Tract 72; thence along the easterly right-of-way line of Porter Road, south 24°17'00" east 391.59 feet; thence continuing southeasterly along said right-of-way line on a curve to the left an arc distance of 273.98 feet, said curve having a radius of 429.89 feet, a central angle of 36°31'00" and a chord which bears south 42°32'30" east 269.37 feet; thence continuing along said right-of-way line, south 60°48'00" east 51.93 feet to the northerly right-of-way line of a 66-foot wide drainage canal (Phillippi Creek-Main C) thence along said northerly canal right-of-way line the following courses:

1. North 43°48'00" East 185.93 feet
2. North 40°00'00" East 400.00 feet
3. North 32°23'00" East 200.00 feet
4. North 25°47'00" East 200.00 feet
5. North 15°49'00" East 200.00 feet
6. North 08°15'10" East 65.12 feet

To the north line of said tract 72; and thence along said line, south 65°43'00" west 1132.47 feet to the Point-of-Beginning containing 11.440 acres

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. 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, in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction plan approval, the Owner shall be required to record in public records a Notice To Purchaser, approved by Sarasota County, putting purchasers on notice that maintenance of drainage facilities is a private responsibility.
2. The existing 3" well on the southeast corner of the existing wood frame house must be plugged prior to Site and Development approval.
3. A minimum 30-foot wide watercourse buffer shall be established along Phillippi Creek Main C. The wall required within Buffer G shall not be located within the watercourse buffer, and only native plants shall be planted within the watercourse buffer. Plantings shall not interfere with County maintenance access easements and no trees shall be removed from the watercourse buffer without authorization from Resource Protection Services.
4. In accordance with Policy 5.4.3 of the Environment Chapter of Apoxsee, prior to (or concurrent with) submittal of site and development plans, a listed species survey shall be conducted at the subject property, using recognized sampling techniques to identify endangered, threatened, and species of special concern. In addition, Resource Protection shall be provided with documentation, from appropriate regulatory agencies, regarding any listed species issues associated with the site.
5. In accordance with Policy 5.6.5 of the Environment Chapter of Apoxsee, during development of the subject property all nuisance/invasive and exotic plant species shall be removed from the site and replaced with

native or other appropriate ornamental species. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

6. The Master Surface Water Management Plans shall be consistent with the Phillippi Creek Basin Master Plan.

7. The landscape buffer along Phillippi Creek Main C shall be a minimum of 10 feet wider than the Phillippi Creek Main C maintenance easement. It shall also be a minimum of 10 feet outside the proposed lake.

8. Development shall take place in substantial compliance with the Development Concept Plan date stamped March 28, 2003, and attached hereto as Exhibit "A" except modified as necessary to comply with the stipulations contained herein. This does not infer nor imply any variances from applicable zoning or land development regulations.

9. Use of the existing single family structure shall discontinue within three years of the adoption of this ordinance.

10. All future development on the subject parcel shall be consistent with the adopted I-75/Fruitville Road Major Employment Center Sector Plan No. 83-10-SP as adopted by Resolution No. 85-191 and the I-75 Corridor Plan No. 86-01-SP, as adopted by Ordinance No. 90-45, as amended.

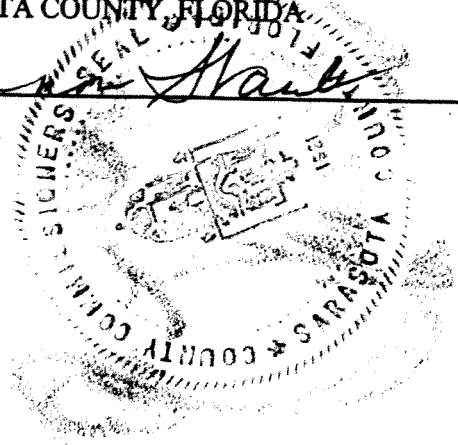
11. If, during Site and Development Review, the proposed development is unable to meet the 40 percent open space requirement, the site plan may be altered provided that the perimeter buffers are not decreased, the access location at Porter Road remains in the same place, and the size of lot 5 remains over two acres in size.

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 8th day of October, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Sharon Hank
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: [Signature]
Deputy Clerk

NOV 10 2003

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

INSTRUMENT # 2003223506

7 PGS

SITE DATA

FUTURE LAND USE PLAN MAP DESIGNATION: Major Employment Center (MEC)
 EXISTING ZONING: OUE-1 (Open Use Estate - 1 unit per 5 acres)
 PROPOSED ZONING: PCD (Planned Commerce Development) Group 2 - Light Industrial Warehousing

	REQUIRED	PROPOSED
<u>MINIMUM AREA</u>	10 acres	11.44 acres
<u>MINIMUM LOT WIDTH</u>	150'	165'
<u>MINIMUM OPEN SPACE</u>	40%	40%
<u>MAXIMUM LOT COVERAGE</u>	40%	40%
<u>MAXIMUM HEIGHT OF STRUCTURES</u>	35' to 65'	Lots 1, 2, 3, 4 and 6 = 35' Lot 5 = 50'
Front	50'	50' (Porter Road) 50' (Internal Road)
Side	20'	20'
Rear	35'	35' (North boundary) 50' (Along Phillippi Creek Main "C")
<u>PARKING</u>	Section 12 Zoning Code	In accordance with Section 12 Zoning Code
<u>OFF-STREET LOADING</u>	Section 12 Zoning Code	In accordance with Section 12 Zoning Code
<u>BUFFER REQUIREMENTS</u>		
North	Buffer A	Buffer A
Main "C" Ditch	Buffer G	Planting per Buffer G
Porter Road	Buffer I	Planting per Buffer I
Internal Road	Buffer J	Buffer J

DEVELOPMENT NOTES AND STIPULATIONS

- Specific building footprint locations will be shown at the time of Site Development Plan review. All minimum standards listed will be met.
- The maximum floor area of all the buildings within the development shall not exceed 130,000 s.f.
- All utilities within the subject property will be underground in accordance with Section 11.6.b. of Sarasota County's Zoning Regulations.
- The exterior walls of any buildings or structures constructed within the subject property which directly faces a street shall be constructed of the following materials in accordance with Section 11.6.c. of Sarasota County's Zoning Regulations:
 Concrete aggregate; stucco; brick; stone; glass or wood; provided however the portion of the exterior wall of a Pre-engineered Metal Building System which directly faces a street and which is eight feet (8') or more above the foundation may be constructed of metal.
- All outdoor refuse collection area shall be located in accordance with Section 11.6. f. of Sarasota County's Zoning Regulations.
- Every effort will be made to minimize impacts to the existing oak trees located on the subject property. Appropriate permits will be obtained to remove any trees. The proposed stormwater area may be modified in order to minimize impacts on the existing oak trees in this area of the site.
- The existing 3" well located at the southeast corner of the existing frame building in the middle of the subject property shall be plugged prior to building demolition.
- The existing septic system shall be properly abandoned.
- A sight triangle in accordance with Section 12.19.d. of Sarasota County's Zoning Regulations shall be provided at all site access points with public right-of-ways.
- A 5' wide sidewalk shall be provided along the east side of Porter Road where Porter Road abuts the subject property. A 5' wide sidewalk shall also be provided on a least one side of the road constructed within the industrial park subdivision.

N



NOT TO SCALE

THIS DOCUMENT RECEIVED BY:
 GROWTH MANAGEMENT ON
 MARCH 28, 2003

