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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
ASAMS Receipt#907258



Please record and return to: (Via Inter-Office Mail)
Susan F. Carleton, Planning Technician
Planning Services
1660 Ringling Blvd., 1st Flr.
Sarasota, FL 34236

Charge to: Planning Services
Account# 51800100500489

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

The following property, located at the southeast corner of US 41 and South Holiday Drive, in Sarasota County, Florida, owned by Thomas Lefevre, and described in Ordinance No. 2006-068 attached hereto, has been rezoned to District CG (Commercial General) pursuant to Rezone Petition No. 06-09 filed by Brenda Patten, Agent, and granted by Sarasota County on October 14, 2006, and is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

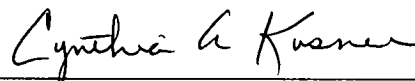
(Stipulations and limitations are those described in Section 3 of Ordinance No. 2006-068, attached hereto)


Crystal Allred, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Crystal Allred, Manager, Planning Services, 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 she acknowledged before me that she executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 9th day of April, 2007.


Notary Public
State of Florida at Large

This instrument prepared by sfc



Cynthia A. Kusner
Commission #DD308088
Expires: May 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

ORDINANCE NO. 2006 -068

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. 06-09, 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 RSF-2 (Residential, Single family, 3.5 units/acre) to CG (Commercial General) for the following described property located in Sarasota County, Florida:

The legal description of said property in Sarasota County, Florida, being the southeast corner of US 41 and South Holiday Drive and being more particularly described as follows:

TRACT C: ALL THAT PART OF THE N ½ OF THE NE ¼ OF SECTION 28, TOWNSHIP 37S, RANGE 18E, SARASOTA COUNTY, FLORIDA, LYING WESTERLY OF TAMiami TRAIL (US HWY 41).

LESS AND EXCEPT THAT PORTION OF TRACT C DESCRIBED AS THE "RETAINED PARCEL" BELOW.

TRACT C, LESS THE "RETAINED PARCEL," IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE N ½ OF THE NE ¼ OF SECTION 28, TOWNSHIP 37S, RANGE 18E, SAID CORNER BEING MARKED BY A SARASOTA COUNTY NAIL AND DISK; THENCE N.89°53'03"W ALONG THE SOUTH LINE OF SAID N ½, A DISTANCE OF 1658.12' TO A ½" IRON ROD AND CAP MARKED PSM 5233, TO THE POB; THENCE CONTINUE ALONG SAID SOUTH LINE A DISTANCE OF 998.72' TO A CONCRETE MONUMENT MARKING THE SW CORNER OF THE N ½ OF THE NE ¼ OF SAID SECTION; THENCE N.00°19'00"E ALONG THE WEST LINE OF SAID ¼, A DISTANCE 1236.70' TO A POINT OF INTERSECTION WITH THE WESTERLY R/W LINE OF US HWY 41, SAID POINT MARKED BY A 5/8" IRON ROD AND CAP MARKED LB 6754; THENCE CONTINUE ALONG SAID R/W LINE N.79°40'59"E, A DISTANCE OF 48.53' TO A 5/8" IRON ROD AND CAP MARKED LB 6754; THENCE CONTINUE ALONG SAID R/W LINE S 44°44'20"E, A DISTANCE OF 1442.45' TO A ½" IRON ROD AND CAP MARKED PSM 5233; THENCE S.45° 13' 13"W, A DISTANCE OF 99.96' TO A ½" IRON ROD AND CAP MARKED PSM 5233; THENCE S.00°04'59"E 152.38' TO THE POB.

THE "RETAINED PARCEL," IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

THE FOLLOWING DESCRIBED PARCEL TO BE RETAINED BY GRANTOR (THE "RETAINED PARCEL"):

COMMENCE AT THE SE CORNER OF THE N ½ OF THE NE ¼ OF SECTION 28, TOWNSHIP 37S, RANGE 18E, SAID CORNER BEING MARKED BY A SARASOTA COUNTY NAIL AND DISK; THENCE N 89° 53'03"W ALONG THE SOUTH LINE OF SAID N ½, A DISTANCE OF 1365.59' TO THE POB AND THE INTERSECTION OF SAID SOUTH LINE WITH THE WESTERLY LINE OF US HIGHWAY 41, SAID POINT BEING MARKED WITH A 5/8" IRON ROD AND CAP MARKED LB 6754; THENCE CONTINUE N 89°53'03"W, A DISTANCE OF 292.53' TO A ½" IRON ROD AND CAP MARKED PSM 5233; THENCE N 00°04'59"E, A DISTANCE OF 152.38' TO A ½" IRON ROD AND CAP MARKED PSM 5233; THENCE N 45°13'13"E, A DISTANCE OF 99.96' TO THE WESTERLY R/W LINE OF US HIGHWAY 41, SAID POINT MARKED BY A ½" IRON ROD AND CAP MARKED PSM 5233; THENCE S.44°44'20"E ALONG SAID R/W LINE, A DISTANCE OF 314.48' TO THE POB.

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:

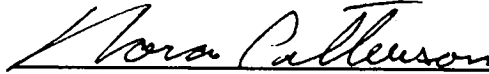
1. Development shall take place in substantial accordance with the Development Concept Plan dated October 25, 2006 and attached hereto as Exhibit A, except as provided herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Access to and from US 41 shall be limited to two access points. The southern access point shall be restricted to right-in/right-out and the northern access point shall be restricted to right-in/right-out and left-in only.
3. Prior to or concurrent with development of the subject parcel, the developer shall extend the existing southbound to eastbound left turn lane on US 41, at Lake Pointe Boulevard/Springfield Drive. 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 development of the subject parcel, the developer shall construct a southbound to westbound right turn lane to the proposed southern access on US 41. 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 development of the subject parcel, the developer shall construct a southbound to westbound right turn lane to the northern access on US 41. 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.
6. Prior to or concurrent with development of the subject parcel, the developer shall construct a northbound to westbound directional left turn lane at the proposed northern access driveway and US 41 intersection. The directional 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.
7. A portion of the 60-65 foot building setback area located on the western section of the subject property, containing native vegetation and a disturbed land identified on the Florida Land Use Map, west of the utility easement shall be labeled as Conservation Area. All work west of the proposed 8' wall will be conducted in a manner that protects native vegetation to the maximum extent practical.

8. During Site and Development Plan review, a planting plan shall be submitted to Resource Protection for approval to restore a section of the Conservation area mapped as disturbed land on the Florida Land Use Map.
9. The development shall include a minimum of 55 dwelling units.
10. No single retail user shall occupy more than 50,000 square feet of gross floor area in a single building.
11. The amount of commercial space shall not exceed 110,000 square feet, excluding office use and residential.
12. The Owner of the subject parcel shall cause to be recorded in the Public Records of Sarasota County, Florida, a Notice of Proximity to the Bayonne Preserve. The Notice of Proximity shall be in substantially the same form attached hereto as Exhibit A. The Notice of Proximity shall contain a metes and bounds description of the property prepared by a licensed Florida Land Surveyor and recorded at the time of the recording of each final plat or condominium plat survey and the O. R. Book and Page shall be set forth within such plat. The Notice of Proximity shall also be referenced as part of all Deed Restriction and Condominium documents. The Notice of Proximity shall indicate the Bayonne Preserve's right to the following: continuing current resource management practices to include, but not be limited to, prescribed burning, exotic plant and animal removal, pesticide use, usage of heavy equipment and machinery and other practices as may be deemed necessary for the proper management of the Bayonne Preserve. The Notice of Proximity shall be subject to review by Sarasota County's Office of the County Attorney.
13. The owner will construct a bus pull-off area adjacent to the site along U.S.41, provided the Florida Department of Transportation and the Sarasota County Area Transit agree to and issue permits for such a pull-off.
14. The owner shall conduct a detailed traffic signal warrant analysis (Analysis) in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) for the intersection of U.S. 41 and Lake Pointe Boulevard prior to obtaining a Certificate of Occupancy for the last building or when the project generates 450 gross p.m. peak- hour trips, whichever comes first. If the Analysis indicates a signal is warranted and it is approved by the appropriate jurisdictional agencies, the owner shall construct, at no cost to the County, a signal at the intersection of U.S. 41 and Lake Pointe Boulevard. The signal shall be designed and constructed in accordance with the MUTCD and Florida Department of Transportation's Roadway and Traffic Design Standards and shall be completed before any certificates of occupancy are issued.

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 14th day of October, 2006

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.

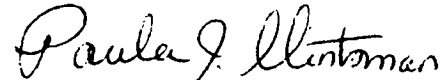
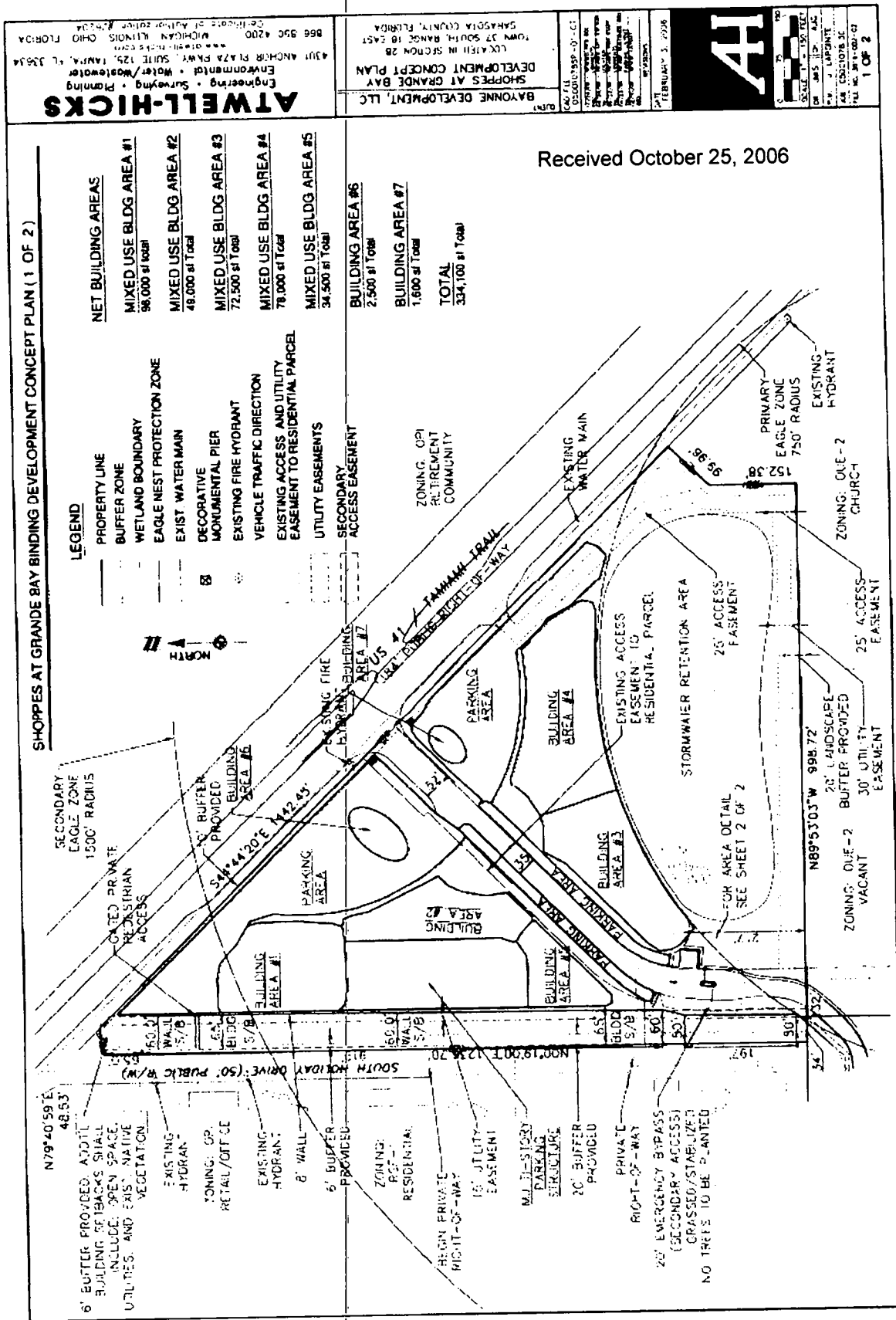
By: 
Deputy Clerk

Exhibit A

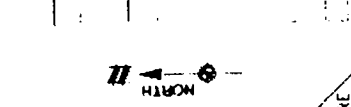


SHOPPES AT GRANDE BAY BINDING DEVELOPMENT CONCEPT PLAN (1 OF 2)

NET BUILDING AREAS

MIXED USE BLDG AREA #1	96,000 sf Total
MIXED USE BLDG AREA #2	48,000 sf Total
MIXED USE BLDG AREA #3	72,500 sf Total
MIXED USE BLDG AREA #4	78,000 sf Total
MIXED USE BLDG AREA #5	34,500 sf Total
BUILDING AREA #6	2,500 sf Total
BUILDING AREA #7	1,600 sf Total
TOTAL	334,100 sf Total

- LEGEND**
- PROPERTY LINE
 - BUFFER ZONE
 - WETLAND BOUNDARY
 - EAGLE NEST PROTECTION ZONE
 - EXIST. WATER MAIN
 - DECORATIVE MONUMENTAL PIER
 - EXISTING FIRE HYDRANT
 - VEHICLE TRAFFIC DIRECTION
 - EXISTING ACCESS AND UTILITY EASEMENT TO RESIDENTIAL PARCEL
 - UTILITY EASEMENTS
 - SECONDARY ACCESS EASEMENT



ATWELL-HICKS
 Engineering • Surveying • Planning
 Environmental • Water/Wastewater
 4301 ANCHOR PLAZA PKWY., SUITE 125, TAMPA, FL 33634
 866.950.4200
 2000 W. MICHIGAN AVENUE, SUITE 200
 ANN ARBOR, MI 48106-1500

SHOPPES AT GRANDE BAY DEVELOPMENT CONCEPT PLAN
 BAYONNE DEVELOPMENT, LLC
 LOCATION: SECTION 28
 TOWN 37 SOUTH, RANGE 18 EAST
 SARASOTA COUNTY, FLORIDA
 DATE: 02/01/06 - 01/01/07
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]
 FEBRUARY 3, 2006

AA

1 OF 2

Received October 25, 2006

Exhibit A, Continued

SHOPPES AT GRANDE BAY BINDING DEVELOPMENT CONCEPT PLAN (2 OF 2)

A MIXED USE DEVELOPMENT

THIS IS A BINDING DEVELOPMENT CONCEPT PLAN PURSUANT TO SECTION 3.15 OF THE ZONING CODE. THE MIXED USE BAYONNE ESTATES COMMERCIAL DEVELOPMENT WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING BINDING DESIGN CRITERIA.

DESIGN CRITERIA

1. AN INTERNAL, INTERCONNECTED SIDEWALK AND PATHWAY SYSTEM SHALL BE PROVIDED.
2. MAXIMUM HEIGHT OF ANY MIXED USE OR COMMERCIAL BUILDINGS SHALL COMPLY WITH THE SARASOTA COUNTY ZONING CODE STANDARDS FOR THE CG DISTRICT.
3. BUILDINGS AND PARKING AREAS MAY BE REPLACED WITH GREEN SPACE OR RETENTION AREAS.
4. STRUCTURES MAY BE REPLACED WITH LESS INTENSIVE USES SUCH AS PARKING AND OPEN SPACE.
5. ALL BUILDING AREAS MAY HAVE BREAKS OR ALLOW FOR ALLEYS AND PEDESTRIAN ACCESS BETWEEN BUILDINGS.
6. PARKING AREAS MAY BE COVERED OR OPEN.
7. ALL INTERNAL ACCESSWAYS SHALL PROVIDE SIDEWALKS ON AT LEAST ONE SIDE OF EACH TRAVEL WAY.
8. ALL INTERNAL ROADS SHALL BE PRIVATE STREETS TWO WAY VEHICULAR TRAVELWAYS SHALL PROVIDE A MINIMUM OF 10 FOOT LANES FOR EACH DIRECTION OF TRAVEL.
9. THE EXACT MIX OF RETAIL, OFFICE, MEDICAL OFFICE AND RESIDENTIAL UNITS WILL BE DETERMINED DURING SITE AND DEVELOPMENT REVIEW BASED ON MARKET CONDITIONS. PARKING SPACES WILL BE CALCULATED DURING SITE AND DEVELOPMENT REVIEW TO ACCOMMODATE THE MIX OF USES IN ACCORDANCE WITH THE ZONING CODE.

SITE DATA

SITE AREA: 18.27 ACRES 795,831 S.F.
 OPEN SPACE PROVIDED: 470,000 S.F. 59.1%
 REQUIRED OPEN SPACE: 0 S.F. 0%

RETAIL/OFFICE/MEDICAL OFFICES PROVIDED
 GROSS LEASABLE AREA: 210,000 S.F.

LIVE-WORK AND ATTACHED RESIDENTIAL UNITS
 ALLOWED: 9 UNITS PER ACRE/164 TOTAL UNITS
 PROVIDED: 4 UNITS PER ACRE/68 TOTAL UNITS

IMPERVIOUS AREA: 287,431 S.F. 36.3%
 PERVIOUS AREA: 337,400 S.F. 42.4%
 BUILDING AREA: 201,000 S.F. 25.3%

PARKING REQUIRED: 1,015 SPACES
 PARKING PROVIDED: 1,172 SPACES

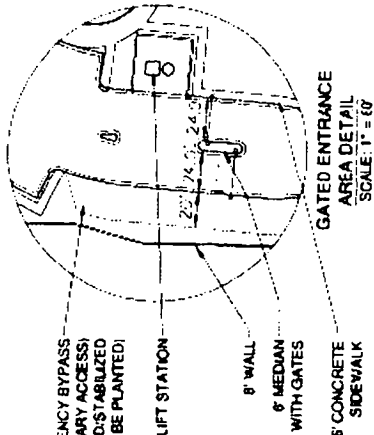
EXISTING USE: RESIDENTIAL
 APPROVED USE: (2 EXISTING UNITS TO BE REMOVED)
 MIXED USE (COMMERCIAL/OFFICE/RESIDENTIAL)

EXISTING ZONING: RSP-2 (RESIDENTIAL SINGLE FAMILY)
 APPROVED ZONING: CG (COMMERCIAL GENERAL)
 APPROVED MAXIMUM BUILDING HEIGHT: 35'-0"
 ALLOWED CG MAXIMUM BUILDING HEIGHT: 35'-0"

PLAN NOTES

1. FINAL LOCATIONS AND ORIENTATIONS OF BUILDINGS TO BE DETERMINED DURING SITE AND DEVELOPMENT PLAN APPROVAL PROCESS IN ACCORDANCE WITH THE DESIGN CRITERIA, THIS SHEET.
2. PARKING AREA ALLOCATIONS AND LOCATIONS TO BE DETERMINED DURING SITE AND DEVELOPMENT PLAN APPROVAL PROCESS. REFER TO DESIGN CRITERIA, THIS SHEET.
3. NO EXISTING SANITARY SEWER LINES.
4. WALL LOCATION MAY VARY TO AVOID TREES.
5. SITE LIGHTING AND SIGN LOCATIONS TO BE DETERMINED DURING SITE PLAN REVIEW ACCORDING TO SARASOTA COUNTY ORDINANCES.
6. MODIFICATIONS TO ACCESS POINTS FROM US-41 REQUIRED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) WILL BE CONSIDERED A MINOR SITE PLAN CHANGE.
7. PURSUANT TO SECTION 3.15.4 OF THE SARASOTA COUNTY ZONING CODE ANY CHANGE TO THIS BINDING DEVELOPMENT CONCEPT PLAN TO IMPLEMENT THE "DESIGN CRITERIA" OR "PLAN NOTES" SHALL BE SUBMITTED TO THE ZONING ADMINISTRATOR FOR REVIEW AND CONSIDERATION AS MINOR MODIFICATIONS.

20' EMERGENCY BYPASS (SECONDARY ACCESS) (GRASSES/STABILIZED (NO TREES TO BE PLANTED))



NET BUILDING AREAS

MIXED USE BLDG AREA #1	MIXED USE BLDG AREA #2	MIXED USE BLDG AREA #3	MIXED USE BLDG AREA #4	MIXED USE BLDG AREA #5	MIXED USE BLDG AREA #6	MIXED USE BLDG AREA #7	TOTAL
96,000 sf Total	49,000 sf Total	72,500 sf Total	78,000 sf Total	34,500 sf Total	2,500 sf Total	1,600 sf Total	334,100 sf Total

ATWELL-HICKS
 Engineering • Surveying • Planning
 Environmental • Water/Wastewater
 4500 ANCHOR PLAZA, SUITE 125, TAMPA, FL 33634
 866.852.4200
 MICHOYAN@ATWELL-HICKS.COM

SHOPPES AT GRANDE BAY
 DEVELOPMENT CONCEPT PLAN
 BAYONNE DEVELOPMENT, LLC
 10001 W. STATE ROAD 28
 LOCATED IN SECTION 28
 SARASOTA COUNTY, FLORIDA
 DATE: APR 13, 2006
 DRAWING: 01-C1

2 OF 2

Received
 October 25, 2006