

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2013088482 14 P63

2013 JUN 25 08:51 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
JOLSON Receipt#1636297



2013088482

14 ✓
Please record and return to: (Via Inter-Office Mail)

Kristin Pate, Administrative Specialist

Planning Services

1660 Ringling Blvd., 1st Floor

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 west of U.S. 41 and east of Vamo Road in Sarasota County, Florida, owned by Pelsota, LLC, and described in Ordinance No. 2013-018 attached hereto, has been rezoned to a CG (Commercial, General) with amended stipulations zone district pursuant to Rezone Petition No. 13-02 filed by Todd Mathes, Agent, and granted by Sarasota County on June 5, 2013, 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. 2013-018, attached hereto)



Tate Taylor, Operational Manager

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Operational Manager, 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 21st day of JUNE, 2013.




Notary Public
State of Florida at Large

This instrument prepared by:
kp

ORDINANCE NO. 2013-018

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.

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

2013 JUN -7 AM 10:57

BOARD RECORDS
FILED FOR THE CLERK

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:

1. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezoning Petition No. 13-02, requesting rezoning of the property described herein.
2. 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.
3. The rezoning herein granted is consistent with the Sarasota County Comprehensive Plan and meets the requirements of the Zoning Ordinance.
4. 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 CG (Commercial, General) with stipulations to CG (Commercial General) zone district with amended stipulations for the following described property located in Sarasota County, Florida:

West of U.S. 41 and east of Vamo Road and being more particularly described as follows:

Parcel 1

All that certain property lying and being in Sarasota County, Florida described as follows:

Commence at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 37 South, Range 18 East, Sarasota County, Florida; thence S. 00 degrees 02' 22" E. along the West line of said Section 27, said line also being the centerline of Vamo Road, 104.88 feet; thence N. 89 degrees 57' 38" E. 15.00 feet to the original East R/W line of Vamo Road; thence N. 64 degrees 43' 58" E., 16.58 feet to the existing East right of way line of Vamo Road, for a Point of Beginning; thence continue N. 64 degrees 43' 58" E. 21.70 feet to a point on the Southwesterly right of way line of U.S. Highway No. 41; thence S. 44 degrees 42' 58" E. along said right of way line 210.92 feet to the P.C. of a curve concave to the Southwest and having a radius of 2773.66 feet; thence Southeasterly along the arc of said curve 874.61 feet (Chord - S. 35 degrees 40' 58" E. 870.99 feet); thence S. 62 degrees 32' 20" W., 39.97 feet; thence S. 00 degrees 02' 22" E., 140.46 feet; thence S. 30 degrees 02' 22" E., 96.66 feet; thence S. 59 degrees 57' 38" W., 20.00 feet; thence S. 30 degrees 02' 22" E. 119.00 feet; thence N. 89 degrees 52' 35" E., 17.14 feet; thence N. 70 degrees 11' 46" E., 72.10 feet to the aforesaid right of way line of U.S. Highway No. 41; thence S. 19 degrees 48' 14" E., along said right of way line 63.00 feet to a point on the South line of the Northwest 1/4 of the Southwest 1/4 of said Section 27; thence S. 89 degrees 52' 35" W. along said South line, 836.82 feet to the existing right of way line of Vamo Road; said point lying 30.00 feet Easterly from the West line of aforesaid Section 27; thence N. 00 degrees 02' 22" W., along said right of way line and also along a line 30.00 feet East of the West line of aforesaid Section 27, a distance of 1240.29 feet to the Point of Beginning.

LESS the following described parcel:

From the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 27, Township 37 South, Range 18 East, Sarasota County, Florida, run South 00 degrees 02' 22" East, 104.88 feet along the West line of said Section 27, same being the centerline of Vamo Road; thence leaving said West line of Section 27, run North 89 degrees 57' 38" East, 15.00 feet; thence North 64 degrees 43' 58" East, 38.28 feet to a point on the Southwesterly right of way line of U.S. Highway No. 41; thence South 44 degrees 42' 58" East along said right of way line 210.92 feet to a point of curvature; thence continuing along said right of way line by a curve to the right, having a radius of 2773.66 feet, an arc distance of 256.22 feet, a delta angle of 5 degrees 17' 34", a chord bearing of South 42 degrees 04'

11" East, a chord distance of 256.13 feet; thence South 49 degrees 54' 50" West, 57.82 feet for a Point of Beginning; thence North 40 degrees 05' 20" West, 6.0 feet; thence South 49 degrees 54' 50" West, 153.0 feet; thence South 01 degrees 01' 15" West, 40.00 feet; thence North 89 degrees 54' 50" East, 223.79 feet; thence North 37 degrees 24' 15" West, 168.17 feet to the Point of Beginning.

Parcel 2

Together with a non-exclusive easement for vehicular and pedestrian traffic, as set forth in and created by Declaration of Easements, dated March 12, 1991, recorded in Official Records Book 2282, Page 646, Public Records of Sarasota County, Florida, over and across the following real property:

From the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 27, Township 37 South, Range 18 East, Sarasota County, Florida, run South 00 degrees 02' 22" East, 104.86 feet along the West line of said Section 27, same being the centerline of Vamo Road; thence leaving said West line of Section 27, run North 89 degrees 57' 38" East, 15.00 feet; thence North 64 degrees 43' 58" East, 38.28 feet to a point on the Southwesterly right of way line of U.S. Highway No. 41; thence South 44 degrees 42' 58" East, along said right of way line 210.92 feet to a point of curvature; thence continuing along said right of way line by a curve to the right, having a radius of 2773.66 feet, an arc distance of 256.22 feet, a delta angle of 5 degrees 17' 34", a chord bearing of South 42 degrees 04' 11" East, a chord distance of 256.13 feet; thence South 49 degrees 54' 50" West, 57.82 feet for a Point of Beginning; thence North 40 degrees 05' 20" West, 6.0 feet; thence South 49 degrees 54' 50" West, 153.0 feet; thence South 01 degrees 01' 15" West, 40.00 feet; thence North 89 degrees 54' 50" East, 223.79 feet; thence North 37 degrees 24' 15" West, 168.17 feet to the Point of Beginning.

Parcel 3

Together with a permanent non-exclusive easement for use of Retention Ponds as set forth in that certain Declaration of Easements recorded in Official Records Book 2262, Page 625 and Modification of Declaration of Easements recorded in Official Records Book 2621, Page 1053, of the public records of 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 the Zoning Ordinance, is hereby further limited by and subject to the following restrictions, stipulations and safeguards:

1. Development shall take place in accordance with the U.S. 41/Beneva Road Sector Plan No. 84-02 SP (Resolution No. 86-461).
2. Development shall take place in substantial accordance with the Development Concept Plan, date stamped December 13, 2012, and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.
3. Prior to or concurrent with the development of the subject parcel, a bus stop facility shall be provided on US 41 adjacent to the parcel. The Owner shall construct an Americans with Disabilities Act (ADA) accessible bus stop deployment and bus stop shelter, pads, and pedestrian connections to the bus stop pads, and install a bus stop shelter and bicycle racks. The facility shall be located in the Florida Department of Transportation (FDOT) right-of-way. Final location of said facility shall be subject to FDOT review and approval.
4. Any changes to the conveyance of Clower Creek shall be incorporated into Sarasota County model for the Little Sarasota Bay.
5. Prior to approval of any construction plan or other development permit that authorizes any modification to Clower Creek, the Owner shall record an easement, in a form acceptable to the County Attorney, that provides for maintenance of the flow of the Creek, consistent with the Development Improvements Technical Manual in Chapter 74 of the County Code.
6. Access to Vamo Road shall be limited to pedestrian and bicycle traffic only.
7. The area between Clower Creek and the intersection of U.S. 41 and Vamo Road shall remain undeveloped until such time as on-site stormwater improvements are made on the subject parcel in substantial accordance with the Stormwater Improvement Plan attached hereto as Exhibit "B".
8. A landscaping buffer shall be provided along Vamo Road from Clower Creek to the south property line. The landscape buffer width shall be as depicted on Exhibit "C" attached hereto and maintained at a minimum opacity of 0.5. The landscape buffer shall be landscaped and maintained in accordance with the attached Pelican Plaza Landscape Buffer, with pedestrian crossing, date stamped "Received May 15, 2013" and the Pelican Plaza Master Plant Schedule date stamped "May 15, 2013" attached hereto. The existing non-landscaped thirty five (35) foot wide buffer area along Vamo Road, north of Clower Creek shall remain in its present state consistent with the deferred improvement schedule set forth in Stipulation Number 6. The Owner shall include at least one ADA-compliant walkway between Vamo Road and the impervious surface of the shopping center in the construction plans for the project.
9. Environmental Utilities shall be consulted prior to disturbance or removal of the hydrologic monitoring station on the south side of Clower Creek.

Section 5. Effective Date. This Ordinance shall take effect upon filing with the Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 5th day of June, 2013.

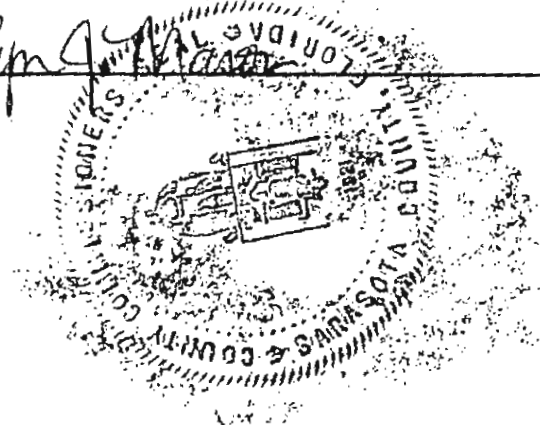
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

Carolyn J. ...

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: *Karen E. Rushing*
Deputy Clerk

EXHIBIT "A"
Received December 13, 2012

SITE DATA:

EXISTING USE - OFFICE/RETAIL
PROPOSED USE - OFFICE/RETAIL
EXISTING ZONING - CG W/ STIPULATIONS
PROPOSED ZONING - CG W/ AMENDED STIPS
ACREAGE - 13.36
EXISTING SQUARE FOOTAGE - 108,866 S.F.
PROPOSED SQUARE FOOTAGE - 148,330 S.F.
EXISTING FLOOR AREA RATIO - 0.182
PROPOSED FLOOR AREA RATIO - 0.242

MAX HEIGHT: 40 FEET (SPECIAL EXCEPTION REQUESTED)

REQUIRED PARKING:
RETAIL - 131,458 / 250 = 526 SPACES
OFFICE - 16,872 / 250 = 68 SPACES
TOTAL - 594 SPACES

PROVIDED PARKING:
512 SPACES (SEE ALT. PARKING PLAN DATED 10/24/12)
EXISTING IMPERVIOUS AREA - 422,970 S.F.
PROPOSED IMPERVIOUS AREA - 466,342 S.F.
NET INCREASE IN IMPERVIOUS AREA - 43,372 S.F.

Prepared by: [illegible]
Checked by: [illegible]
Date: [illegible]

PELICAN PLAZA	
[illegible]	
[illegible]	[illegible]
BINDING DEVELOPMENT CONCEPT PLAN	

EXHIBIT "B"
Stormwater Improvement Plan
Received October 26, 2012

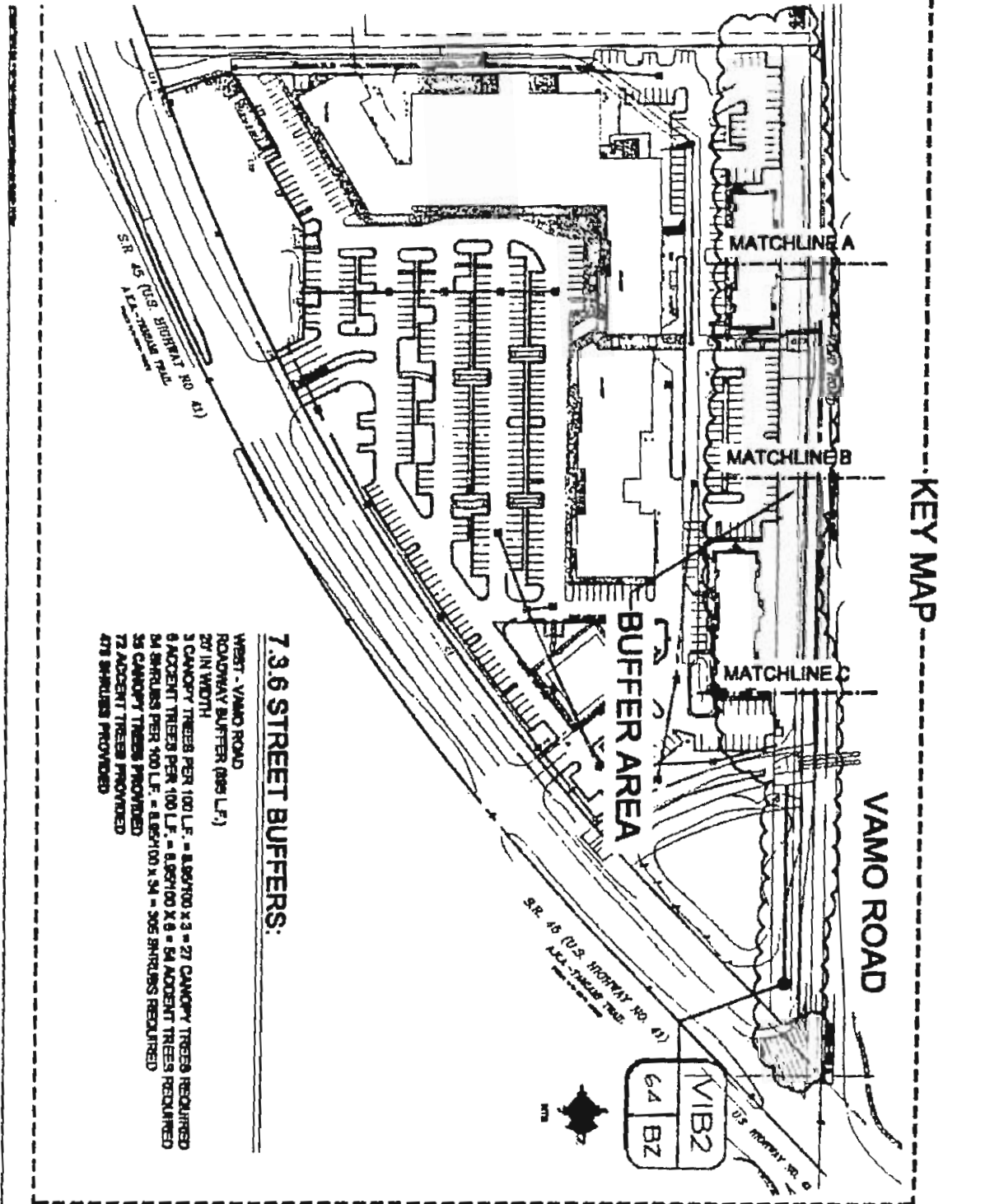
Rec'd by Planning Service
October 26, 2012

Exhibit B

Pelican Plaza Stormwater Improvement Plan

- **Dry retention shall be incorporated into the design of Pelican Plaza to reduce the volume of untreated stormwater which is discharged to Clower Creek;**
- **Enhanced treatment methods of dry retention shall be incorporated wherever practicable, including the addition of vegetated bio-swales to create infiltration through a sand filter media within the site and, if accepted by FDOT, within the right-of-way adjacent to the site;**
- **The filter media and maintained vegetated system shall effectively remove nutrients from the stormwater discharge to help improve the water quality of the downstream water body;**
- **Water quantity improvements will be made by the addition of an underground vault system to offset the existing wet retention area once impacted;**
- **All existing volume will be mitigated to ensure no adverse flooding impacts to surrounding property owners.**

EXHIBIT "C"
 Pelican Plaza Landscape Buffer Plan
 Received May 15, 2013

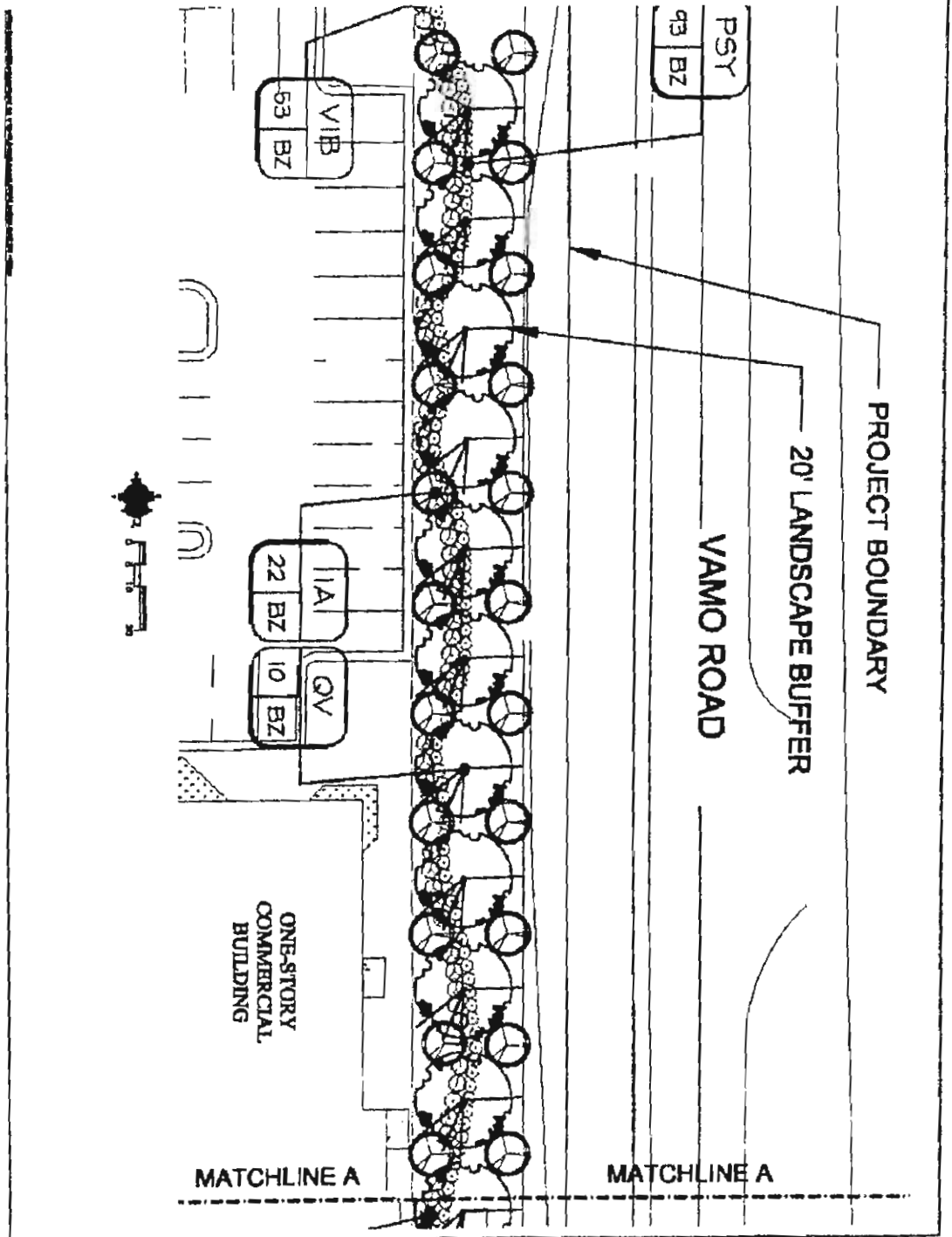


KEY MAP

7.3.6 STREET BUFFERS:
 WEST - VAMO ROAD
 ROADWAY BUFFER (899 L.F.)
 20' IN WIDTH
 3 CANOPY TREES PER 100 L.F. = 8,997/100 X 3 = 27 CANOPY TREES REQUIRED
 8 ACCENT TREES PER 100 L.F. = 8,997/100 X 8 = 84 ACCENT TREES REQUIRED
 54 SHRUBS PER 100 L.F. = 8,997/100 X 54 = 540 SHRUBS REQUIRED
 28 CANOPY TREES PROVIDED
 72 ACCENT TREES PROVIDED
 478 SHRUBS PROVIDED

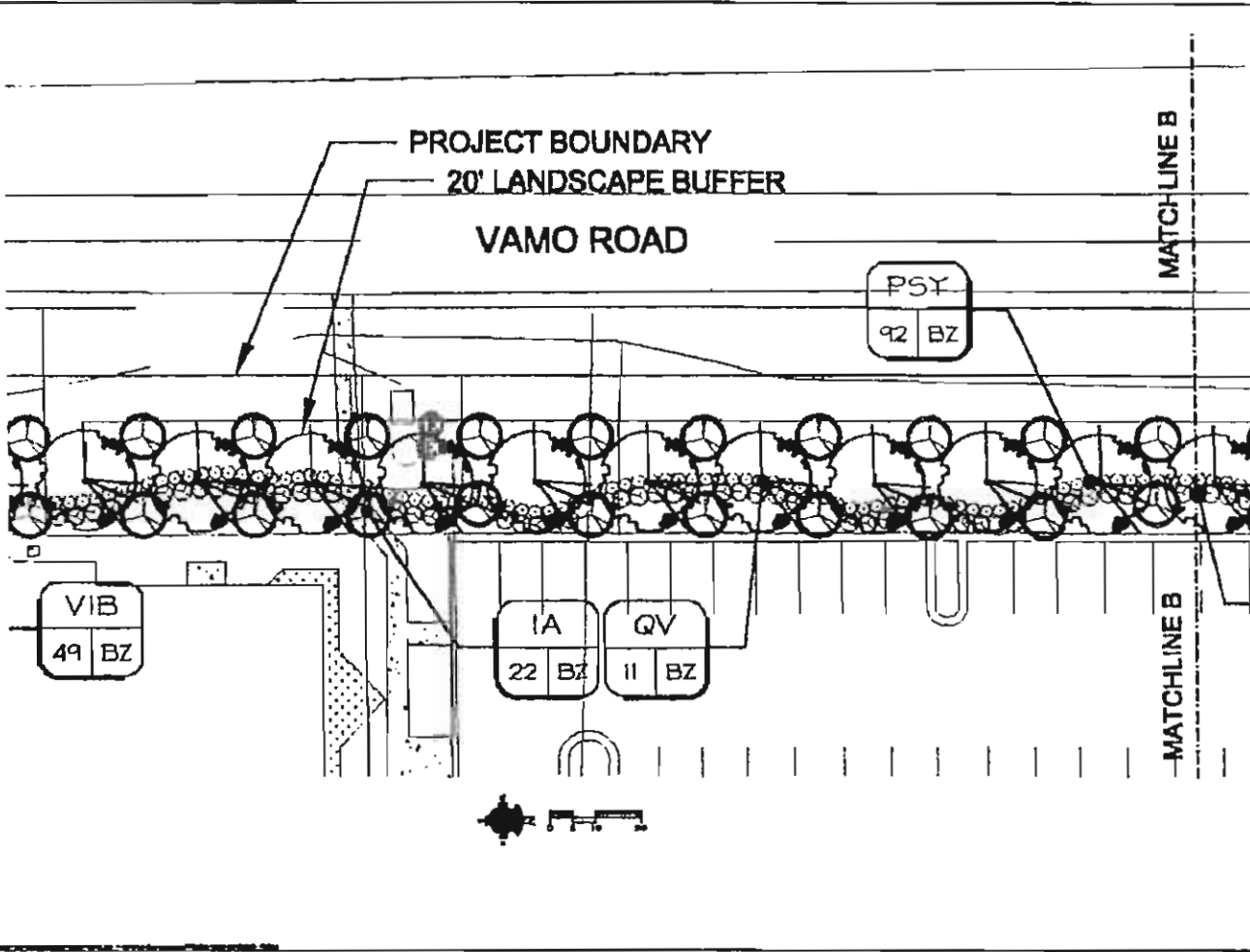
<p>LS-1</p>	<p>KEY MAP & CALLS</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION				<p>PELICAN PLAZA SARASOTA COUNTY</p>			
NO.	DATE	DESCRIPTION										

EXHIBIT "C"
 Pelican Plaza Landscape Buffer Plan
 Received May 15, 2013



LS-2 LANDSCAPE BUFFER PLAN	REVISIONS NO. 1 DATE DESCRIPTION	PELICAN PLAZA SARASOTA COUNTY	
	LANDSCAPE BUFFER PLAN	PELICAN PLAZA SARASOTA COUNTY	

EXHIBIT "C"
Pelican Plaza Landscape Buffer Plan
Received May 15, 2013



ensite

PELICAN PLAZA
SUBMITTA COUNTY

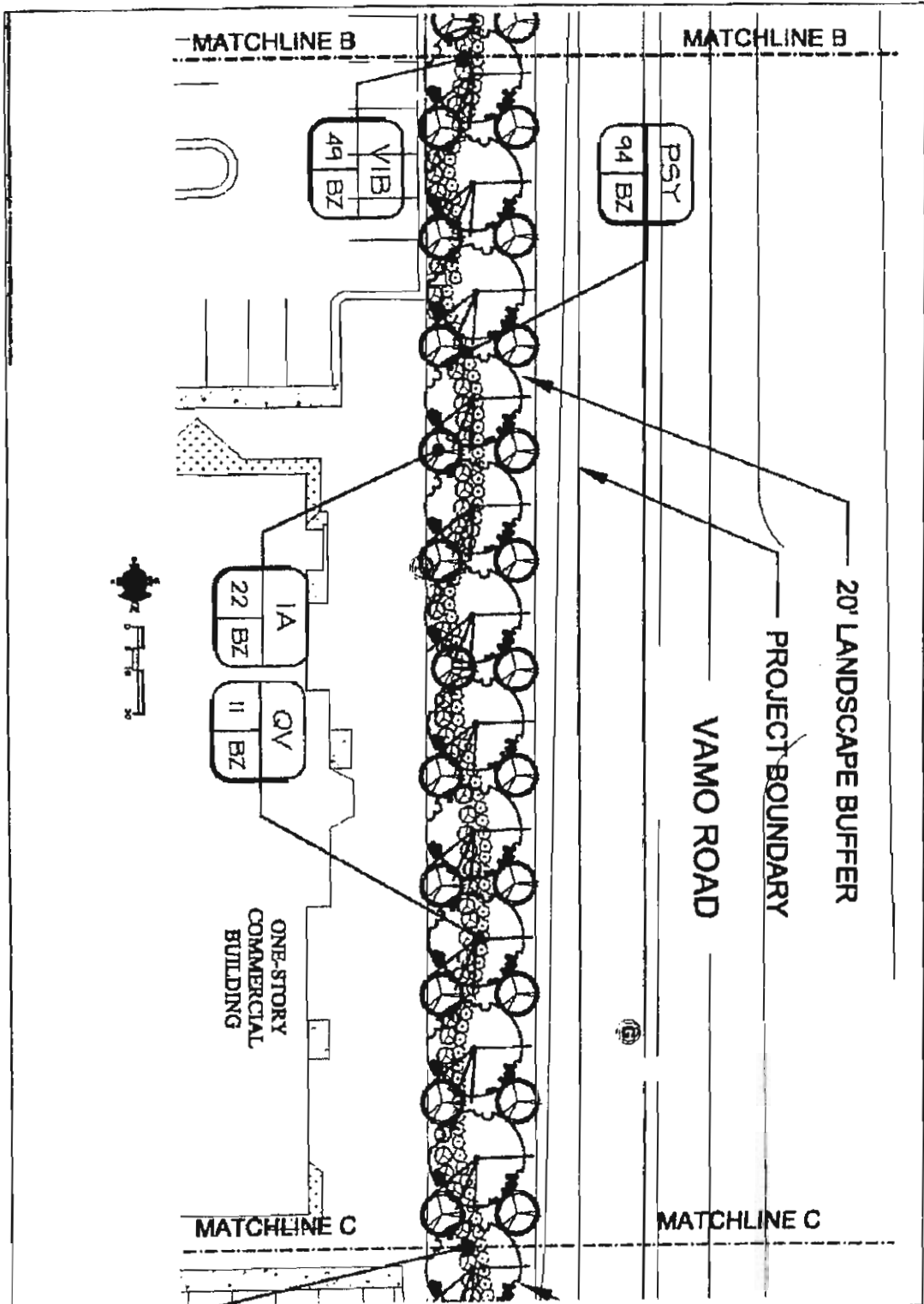
REVISIONS

NO.	DATE	DESCRIPTION

LANDSCAPE
BUFFER
PLAN

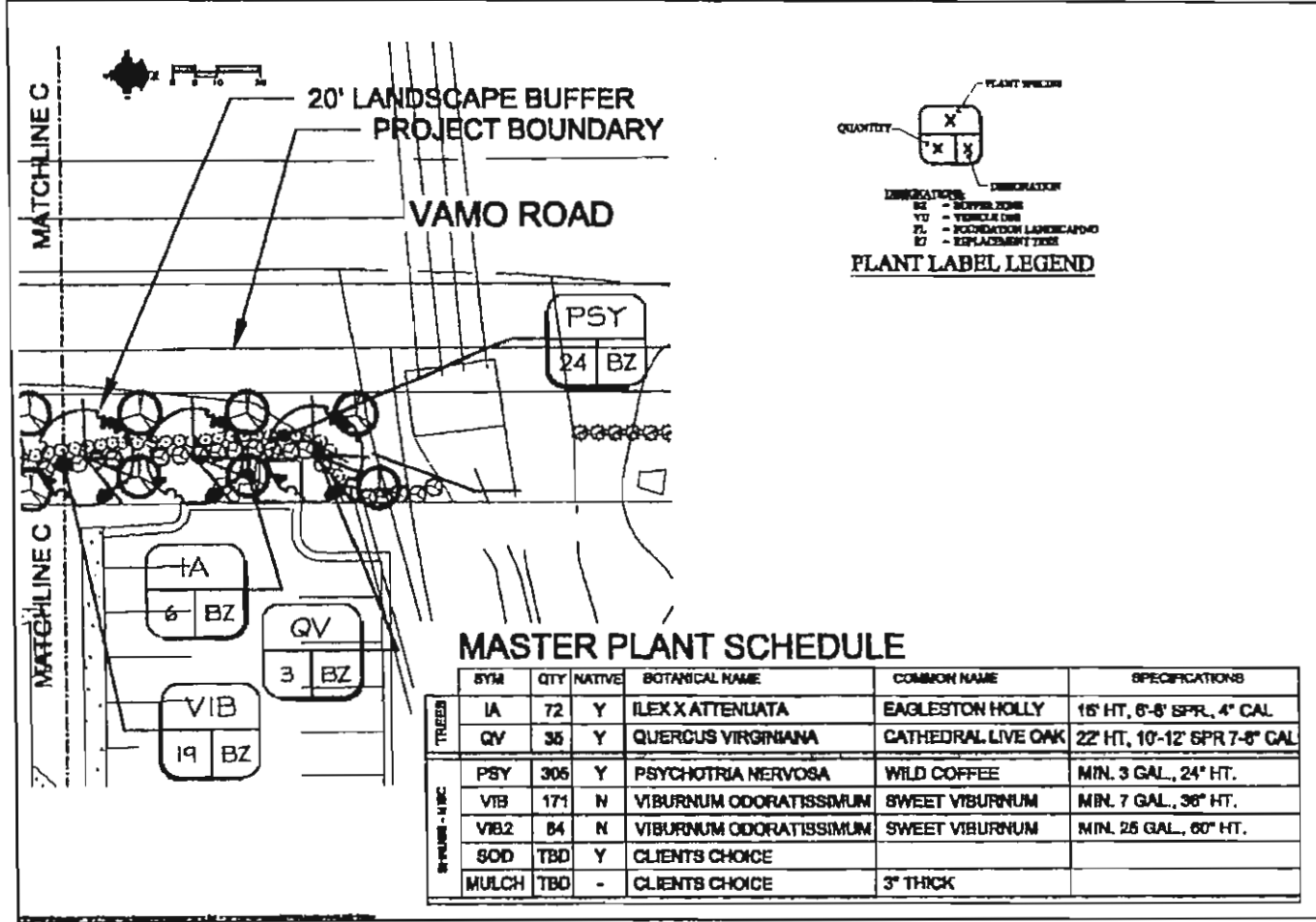
LS-3

EXHIBIT "C"
 Pelican Plaza Landscape Buffer Plan
 Received May 15, 2013



LS-4	LANDSCAPE BUFFER PLAN	REVISIONS		PELICAN PLAZA SARASOTA COUNTY		
		NO.	DATE			

EXHIBIT "C"
 Pelican Plaza Landscape Buffer Plan
 Received May 15, 2013



ensite

PELICAN PLAZA
SALUDA COUNTY

LANDSCAPE BUFFER PLAN & LEGEND

LS-5

STATE OF SOUTH CAROLINA
 CLERK OF COURTS
 I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS DATE: 2013 MAY 15 2013
 WANDA E. BUSHONG, CLERK OF THE CIRCUIT COURT
 CLERK OF COURTS
 OFFICE OF THE CLERK OF THE CIRCUIT COURT
 1000 MARKET STREET, 10TH FLOOR
 COLUMBIA, SOUTH CAROLINA 29201
 [Signature]