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RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2013168788 14 PGS

2013 DEC 20 08:35 AM
KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
JOLSON Receipt#1694940

Please record and return to: **(Via Inter-Office Mail)**
Paula Clintzman, 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 north of Fruitville Road and west of Bethel Lane in Sarasota County, Florida, owned by Tail Feathers II, LLC. and described in Ordinance No. 2013-046, attached hereto, has been rezoned to a PCD zone district pursuant to Rezone Petition No. 13-17 and Resolution No. 2013-212, attached hereto, to allow a School in the OUR zone district, pursuant to Special Exception Petition No. 1718 filed by Robert Medred, Agent, and granted by Sarasota County on December 11, 2013, and are 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. 2013-046, attached hereto) and (Stipulations and limitations are those described in Section B of Resolution No. 212, 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 17th day of December, 2013.




Notary Public
State of Florida at Large

This instrument prepared by:



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 17, 2013

Honorable Karen E. Rushing
Clerk of the Circuit Court
Board Records Department
Sarasota County
1660 Ringling Boulevard, Suite 210
Sarasota, Florida 34236

Attention: Debbie Shaffer, Deputy Clerk

Dear Ms. Rushing:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Sarasota County Ordinance No. 2013-046, which was filed in this office on December 17, 2013.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosures

ORDINANCE NO. 2013-046

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:

1. The Board has received and considered the report of the Sarasota County Planning Commission concerning Rezone Petition No. 13-17, 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 IR (Industrial and Research) to PCD (Planned Commerce Development) zone district for the following described property located in Sarasota County, Florida:

North of Fruitville Road and west of Bethel Lane and being more particularly described as follows:

A PARCEL OF LAND, BEING IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA ALSO BEING A PORTION OF TRACT 33, PALMER FARMS, THIRD UNIT AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 39, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE S 00°31'15" W, ALONG THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 231.44 FEET FOR A POINT OF BEGINNING; THENCE N 89°11'02" E, A DISTANCE OF 364.66 FEET; THENCE S 00°31'15" W, A DISTANCE OF 1025.43 FEET TO THE NORTH MAINTAINED RIGHT OF WAY LINE OF FRUITVILLE ROAD AS RECORDED IN ROAD PLAT BOOK 2, PAGE 7, OF THE PUBLIC RECORDS OF SARASOTA COUNTY; THENCE S 89°21'15" W, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 364.64 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 22; THENCE N 00°31'15" E, ALONG SAID SECTION LINE, A DISTANCE OF 1024.35 FEET TO THE POINT OF BEGINNING, CONTAINING 373,636 SQUARE FEET (8.58 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 accordance with the Development Concept Plan, dated October 24, 2013, 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.
2. Prior to or concurrent with the Phase II development of the middle school, the existing eastbound to northbound left turn lane on Fruitville Road shall be extended to accommodate the traffic impacts of the school. The extension of the 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.
3. Prior to or concurrent with the development of Phase I, the Owner's traffic engineer shall perform a signal warrant analysis at the intersection of Fruitville Road and Bethel Lane. The study shall be consistent with the procedures of the *Manual on Uniform Traffic Control Devices*. If a signal is warranted, the Owner shall be responsible for the design and construction of a traffic signal that functions only during the morning and afternoon peak hours of the school, at no cost to the County.

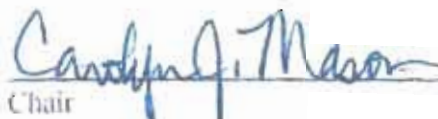
4. Prior to or concurrent with the development of Phase II or the enrollment of the 426th student, the Owner's traffic engineer shall perform a signal warrant analysis at the intersection of Fruitville Road and Bethel Lane. The study shall be consistent with the procedures of the Manual on Uniform Traffic Control Devices. If a signal is warranted, the developer/owner shall be responsible for the design and construction of a traffic signal that functions only during the morning and afternoon peak hours of the school, at no cost to the County.
5. The wetland and associated upland vegetative buffer shall be maintained in accordance with management guidelines contained within the Comprehensive Plan as a preserve and labeled a preserve on all plans. All activities including but not limited to filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, except where approved by Conservation and Environmental Permitting through: 1) the Resource Management Plan for the project, or 2) specific written approval of hand removal of nuisance or exotic vegetation.
6. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
7. All stormwater treatment shall be open and above ground.

Section 4. The stipulations set forth in Section 3 of Ordinance No. 2009-002 are superseded by the stipulations set forth in Section 3 above.

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 11 day of December, 2013.

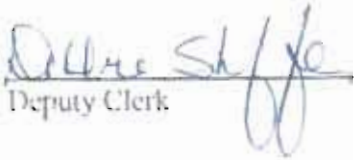
BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA


Chair

02013-046

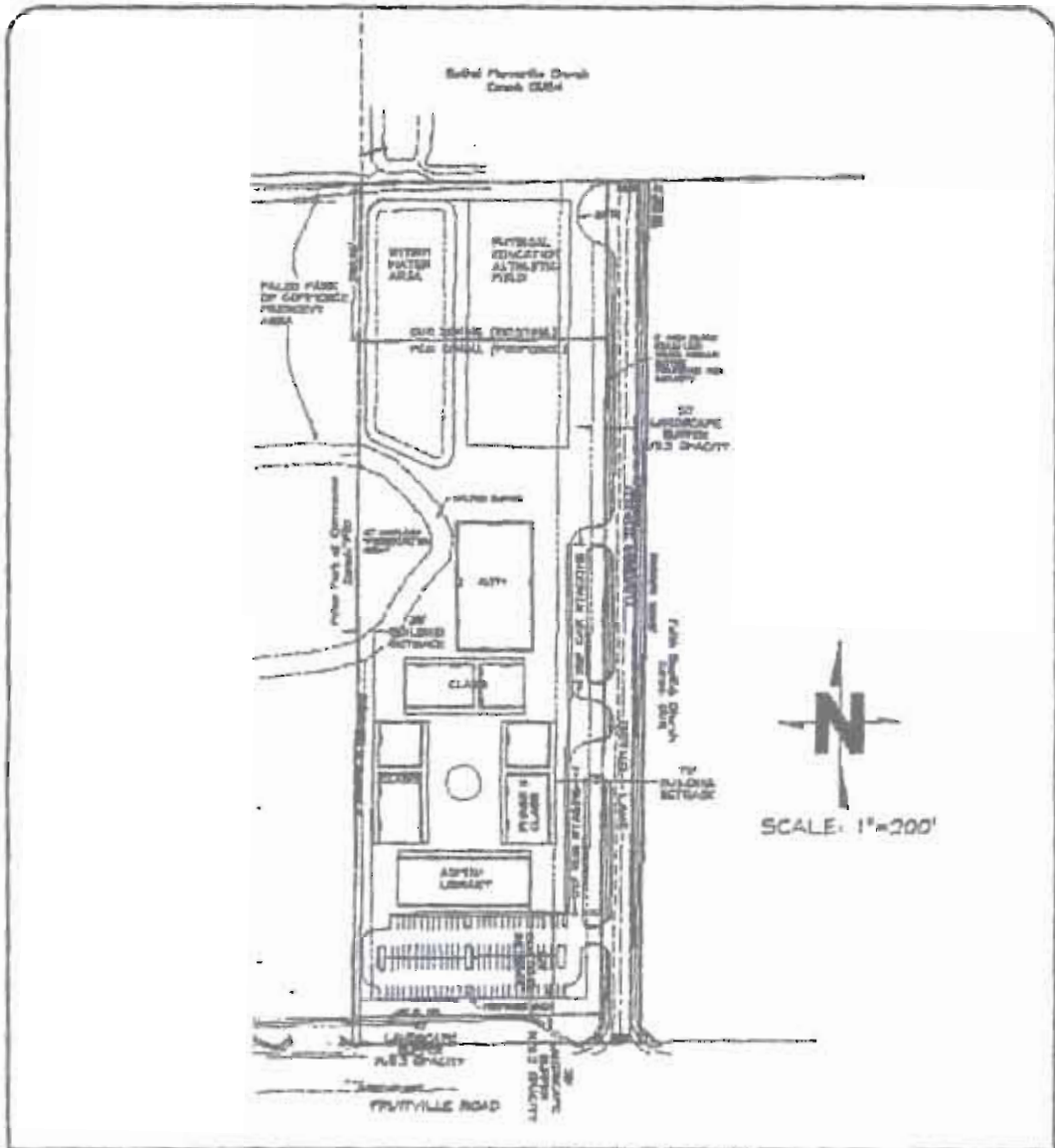
ATTEST:

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

02013 046

EXHIBIT "A"



BINDING DEVELOPMENT CONCEPT PLAN

Sheet 1 of 2

CAVOLI Engineering, Inc.
 Consulting Civil Engineers
 P. Eng. of Arch. No. 3823
 5104 Bee Ridge Road, Sarasota, FL 34233

(941) 927-3647
 Fax: (941) 927-3644
 email: cavoliengr@aol.com

JOHN F. CAVOLI, P.E.
 FL REG. NO. 148492
 10/24/13
 DATE

02013 046

BINDING DEVELOPMENT CONCEPT PLAN

SITE DATA

1. PARCEL ID NO.: 0221-01-3304
2. TOTAL ACREAGE: ±10.54 ACRES
3. EXISTING ZONING: 8.5 ACRES ZONED IR / 2.0 ACRES ZONED OUR
4. PROPOSED ZONING: IR TO PCD (8.5 ACRES) / OUR W/ SPECIAL EXCEPTION FOR MIDDLE SCHOOL (2.0 ACRES)
5. PROPOSED USE: 10.54 ACRES FOR CHARTER SCHOOL (SARASOTA MILITARY ACADEMY MIDDLE SCHOOL)
6. NO. OF STUDENTS: PHASE I: 400 STUDENTS / PHASE II: 825 STUDENTS / TOTAL: 725 STUDENTS
6. PARKING: PARKING REQUIRED: 212 SPACES
PARKING PROVIDED: 106 SPACES NOTE: SEE NOTE 14B BELOW.
7. EXISTING WETLAND TO BE PRESERVED
8. ACCESS: VIA BETHEL LANE
9. EXISTING IMPERVIOUS: 0.0%
10. NEW IMPERVIOUS: 50.0%
11. TOTAL NET NEW IMPERVIOUS: 50.0%
12. TOTAL BUILDING COVERAGE: 64,500 SQ. FT. OR 14.3%
13. TOTAL OPEN SPACE: 40% REQUIRED, 40% PROVIDED
14. PCD MODIFICATIONS:
 - A. LANDSCAPE BUFFERS:
 - SOUTH: 25' WIDE W/ 0.2 OPACITY
 - EAST: 20' WIDE W/ 0.2 OPACITY
 - WEST: 10' WIDE W/ 0.2 OPACITY AND 110' BUFFER NORTH OF WETLAND PRESERVE AREA AND ADJACENT TO PALED PARK PRESERVE AREA
 - NORTH: NO BUFFER BETWEEN PCD AND OUR ZONING BOUNDARY
 - B. MODIFICATION TO REQUIRED PARKING: THE APPLICANT IS REQUESTING APPROVAL OF AN ALTERNATIVE PARKING PLAN TO PERMIT THE CONSTRUCTION OF 106 SPACES TO SERVE THE SITE.

Sheet 2 of 2

 **CAVOLI Engineering, Inc.**
Consulting Civil Engineers
A Corp. of Am. Reg. Bus.
3204 Lee Ridge Road, Sarasota, FL 34233

(941) 927-3447
Fax (941) 927-3444
email: cavoliengineer@ccoi.com

JOHN F. CAVOLI, P.E.
PL. REG. NO.: 48642
1/21/03
DATE

02013-046

**RESOLUTION NO. 2013-212
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1718**

WHEREAS, Robert Medred, Agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1718 requesting that a special exception be granted to permit a SCHOOL, located north of Fruitville Road and west of Bethel Lane, Sarasota County, Florida, in an OUR (Open Use, Rural) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 21st day of November, 2013, to consider said Special Exception Petition No. 1718, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1718 be granted, and

WHEREAS, this Board, after due public notice, did on the 11th day of December, 2013, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled;

A. This Board, after having considered the report of the Planning Commission, the testimony of the applicant, evidence entered into the record, public comment on the petition and all things brought to its attention with regard to said Special Exception Petition No. 1718, do hereby make the following findings:

1. The proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
2. The proposed use is compatible with the existing land use pattern and future uses;
3. There are adequate public facilities available consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the Sarasota County Concurrently Management System Regulations, Chapter 94, Article VII of Exhibit A of the Sarasota County Code;
4. The proposed use, singularly or in combination with other special exceptions, will not be detrimental to the health, safety, morals, order, comfort, convenience, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;

FILED
DEC 17 2013
SARASOTA COUNTY, FLORIDA
CLERK OF COUNTY COMMISSIONERS

R2013-212

5. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;

6. The subject parcel is adequate in shape and size to accommodate the proposed use;

7. The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control.

8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1718 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

A PARCEL OF LAND, BEING IN THE NORTHWEST 1/4 OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA ALSO BEING A PORTION OF TRACT 33, PALMER FARMS, THIRD UNIT AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 39, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA; THENCE N 89°11'02" E, ALONG THE NORTH LINE OF SAID SECTION 22, A DISTANCE OF 364.66 FEET; THENCE S 00°31'15" W, A DISTANCE OF 231.44 FEET; THENCE S 89°11'02" W, A DISTANCE OF 364.64 FEET TO THE POINT OF INTERSECTION WITH THE WEST LINE OF SAID SECTION 22; THENCE N 00°31'15" E, ALONG SAID SECTION LINE, A DISTANCE OF 231.44 FEET TO THE POINT OF BEGINNING, CONTAINING 84,375 SQUARE FEET (1.94 ACRES), MORE OR LESS.

and the same is hereby approved for Special Exception No. 1718, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. Development shall take place in substantial accordance with the Development Concept Plan dated October 24, 2013, 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.
2. Prior to or concurrent with the Phase II development of the middle school, the existing eastbound to northbound left turn lane on Fruitville Road shall be extended to

accommodate the traffic impacts of the school. The extension of the 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.

3. Prior to or concurrent with the development of Phase I, the Owner's traffic engineer shall perform a signal warrant analysis at the intersection of Fruitville Road and Bethel Lane. The study shall be consistent with the procedures of the Manual on Uniform Traffic Control Devices. If a signal is warranted, the Owner shall be responsible for the design and construction of a traffic signal that functions only during the morning and afternoon peak hours of the school, at no cost to the County.
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6. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
7. All stormwater treatment shall be open and above ground.

C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 11 day of December, 2013.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

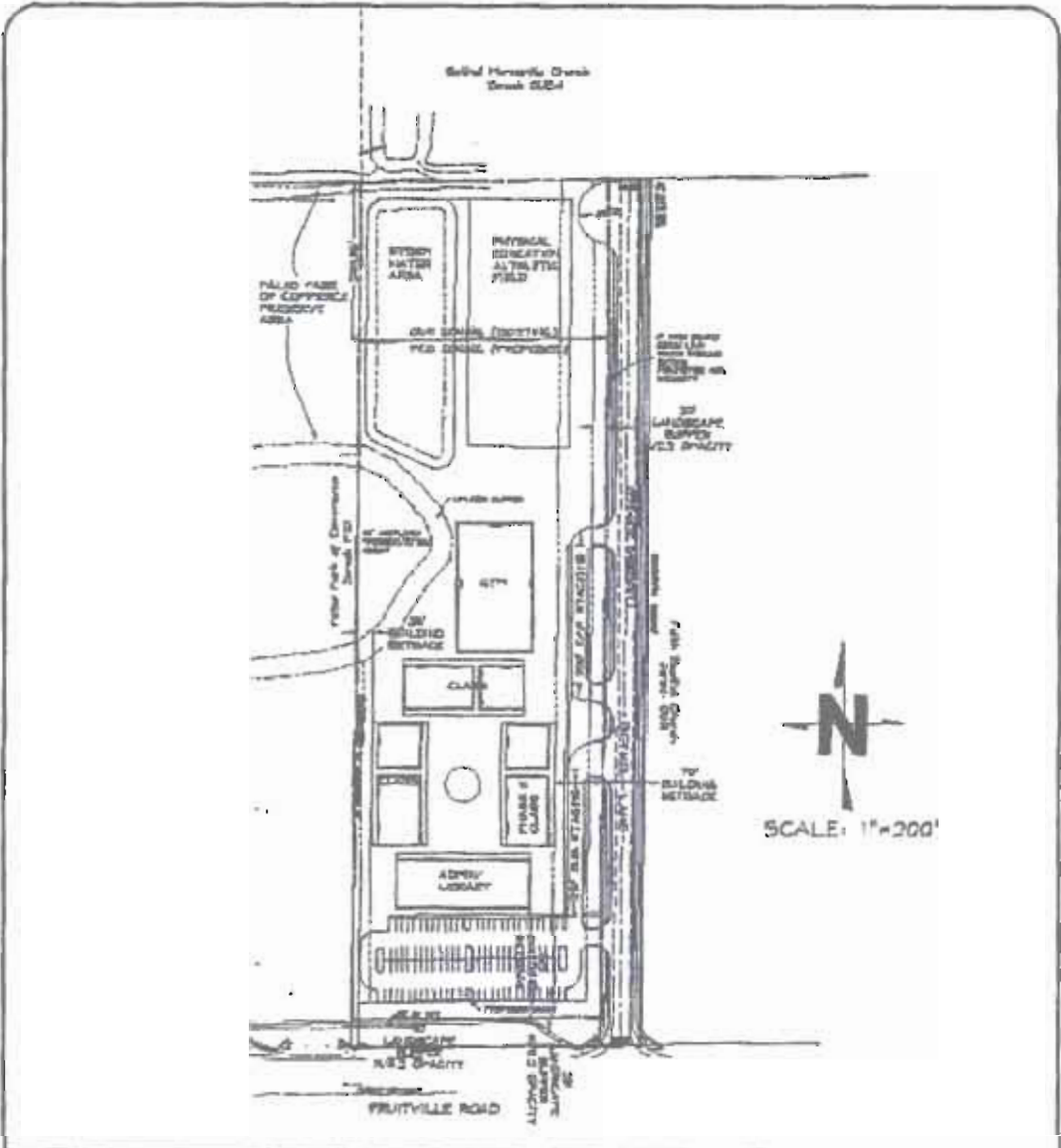
By: Carolyn G. Mason
Chair

ATTEST:

KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By: Debra S. [Signature]
Deputy Clerk

Exhibit "A"
Page 1 of 2



BINDING DEVELOPMENT CONCEPT PLAN

Sheet 1 of 2

CAVOLI Engineering, Inc.
Consulting Civil Engineers
A Corp. of Auth. No. 8805
5224 Rose Ridge Road, Sarasota, FL 34233

(941) 927-3647
Fax (941) 927-3646
email: cavolengr@aol.com

JOHN F. CAVOLI, P.E.
FL. REG. NO. 48642
10/26/13
DATE

Exhibit "A"

Page 2 of 2

BINDING DEVELOPMENT CONCEPT PLAN

SITE DATA

1. PARCEL ID NO.: 022-01-3304
2. TOTAL ACREAGE: 10.61 ACRES
3. EXISTING ZONING: 8.6 ACRES ZONED IR / 2.0 ACRES ZONED DUR
4. PROPOSED ZONING: IR TO PCD (8.6 ACRES) / DUR HV SPECIAL EXCEPTION FOR MIDDLE SCHOOL (2.0 ACRES)
5. PROPOSED USE: 10.61 ACRES FOR CHARTER SCHOOL (SARASOTA MILITARY ACADEMY MIDDLE SCHOOL)
6. NO. OF STUDENTS: PHASE I: 400 STUDENTS / PHASE II: 325 STUDENTS / TOTAL: 725 STUDENTS
6. PARKING: PARKING REQUIRED: 212 SPACES
PARKING PROVIDED: 106 SPACES NOTE: SEE NOTE 14B BELOW.
7. EXISTING WETLAND TO BE PRESERVED
8. ACCESS: VIA BETHEL LAKE
9. EXISTING IMPERVIOUS: 0.0%
10. NEW IMPERVIOUS: 50.0%
11. TOTAL NET NEW IMPERVIOUS: 50.0%
12. TOTAL BUILDING COVERAGE: 64,620 SQ. FT. OR 14.3%
13. TOTAL OPEN SPACE: 40% REQUIRED, 40% PROVIDED
14. PCD MODIFICATIONS:
 - A. LANDSCAPE BUFFERS:
 - SOUTH: 25' WIDE HV 0.2 OPACITY
 - EAST: 30' WIDE HV 0.2 OPACITY
 - WEST: 10' WIDE HV 0.3 OPACITY AND NO BUFFER NORTH OF WETLAND PRESERVE AREA AND ADJACENT TO PALED PARK PRESERVE AREA
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Sheet 2 of 2

 **CAVOLI Engineering, Inc.**
Consulting Civil Engineers
A Corp. of Ariz. No. 3879
2834 Bee Ridge Road, Sarasota, FL 34233

(941) 927-3447
Fax: (941) 927-3446
email: covefor@csd.com

JOHN F. CAVOLI, P.E.
FL REG. NO.: 48640
11/21/03
DATE

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