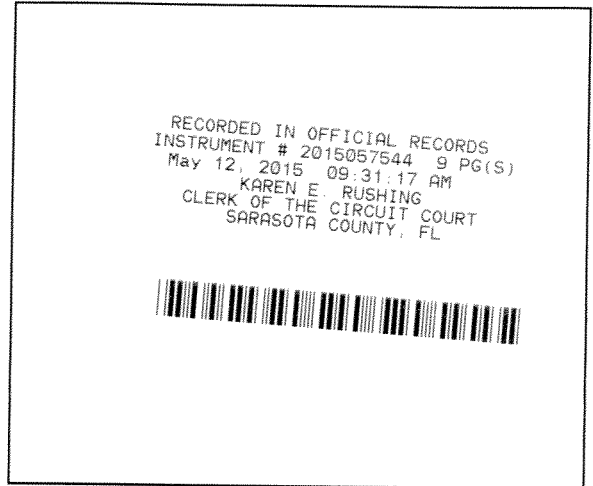


Please record and return to: (Via Inter-Office Mail)  
**Cynthia Spraggins, Administrative Specialist**  
Planning Services  
1660 Ringling Blvd., 1<sup>st</sup> Floor  
Sarasota, FL 34236


**Customer ID# 5223**  
**Charge to: Planning Services**  
**Account# 51810000500489**

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



The following property, located 4000 and 4024 Jenkins Place in Sarasota County, Florida, owned by RaceTrac Petroleum, Inc., and described in Ordinance No. 2015-019 attached hereto, has been rezoned to a PID zone district with amended stipulations, pursuant to Rezone Petition No. 14-33 filed by Andrew Fitzgerald, Agent, and granted by Sarasota County on May 6, 2015, 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. 2015-019, attached hereto)

  
Tate Taylor, Operational Manager

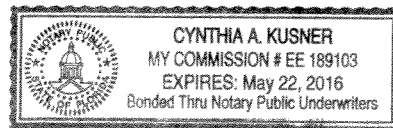
**STATE OF FLORIDA**  
**COUNTY OF SARASOTA**

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 11<sup>th</sup> day of May, 2015.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
CMS







## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

May 11, 2015

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

Attention: Cheryl Dexter, Recording Secretary

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. 2015-019, which was filed in this office on May 8, 2015.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

**ORDINANCE NO. 2015-019**

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 Rezoning Petition No. 14-33, 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 PID (Planned Industrial Development) with stipulations to PID zone district with amended stipulations for the following described property located in Sarasota County, Florida:

FILED FOR THE CLERK OF THE CIRCUIT COURT SARASOTA FLORIDA  
KATHLEEN RUSSELL  
2015 MAR -8 AM 10:21

4000 and 4024 Jenkins Place, Sarasota, Florida, and being more particularly described as follows:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 15; THENCE S.00°14'47"W ., ALONG THE WESTERLY LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 50.06 FEET TO THE SOUTHERLY LINE OF PREMISES CONVEYED BY HONORE A. PALMER AND WIFE TO THE STATE OF FLORIDA BY DEED DATED FEBRUARY, 1957 RECORDED IN DEED BOOK 272 ON PAGE 61 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE S.89°26'19"E, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 75.00 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED IN OFFICIAL RECORDS BOOK 2503, PAGES 2617-2619 OF SAID PUBLIC RECORDS (A WARRANTY DEED FROM PUBLIX SUPER MARKETS, INC., A FLORIDA CORPORATION TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION); THENCE S.00°14'47"W, ALONG THE WEST LINE OF SAID TRACT DESCRIBED IN OFFICIAL RECORDS BOOK 2503, PAGES 2617-2619, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SAWYER ROAD (AS DESCRIBED IN OFFICIAL RECORDS BOOK 2028, PAGE 572 OF SAID PUBLIC RECORDS), A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING; THENCE S.89°26'19"E., ALONG THE SOUTHERLY LINE OF SAID TRACT DESCRIBED IN OFFICIAL RECORDS BOOK 2503, PAGES 2617-2619, ALSO BEING THE SOUTHERLY LINE OF STATE ROAD 72 (CLARK ROAD) AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 17070-2527, SHEET 4, REVISED APRIL 5, 1993, A DISTANCE OF 1,188.47 FEET; THENCE S.00°14'47"W., PARALLEL WITH THE WESTERLY LINE OF THE NORTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 2,392.55 FEET TO THE CENTERLINE OF AN EXISTING DRAINAGE DITCH (THE FOLLOWING 3 CALLS ARE ALONG SAID CENTERLINE); (1) THENCE S.63°23'30"W., A DISTANCE OF 235.88 FEET; (2) THENCE N.87°41'46"W., A DISTANCE OF 194.60 FEET; (3) THENCE N.62°41'56"W., A DISTANCE OF 271.53 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF ABOVE MENTIONED SAWYER ROAD (150-FEET-WIDE IN THIS LOCATION) (THE FOLLOWING 7 CALLS ARE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID SAWYER ROAD); (1) THENCE N.44°45'13"W., A DISTANCE OF 374.67 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 45°00'00" AND A RADIUS OF 688.94 FEET; (2) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 541.09 FEET; (3) THENCE N.00°14'47"E., A DISTANCE OF 1,178.18 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 20°16'46" AND A RADIUS OF 484.26 FEET; (4) THENCE NORTHERLY

ALONG THE ARC OF SAID CURVE, A DISTANCE OF 171.40 FEET; (5) THENCE N.20°01'59"W., A DISTANCE OF 70.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 20°16'46" AND A RADIUS OF 334.26 FEET; (6) THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 118.31 FEET; (7) THENCE N.00°14'47"E., A DISTANCE OF 95.52 FEET TO THE POINT OF BEGINNING.

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 date stamped January 19, 2015, and attached hereto as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations.
2. Prior to approval of any development that will allow cumulative development from the area encompassed within Rezone Ordinance No. 2004-067, as may be amended, generating more than 171 net new p.m. peak hour trips, either of the following two requirements shall occur:
  - the programmed improvement project for McIntosh Road from Sawyer Loop Road to Proctor Road shall be under contract for construction; or
  - other comparable improvements shall be made to address operational and concurrency deficiencies at the intersections of McIntosh Road (south) at Clark Road and McIntosh Road (north) at Clark Road.
3. Prior to approval of any development orders that will allow cumulative development from the area encompassed within Rezone Ordinance No. 2004-067, as may be amended, generating more than 435 net new p.m. peak hour trips, a traffic impact analysis shall be performed consistent with Sarasota County traffic impact analysis procedures. The study shall identify any improvements needed to mitigate the concurrency and operational impacts of cumulative development on the subject property within the study area. Necessary mitigation, as identified by the approved study, shall be provided prior to or concurrent with approval of construction plans for development generating greater than 435 net new p.m. peak hour trips.
4. The Master Surface Water Management Plan shall be consistent with the Matheny Creek Basin Master Plan.
5. All development shall be consistent with the Clark Road Corridor Plan, Ordinance No. 2000-016, as may be amended.

6. Prior to Construction Plan Authorization, the developer shall demonstrate that the intersection of Clark Road (SR 72) and Sawyer Road has available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code), or obtain County approval of a proportionate share mitigation agreement for the required improvements, consistent with Subsection 163.3180(5), Florida Statutes.
7. There shall be no loudspeaker or paging systems outside of any building or structure except for personal hand-held communication devices, emergency communication systems, and outdoor communication/speaker systems directed at each fueling position, limited to between the hours of 7:00 a.m. to 7:00 p.m., for gas station uses only.
8. An enhanced landscape buffer consisting of a minimum of four (4) canopy trees and eight (8) accent trees per 100 linear feet of road frontage along Sawyer Road, and a continuous double hedge-row of shrubs is required for Parcel 1 along Sawyer Road.
9. The property shall have a minimum of two vehicular access points. As an alternative to direct vehicular access to Clark Road, the Owner may construct a second access to Jenkins Place within the southeast quadrant of the property.
10. The landscape buffer along Clark Road shall consist of a minimum of six (6) accent trees per 100 linear feet within a ten-foot buffer.
11. Prior to or concurrent with construction of any access point on Clark Road, the Owner shall construct an east bound right turn lane into it.

Note: The stipulations superseded the stipulations in Ordinance 2004-067 as to the property described above.

Section 4. Modifications. Pursuant to Article 4.12.5.n. (*PID Modification Provision*) of the Sarasota County Zoning Ordinance, the Board approves the following Land Development Regulations (Chapter 74, Sarasota County Code) modifications:

1. A deviation from Section 4.12.5.K.1., which states that no structure and no activity related to any use within the district shall be closer than 25-feet to any PID boundary, to reduce the setback to 10-feet from Clark Road R-O-W.
2. A deviation from Section 4.12.5.M., requiring a minimum 25-foot wide landscape buffer surrounding the entire PID boundary to allow a 10-foot wide landscape buffer along Clark Road.
3. A deviation from Section 7.3.4.d.6., requiring at least half the minimum required buffer width be provided outside of any easements to allow for more than half of the landscape buffer to be located within an existing non-vehicular access easement along Clark Road.

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 6 day of May, 2015.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

  
Chair

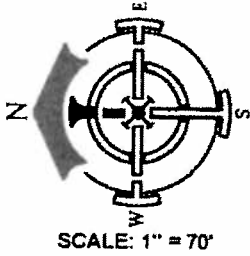
ATTEST:

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

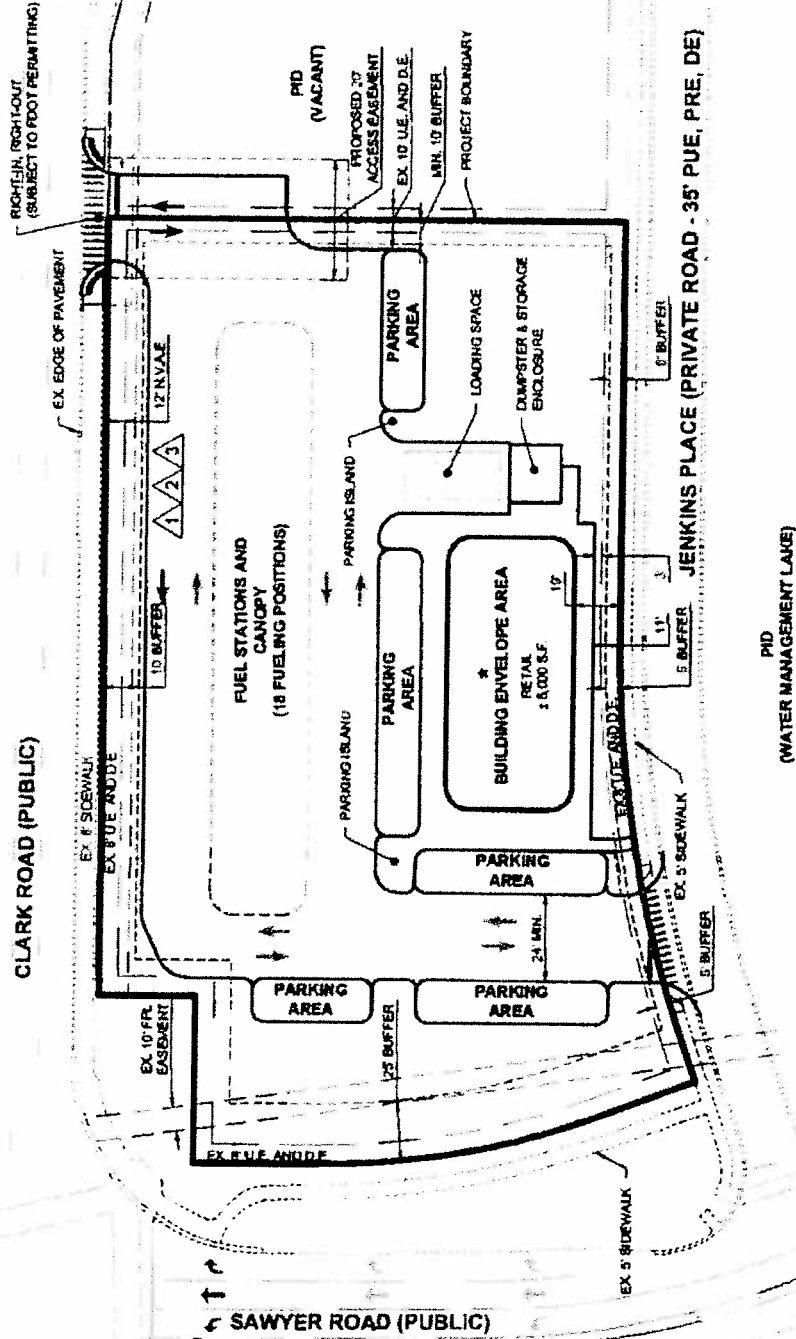
By: 

Deputy Clerk





CG



**BINDING**  
JANUARY 19, 2015

**DELSI FITZGERALD, INC.**  
Planning - Engineering - Project Management  
1605 Hendry Street  
Fort Myers, FL 33901  
239-418-0691 • 239-418-0692 fax  
Florida Certificate of Authorization  
Engineering LB # 26978

OWNER - DEVELOPER  
**RACETRAC PETROLEUM, INC.**  
1225 CUMBERLAND BLVD. SUITE 300  
ATLANTA, GA 30339  
0770 421 7800  
PROJECT  
**RACETRAC  
CLARK ROAD**

<b>DEVELOPMENT CONCEPT PLAN (PARCELS 1 &amp; 2)</b>	
Project Number:	21294
Part of Section(s):	15
Township:	37 S   Range: 18 E
County, State:	SARASOTA COUNTY, FL
Sheet Number	

02015-019

**SITE DATA:**

EXISTING USE: WAREHOUSE DISTRIBUTION STORAGE/FUTURE OUTPARCEL DEVELOPMENT  
 PROPOSED USE: WAREHOUSE DISTRIBUTION STORAGE/FUTURE OUTPARCEL DEVELOPMENT/GAS STATION/CONVENIENCE STORE  
 EXISTING ZONING: PD  
 PROPOSED ZONING: PD

**PARCELS 1 & 2 PARKING SUMMARY**

USE	RATIO	REQUIRED	PROVIDED
BUILDING	6,000 SF @ 1 SP PER 200 SF FOR SERVICE STATION/CONVENIENCE STORE	30	38(2)

NOTE: "(#)" REPRESENTS THE NUMBER OF HANDICAP SPACES INCLUDED IN THE TOTAL SPACES

**PARCELS 1 & 2 LAND USE SUMMARY**

CURRENT PHASE		
CATEGORY	AREA	PERCENTAGE
BUILDING / ROOF	0.14 AC	7.3%
SIDEWALK / PARKING	1.39 AC	72.7%
OPEN SPACE	0.38 AC	20.0%
TOTAL	1.91 AC	100.0%

**PARCELS 1 & 2 OPEN SPACE TABLE**

CURRENT PHASE	
REQUIRED OPEN SPACE @ 20%	0.38 AC
OPEN SPACE PROVIDED	0.38 AC (20%)

NOTE:  
 1) THE MAXIMUM IMPERVIOUS COVERAGE ALLOWED FOR THE SUBJECT PROPERTY TO DISCHARGE INTO THE MASTER SURFACE WATER MANAGEMENT SYSTEM IS 80%.

**MODIFICATIONS TO SARASOTA COUNTY ZONING REGULATIONS (PARCELS 1 & 2 ONLY):**

- 1 THE APPLICANT IS REQUESTING A DEVIATION FROM THE SARASOTA COUNTY LDC SECTION 4.12.5.K.1 WHICH STATES THAT NO STRUCTURE AND NO ACTIVITY RELATED TO ANY USE WITHIN THE DISTRICT SHALL BE CLOSER THAN 25 FEET TO ANY PD BOUNDARY TO REDUCE THE SETBACK TO 10 FEET FROM THE CLARK ROAD RIGHT-OF-WAY FOR PARCELS 1 AND 2
- 2 THE APPLICANT IS REQUESTING A DEVIATION FROM THE SARASOTA COUNTY LDC SECTION 4.12.5.M REQUIRING A MINIMUM 25-FOOT WIDE LANDSCAPE BUFFER SURROUNDING THE ENTIRE PD BOUNDARY TO ALLOW A 10-FOOT WIDE LANDSCAPE BUFFER ALONG CLARK ROAD FOR PARCELS 1 AND 2
- 3 THE APPLICANT IS REQUESTING A DEVIATION FROM THE SARASOTA COUNTY LDC SECTION 7.3.4.D.6 REQUIRING AT LEAST HALF THE MINIMUM REQUIRED BUFFER WIDTH BE PROVIDED OUTSIDE OF ANY EASEMENTS TO ALLOW FOR MORE THAN HALF OF THE LANDSCAPE BUFFER TO BE LOCATED WITHIN AN EXISTING NON-VEHICULAR ACCESS EASEMENT (NVAE) ALONG CLARK ROAD FOR PARCELS 1 AND 2

**BINDING  
 JANUARY 19, 2015**

**DeLisi Fitzgerald, Inc.**

Planning - Engineering - Project Management

1605 Hendry Street  
 Fort Myers, FL 33901  
 239-418-0691 • 239-418-0692 fax

Florida Certificate of Authorization:  
 Engineering LB # 26978

OWNER / DEVELOPER:  
**RACETRAC PETROLEUM, INC.**  
 1228 COMMERCE BLVD. SUITE 100  
 ATLANTA, GA 30309  
 076-451-7600

PROJECT:

**RACETRAC  
 CLARK ROAD**

**DEVELOPMENT  
 CONCEPT PLAN  
 NOTES**

Project Number:	21294
Part of Section(s):	15
Township:	37 S   Range: 18 E
County, State:	SARASOTA COUNTY, FL

Sheet Number | 2

02015-019