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Please record and return to Leigh Riley
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

2000 AUG 17 11:45 AM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
RVENABLE Receipt#065674

R E C E I V E

AUG 21 2000

BY GROWTH MANAGEMENT



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

The following property located in Sarasota County, Florida, owned by Sarasota Gateway Associates, LTD and described in Resolution No. 2000-173 attached hereto, to allow a General Retail: Single Occupant Stores with a minimum of 100,000 square feet of contiguous floor area in a single building and in excess of 5% of the total land area of the Major Employment Center as identified through the Critical Area Plan or Development of Regional Impact and in excess of ten (10) acres in a PCD (Planned Commerce Development) zone district, pursuant to Special Exception Petition No. 1496 filed by Bruce Franklin, Agent, and granted by Sarasota County on July 26, 2000, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

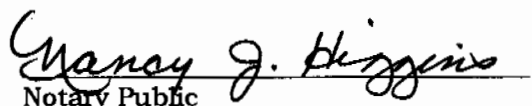
(Stipulations and limitations are those described in Section B of Resolution No. 2000-173, attached hereto)


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 15th day of August, A.D. 2000.


Notary Public
State of Florida at Large

This instrument prepared by:
Susan Scoma

 Nancy J. Higgins
Commission # CC 936530
Expires May 15, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

BOARD RECORDS
FILED FOR RECORD

2000 JUL 31 AM 8:59

HAROLD E. BUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

RESOLUTION NO. 2000-173
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1496

WHEREAS, Bruce Franklin, Agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1496 requesting that a special exception be granted to allow the property, located at the northwest quadrant of the I-75 and Fruitville Road Interchange, Sarasota County, Florida, to be used for General Retail: Single Occupant Stores with a minimum of 100,000 square feet of contiguous floor area in a single building and in excess of 5% of the total land area of the Major Employment Center as identified through the Critical Area Plan or Development of Regional Impact and in excess of ten (10) acres in the PCD (Planned Commerce Development) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 15th day of June 2000, to consider said Special Exception Petition No. 1496, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1496 be granted, and

WHEREAS, this Board, after due public notice, did on the 26th day of July 2000, 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. 1496 does make the following findings:

- (1) The granting of the Special Exception will promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;
- (2) All the requirements of the Sarasota County Zoning Regulations and the Comprehensive Plan for Sarasota County, Florida, have been met and satisfied;
- (3) That the requirements of the District Regulations governing this Special Exception have been met; and
- (4) The following standards have or have not been met as indicated:

- a. The proposed use is consistent with the intent, goals, objectives, policies and programs of the Sarasota County comprehensive plan for the area in which the property is located;
- b. The intensity of the proposed use is consistent with the intended future use of the area in which the property is located, in accordance with the programs of the "Future Land Use Plan";
- c. The proposed use singularly or in combination with other special exceptions does not change the character of the general vicinity, as shown on the locator map;
- d. The intensity of the proposed use is harmonious with the character of other uses in the general vicinity, as shown on the locator map;
- e. The height and orientation of the proposed structure(s) or use is compatible with the existing neighboring structures and uses;
- f. The subject parcel is sufficient and adequate in shape and size to accommodate the proposed use, and would provide for the appropriate separation between neighboring uses;
- g. The proposed use is adequately screened and buffered to effectively separate traffic, light and noise from the existing or intended abutting uses;
- h. The loading and refuse areas would not impose negative visual, odor, or noise impacts on abutting uses and thoroughfares;
- i. The size and location of the proposed sign(s) would conform to the character of existing neighboring uses;
- j. The exterior lighting would be harmonious with the existing character of existing neighboring uses, in terms of glare;
- k. The ingress and egress to the subject parcel and the structures involved, if any, would not adversely affect traffic flow, safety and control;
- l. The access and internal circulation is adequate in case of fire or emergency;
- m. The proposed use would not cause excessive traffic impacts on the surrounding roadway system;
- n. The location, type and availability of potable water for the proposed use is compatible with neighboring uses;

o. The location, type and availability of the proposed wastewater system is compatible with neighboring uses; and

p. The proposed use would not cause or intensify flooding of neighboring uses.

B. Special Exception Petition No. 1496 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

Northwest Quadrant of the I-75 and Fruitville Road Interchange, more particularly described as follows:

A Tract of land in Section 24, Township 36S, Range 18E, Sarasota County, Florida, being a part of Tract 1 and all of Parcel 1 of the Plat of Gateway to Sarasota Phase 1 as recorded in Plat Book 39 Pages 12 and 12-A of the Public Records of Sarasota County, Florida together with unplatted lands in said Section 24, Township 36S, Range 18E, being further described as follows:

Commence at the Southwest corner of said Tract 1, thence $N00^{\circ}18'00''E$, along the West line of said Tract 1, 265.86', to the Point of Beginning; thence continue $N00^{\circ}18'00''E$, along the West line of said Tract 1 and Parcel 1 of the Plat of Gateway to Sarasota Phase 1 also being the East line of Lots 9 and 21 Palmer Farms First Unit as recorded in Plat Book 2, Page 216 of the Public Records of Sarasota County, Florida, 1087.48'; thence $N88^{\circ}31'43''E$, 492.96'; thence $N01^{\circ}28'17''W$, 35.14'; thence $N88^{\circ}31'43''E$, 219.75'; thence $S47^{\circ}48'28''E$, 72.73', to a Point on the Westerly Right-of-Way line of North Cattlemen Road; thence Southwesterly along said Westerly Right-of-Way along a curve concave to the Southeast having a radius of 770.00', along the arc of said curve 586.80', through a central angle of $43^{\circ}39'49''$ to a Point of Tangency; thence continue along said Westerly Right-of-Way line $S01^{\circ}28'17''E$, 514.13'; thence continue along said Westerly Right-of-Way line $S88^{\circ}31'43''W$, 9.11'; thence continue along said Westerly Right-of-Way line $S01^{\circ}28'17''E$, 61.42'; thence $N46^{\circ}28'13''W$, 49.93'; thence $S88^{\circ}31'43''W$, parallel to the South line of said Tract 1, 541.56' to the Point of Beginning,

and the same is hereby approved for General Retail: Single Occupant Stores, with a minimum of 100,000 square feet of contiguous floor area in a single building and in excess of 5% of the total land area of the Major Employment Center as identified through the Critical Area Plan or Development of Regional Impact and in excess of ten (10) acres, 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. All delivery trucks servicing the retail store shall be loaded and unloaded on the designated loading areas generally located on the north side of the store. The parking, standing, loading or unloading of delivery and/or service vehicles shall be prohibited on all other sides of the store.

2. Outside sales and the storage or display of any materials, including recyclables such as pallets and cardboard, shall be prohibited at all times. Temporary storage of these items shall be permitted at the northwest portion of the subject parcel, more specifically the loading dock area, provided said area is screened from public view by a 10-foot wall. Temporary storage of these items shall not be visible above the wall.
3. Landscaping of the subject parcel shall be in compliance with the General Landscape Plan, attached as Exhibit B.
4. Development on the subject parcel shall conform to the Design Information Criteria, attached as Exhibit C.
5. Temporary signs and banners shall not be attached to the outside of the retail building.
6. Cart return corrals shall be located within the parking lot, as more particularly shown on the Development Concept Plan, attached hereto as Exhibit A. Additionally, a cart storage area shall be constructed, as more particularly shown on the Development Concept Plan, so as to provide visual screening for customer carts stored along the front of the building. Cart return corrals shall not contain signage or advertising, provided, however, that same may include the text "cart return" and language limiting liability for damage caused by carts. Additionally, letters on such signs may not exceed 12 inches at height.
7. Architectural elevations of the retail building shall be consistent with the Proposed Elevations for the Retail Building, attached as Exhibit D.
8. Parking lot lighting shall be shielded pursuant to Sarasota County Zoning Code requirements, and, after customer hours, lighting shall be reduced to the minimum necessary for security.
9. Free standing signage for the subject parcel shall consist of one monument sign at the main entrance on North Cattlemen Boulevard, not exceeding eight feet (8') above finished grade.
10. There shall be no outdoor paging system..
11. All development shall occur in substantial accordance with the Development Concept Plan, date stamped June 15, 2000, attached hereto as Exhibit A. This does not imply or confer any deviations from applicable zoning or land development regulations, unless expressly granted herein.
12. All development shall be consistent with the Fruitville Road Corridor Plan and the I-75 Corridor Plan, as may be amended.
13. All development on the subject parcel shall comply with the Development Order for the Gateway to Sarasota DRI, as may be amended.
14. All mechanical equipment, including, but not limited to heating, ventilating, and air conditioning machinery; public utility service fixtures such as potable water and sewer facilities; telephone and electrical switching equipment; and natural or propane gas tanks, shall be screened from public view. Such screening may include any combination of landscaping and building materials. Any building materials used for screening shall be consistent with the architectural design of the principal structure. Screening shall extend at least one foot above the object to be screened.

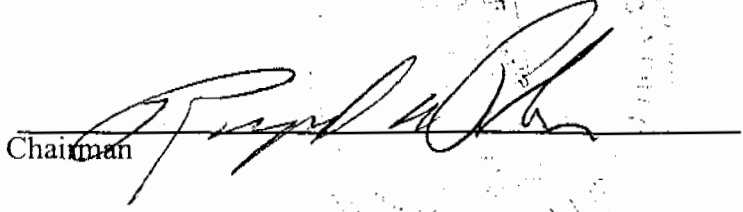
C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 26 day of July, A.D., 2000.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By

Chairman



ATTEST:

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

By

Deputy Clerk

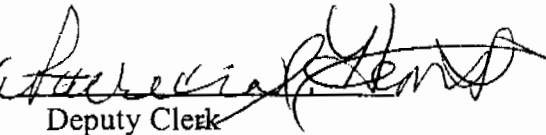
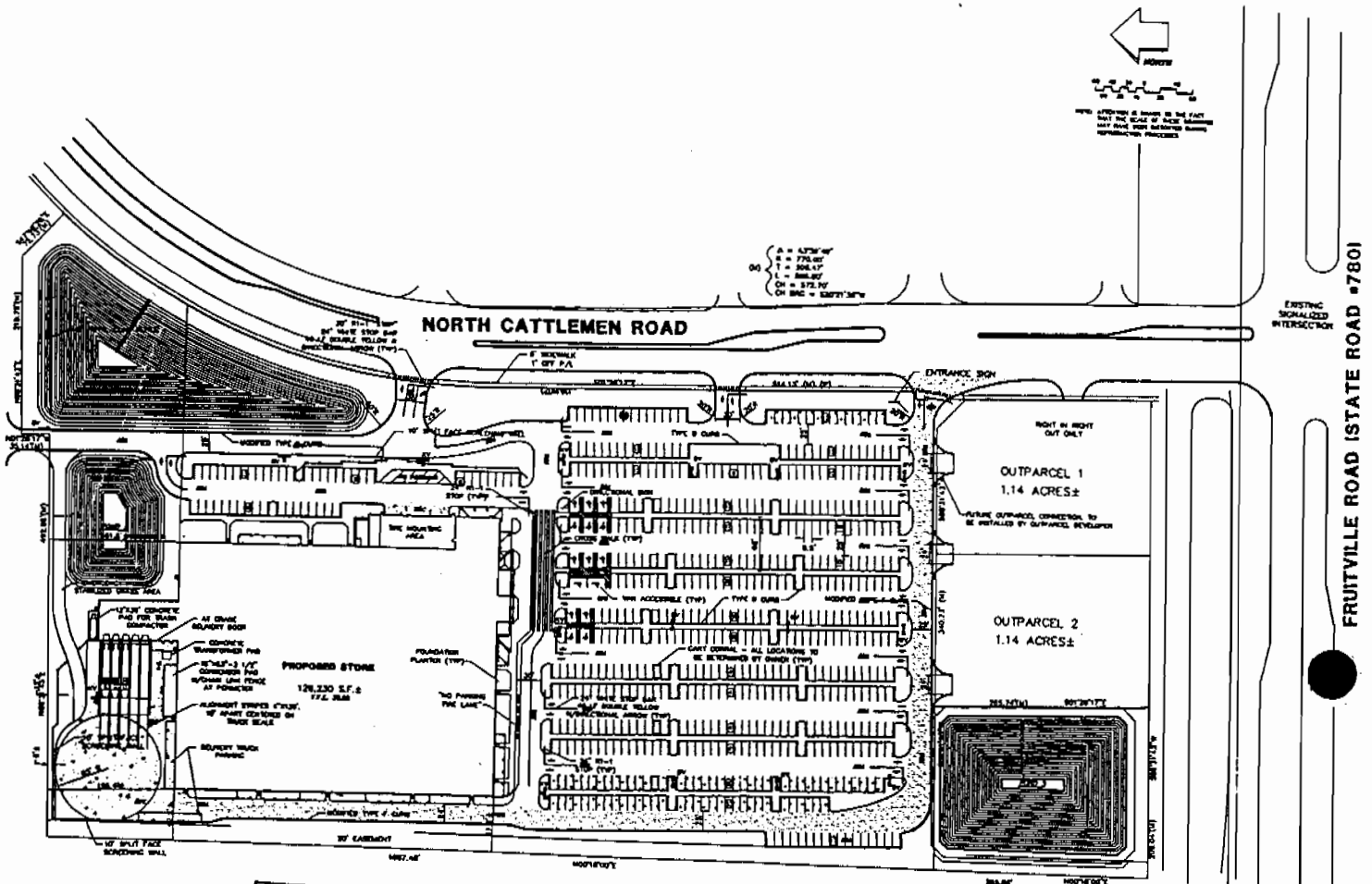


EXHIBIT A - DEVELOPMENT CONCEPT PLAN



RECEIVED
 JUN 10 2000
 BY GROWTH MANAGEMENT

SITE DATA

SITE LOCATION NORTHWEST CORNER OF S.R. 780 AND NORTH CATTLEMAN ROAD
LAND USE DESIGNATION MEC - BIOP
ZONING DESIGNATION POC - PLANNED COMMERCE DEVELOPMENT
SECTOR PLAN DESIGNATION COMMERCIAL, HIGHWAY INTERCHANGE
LOCAL JURISDICTION SARASOTA COUNTY, FLORIDA

BUILDING DATA

GROSS BUILDING AREA 128,230 SF
NET BUILDING AREA 128,230 SF
BUILDING SETBACKS REQUIRED 100' FROM THOROUGHFARE STREET R.O.W.
 100' FROM LOCAL STREET R.O.W.
BUILDING HEIGHT 30'
MAXIMUM BY CODE 65'
FLOOR AREA RATIO 40%
MAXIMUM BY CODE 18%
BUILDING COVERAGE 40%
MAXIMUM BY CODE 18%
OPEN SPACE 37.0%
MAXIMUM BY CODE 37.0%
 (DOES NOT INCLUDE PERMITTED PARKING)

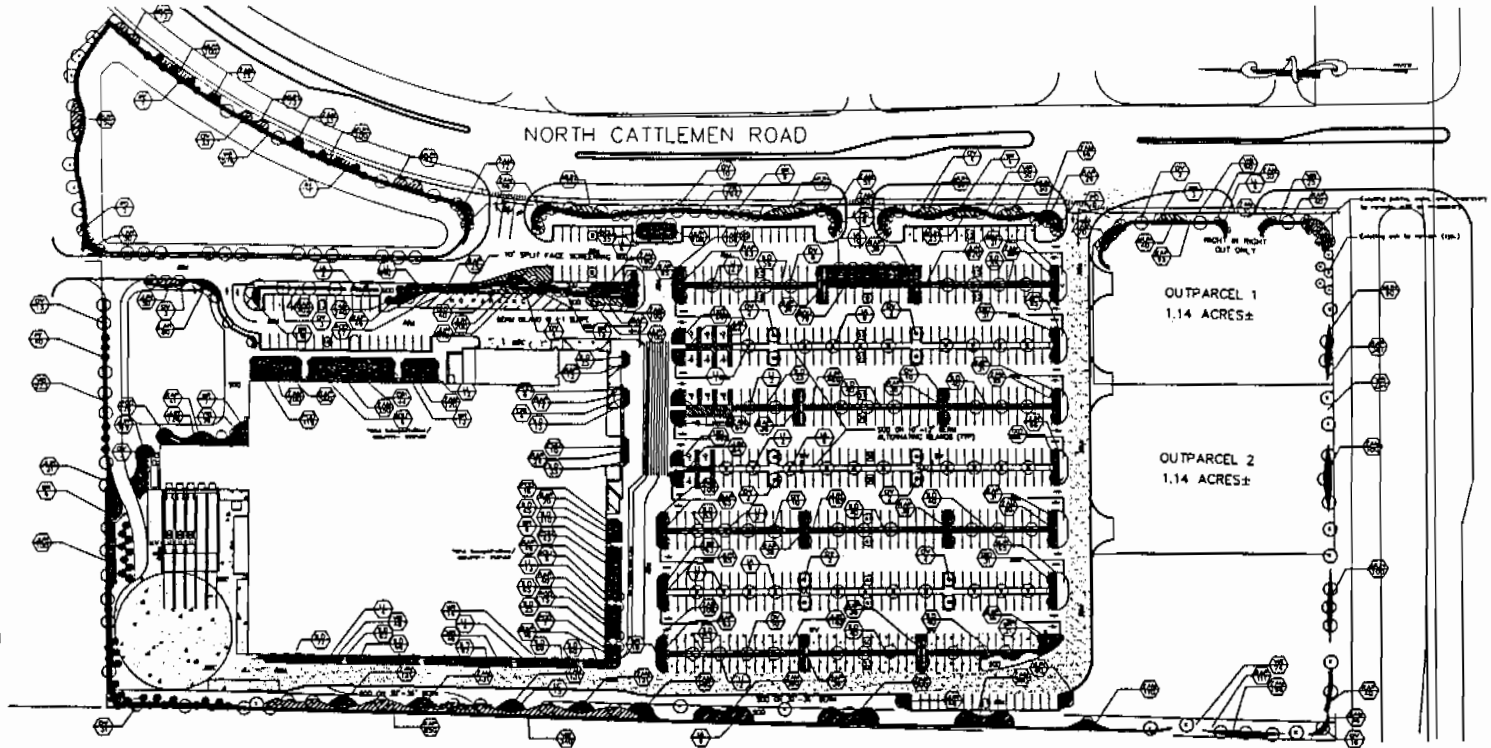
PARKING DATA

PREFERRED PARKING (1 SP/200 sqft) 647 SPACES
 (BASED ON GROSS BUILDING AREA)
CODE REQUIRED PARKING SPACES (1 SP/300 sqft) 515 SPACES
 (BASED ON TOTAL SALES AREA)
TOTAL SPACES SHOWN 624 SPACES
CART CORNERS 10 SPACES
PARKING PROVIDED
STANDARD SPACES 511 SPACES
PREFERRED SPACES 88 SPACES
ACCESSIBLE SPACES 15 SPACES
TOTAL (4.75 SP/1000 sqft) 614 SPACES

- PARKING NOTES:**
1. PARKING LAYOUT IS A COMBINATION OF OWNER AND SARASOTA COUNTY'S URBAN STANDARDS.
 2. 90' PARKING: 6.5' WIDTH, 48' DEPTH DEP. TO AISLE (TYPICAL)
 3. ONE WAY AISLE: 30' WIDTH
 4. TWO WAY AISLE: 25' WIDTH
 5. 90' MODULE WIDTH (INTERLOCK TO INTERLOCK) W/ TWO WAY AISLE

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EXHIBIT B - GENERAL LANDSCAPE PLAN



PLANT LEGEND

Tree	Symbol	Qty.	Botanical Name	Common Name	Size/Remarks	Shrub/Groundcover	Symbol	Qty.	Botanical Name	Common Name	Size/Remarks	
	⊗	OV	Quercus agrifolia	Live Oak	16-18' x 8" cal. 5' c.t.		⊙	OV	26	Ornithogalum	Ornithogalum	63" 24" x 24" 5' a.c.
	⊙	LI	Lagerströmia indica "Lacepede"	Crape Myrtle	16-18' 5' trunk min. 5' c.t.		⊙	VB	1825	Yucca filamentosa	Yucca	63" 24" x 24" 36" a.c.
	⊙	LI	Ligustrum lucidum	Ligustrum Tree	10-12' x 6-10" multi-trunk, 3' trunk min.		⊙	HO	40	Hare Them Opuntia	Hare Them Opuntia	63" 24" x 24" 30" a.c.
	⊙	PO	Phoenix rooseffera	Medjed Date Palm	8' g.w. Specimen		⊙	SD	1457	Desert Yucca Holly	Desert Yucca Holly	63" 18" x 18" 24" a.c.
	⊙	LA	Amelanchier "Last Panther"	East Palmetto Holly	12-14' x 8"		⊙	RF	3582	Rhododendron indica "Abe"	Desert Indian Rhododendron	63" 15" x 15" 24-30" a.c.
	⊙	WR	Washingtonia robusta	Washington Palm	16-24' a.c. straight trunk		⊙	LAM	845	Lantana "Gold Mount"	"Gold Mount" Lantana	
	⊙	PE	Pinus elliotii	Slash Pine	10' x 4" 2' cal.		⊙	JUN	4866	Juniperus chinensis "Petersen"	Juniper	
							⊙	BOU	477	Bougainvillea speciosa "Dwarf"	Dwarf Bougainvillea	
							⊙	ZAN	4884	Zinnia annua	Queenie	
							⊙	MUN	905	Muhlenbergia capillaris	Misty Grass	

NOTES:
 PLANT LIST QUANTITIES ARE PROVIDED FOR CONFORMANCE IN THE EVENT OF QUANTITY DISCREPANCIES THE DRAWING SHALL TAKE PRECEDENCE.
 ALL PLANTINGS SHALL INCLUDE 3" LAYER OF SHREDED "FLORA-MULCH" OR EQUIVALENT MULCH OF RECYCLED WOOD PRODUCTS OF THE EQUIVALENT
 ALL LANDSCAPED AREAS SHALL BE FULLY IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM.
 ALL LANDSCAPING SHALL BE INSTALLED ACCORDING TO SOUND HURSBY PRACTICES AND SHALL BE FLORIDA NO. 1 OR BETTER AS GIVEN IN "ORDERS AND STANDARDS FOR NURSERY PLANTS, PARTS I AND II", STATE OF FLORIDA DEPARTMENT OF AGRICULTURE.
 NO SUBSTITUTIONS SHALL BE MADE WITHOUT WRITTEN AUTHORIZATION FROM THE L.A. OR OWNER.

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EXHIBIT C - DESIGN INFORMATION CRITERIA**DESIGN INFORMATION
Special Exception 1496**

The following is a list of items providing detail design information for the proposed project.

Site Plan

1. 614 parking spaces provided or less (515 spaces required).
2. 88 pervious parking spaces (14.3% of total) provided to help reduce impervious surface area (no pervious parking required).
3. 9.5' wide spaces provided (9' wide minimum required).
4. 205 lf of 10' high screening wall along north property line provided (none required).
5. 270 lf of 10' high screening wall along the east property line provided (none required).
6. Fire access along all 4 sides of building provided (2 sides of fire access required).

Landscape Plan

1. 10' to 27' wide planting areas provided (5' wide required).
2. 1000+ sf outdoor sitting / patio area provided (200 sf required).
3. 1 tree / 40 lf of abutting tiers of parking provided (1 tree / 50 lf required).
4. 10' to 12' high x 8' canopy accent trees provided.
16' to 18' high x 8' canopy shade trees (4" caliper) provided.
(10' high x 4' to 5' canopy trees [1-½" caliper] required).

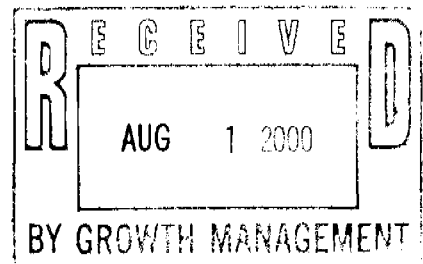
Architectural Elevations

1. Basic Design: Project modifies a prototype facility with the addition of (4) four additional design elements including, but not limited to, roof overhangs, peaked roof forms, arcades, and ornamental detailing (3 out of 11 are required).
2. Building Massing:
 - South Elevation --
 - a. Parapet horizontal line broken by raised cornice area along left side.

- b. Entry element remains dominant with side vestibules and entry / exit covered arcade areas.
- North Elevation –
 - a. Protruding truck dock appendage divides the elevation into thirds.
- West Elevation –
 - a. Parapet horizontal line broken by (2) two raised cornice areas divides the elevation into (5) five equal parts.
- East Elevation –
 - a. Parapet horizontal line broken by raised cornice area.
 - b. Automotive area appendage breaks elevation into 2 equal halves.
 - c. Covered canopy at automotive area adds interest, as well as protection from weather.
- 3. Roof Treatments:
 - Roof Overhangs –
 - a. Covered arcades and entry elements provided with 3' – 0" minimum roof overhangs.
 - Peaked Roof Forms –
 - a. Sloping roof planes with a vertical change of at least 3 feet occur on south, north, and east elevations.
- 4. Arcades:
 - Trellised Arcades –
 - a. Provides shaded areas along south, west, and east elevations.
 - Covered Outdoor Canopies –
 - a. Provides covered canopies on either side of south entrance.
 - b. Provides covered canopy along automotive entrance.
- 5. Ornamental Detailing:
 - Provides engaged columns / pilasters – add human scale.
 - Provides wall reveals / scoring – break up horizontal and vertical surfaces.
 - Provides decorative EIFS wall medallions – add interest to façade.
 - Provides EIFS cornice around entire building.
- 6. Materials and Color:
 - Split-face CMU –
 - a. Integrally colored CMU – beige tones.
 - EIFS –
 - a. Horizontal / vertical scored – beige tones.
 - b. Decorative cornice – white.
 - Metal Roofing –
 - a. Pre-finished standing seam metal roofing – green.

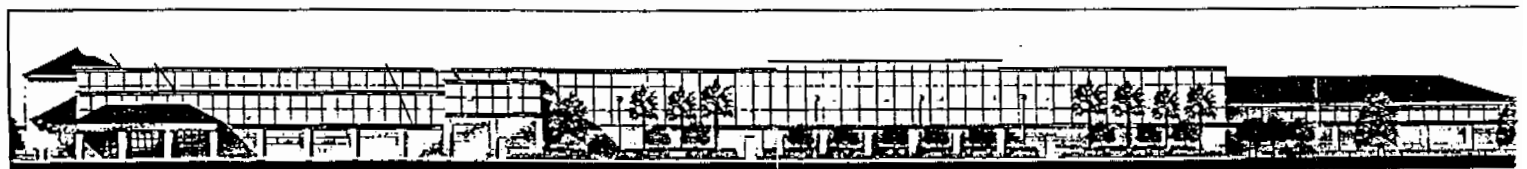
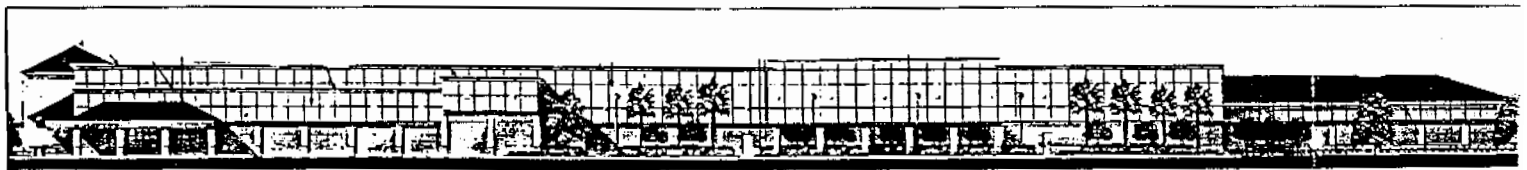
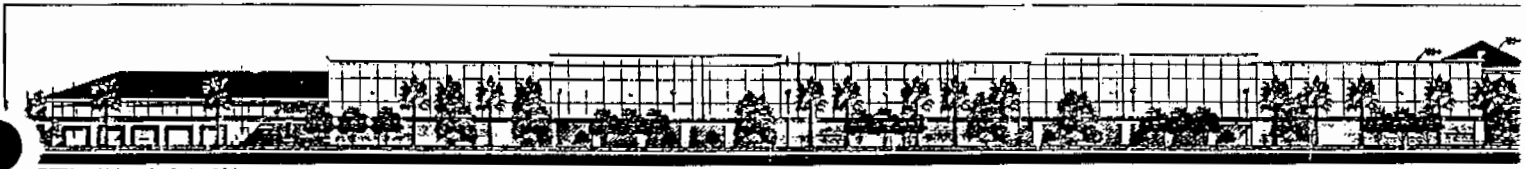
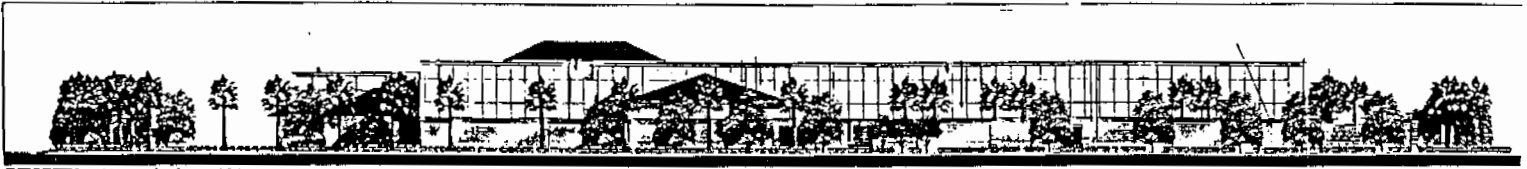
7. Screening Issues:

- Truck Dock / Trash Compactor –
 - a. Fully screened with 10'-0" high decorative CMU wall.
- Automotive Area –
 - a. Screen with 10'-0" high decorative CMU wall.
- Roof Top Units –
 - a. Wall parapets are raised to fully screen RTUs on each side of building.



2000-173

EXHIBIT D - PROPOSED ELEVATIONS FOR THE RETAIL BUILDING



Misc. Elevations

Proposed Retail Building for Sarasota, FL