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KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
TRAIN 1 Receipt#406075



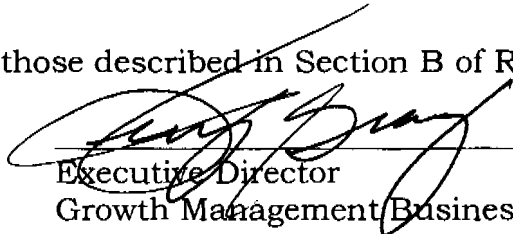
2003239103

Please record and return to: (Via Inter-Office Mail)  
Karen Grassett  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> Floor  
Sarasota, FL 34236

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

The following property located at the southeast Corner of Fruitville Road and Tatum Road in Sarasota County, Florida, owned by Noah W. Weiler as Trustee, and described in Resolution No. 2003-266 attached hereto, to allow a Plant Nursery having Retail Sales of Garden Supplies And Equipment, and Retail and Wholesale Sales of Agriculturally Related Supplies in the OUE-1 (Open Use Estate/1 unit/5 acres) zone district, pursuant to Special Exception Petition No. 1522 filed by Steven H. Judd, Agent, and granted by Sarasota County on November 12, 2003, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

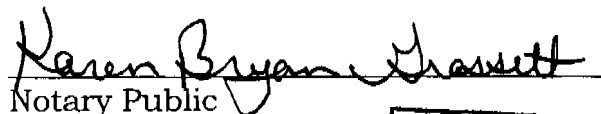
(Stipulations and limitations are those described in Section B of Resolution No. 2003-266, attached hereto)

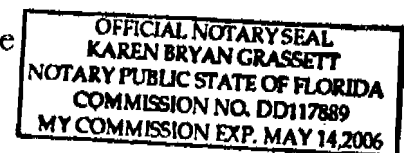
  
Executive Director  
Growth Management Business Center

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 <sup>20<sup>th</sup></sup> day of November, A.D. 2003.

  
Notary Public  
State of Florida at Large



This instrument prepared by:  
CS

RESOLUTION NO. 2003-266  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1522

INSTRUMENT # 2003239103

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WHEREAS, Steven H. Judd, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1522 requesting that a special exception be granted to allow the property, located on the southeast corner of Fruitville Road and Tatum Road, Sarasota County, Florida, to be used for Plant Nursery Having Retail Sales of Garden Supplies and Equipment, and Retail and Wholesale Sale of Agriculturally Related Supplies in a OUE-1 (Open Use Estate, 1 unit/5 acres) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 10<sup>th</sup> day of July, to consider said Special Exception Petition No. 1522, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1522 be granted, and

WHEREAS, this Board, after due public notice, did on the 12<sup>th</sup> day of November, 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. 1522 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;

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KAREN H. PUSHING  
CLERK OF COUNTY COURT  
SARASOTA COUNTY, FL  
BOARD RECORDS  
FILED FOR RECORD

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 intensity ~~flooding or neighboring~~ uses.

B. Special Exception Petition No. 1522 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

The West 614' of Tract 36 of Palmer Farms Third Unit, according to the Plat thereof recorded in Plat Book 3, Page 39, of the Public Records of Sarasota County, Florida; less there from the following described tract: Begin at the Southwest corner of Tract 36 of Palmer Farms, Third Unit, according to the Plat recorded in Plat Book 3, Page 39, of the Public Records of Sarasota County, Florida; thence East 300' to a point; thence North 150 feet; thence West 300' to County Road; thence South along road 150' to point of beginning. Less additional Tatum Road right of way as described in Road Plat Book 2, Page 51, of the Public Records of Sarasota County, Florida.

and the same is hereby approved for Special Exception Petition No. 1522, 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. This special exception is governed by the provisions of sub-section 1.9.2.a.3. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:
  - a. Development shall occur in substantial accordance with the Development Concept Plan date stamped February 6, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.
  - b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.
  - c. Any deviations from the Development Concept Plan that are not allowed by this special exception resolution (that is, what is not in substantial accordance with the Concept Plan), or amendments must comply with the zoning code in effect at the time of approval of that modification.
2. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state or local regulations. At the time of recording a plat or prior to final construction approval, the

Owner shall be required to record in the public records a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.

3. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
4. For purposes of stormwater management system design, the Applicant shall consider the nursery stock display and storage areas as impervious.
5. In accordance with Policy 5.6.5 of the Environment Chapter of *Apoosee*, during development of the subject property all nuisance/invasive plant species shall be removed from the site, and replaced with native or other appropriate ornamental species. All removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

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

PASSED AND DULY ADOPTED this 12 day of November, A.D., 2003.

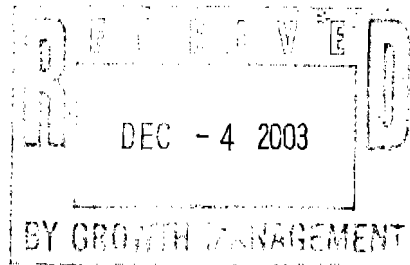
BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By

*Shannon Staud*  
Chairman

ATTEST:

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



By

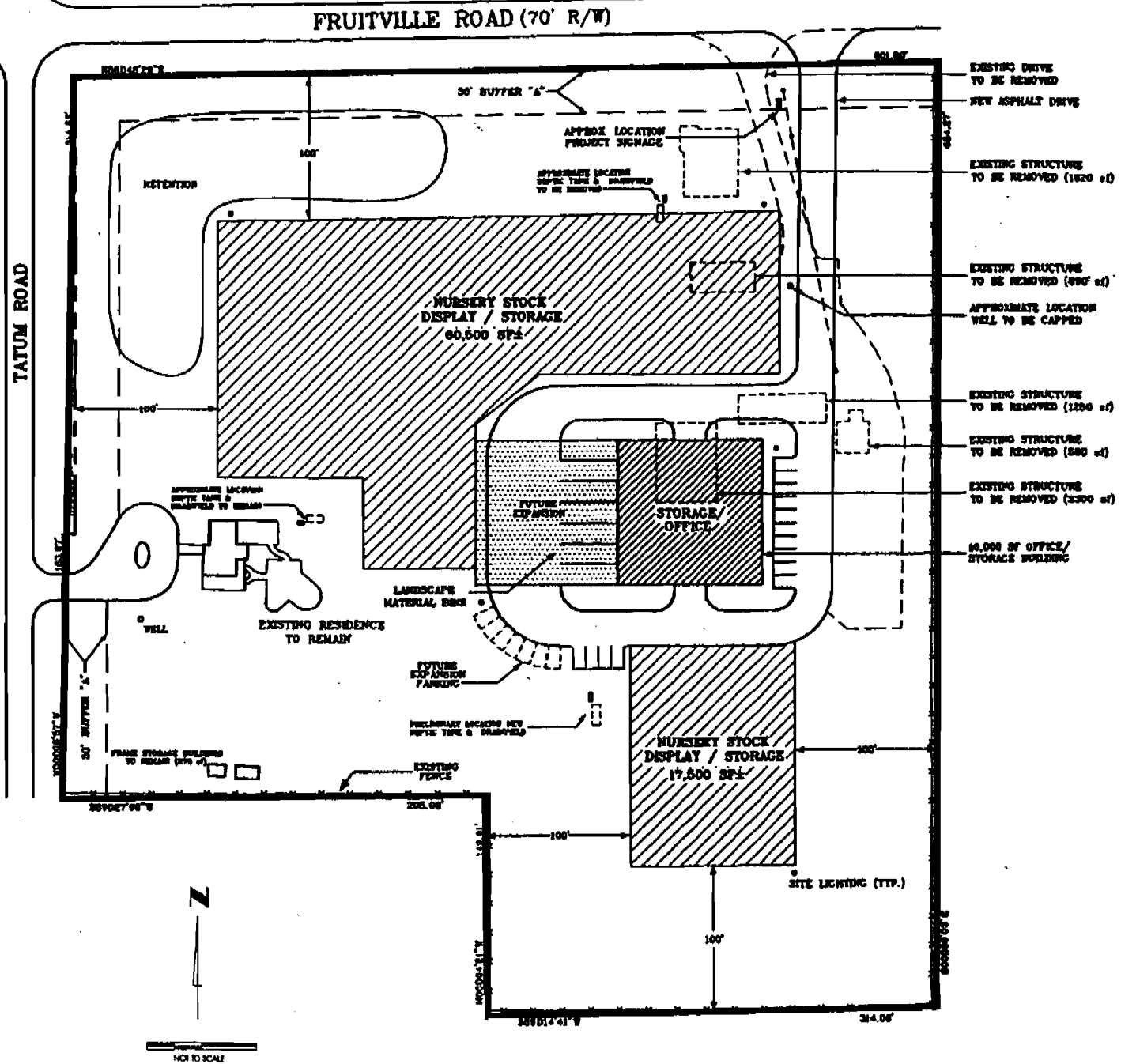
*Cynthia A. Strata*  
Deputy Clerk

# MAP SERIES/CONCEPT PLAN

## EXHIBIT "A"

INSTRUMENT # 2003239103

6 PGS



THIS DOCUMENT RECEIVED BY:  
GROWTH MANAGEMENT ON  
FEBRUARY 6, 2003