

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2003097809 6 PGS

2003 MAY 19 06:06 PM

KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
DCOURSEY Receipt#321148




2003097809

6 ✓  
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 on the southwest corner of Beneva Road and Doud Street in Sarasota County, Florida, owned by Sara Steinmetz, and described in Resolution No. 2003-092 attached hereto, to allow House of Worship with Child Care Center in the RSF-3 (Residential, Single Family, 4.5 units/acre) zone district, pursuant to Special Exception Petition No. 1563 filed by Chaim Steinmetz, Agent, and granted by Sarasota County on April 23, 2003, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

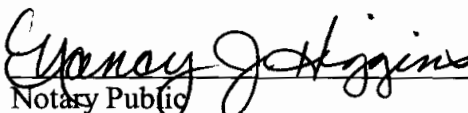
(Stipulations and limitations are those described in Section B of Resolution No. 2003-092, attached hereto)

  
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 15<sup>th</sup> day of May, A.D. 2003.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
CF



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

RESOLUTION NO. R2003-092  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1563

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WHEREAS, Chaim Steinmetz, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1563 requesting that a special exception be granted to allow the property, located at the southwest corner of Beneva Road and Doud Street, Sarasota County, Florida, to be used for House of Worship with Child Care Center in the RSF-3 (Residential, Single Family, 4.5 units/acre) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 20<sup>th</sup> day of February, 2003, to consider said Special Exception Petition No. 1563, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1563 be granted, and

WHEREAS, this Board, after due public notice, did on the 9<sup>th</sup> day of April, 2003, 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. 1563 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.

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B. Special Exception Petition No. 1563 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

At the southwest corner of Beneva Road and Doud Street, being more particularly described as follows;  
Block 'T' Replat of Pinehurst Park, less the east 10 feet thereof, as per Plat thereof recorded in Plat Book 3, Page 41 of the Public Records of Sarasota County, Florida.

and the same is hereby approved for Special Exception 1563, 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 compliance with the Development Concept Plan date stamped October 30, 2002 and attached hereto as Exhibit "A" except modified as necessary to comply with the stipulations contained herein. This does not infer nor imply any variances from applicable zoning or land development regulations
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. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
4. Refuse areas shall be set back at least 50 feet of any residentially zoned property line and visually screened in accordance with Section 11.6.f of the Sarasota County Zoning Ordinance.
5. The use of the grass parking/play area located along Beneva Road shall not occur concurrently. As a means of ensuring the parking lot use will not occur during play area hours, a barrier shall be utilized on the shell driveway during the day care hours of operation.
6. There shall be no access to the subject parcel to Doud Street and Hively Street within 150 feet of Beneva Road.
7. Enrollment in the child care facility shall be limited to 45 students.
8. The grass parking/play area located along Beneva Road shall be fenced with a non chain-link fencing material.
9. The Master Surface Water Management Plans shall be consistent with the Holiday Bayou Basin Master Plan.

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

PASSED AND DULY ADOPTED this 23<sup>rd</sup> day of April, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

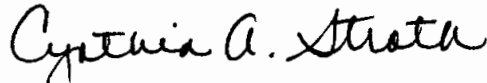
By

  
Chairman

ATTEST:

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

By

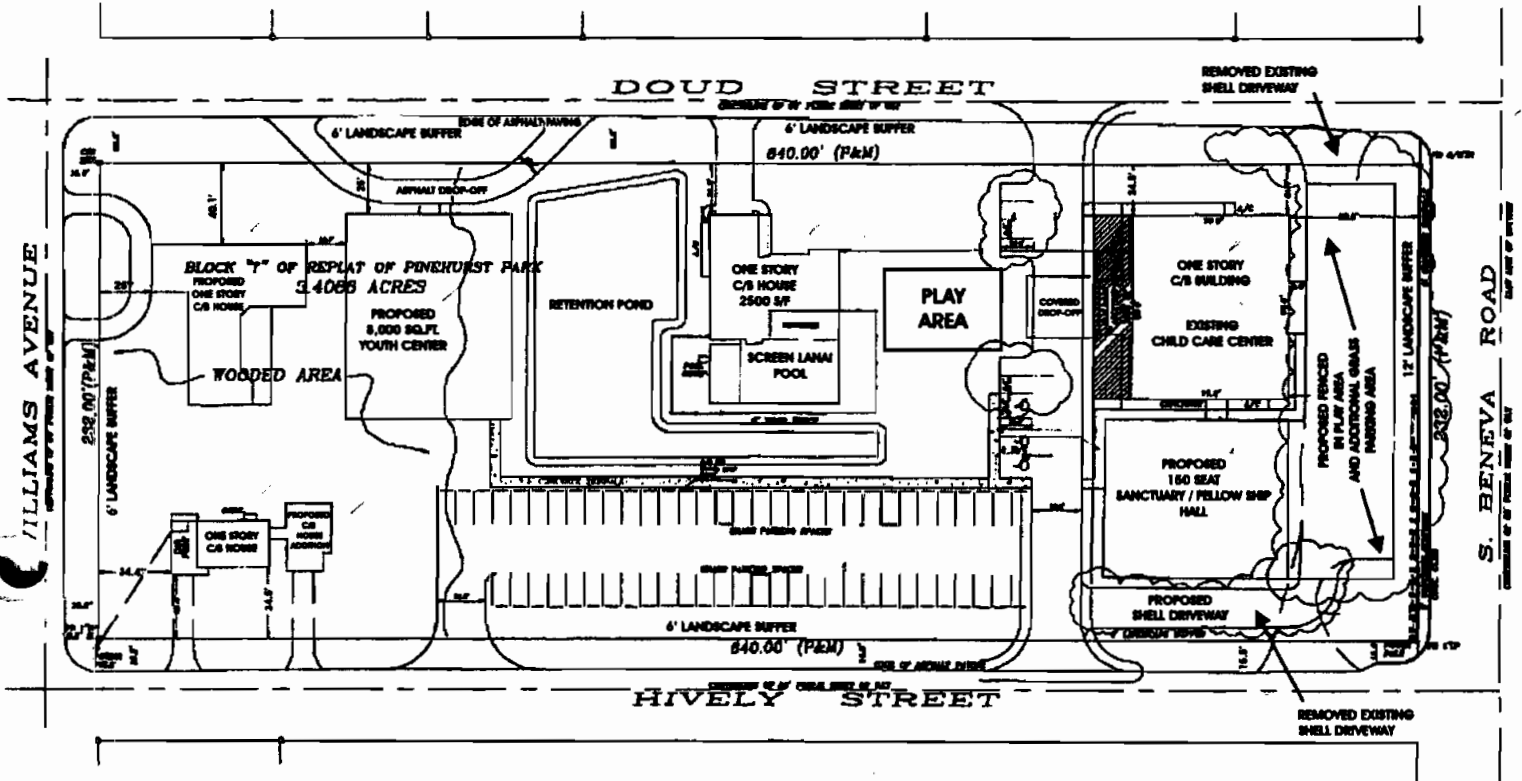
  
Deputy Clerk

APR 25 2003

# MAP SERIES/CONCEPT PLAN

## EXHIBIT "A"

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### PHASING

- PHASE 1 -- NEW RESIDENCE IN NW CORNER
- PHASE 2 -- SANCTUARY/FELLOWSHIP HALL WITH REQUIRED RETENTION AND PARKING
- PHASE 3 -- DAY CARE/ YOUTH CENTER WITH REQUIRED RETENTION AND PARKING

### CHILD CARE CENTER

- 2 SPACES FOR EACH EMPLOYEE
- PLUS UNLOADING SPOT
- 3 EMPLOYEES = 6 PARKING SPACES REQUIRED

### SANCTUARY

- 1 SPACE PER 3 SEATS
- 80 SPACES REQUIRED

### DAY CARE/YOUTH CENTER

- 2 SPACES PER EMPLOYEE
- PLUS DROP-OFF
- 5 EMPLOYEES = 10 PARKING SPACES REQUIRED

TOTAL PARKING REQUIRED: 66  
TOTAL PARKING PROVIDED: 67

N

SCALE IN FEET

APR 25 2003

THIS DOCUMENT RECEIVED BY:  
GROWTH MANAGEMENT ON  
OCTOBER 30, 2002

R 2003-092