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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
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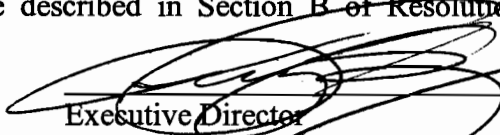


Please record and return to: (Via Inter-Office Mail)
Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

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

The following property, located at the northwest corner of 17th Street and Hammock Place in Sarasota County, Florida, owned by John J. Nevins, Bishop of Diocese of Venice, and described in Resolution No. 2004-008 attached hereto, to allow House of Worship, including a Day Care Center and an Adult Congregate Living Facility in the RSF-2 (Residential, Single Family, 3.5 units/acre) zone district, pursuant to Special Exception Petition No. 1580 filed by Bruce E. Franklin, Agent, and **GRANTED** by Sarasota County on **January 13, 2004**, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

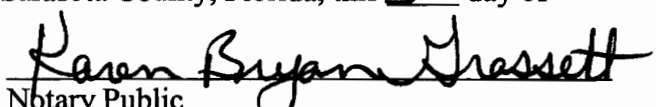
(Stipulations and limitations are those described in Section B of Resolution No. 2004-008, attached hereto)


Executive Director
Growth Management Business Center

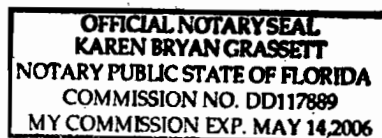
STATE OF FLORIDA
COUNTY OF SARASOTA

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 3rd day of February, 2004.


Notary Public
State of Florida at Large

This instrument prepared by:
SMA



RESOLUTION NO. 2004-008
OF THE BOARD OF COUNTY COMMISSIONERS 2004 JAN 14 AM 10:49
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1580

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Bruce E. Franklin, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1580 requesting that a special exception be granted to allow the property, located at the northwest corner of 17th Street and Hammock Place, Sarasota County, Florida, to be used for a House of Worship and an Adult Congregate Living Facility in the RSF-2 (Residential, Single Family, 3.5 units/acre) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 6th day of November, 2003, to consider said Special Exception Petition No. 1580, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1580 be granted, and

WHEREAS, this Board, after due public notice, did on the 13th day of January, 2004, 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. 1580 does 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 designated 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 Concurrency 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;

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

B. Special Exception Petition No. 1580 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

The legal description of said property in Sarasota County, Florida being: The northwest corner of 17th Street and Hammock Place, being more particularly described as follows;

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE ALONG THE SOUTHERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SOUTH 89°04'14" EAST 131.94 FEET TO THE SOUTHEASTERLY CORNER OF SARSOTA-FRUITVILLE DRAINAGE DISTRICT PARCEL 394; THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL, NORTH 38°33'57" WEST 46.92 FEET TO THE POINT-OF-BEGINNING LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF 17TH STREET; THENCE FROM SAID POINT -OF-BEGINNING AND CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 394, NORTH 38°33'57" WEST 164.28 FEET TO THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE ALONG SAID LINE, NORTH 00°05'20" EAST 1182.41 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE ALONG SAID LINE, SOUTH 89°08'45" EAST 658.90 FEET TO THE WESTERLY RIGHT -OF- WAY LINE OF HAMMOCK PLACE (40 FOOT RIGHT -OF- WAY); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 00°19'13" WEST 1311.47 FEET TO THE NORTHERLY RIGHT -OF- WAY LINE OF 17TH STREET; AND THENCE ALONG SAID RIGHT-OF -WAY LINE, NORTH 88°55'03" WEST 551 FEET TO THE POINT-OF-BEGINNING.

and the same is hereby approved for a House of Worship and an Adult Congregate Living Facility, 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. 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 final construction plan 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.
2. 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 October 9, 2003, and attached hereto as Exhibit "A," except for adjustments deemed necessary by Transportation Planning to reconfigure the access to the subject property from 17th Street, and provided, 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.
3. The Nursing Home shall be limited to 32 beds or 8 Equivalent Dwelling Units (EDU's).
4. Any outdoor recreation areas shall not be illuminated after 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday.
5. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.

6. Prior to construction on the site, the contaminated soil associated with the old cattle-dipping vat on the property must be removed and disposed of in accordance with all federal, state, and local regulations.
7. Any fruit trees located within a 30-50 foot contamination plume, as noted on the development concept plan, shall be removed and properly disposed of in accordance with all federal, state and local regulations.
8. Pursuant to management guidelines contained within the Environment Chapter of *Apoxsee*, the on-site wetland and associated 30-foot wide upland buffer shall be designated a Preserve Area on submitted site and development plans, and maintained consistent with the Guiding Principles of *Apoxsee*. All activities shall be prohibited within the Preserve Area, unless written approval is first obtained from Resource Protection. Exception may be granted by Resource Protection to facilitate implementation of approved habitat management plans and the removal of nuisance/invasive vegetation.
9. A resource management plan that maintains the functions and values of the on-site preserve area, and is consistent with the Guiding Principles of *Apoxsee*, shall be submitted to Resource Protection with site and development plans.
10. Submitted site and development plans shall accurately depict the location of, and extent of dripline for any on-site grand trees, and development shall be designed to adequately protect all on-site grand trees. Any changes to the project layout needed to comply with this stipulation shall not be considered a substantial deviation from the approved development concept plan for this special exception and shall not need to be approved by the Board of County Commissioners.
11. Prior to submittal of site and development plans, the Applicant shall determine if the drainage canal located to the west of the subject property qualifies as a watercourse, as defined by Sarasota County Land Development Regulations. If the canal is determined to be a watercourse, a watercourse buffer shall be depicted on site and development plans. No impacts shall occur to existing native vegetation located within the watercourse buffer, and removed nuisance/invasive and exotic vegetation shall be replaced with appropriate native species. All activities including, but not limited to, filling, excavation, stockpiling, and storage of materials shall be prohibited within the watercourse buffer, unless expressly allowed by Sarasota County Land Development Regulations. Any changes to the project layout needed to comply with this stipulation shall not be considered a substantial deviation from the approved development concept plan for this special exception and shall not need to be approved by the Board of County Commissioners.
12. During development of the subject property, all nuisance, invasive and exotic plant species shall be removed from the property. Any nuisance/invasive and exotic vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan, and any nuisance/invasive and exotic vegetation removed from preserve areas

shall be replaced with native species as part of an approved resource management plan. Removed vegetation shall be disposed of in a County-approved landfill or by another method approved by Resource Protection.

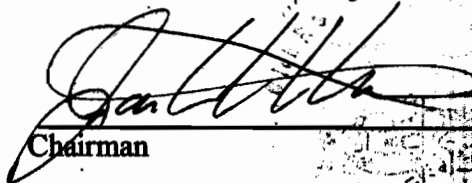
- 13. In accordance with Policy 5.4.3 of the Environment Chapter of *Apoxsee*, prior to or concurrent with submittal of site and development plans, listed species surveys shall be conducted at the subject property, using State-accepted sampling techniques to identify endangered, threatened, and species of special concern. The results of the surveys, including details of the methodologies used (i.e., location of transects, dates and times or surveys, etc.), shall be forwarded to Resource Protection along with any documentation from appropriate regulatory agencies regarding listed species issues associated with the site.
- 14. Access to the subject parcel shall be limited to one right-in/right-out on 17th Street no closer than 300 feet, measured from the centerline of Hammock Place to the centerline of the driveway.

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

PASSED AND DULY ADOPTED this 13th day of January, A.D., 2004.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By




Chairman

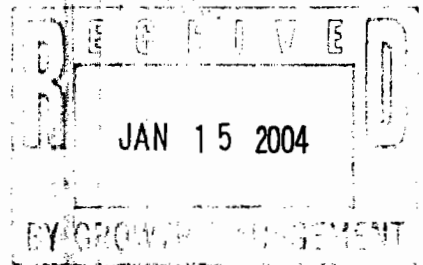
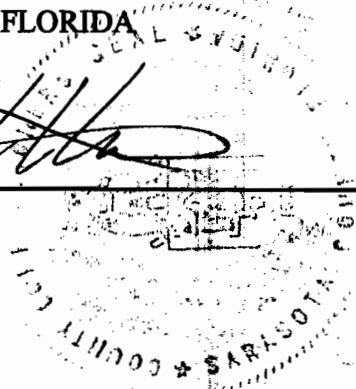
ATTEST:

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

By



Deputy Clerk



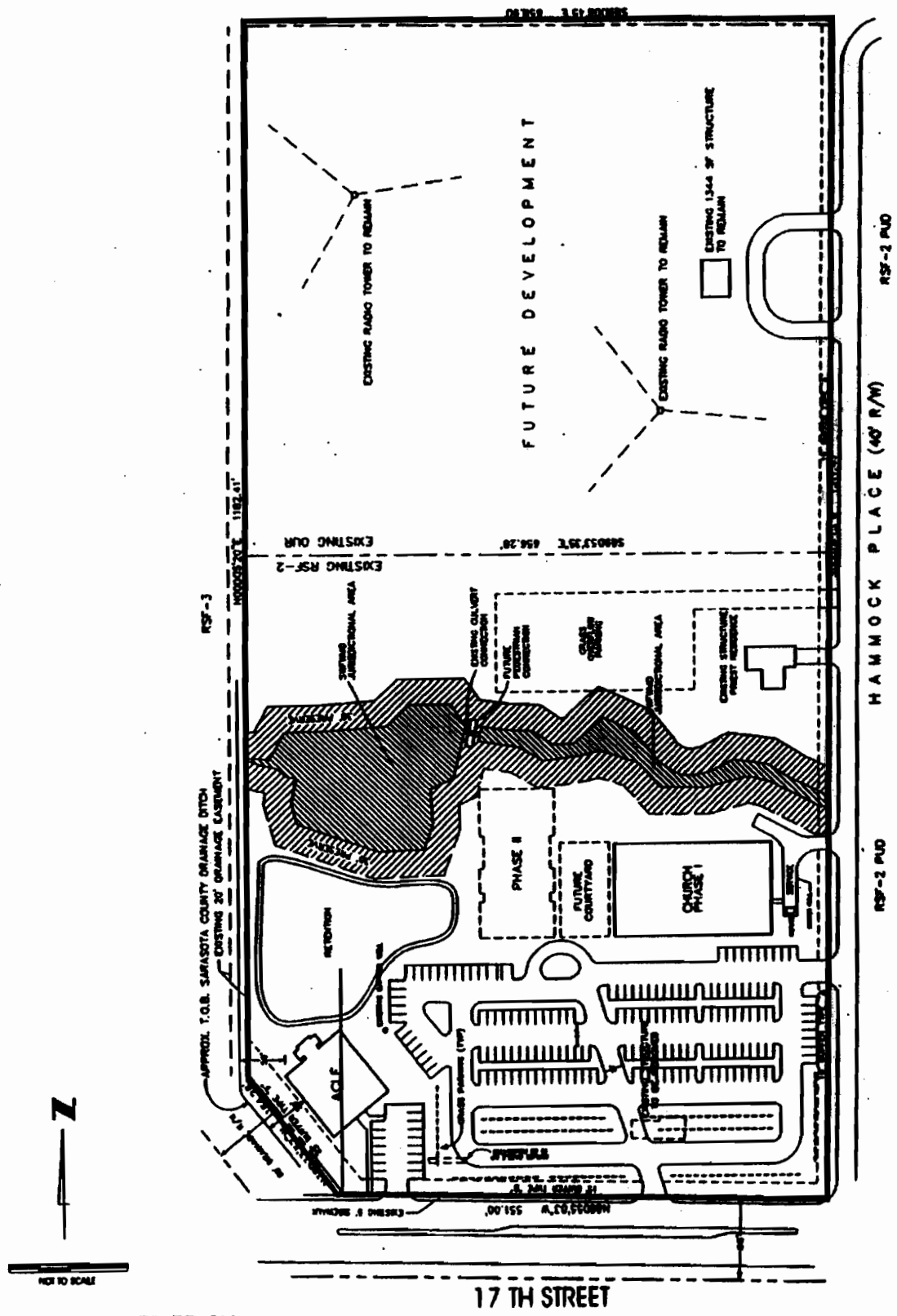
MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

RSF-2

INSTRUMENT # 2004021219

7 PGS



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NOT TO SCALE

THIS DOCUMENT RECEIVED BY:
GROWTH MANAGEMENT ON
October 9, 2003.

03-25/1580