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INSTRUMENT # 2005064804 X PGS
2005 MAR 31 11:29 AM

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Please record and return to: (Via Inter-Office Mail)
Susan M. Anderson, Administrative Coordinator
Planning Services
1301 Cattlemen Road, Bldg. A
Sarasota, FL 34232

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#604558




2005064804

Charge to: Planning Services
Account# 51800100500489

**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 Rachel Parios, and described in Resolution No. 1615 attached hereto, to allow for up to a 2000 sq. ft. expansion of an existing youth oriented community service, non-profit organization (Englewood Art Center) in the RSF-3 (Residential, Single Family, 4.5 units/acre) zone district, pursuant to Special Exception Petition No. 1615 filed by Bernard J. Whitman, Agent, and granted by Sarasota County on March 23, 2005, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

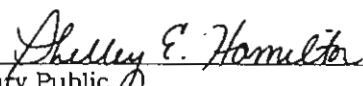
(Stipulations and limitations are those described in Section B of Resolution No. 2005-065, attached hereto)


Hank Epstein
Planning Services


**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Hank Epstein, Manager, Planning Services, 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 29th day of March, 2005.


Notary Public
State of Florida at Large

This instrument prepared by: lam

 Shelley E. Hamilton
MY COMMISSION # DD233315 EXPIRES
August 10, 2007
BONDED THIRD FIDELITY INSURANCE, INC.

RESOLUTION NO. 2005 - 065
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1615

WHEREAS, Bernard J. Whitman, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1615 requesting that a special exception be granted to allow the property, located west of and abutting South McCall Road, 133 ft. ± north of Church Avenue and 283 ft. ± south of West Palm Grove Avenue, Sarasota County, Florida, to allow for up to a 2000 sq. ft. expansion of an existing youth oriented community service, non-profit organization (Englewood Art 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 17th day of February 2005, to consider said Special Exception Petition No. 1615, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1615 be granted, and

WHEREAS, this Board, after due public notice, did on the 23rd day of March 2005, 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. 1615 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 proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;

5. The proposed use is compatible with the existing land use pattern and designated future uses;

6. 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;

7. 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;

8. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;

9. The subject parcel is adequate in shape and size to accommodate the proposed use; and

10. 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. 1615 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: West of and abutting South McCall Rd, 133 ft. \pm north of Church Ave., and 283 ft. \pm south of West Palm Grove Ave, being more particularly described as follows: Commence at the southeast corner of Palm Grove subdivision as recorded in Plat Book 2, page 38, of the Public Records of Sarasota County, Florida; Thence north, along west right of way of McCall Road, 108.60 feet for a point of beginning (P.O.B.); thence continue north, 238.00 feet; thence N.89°25'00"W, 295.00 feet to the east right of way of Kluge Street (South Maple St., field), 50' right of way; thence south, 238.00 feet along said east right of way of Kluge Street; thence S.89°25'00" E, 295.00 feet to the P.O.B...being part of Block E, Palm Grove subdivision, per Plat Book 2, page 38 of the Public Records of Sarasota County, Florida.

and the same is hereby approved for 1615, 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 January 26, 2005 and attached hereto as Exhibit "A", except for modifications necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. The Owner shall be required to maintain the appearance 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. Prior to issuing a building permit, a landscape plan shall be submitted and approved by Land Development Services. Prior to the Certificate of Occupancy for the additional building (identified in Exhibit "A"), the following buffering shall be installed:
 - a. Planting of *Viburnum odoratissimum* shrubs at three feet on center along the southern property line for the entire length of said property line. The hedge should be offset to avoid the existing drainage swale.
 - b. Planting of *Viburnum odoratissimum* shrubs at three feet on center along the north property line so as to maximize screening of the single-family residence to the northwest. Buffer areas already planted shall be exempt from this stipulation.
 - c. Shrubs shall be in 3-gallon containers in size and Florida #1 or better quality. All plant material shall be maintained pursuant to Section 7.3.16 of the Zoning Ordinance.
 - d. Along the South McCall Road frontage, a Local Street landscape buffer, six feet wide, shall be installed in front of the building. A three-foot high hedge shall be installed to screen the parking lot pursuant to Zoning Ordinance Section 7.3.6.c and 7.3.7.
5. No vehicular access from the site shall be permitted via South Maple Street.

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

PASSED AND DULY ADOPTED this 23rd day of March, 2005.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By *Paul Mills*
Vice-Chair

ATTEST:

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

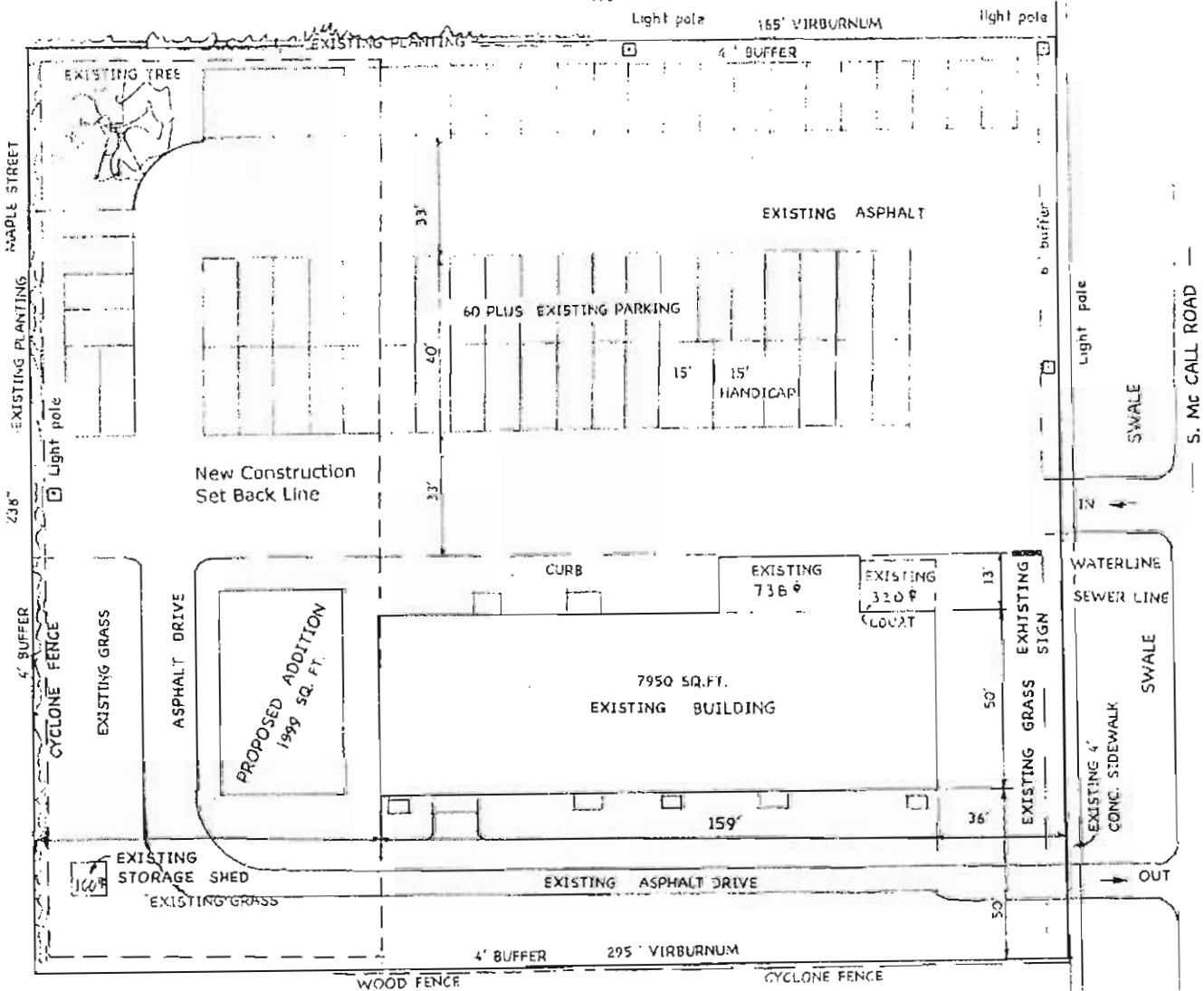
By

Paula J. Hestman
Deputy Clerk

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

INSTRUMENT # 2005064804
6 PGS



NOT TO SCALE

THIS DOCUMENT RECEIVED BY:
PLANNING SERVICES ON
JANUARY 26, 2005

R2005-065