

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2006099878 5 PGS
2006 MAY 30 06:03 PM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
ASAMS Receipt#791059



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

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 east of I-75, south of Clark Road, and west of Hawkins Road, Sarasota, in Sarasota County, Florida, owned by Rick Trautwein, and described in Resolution No. 2006-035 attached hereto, to allow an outdoor recreational and sports facility and accessory uses in the OUE-1 (Open Use Estate, 1 unit per 5 acres) zone district, pursuant to Special Exception Petition No. 1622 filed by Nancy Cason, Agent, and granted by Sarasota County on February 8, 2006, 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. 2006-035, attached hereto)

Crystal Allred, Acting Manager
Planning Services

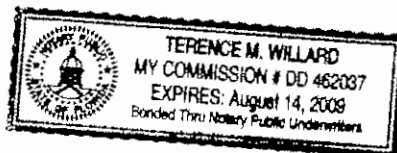
**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Crystal Allred, Acting 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 she acknowledged before me that she executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 25 day of May, 2006.

Notary Public
State of Florida at Large -

This instrument prepared by sfc.



RECEIVED

FEB 21 2006

By: Sarasota County Planning

BOARD RECORDS
FILED FOR RECORD

2006 FEB 15 PM 3:56

**RESOLUTION NO. 2006-035
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1622**

FILE NO.
CLERK OF CIRCUIT COURT
SARASOTA COUNTY FL

WHEREAS, Nancy Cason, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1622 requesting that a special exception be granted to allow the property, located east of I-75, south of Clark Road, and west of Hawkins Road, Sarasota County, Florida, to be used for an outdoor recreational and sports facility and accessory uses in the OUE-1 (Open Use Estate, 1 unit per 5 acres) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 15th day of December, 2005, to consider said Special Exception Petition No. 1622, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1622 be granted, and

WHEREAS, this Board, after due public notice, did on the 8th day of February, 2006, 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. 1622 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;

R 2006-035

7. The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control.
8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1622 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: East of I-75, south of Clark Road and west of Hawkins Road, being more particularly described as follows: COMMENCE AT A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "PLS 3868" AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF CLARK ROAD WITH THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 72 (ALSO KNOWN AS SUGAR BOWL ROAD), RECORDED IN ROAD PLAT BOOK 1, PAGE 52, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 72, S56°10'13"E, 1111.72' TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334" FOR A POINT OF BEGINNING OF LANDS BEING DESCRIBED; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, S56°10'13"E, 381.97' TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334"; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE S00°09'23"W, 579.32' TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334"; THENCE S88°33'52"W, 318.00' TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334" LYING ON THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2034, PAGE 2226, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY LINE N00°09'23"E, 799.94' TO THE POINT OF BEGINNING.

and the same is hereby approved for an outdoor recreation and sports facility and accessory uses, 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 accordance with the Development Concept Plan, date-stamped September 12, 2005, and attached hereto as Exhibit "A," including the landscape buffers as shown. This does not imply or confer any variances from applicable zoning or land development regulations.
2. There shall be no outdoor activities occurring on the subject property before 7:00 a.m. or after 9:00 p.m.
3. There shall be no lighting of the subject property after 9:00 p.m., except to provide limited security for the building.

4. There shall be no outdoor speaker system, including stereo systems or other amplification, occurring on the subject property after 9:00 p.m.
5. The Applicant shall preserve all vegetation, including trees, along the entire western boundary of the subject property.
6. The Applicant shall continue to ensure compliance with Policy 5.5.11 of the Environment Chapter of Apoxsee requiring that native habitats be set aside in preservation and conservation areas and managed in accordance with a resource management plan which shall be submitted to Resource Protection prior to Certificate of Occupancy. This resource management plan will ensure maintenance of the functions and values of these native habitats, and the removal of invasive/nuisance and exotic plant species.

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

PASSED AND DULY ADOPTED this 8th day of February, 2006.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By:

David R. Mills
Chair

ATTEST:

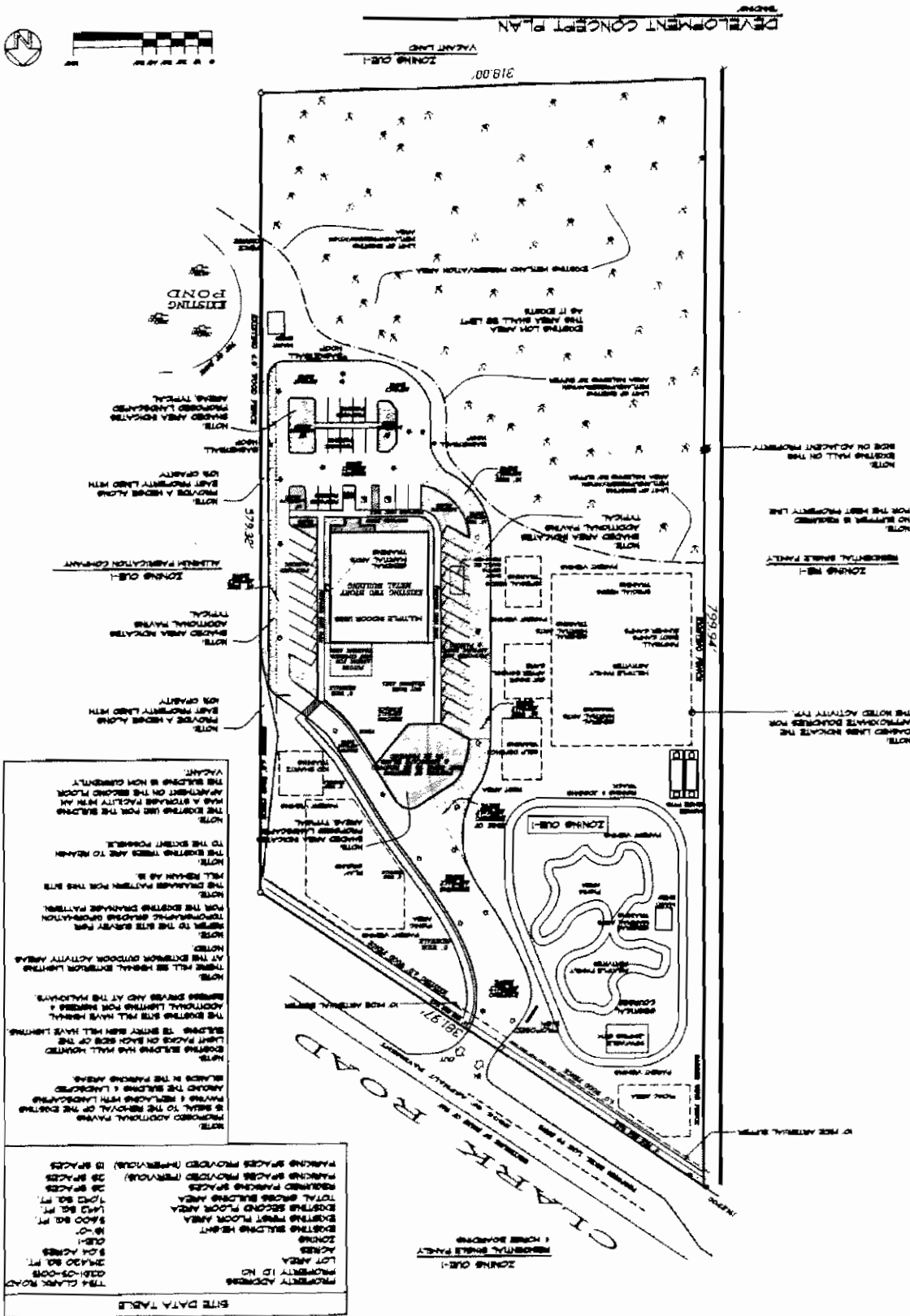
KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By:

Paula J. Thornton
Deputy Clerk

EXHIBIT "A"

DEVELOPMENT CONCEPT PLAN
(BINDING)



SITE DATA TABLE

PROPERTY ADDRESS	759 CLARK ROAD
PROPERTY ID NO.	0214-05-008
LOT AREA	29,400 SQ. FT.
ACRES	0.671
EXISTING BUILDING HEIGHT	18'-0"
EXISTING FIRST FLOOR AREA	5,400 SQ. FT.
EXISTING SECOND FLOOR AREA	7,000 SQ. FT.
TOTAL EXISTING BUILDING AREA	12,400 SQ. FT.
REMOVED SPACES PROVIDED (INTERIORS)	28 SPACES
PARKING SPACES PROVIDED (EXTERIORS)	10 SPACES

NOTE: EXISTING BUILDING HAS BEEN RELOCATED TO THE SOUTH SIDE OF THE SITE. LIGHT FIXTURES ON EACH SIDE OF THE BUILDING TO BE MAINTAINED. EXISTING DRIVEWAY IS TO BE MAINTAINED. THERE WILL BE NORMAL OUTDOOR ACTIVITY AREAS AT THE EXISTING DRIVEWAY. NOTE: REFER TO THE SITE SPECIFIC FOR TOPOGRAPHIC SURVEY INFORMATION FOR THE EXISTING DRIVEWAY PATTERNS. NOTE: THE EXISTING DRIVEWAY IS TO BE MAINTAINED AS IS. NOTE: THE EXISTING TREES ARE TO REMAIN TO THE EXTENT POSSIBLE. NOTE: THE EXISTING LOT AREA FOR THE BUILDING APARTMENT ON THE SECOND FLOOR HAS A REMOVED FACILITY WITH AN APARTMENT ON THE SECOND FLOOR. THE BUILDING IS NOW CURRENTLY VACANT.

