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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DCOURSEY Receipt#859502




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✓ Please record and return to: (Via Inter-Office Mail)
Susan Carleton, Administrative Coordinator
Planning Services
1660 Ringling Blvd., 1st Floor
Sarasota, FL 34236

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 at the southwest quadrant of Bee Ridge Road and Bee Ridge Road Extension in Sarasota County, Florida, owned by Shawn R. McIntyre, and described in Resolution No. 2006-236 attached hereto, to allow an individual use to exceed 20,000 square feet in size in District CN (Commercial Neighborhood), pursuant to Special Exception Petition No. 1634 filed by James A. Paulmann, Agent, and granted by Sarasota County on October 25, 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. 2006-236, attached hereto)

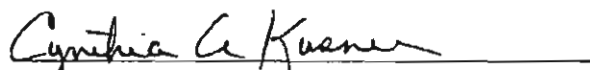

Crystal Allred, Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Crystal Allred, 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 5th day of November, 2006.

DECEMBER


Cynthia A. Kusner
Notary Public
State of Florida at Large

This instrument prepared by sfc



Cynthia A. Kusner
Commission #DD308088
Expires: May 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.



BOARD PETITION NO. 1634
FILED FOR OCT 27 2006

**RESOLUTION NO. 2006-236
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1634**

OCT 27 PM 1:42

WHEREAS, James A. Paulmann, Agent for the Owner of the hereinafter described real property, has filed Special Exception Petition No. 1634 requesting that a special exception be granted for the property, located at the southwest quadrant of Bee Ridge Road and Bee Ridge Road Extension, to allow an individual use to exceed 20,000 square feet in size in a CN (Commercial Neighborhood) district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 7th day of September, 2006, to consider said Special Exception Petition No. 1634, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board, a tie vote with no recommendation for Special Exception No. 1634, and

WHEREAS, this Board, after due public notice, did on the 25th day of October, 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. 1634 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. 1634 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:

Located at the southwest quadrant of Bee Ridge Road and Bee Ridge Road Extension and being more particularly described as follows:

DEVELOPMENT TRACT

A tract of land lying in Section 4, Township 37 South, Range 19 East, Sarasota County, Florida and more particularly described as follows:

COMMENCE at the northeast corner of said Section 4; thence S.88°57'01"W., along the north line of the northeast ¼ of said Section 4, also being the centerline of Bee Ridge Road as recorded in Official Records Book 387, Pages 308 and 322 of the Public Records of Sarasota County, Florida, a distance of 681.65 feet; thence S.00°34'03"E., a distance of 75.00 feet to the POINT OF BEGINNING; thence N.88°57'01"E., a distance of 533.32 feet to the beginning of a non-tangent curve to the right, of which the radius point lies S.25°27'42"W., a radial distance of 240.00 feet; thence southeasterly along the arc of said curve, through a central angle of 22°04'19", an arc length of 92.45 feet to the end of said curve, said point being on the west right-of-way line of Bee Ridge Road Extension (150.00-foot wide public right-of-way) as recorded in Official Records Book 387, Pages 315 and 322 of said Public Records; thence S.00°34'03"E., along a line not tangent with the previously described curve, also being along said west right-of-way line of Bee Ridge Road Extension, a distance of 723.53 feet; thence S.89°25'57"W., a distance of 329.47 feet to the point of curvature of a curve to the right having a radius of 71.33 feet and a central angle of 45°00'00"; thence westerly along the arc of said curve, an arc length

of 56.02 feet to the point of tangency of said curve; thence N.45°34'03"W., a distance of 274.11 feet to the point of curvature of a curve to the right having a radius of 71.33 feet and a central angle of 45°00'00"; thence northwesterly along the arc of said curve, an arc length of 56.02 feet to the point of tangency of said curve; thence N.00°34'03"W., a distance of 409.76 feet to the point of curvature of a curve to the left having a radius of 28.67 feet and a central angle of 32°51'35"; thence northerly along the arc of said curve, an arc length of 16.44 feet to the point of reverse curvature of a curve to the right having a radius of 46.33 feet and a central angle of 32°51'35"; thence northerly along the arc of said curve, an arc length of 26.57 feet to the point of tangency of said curve; thence N.00°34'03"W., a distance of 58.81 feet to the POINT OF BEGINNING.

and the same is hereby approved to allow an individual use to exceed 20,000 square feet in size in a CN (Commercial Neighborhood) district, 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.

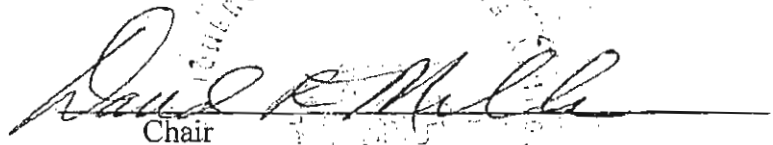
1. All development shall occur in substantial accordance with the Development Concept Plan date stamped May 23, 2006, and attached hereto as Exhibit "A," except as may be necessary to comply with the stipulations herein. This does not imply or confer any variance from applicable zoning or land development regulations.
2. The total gross floor area provided within the project shall not exceed 58,000 square feet. Such square footage shall be allocated as follows: (a) the retail space identified as grocery store shall not exceed 29,000 square feet; (b) the uses provided within the remaining retail space shall not cumulatively exceed 19,000 square feet; and (c) the office uses identified as two banks shall not exceed 5,000 square feet each, exclusive of drive-through areas. All references herein depicted on the Development Concept Plan date stamped May 23, 2006, and attached hereto as Exhibit "A."
3. There shall be no more than 12 individual uses/businesses within the retail space.
4. Buildings constructed on the site shall be setback at least 50 feet from the northerly property line and 40 feet from the easterly property line.
5. The Applicant shall provide a .5 opacity buffer along the northerly property line of the site. Such buffer shall be at least 30 feet in width and shall include a 4-foot high berm.
6. The Applicant shall provide a .5 opacity buffer along the easterly property line of the site. Such buffer shall be 20 feet in width.
7. Outdoor lighting fixtures shall not exceed 20 feet in height.
8. All retail space and grocery store identified on the Development Concept Plan date stamped May 23, 2006, and attached hereto as Exhibit "A" shall not receive deliveries between 8:00 p.m. and 5:00 a.m.

9. No illuminated wall signage on any of the buildings shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.
 10. No automatic teller machines (ATMs) shall be located on the northerly side of the banks.
 11. The project approved for the site as depicted on the Development Concept Plan date stamped May 23, 2006, and attached hereto as Exhibit "A" shall comply with the Standards of the Sarasota County Green Building Program as outlined in Sarasota County Resolution No. 2005-048.
 12. The Master Surface Water Management Plan shall be consistent with the Cow Pen Slough Basin Master Plan.
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 25th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

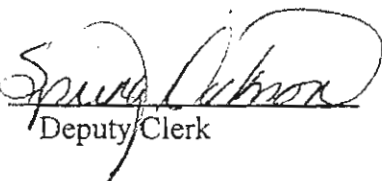
By


Chair

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