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INSTRUMENT # 2007125524 9 PGS
2007 AUG 09 09:33 AM

KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#951536

Please record and return to: (Via Inter-Office Mail)

Carol McConway, 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 the intersection of Interstate-75 and University Parkway, in Sarasota County, Florida, owned by David Baldauf, and described in Resolution No. 2007-173 attached hereto, to (1) permit transient accommodations (hotel/motel), (2) permit garden centers with outside merchandise, (3) permit retail sales over 60,000 square feet of gross floor area in a single occupant building, (4) permit outdoor dining from between 10 pm and 3 am Sunday through Saturday except within 150 feet of the west property line, (5) permit indoor and outdoor entertainment after 10 pm except within 200 feet of the west property line, and (6) permit additional building height) in District CG (Commercial General), pursuant to Special Exception Petition No. 1640 filed by Judson Pankey, Agent, and granted by Sarasota County on July 10, 2007, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

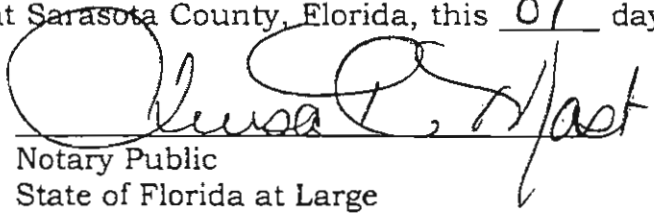
(Stipulations and limitations are those described in Section B of Resolution No. 2007-173, attached hereto)


Crystal Allred, Manager
Planning Services

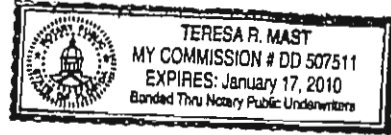
**STATE OF FLORIDA
COUNTY OF SARASOTA**

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 07 day
of August, 2007.


Notary Public
State of Florida at Large

This instrument prepared by:



BOARD RECORDS
FILED FOR RECORD

RESOLUTION NO. 2007-173
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1640

JUL 31 PM 2:58

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Judson Pankey, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1640 requesting that a special exception be granted to allow the property, located at the southwest quadrant of the intersection of Interstate-75 and University Parkway, Sarasota County, Florida, to 1) permit transient accommodations (hotel/motel), 2) permit garden centers with outside merchandise, 3) permit retail sales over 60,000 square feet of gross floor area in a single occupant building, 4) permit outdoor dining from between 10 pm and 3 am Sunday through Saturday except within 150 feet of the west property line, 5) permit indoor and outdoor entertainment after 10 pm except within 200 feet of the west property line, and 6) permit additional building height) in the CG (Commercial General) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 5th day of October, to consider said Special Exception Petition No. 1640, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1640 be granted, and

WHEREAS, this Board, after due public notice, did on the 10th day of July, 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. 1640 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;
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. 1640 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

A PARCEL OF LAND BEING IN SECTION 1, TOWNSHIP 36 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE S.89°23'57"E., A DISTANCE OF 1,353.05 FEET TO THE NORTHWEST CORNER OF THE EAST ½ OF THE NORTHWEST ¼ OF SAID SECTION 1; THENCE S.00°30'37"W., A DISTANCE OF 161.87 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 610 (UNIVERSITY PARKWAY), AS RECORDED IN ROAD PLAT BOOK 2, PAGES 41E-41F, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE N.82°30'15"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 101.14 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING 4 CALLS: N.82°30'15"E., A DISTANCE OF 459.26 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 5,611.58 FEET AND A CENTRAL ANGLE OF 08°05'48"; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 792.99 FEET; THENCE S.89°23'57"E., A DISTANCE OF 7.36 FEET TO THE INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 1; THENCE CONTINUE S.89°22'13"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 441.06 FEET TO THE END OF SAID SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 610 (UNIVERSITY PARKWAY) AND THE BEGINNING OF LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD 93 (INTERSTATE I-75) AS RECORDED IN ROAD PLAT BOOK 2, PAGE 28B, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID LIMITED ACCESS RIGHT-OF-WAY LINE THE FOLLOWING 8 CALLS: S.00°19'34"W., A DISTANCE OF 20.02 FEET ; THENCE S.89°26'14"E., A DISTANCE OF 490.95 FEET; THENCE S.85°35'54"E., A DISTANCE OF 462.87 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.04°23'27"W., A RADIAL DISTANCE OF 456.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 57°52'45", A DISTANCE OF 460.65 FEET; THENCE S.27°45'49"E., A DISTANCE OF 566.49 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.62°13'29"W., A RADIAL DISTANCE OF 4,489.66 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 12°56'53", A DISTANCE OF 1,014.62 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.75°10'32"W., A RADIAL DISTANCE OF 11,084.25 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 04°35'55", A DISTANCE OF 889.63 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.81°58'48"W., A RADIAL DISTANCE OF 7,373.09 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 00°27'02", A DISTANCE OF 57.98 FEET TO THE SOUTH LINE OF THE NORTHEAST ¼ OF SAID SECTION 1; THENCE N.89°20'12"W., ALONG SAID SOUTH LINE OF THE NORTHEAST ¼ OF SECTION 1, A DISTANCE OF 505.60 FEET; THENCE N.00°02'29"W., A DISTANCE OF 339.45 FEET; THENCE N.72°30'00"W., A DISTANCE OF 753.67 FEET; THENCE S.90°00'00"W., A DISTANCE OF 961.90 FEET; THENCE S.00°00'00"W., A DISTANCE OF 451.48 FEET; THENCE N.89°58'51"W., A DISTANCE OF 430.38 FEET TO THE WEST LINE OF THE NORTHEAST ¼ OF SECTION 1; THENCE N.89°58'51"W., A DISTANCE OF 775.92 FEET; THENCE S.75°46'54"W., A

DISTANCE OF 297.00 FEET; THENCE N.00°30'37"E., A DISTANCE OF 1,503.28 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 90.00 FEET AND A CENTRAL ANGLE OF 56°30'21"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 88.76 FEET; THENCE N.55°59'44"W., A DISTANCE OF 139.16 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 75.00 FEET AND A CENTRAL ANGLE OF 56°30'21"; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 73.97 FEET; THENCE N.00°31'16"E., A DISTANCE OF 803.30 FEET TO THE POINT OF BEGINNING.

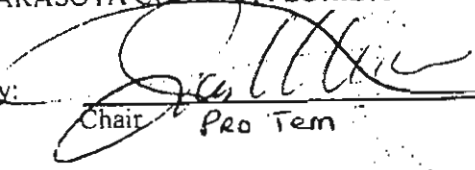
and the same is hereby approved for SE 1640, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records 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 and project supplement New Urban Design Criteria date stamped June 1, 2007 and attached hereto as Exhibit "A-1" and "A-2" and Exhibit "B" respectively. This does not imply or confer any variance from applicable zoning or land development regulations.
2. All development on the subject property (i.e., preliminary plans, site and development plans, final plats, and construction plans) shall comply with the Development Order for the Sarasota Interstate Park of Commerce (SIPOC) Development of Regional Impact (DRI), as amended.
3. A height increase in excess of 35 feet to a maximum of 85 feet is hereby granted.
4. Transient accommodations are hereby granted, providing that no more than 500 rooms with or without kitchen facilities, are constructed.
5. Retail sales occupants may exceed 60,000 square feet of gross floor area in a single building.
6. Outdoor dining is hereby permitted between the hours of 10 pm and 3 am Sunday through Saturday except within 150 feet of the west property line.
7. Indoor entertainment is hereby permitted after 10 pm, except within 200 feet of the west property line. Outdoor entertainment is hereby permitted until 12 a.m. (midnight), except within 200 feet of the west property line.
8. The north side of the garden center shall be screened from view.

C. This Resolution shall take effect upon receipt of acknowledgement by the Custodian of State Records and the receipt of the final agency action finding comprehensive plan amendment RU-131 in compliance with law.

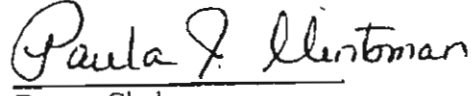
PASSED AND DULY ADOPTED this 10th day of July, 2007.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: 
Chair Pro Tem

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

Attachment A-1

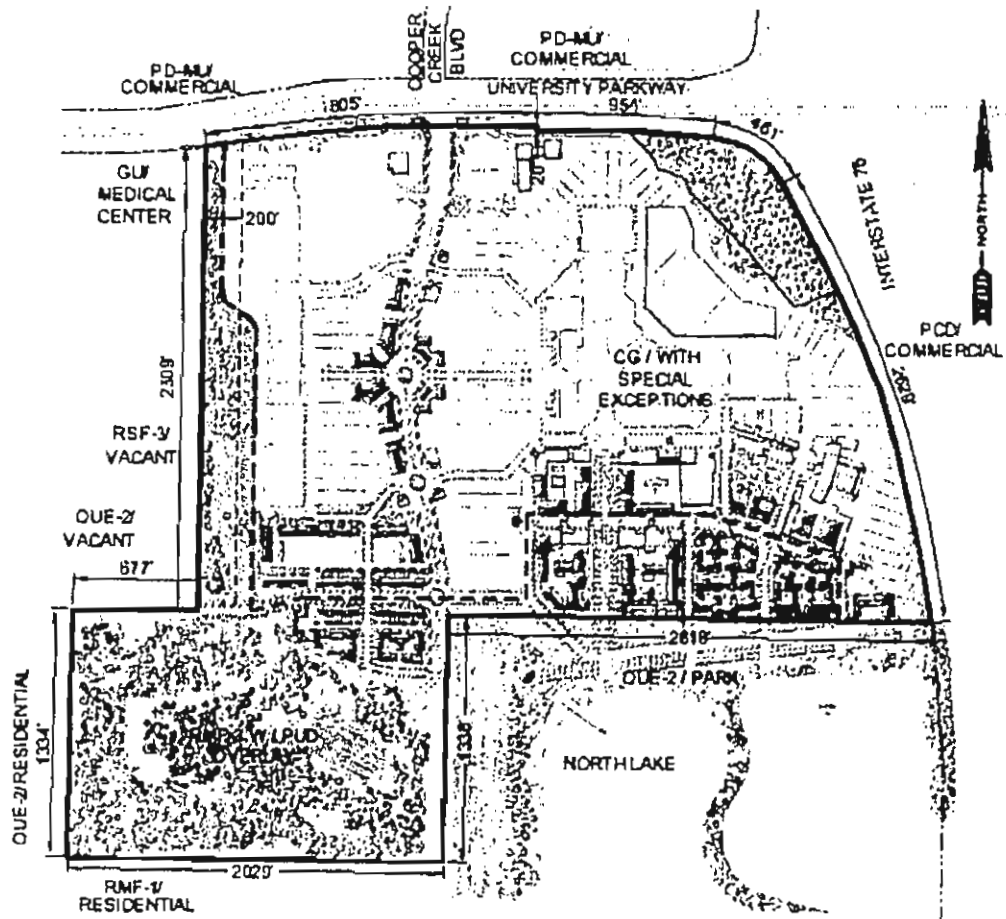
SARASOTA INTERSTATE PARK OF COMMERCE

DEVELOPMENT CONCEPT PLAN, BINDING

LOCATED IN:
SECTION 1, TOWNSHIP 36 SOUTH, RANGE 18 EAST
SARASOTA COUNTY, FLORIDA


LEGEND

- - PROPERTY LINE
- - -** - PROPOSED ZONING LINE



NOTE:

THE TWO SOUTHERLY ROUND-ABOUTS MAY BE SIGNALIZED INTERSECTIONS OR ROUND-ABOUTS AT THE DISCRETION OF THE COUNTY ENGINEER.

	Engineers Architects Surveyors Planners Landscape Architects Environmental Scientists Construction Management Design/Build	Date: 05/07	DEVELOPMENT CONCEPT PLAN EXHIBIT A-1	EXHIBIT A-1
	1277-A Truettville Road, Suite 2 Sarasota, FL 34237 Phone: 941.553.4772 Fax: 941.553.1272	Job No. B6757		
		Scale: 1" = 800'	© 2007	
		File: B6706.8 DCP		

Received June 1, 2007

Attachment A-2

SARASOTA INTERSTATE PARK OF COMMERCE
DEVELOPMENT CONCEPT PLAN, BINDING

LOCATED IN:
 SECTION 1, TOWNSHIP 36 SOUTH, RANGE 18 EAST
 SARASOTA COUNTY, FLORIDA

PROPOSED ZONING CHART

CG W/ SPECIAL EXCEPTIONS 178.98 A.C.
 RMF-3 W/ PUD OVERLAY 97.33 A.C.
 TOTAL 276.32 A.C.

SITE DATA

PROJECT ACREAGE 276.32 ACRES
 STORMWATER FACILITY EASEMENT ACREAGE 101.8 ACRES
 BLDG COVERAGE MAXIMUM 55.3 AC (20%)
 OPEN SPACE (REQ'D/PROV) 82.9 AC (30%)
 STORMWATER FACILITIES 3.0 AC
 BUFFERS 7.8 AC
 PRESERVATION AREA 73.2 AC
 IMPERVIOUS AREA MAXIMUM 193.4 AC (70%)
 PERVIOUS AREA MINIMUM 82.9 AC (30%)
 EXISTING ZONING CG, CH1, RMF-3, PCD, PID
 PROPOSED ZONING CG W/ SPECIAL EXCEPTIONS, RMF-3/PUD
 EXISTING USES AGRICULTURE, SINGLE FAMILY RESIDENTIAL

PROPOSED USES

RMF-3 (13 UNITS/AC) 1,265 UNITS (MAX)
 CG UPPER STORY (2.7 UNITS/AC) 486 UNITS (MAX) (INCLUDES 50
 TOTAL MULTIFAMILY RESIDENTIAL 1,750 UNITS (MAX) LIVE-WORK UNITS
 RETAIL / RESTAURANT 1,630,000 SF, GLA
 OFFICE 220,000 SF, GLA
 THEATER 50,000 SF, GLA
 HOTELS 600 ROOMS WITH MICROWAVES

FLOOD ZONE 'C' PANEL NOS. 1251440075 D/1251440154 E

PARKING CALCULATIONS

USE	UNIT	REQ'D/PROVIDED PARKING RATIO	REQ'D/PROVIDED PARKING SPACES
RETAIL/OFFICE/RESTAURANT/ MIXED USE**	1,630,000 SF, GLA	4 SP/1000 SF	7,400
THEATER	1,700 SEATS	1 SP/3 SEATS	567
TRANSIENT ACCOMMODATIONS	500 ROOMS	1 SP/ROOM PLUS 19 SP/10 ROOMS	550
RESIDENTIAL UNITS	1,750 UNITS	2 SP/UNIT PLUS 1 SP/5 UNITS	3,650
TOTAL PARKING SPACES REQUIRED			12,367
TOTAL PARKING SPACES PROVIDED			12,367


*THE PROJECT MAY PROVIDE PARKING PER SECTION 7.1.11 ALTERNATIVE PARKING PLANS
 **WHERE ANY INDIVIDUAL USE COMPRISING 20% OF THE TOTAL GROSS LEASABLE AREA SHALL BE
 CALCULATED SEPARATELY
 ***WHERE GLA IS GROSS LEASABLE AREA AND IS EQUIVALENT TO FLOOR AREA AS DEFINED
 IN THE SARASOTA COUNTY ZONING ORDINANCE.

CG W / SPECIAL EXCEPTIONS

1. PERMIT TRANSIENT ACCOMMODATIONS (HOTEL/MOTEL)
2. PERMIT GARDEN CENTER WITH OUTSIDE MERCHANDISE
3. PERMIT RETAIL SALES OVER 60,000 SQUARE FEET OF GROSS FLOOR AREA IN A SINGLE OCCUPANT BUILDING
4. PERMIT OUTDOOR DINING UNTIL 3 AM, SUNDAY THROUGH SATURDAY, EXCEPT WITHIN 150 FEET OF THE WEST PROPERTY LINE
5. PERMIT INDOOR ENTERTAINMENT AFTER 10 PM AND OUTDOOR ENTERTAINMENT UNTIL 12 AM, EXCEPT WITHIN 200 FEET OF THE WEST PROPERTY LINE
6. PERMIT ADDITIONAL BUILDING HEIGHT NOT TO EXCEED 85 FEET
7. PERMIT WAIVER OF FRONT, SIDE, AND REAR YARDS AND LANDSCAPE BUFFERS

RMF-3/PUD MODIFICATIONS

1. PERMIT WAIVER OF PERIMETER STRUCTURE SETBACK AND LANDSCAPE BUFFERS
2. PERMIT ADDITIONAL BUILDING HEIGHT NOT TO EXCEED 85 FEET

	Engineers Architects Surveyors Planners Landscape Architects Environmental Scientists Construction Management Design/Build 3277A Fredtville Road, Suite 2 Sarasota, FL 34237 Phone: 941.365.6771 Fax: 941.365.6779	Date: 05/07	DEVELOPMENT CONCEPT PLAN EXHIBIT A-2 SARASOTA INTERSTATE PARK OF COMMERCE Sarasota County, Florida	EXHIBIT A-2
		Job No. B8757 Scale: NA File: B8708.8 DCP Certificate of Authorization No. 2213		Page 2-2

Received June 1, 2007

Exhibit "B"
New Urbanism Design Criteria for
The Sarasota Interstate Park of Commerce (SIPOC)

The University Town Center will be a vibrant mixed use project that implements the guiding principles of New Urbanism as postulated by the Congress of New Urbanism and Stefanos Polyzoides. Use of the *Design Criteria* listed below will ensure the continuity of these principles into perpetuity.

1. Connectivity

- Street network is designed to reduce congestion and create a coherent system
- Pedestrian paths and sidewalks network is extensive and welcoming
- Bicycle use encouraged by safe street designs and amenities
- Regional and local transit are provided to reduce auto use

2. Figural Open Space

- Well-developed system of outdoor spaces encourages pedestrians
- Conservation areas are provided for recreation and natural resource preservation
- Public plazas and other social gathering spaces are widely distributed
- Buildings and spaces are well-linked for a coherent and holistic approach

3. Compactness

- Mixed-use and flex building fabric is the glue which holds the project together
- Community buildings are provided in logical, central locations
- Adjacency of services and housing to de-emphasize the automobile
- "Park-once" facilities reduce multiple auto trips

4. Diversity

- Quality architectural fabric reflects a range of regional traditions
- Variety of housing types and income levels
- Public spaces, variety of uses and activities offer vitality and a well-developed public realm
- Mixture of housing, retail & office to create economic vitality and a true residential community

5. Sustainability

- High capture rates for traffic, created by integration of transit and mixed use
- Stormwater and irrigation systems to capture and reuse water
- Drought-resistant native plants integrated to support outdoor networks
- Application for certification of site plan, by Florida Green Building Coalition
- Additional water conservation accomplished by installing high-efficiency plumbing fixtures
- On-site transit station along with internal trolley system promotes multi-model functions
- Bicycle and Pedestrian systems connect all land uses
- Bicycle racks provided throughout all land use groups

Received June 1, 2007