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2008 JUL 03 03:46 PM  
KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#1065487

Please record and return to: **(Via Inter-Office Mail)**  
Carol McConway, Administrative Coordinator  
Planning Services  
1660 Ringling Blvd., 1<sup>st</sup> 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 on a Tract of Land in the Northeast Quarter of Section 10 Township 38 South, Range 18 East in Sarasota County, Florida, owned by John Oliver, and described in Resolution No. 2008-024 attached hereto, to allow a height increase not to exceed 57 feet in a CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1662 filed by William W. Merrill, III, Agent, and granted by Sarasota County on February 12, 2008, 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. 2008-024, 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 2<sup>ND</sup> day of July, 2008.



Cynthia A Kusner  
Notary Public  
State of Florida at Large

This instrument prepared by: cm

**RESOLUTION NO. 2008-024**  
**OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF SARASOTA COUNTY, FLORIDA**  
**SPECIAL EXCEPTION NO. 1662**

BOARD RECORDS  
FILED FOR RECORD

MAR 11 AM 11:45  
KAREN J. WILSON  
CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
SARASOTA COUNTY, FL

WHEREAS, Stephen Rees/William Merrill, agents for the owner of the [redacted] after described real property have filed Special Exception Petition No. 1662 requesting that a special exception be granted to allow the property, located at the southeast corner of E Bay Street and U.S. 41, Sarasota County, Florida, to allow buildings in excess of [redacted] in the CG (Commerical General) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 6th day of December, 2007, to consider said Special Exception Petition No. 1662, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1662 be granted, and

WHEREAS, this Board, after due public notice, did on the 12<sup>th</sup> day of February, 2008, 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. 1662 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,

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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. 1662 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

CG

A Tract of Land Lying in the Northeast Quarter of Section 10 Township 38 South, Range 18 East, and being more particularly described as follows:

Commence at the Northwest Corner of the Northeast Quarter of Section 10, Township 38 South, Range 18 East; thence N 89°42'12"E along the North line of said Section 10, a distance of 257.84 feet; thence S 00°17'48"E, a distance of 43.00 feet to the proposed southerly right of way line of Bay Street same being the POINT OF BEGINNING; thence N 89°42'12"E along said proposed southerly right of way line of Bay Street, a distance of 173.60 feet to a point on a non-tangent curve turning to the left, having: a radius of 2069.17 feet, a delta angle of 5°05'12", a chord bearing of S 07°57'28"E, a chord length of 183.64 feet; thence along the arc of said curve an arc length of 183.70 feet to the end of said curve; thence N 89°42'12"E, a distance of 101.69 feet to a point on a non-tangent curve turning to the left, having: a radius of 1969.17 feet, a delta angle of 9°03'26", a chord bearing of S 15°33'14"E, a chord length of 310.96 feet; thence along the arc of said curve an arc length of 311.28 feet to the end of said curve; thence S 89°42'12"W, a distance of 420.55 feet to the Easterly Right of Way of U.S. 41 as recorded in Road Plat Book I, Page 76, Public Records of Sarasota County, Florida, being a point on a non-tangent curve

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turning to the right, having: a radius of 2369.17 feet, a delta angle of 7°26'24", a chord bearing of N 12°55'04"W., a chord length of 307.43 feet; thence along the arc of said curve, an arc length of 307.64 feet; thence N 89°42'12"E, a distance of 108.26 feet; thence N 00°58'20"W, a distance of 182.01 feet to the Point of Beginning.

and the same is hereby approved to allow buildings in excess of 35' in the CG (Commercial General) zone district but not to exceed the 57' contained in the Osprey Revitalization Plan, 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 of the subject parcel shall be consistent with all applicable conditions of the Osprey Revitalization Plan (Ordinance No. 2003-081), as amended.
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. Development shall be in substantial conformance with the Development Concept Plan, labeled Exhibit A, date stamped received February 21, 2008, provided, however, 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 infer or confer variance from applicable zoning or land development regulations.
4. The Master Surface Water Management Plans shall be consistent with the North Creek Basin Master Plan.
5. Prior to issuance of the first Certificate of Occupancy, all vegetative species contained within Section 54-621 of Sarasota County's Exotic Plant Code, state regulations (Chapters 5B-57.007 and 62C-52.011, FAC), and the Florida Exotic Pest Plant Council's list of Category I and II invasive species, as appropriate to this geographic region, shall be removed from the property. Any such vegetation removed from required landscape buffers shall be replaced with native species as part of an approved landscape plan. Removed vegetation shall be disposed of in a

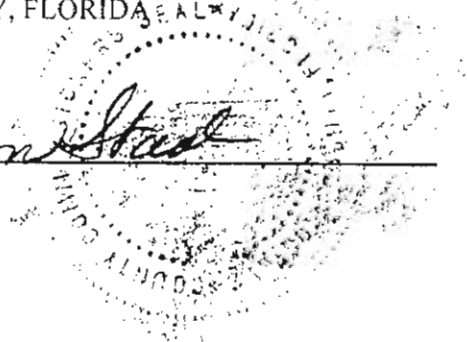
County-approved landfill or by another method approved by the Resource Protection.

6. The western access along Bay Street shall be aligned with Patterson Avenue to the north and restricted as a directionalized median opening to allow for westbound to southbound and eastbound to northbound left turning movements only. A median and/or raised concrete separator shall be constructed to prohibit left and through movements out of the proposed access.
  7. Prior to or concurrent with the development of the subject parcel(s), the developer shall construct a westbound to southbound and an eastbound to northbound left turn lane at the Bay Street and Patterson Avenue intersection. The turn lanes shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvements shall be included in the construction plans for the subject development.
  8. A signal warrant analysis for the intersection of Bay Street and Old Venice Road shall be conducted if Bay Street and Honore Avenue are connected prior to construction authorization of any phase of the proposed development. If warrants for a signal are met, the developer shall contribute a proportionate share of the cost of a signal at the intersection of Bay Street and Old Venice Road.
  9. Prior to or concurrent with the development of the subject parcel, the developer shall construct a northbound to westbound left turn lane on Old Venice Road at Bay Acres Avenue. The left turn lane shall be designed in accordance with Indexes 301 and 526 of the Florida Department of Transportation's Roadway and Traffic Design Standards. The improvement shall be included in the construction plans for the subject development.
  10. The maximum height shall be limited to 46'4" at the top of the cupola for Building A-2, and the height shall be limited to 45'10" to the center of the sloped roof for buildings A-1 and A-6 as depicted on the Development Concept Plan, attached hereto as Exhibit A, date stamped February 21, 2008.
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 12 day of February, 2008.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By: Sharon Sted  
Chair



ATTEST:

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

By: Karen E. Rushing  
Deputy Clerk

2008-011