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INSTRUMENT # 2008101217 9 PGS

2008 JUL 25 10:52 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#1072056

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 south of Central Sarasota Parkway and approximately 1,400 feet east of U.S. 41 in Sarasota County, Florida, owned by Hugh Culverhouse, and described in Resolution No. 2008-097 attached hereto, to allow Retail Sales, over 60,000 square feet in the CG (Commercial, General zone district, pursuant to Special Exception Petition No. 1666 filed by Justin N. Powell, Agent, and granted by Sarasota County on June 10, 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. 2008-097, 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 23rd day of July, 2008.



Notary Public
State of Florida at Large

This instrument prepared by: cm

**RESOLUTION NO. 2008-097
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1666**

BOARD RECORDS
FILED FOR PETITION
2009 JUN 19
MARIANNE
SARASOTA COUNTY

WHEREAS, James A. Paulmann, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1666 requesting that a special exception be granted to allow the property, located south of the intersection of Potter Park Drive and Central Sarasota Parkway, Sarasota County, Florida, to permit Retail Sales, over 60,000 square feet, in the hereinafter described property in Sarasota County, Florida 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 21st day of February, 2008, to consider said Special Exception Petition No. 1666, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1666 be denied, and

WHEREAS, this Board, after due public notice, did on the 14th day of May, 2008, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition.

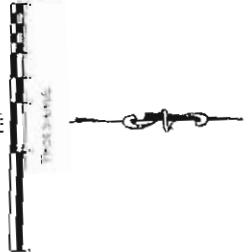
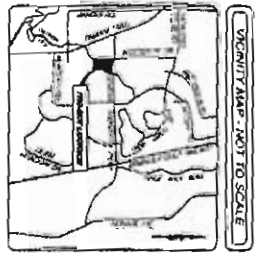
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

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. 1666 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).

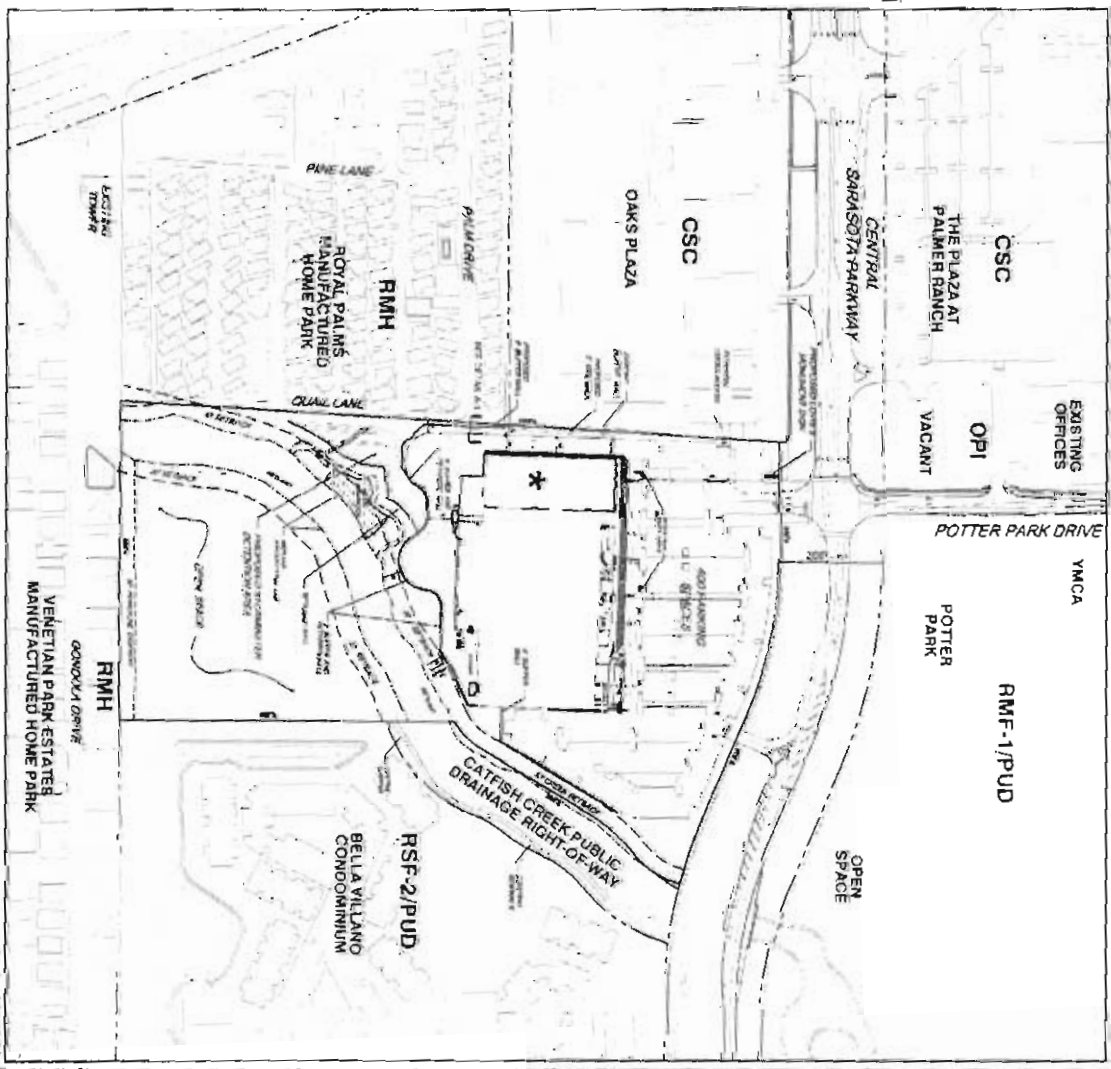
B. Special Exception Petition No. 1666 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

EXHIBIT A
BINDING DEVELOPMENT CONCEPT PLAN



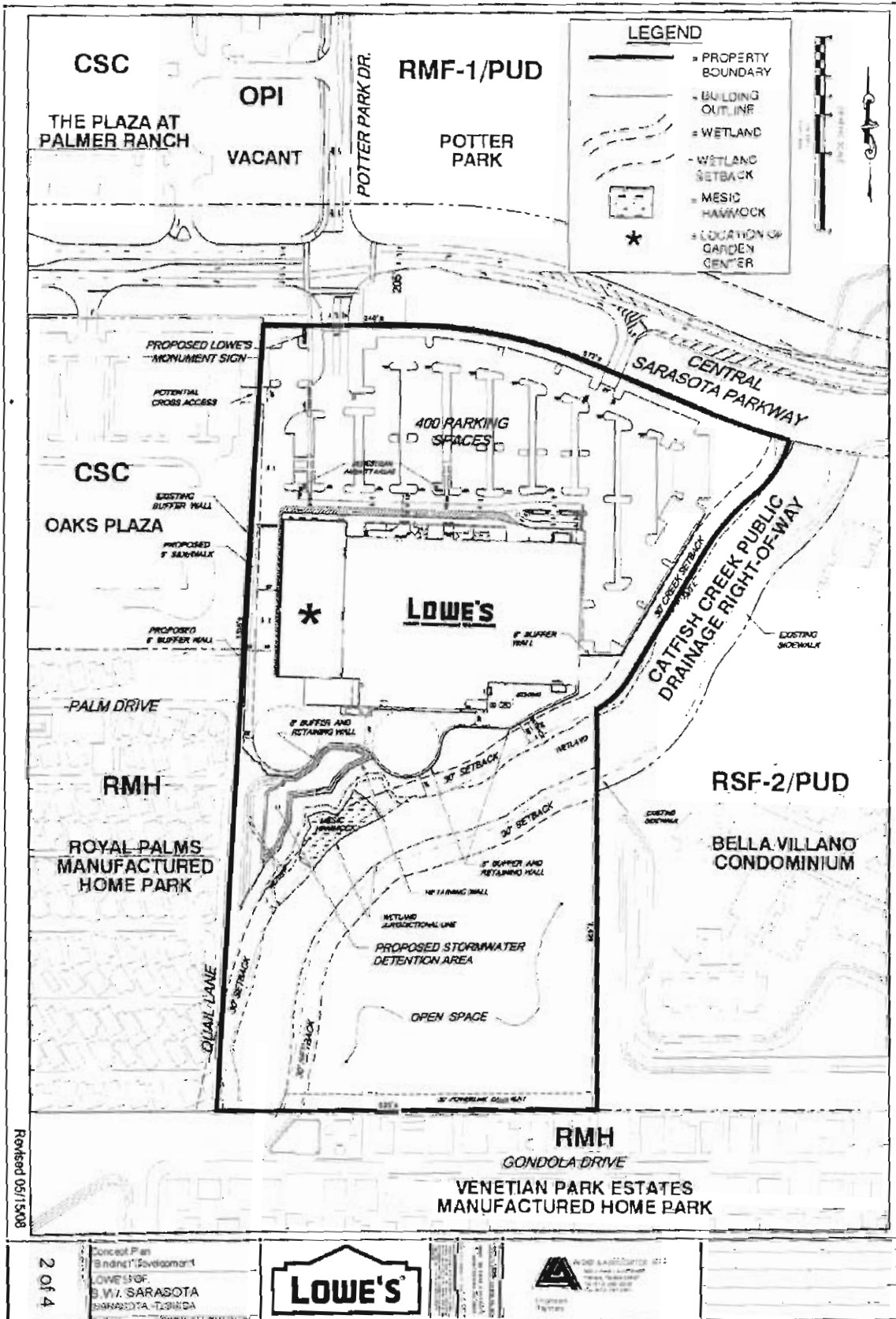
SITE DATA

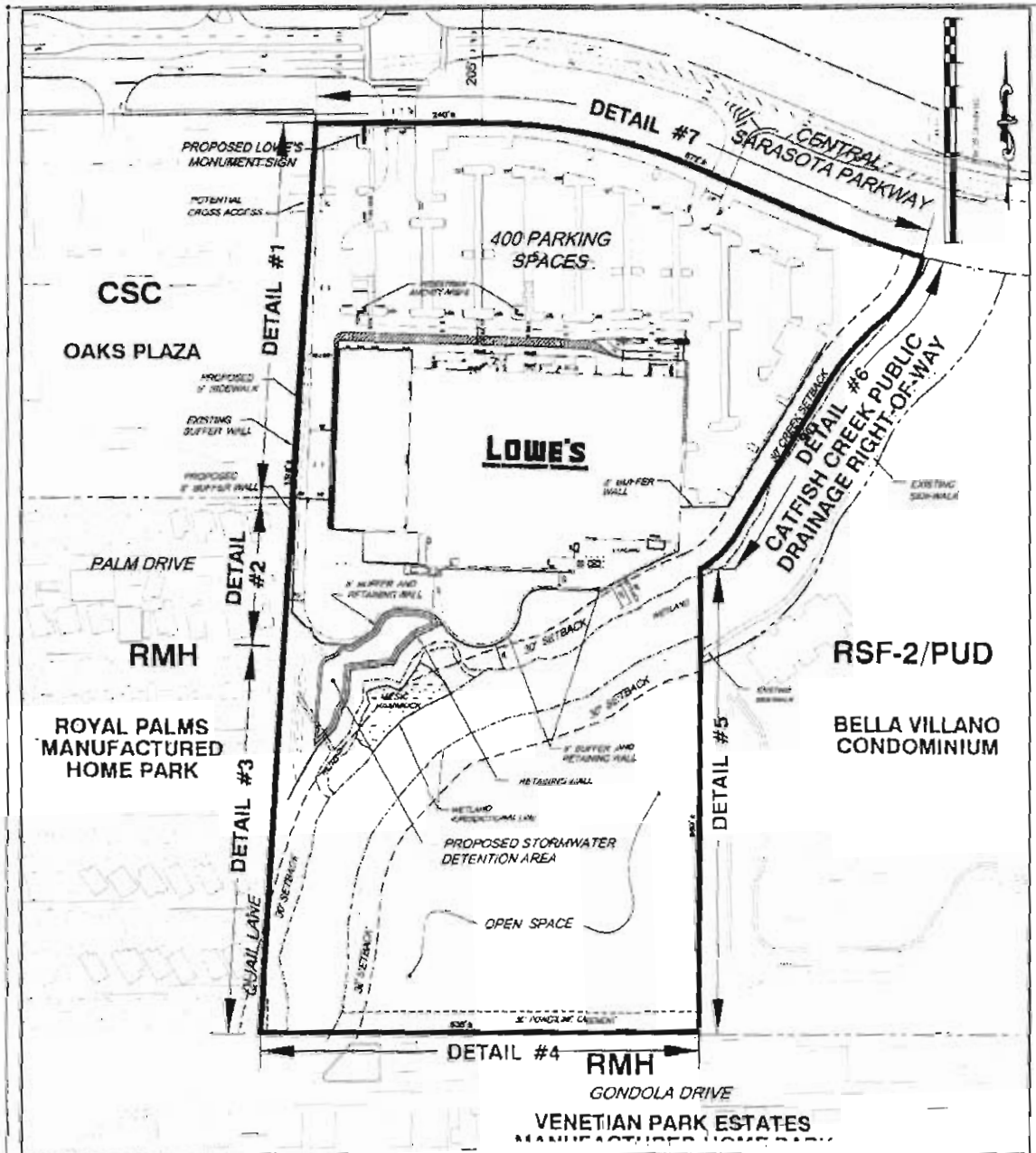
SIZE: 20.01 ACRES-
 EXISTING ZONING: RE-1
 PROPOSED ZONING: CG
 TOTAL SQUARE FOOTAGE: 139,000 SF
 BUILDING SQUARE FOOTAGE: 111,200 SF
 GARDEN CENTER: 27,800 SF
 # PARKING SPACES REQUIRED: 473 SPACES
 # PARKING SPACES PROVIDED: 400 SPACES
 TOTAL OPEN SPACE: 10.31 ACRES (52%)
 TOTAL IMPERVIOUS SURFACE: 9.7 ACRES (48%)
 * LOCATION OF GARDEN CENTER



Revised 07/15/04

1 OF 4	Concept Plan "Eminent" Development LOWE'S OP S.W. SARASOTA SARASOTA, FLORIDA			ARCHITECT ASSOCIATES, INC. 1100 N. W. 11th Street Fort Lauderdale, FL 33304 (954) 573-1100
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DETAIL #1

NO ADDITIONAL LANDSCAPING PROPOSED. THERE IS AN EXISTING 6' BUFFER WALL ALONG FULL LENGTH OF THE OAKS PLAZA EASTERN BUFFER.

DETAIL #2

SEE SCREEN WALL DETAIL #2 ON PAGE 4 OF 4 ATTACHED HERETO.

DETAIL #3

10 FOOT BUFFER REQUIRED PAST EXISTING 20 FOOT FORCE MAIN CASEMENT - 30 FEET TOTAL, WITH 50% OPACITY. PROVIDED.

DETAIL #4

10 FOOT REQUIRED PAST EXISTING F&M EASEMENT - 40 FEET TOTAL, WITH 50% OPACITY, EXCEPT WITHIN AREA

DETAIL #4 (cont)

OF EXISTING DRAINAGE RIGHT OF WAY. SETBACK PROVIDED.

DETAIL #5

25 FEET REQUIRED WITH PLANTINGS - EXCEPT WITH AREA OF EXISTING DRAINAGE RIGHT-OF-WAY/SETBACK - EXISTING VEGETATION WILL REMAIN SUPPLEMENTED WITH ADDITIONAL PLANTINGS, IF NECESSARY.

DETAIL #6

60% OPACITY - PROVIDED THROUGH 30 FOOT CREEK SETBACK AND PROPOSED WALL. IN AREAS NORTH AND SOUTH OF PROPOSED WALL, 25 FOOT BUFFER WITH 60% OPACITY WILL BE PROVIDED.

DETAIL #7

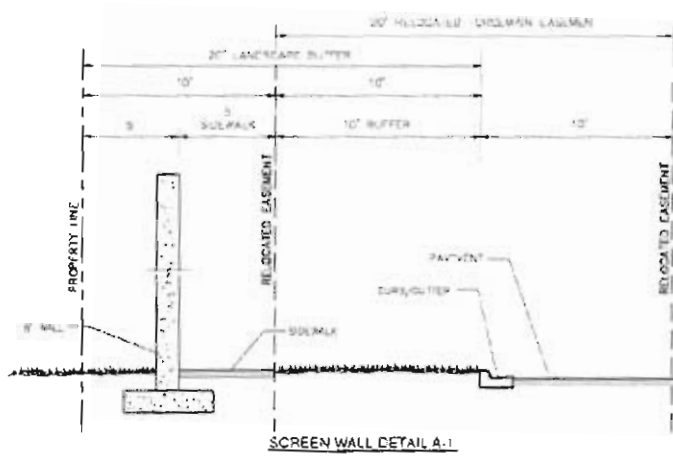
20 FOOT REQUIRED BY PALMER RANCH LANDSCAPING REGULATIONS - PROVIDED.

Revised 05/15/08

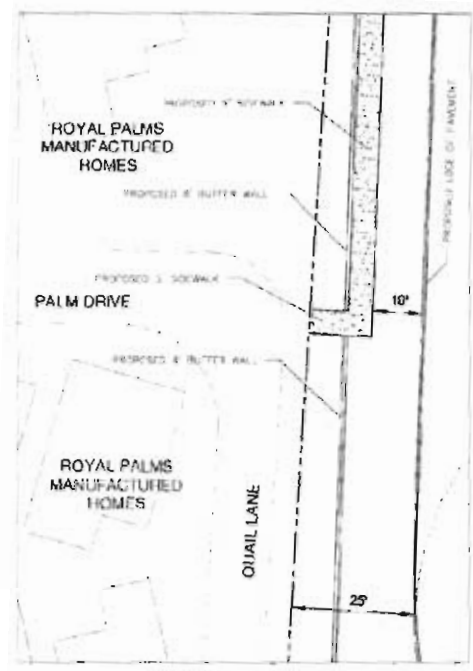
3 of 4

Landscape Plan
LOWE'S OF
S.W. SARASOTA
SARASOTA, FLORIDA





SCREEN WALL DETAIL A-1



SIDEWALK PLAN DETAIL

DETAIL #2

N.T.S.

Revised 03/21/08

4 of 4	LWP050200 Detail LOWE'S CP S.W. SARASOTA SARASOTA, FLORIDA		11/11/08 11/11/08 11/11/08	LOWE'S ASSOCIATES, INC. 1000 N. MIAMI AVE. MIAMI, FL 33132 TEL: 305.368.3000 FAX: 305.368.3001	<table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>				

A TRACT OF LAND LYING IN THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 37 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SAID SECTION 34; THENCE S03030°32'W ALONG THE WESTERLY LINE OF SAID NORTHEAST ¼ A DISTANCE OF 1,318.90 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 1, SARASOTA-VENICE COMPANY'S SUBDIVISION OF THE EAST HALF AND THE NORTHWEST ¼ OF SECTION 34, TOWNSHIP 37 SOUTH, RANCH 18 EAST, RECORDED IN PLAT BOOK A, PAGE 12 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA (PLAT BOOK 2, PAGE 31, MANATEE COUNTY RECORDS), VACATED PER RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS DATED AUGUST 19, 1986, RECORDED IN O.R. BOOK 1881, PAGE 0193 OF SAID PUBLIC RECORDS; THENCE S89053°01'E ALONG THE SOUTHERLY LINE OF SAID LOT 6, A DISTANCE OF 635.53 FEET; THENCE N00006°59'E A DISTANCE OF 669.21 FEET TO A POINT ON A CURVE OF WHICH THE RADIUS POINT LIES N30003°16'W A RADIAL DISTANCE OF 150.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC THROUGH A CENTRAL ANGLE OF 29005°40' A DISTANCE OF 76.17 FEET; THENCE N30051°05'E A DISTANCE OF 249.12 FEET TO THE PC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 20023°02' AND A RADIUS OF 350.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 124.52 FEET TO THE PRC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 36022°59' AND A RADIUS OF 175.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC A DISTANCE OF 111.13 FEET TO A POINT ON A CURVE OF WHICH THE RADIUS POINT LIES N14051°08'E A RADIAL DISTANCE OF 973.47 FEET; THENCE NORTHWESTERLY ALONG THE ARC THROUGH A CENTRAL ANGLE OF 08024°23' A DISTANCE OF 142.83 FEET; THENCE N66044°29'W, A DISTANCE OF 215.00 FEET TO THE PC OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 23000°00' AND A RADIUS OF 789.47 FEET; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 316.91 FEET; THENCE N89044°29'W A DISTANCE OF 237.89 FEET TO THE POINT OF BEGINNING.

and the same is hereby approved for SE 1666, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Applicant" 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.

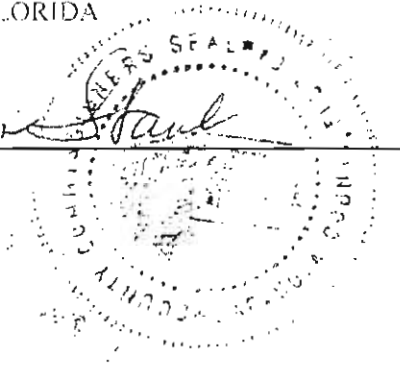
1. Development shall occur in substantial compliance with the Development Concept Plan, date stamped May 15, 2008, (and attached hereto as Exhibit "A"). This does not imply or confer any variance from applicable zoning and land development regulations.
 2. Retail sales in a single building may exceed 60,000 square feet of gross floor area as shown on the Development Concept Plan, date stamped May 15, 2008, and attached hereto as Exhibit "A."
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 10th day of June, 2008

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By:

Sharon Staul
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