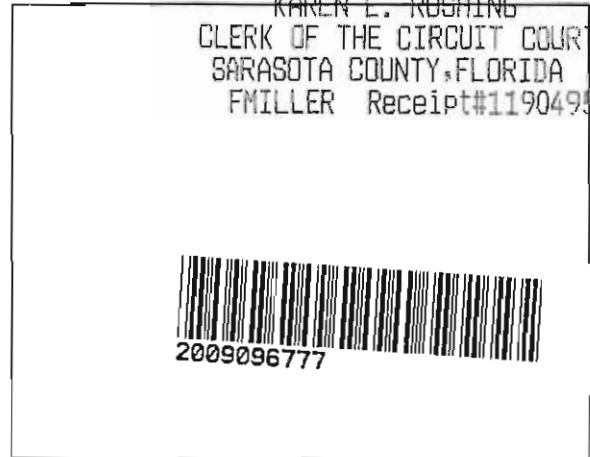


RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2009096777 9 PGS  
2009 AUG 05 04:10 PM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#1190495

Please record and return to: **(Via Inter-Office Mail)**  
Carol McConway, Administrative Specialist  
Planning Services  
1660 Ringling Boulevard  
Sarasota, FL 34236

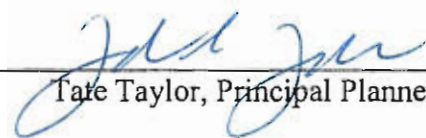
**Charge to: Planning Services**  
**Account# 51800100500489**

**NOTICE OF STIPULATIONS**  
**AND LIMITATIONS ENCUMBERING**  
**REAL PROPERTY PURSUANT TO**  
**THE SARASOTA COUNTY ZONING CODE**



The following property, located at the southeast corner of Middle Avenue and 51st Street in Sarasota County, Florida, owned by Daniel C. Fangmeyer, and described in Resolution No. 2009-148 attached hereto, to allow heavy industrial use with outdoor storage in an ILW (Industrial, Light Manufacturing and Warehousing) zone district, pursuant to Special Exception Petition No. 1671 filed by Stephen Rees, Esq., Agent, and granted by Sarasota County on July 21, 2009, 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.2009-148, attached hereto)


  
Tate Taylor, Principal Planner II

**STATE OF FLORIDA**  
**COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Principal Planner II, 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 he acknowledged before me that he executed the same.

Witness my hand and official seal at Sarasota County, Florida, this 4<sup>th</sup> day of August, 2009.



  
Cynthia A. Kusner  
Notary Public  
State of Florida at Large

This instrument prepared by: cm

BOARD RECORDS  
FILED FOR RECORD

2009 JUL 23 AM 8:14

KAREN E. RUSHING  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY, FL

RESOLUTION NO. 2009-148  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1671

WHEREAS, Stephen Rees, Esq., agent for the owner of the hereinafter described real property has filed Special Exception Petition No.1671 requesting that a special exception be granted to allow the property, located at the southeast corner of Middle Avenue and 51<sup>st</sup> Street, Sarasota County, Florida, to be used for heavy industrial use with outdoor storage in an ILW (Industrial, Light Manufacturing and Warehousing) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 22<sup>nd</sup> day of January, 2009, to consider said Special Exception Petition No. 1671, and

WHEREAS, the said Planning Commission did submit and report its findings with no recommendation to this Board for said Special Exception Petition No. 1671, and

WHEREAS, this Board, after due public notice, did on the 12th day of May, 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. 1671 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. 1671 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

The southeast corner of Middle Avenue and 51<sup>st</sup> Street and being more particularly described as follows:

A TRACT OF LAND COMPRISING LOTS NOS. 56 AND 57 OF THE TAMPA SOUTHERN RAILROAD COMPANY'S INDUSTRIAL SUBDIVISION OF THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 5 AND THE NW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 8, TOWNSHIP 36 SOUTH, RANGE 18 EAST, THE LOCATION OF SAID LOTS BEING DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SAID SECTION 5 AND RUNNING THENCE EASTWARDLY ALONG THE NORTH LINE OF THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SAID SECTION 5, A DISTANCE OF 202.5 FEET AND FORMING A SOUTHEASTERLY ANGLE OF 90 DEGREES 30 MINUTES 35 SECONDS WITH THE WEST LINE OF SAID SECTION 5; THENCE SOUTHWARDLY, FORMING AN ANGLE OF 89 DEGREES 48 MINUTES TO THE RIGHT FROM A PROLONGATION OF THE PRECEDING COURSE, 66 FEET TO THE NORTHWEST CORNER OF LOT 56, THE LOCATE POINT OF BEGINNING; RUNNING THENCE EASTWARDLY, FORMING AN ANGLE OF 90 DEGREES 08 MINUTES TO THE LEFT FROM A PROLONGATION OF THE PRECEDING COURSE, 280.25 FEET; THENCE SOUTHWARDLY, FORMING AN INTERIOR ANGLE OF 89 DEGREES 52' WITH THE PRECEDING COURSE, 255 FEET; THENCE WESTWARDLY, FORMING AN ANGLE OF FORMING AN ANGLE OF 90 DEGREES 08 MINUTES WITH THE PRECEDING COURSE, 280.25 FEET; THENCE NORTHWARDLY, FORMING AN INTERIOR ANGLE OF 89 DEGREES 52 MINUTES WITH THE PRECEDING COURSE, 255 FEET TO THE LOCATED POINT OF BEGINNING; CONTAINING 1.64 ACRES MORE OR LESS; AS SHOWN OUTLINED IN YELLOW ON THE BLUEPRINT ATTACHED HERETO AND MADE A PART HEREOF; AND A NON- EXCLUSIVE EASEMENT OVER AND ACROSS THAT CERTAIN PARCEL OF LAND OWNED BY TAMPA SOUTHERN RAILROAD COMPANY, LYING AND BEING IN THE COUNTY OF SARASOTA, AND STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN STRIP OF LAND ACROSS THE RIGHT OF WAY AND OVER THE UCETA-BELSPUR MAIN TRACK OF THE TAMPA SOUTHERN RAILROAD COMPANY AND ACROSS THE PROPERTY OF SAID RAILROAD COMPANY IN ITS INDUSTRIAL SUBDIVISION IN THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 5, AND THE NW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SECTION 8, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THE SOUTH LINE OF SAID TRACK CROSSING BEING LOCATED 1840 FEET

NORTHWARDLY, MEASURED ALONG THE CENTER LINE OF SAID MAIN TRACK, FROM SAID RAILROAD COMPANY'S MILE POST ZA-926 AND 84.3 FEET NORTHWARDLY, MEASURED ALONG THE WEST LINE OF SAID SECTION 5, FROM THE SOUTHWEST CORNER THEREOF; ALL AS MORE PARTICULARLY SHOWN OUTLINED IN RED ON THE WHITE PRINT ATTACHED HERETO AND MADE A PART HEREOF; SAID RAILROAD COMPANY'S RIGHT OF WAY AND PROPERTY BEING AS INDICATED ON SAID WHITE PRINT;

LESS:

BEGINNING AT THE NORTHWEST CORNER OF THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SECTION 5, 36/18, AND RUNNING EASTWARDLY ALONG THE NORTH LINE OF THE SW $\frac{1}{4}$  OF SW $\frac{1}{4}$  OF SAID SECTION 5 A DISTANCE OF 202.5 FEET AND FORMING A SOUTHEASTERLY ANGLE OF 90 DEGREES 30 MINUTES 35 SECONDS WITH THE WEST LINE OF SAID SECTION 5; THENCE SOUTHWARDLY, FORMING AN ANGLE OF 89 DEGREES 48 MINUTES TO THE RIGHT FROM A PROLONGATION OF THE PRECEDING COURSE, 66 FEET TO THE NORTHWEST CORNER OF LOT 56, RUNNING THENCE EASTWARDLY, FORMING AN ANGLE OF 90 DEGREES 08 MINUTES TO THE LEFT FROM A PROLONGATION OF THE PRECEDING COURSE, 280.25 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWARDLY, FORMING AN INTERIOR ANGLE OF 89 DEGREES 52 MINUTES WITH THE PRECEDING COURSE, 215 FEET; THENCE WESTWARDLY, FORMING AN INTERIOR ANGLE OF 90 DEGREES 08 MINUTES WITH THE PRECEDING COURSE, 120.00 FEET; THENCE NORTHWARDLY, FORMING AN INTERIOR ANGLE OF 89 DEGREES 52 MINUTES WITH THE PRECEDING COURSE, 215 FEET; THENCE EASTWARDLY ALONG THE NORTH LINE OF LOT 56, 12' TO THE POINT OF BEGINNING.

TOGETHER WITH: (OFFICIAL RECORDS INSTRUMENT 2001028539)

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF SOUTHWEST  $\frac{1}{4}$  OF SECTION 5, TOWNSHIP 36 SOUTH, RANGE 18 EAST, AND RUNNING THENCE EASTWARDLY ALONG THE NORTH LINE OF THE SOUTHWEST  $\frac{1}{4}$  OF SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 5, A DISTANCE OF 202.5 FEET AND FORMING A SOUTHEASTERLY ANGLE OF 90°30'35" WITH THE WEST LINE OF SAID SECTION 5, THENCE SOUTHWARDLY, FORMING AN ANGLE OF 89°48' TO THE RIGHT FROM A PROLONGATION OF THE PRECEDING COURSE, 66 FEET TO THE NORTHWEST CORNER OF LOT 56; RUNNING THENCE EASTWARDLY, FORMING AN ANGLE OF 90°08' TO THE LEFT FROM A PROLONGATION OF THE PRECEDING COURSE, 280.25 FEET TO THE POINT OF BEGINNING, THENCE SOUTHWARDLY, FORMING AN INTERIOR ANGLE OF 89°52' WITH THE PRECEDING COURSE, 215 FEET, THENCE

WESTWARDLY, FORMING AN INTERIOR ANGLE OF 90°08' WITH THE PRECEDING COURSE, 120.00 FEET. THENCE NORTHWARDLY, FORMING AN INTERIOR ANGLE OF 89°52' WITH THE PRECEDING COURSE, 215 FEET; THENCE EASTWARDLY ALONG THE NORTH LINE OF LOT 56, 120 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SARASOTA COUNTY, FLORIDA.

SUB-LEASE DESCRIPTION:

STARTING AT A POINT PARALLEL WITH THE RAILROADS MAIN LINE MILEPOST AZA 925.50, 17 FEET 2 INCHES BY 211 FEET LOCATED WITHIN THE RIGHT-OF-WAY STARTING AT 51st STREET IN SARASOTA FL, 25 FEET FROM THE CENTER LIEN OF TRACK TO A POINT 211 FEET SOUTH THEN 17 FEET 2 INCHES EAST TO A POINT 7 FEET 10 INCHES FROM CENTER LINE OF TRACK THEN NORTH 211 FEET TO A POINT 7 FEET 10 INCHES FROM CENTER LINE OF TRACK THEN 17 FEET 2 INCHES WEST AND ENDING AT THE STARTING POINT (25 FEET FORM CENTER LINE OF TRACK). THE SOUTHERN MOST BOUNDARIES TO END AT A POINT PARALLEL WITH THE RAILROADS MAIN LINE MILEPOST AZA 925.57,

and the same is hereby approved for Special Exception Petition No. 1671, 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 4/22/09 by the applicant, and received by Sarasota County Planning Services on 5/12/09, attached hereto as Exhibit A, except as may be necessary to comply with the conditions herein.

2. The owner of the subject parcel shall ensure that no queuing of vehicles occurs which obstructs traffic on Middle Avenue or 51st Street outside its property by taking the following acts:

a. Requiring the presence of traffic control personnel, during operating hours, at the entrance and exit of the property who shall direct traffic onto and from the property and inform vehicle operators that they should not obstruct traffic by parking or idling on Middle Avenue or 51st Street. Traffic Control Personnel shall monitor the right-of-way immediately adjacent to the Subject Property one hour before, during, and one hour after business hours and shall remove all trash, debris, and other items that may pose a threat to safety or property damage.

b. Requiring traffic to flow in only one direction through the property, with an entrance on Middle Avenue and exit on 51st Street.

c. Requiring the designation of at least five (5) of the twenty-two (22) parking spaces on the property specifically for vehicles waiting to use the owner's business.

3. Within 60 days of the date of approval of this Special Exception the Applicant shall:

a. Draft and implement a Stormwater Pollution Prevention Plan as outlined in the Sector N

requirements of the Multi-Sector Generic Permit for Stormwater Discharge Associated with Industrial Activity adopted under Rule 62-621.300(5), Florida Administrative Code;

b. Provide a copy of the Stormwater Pollution Prevention Plan to Water Resources;

c. Retain a copy of the Stormwater Pollution Prevention Plan, copies of inspection records, and copies of sampling and analysis records on site; and,

d. Implement the Stormwater Monitoring Plan attached as Exhibit "B".

4. Within 60 days of the date of approval of this Special Exception the Applicant shall locate and stripe the required parking spaces as shown on the Binding Development Concept Plan.

5. Within 60 days of the date of approval of this Special Exception the Applicant shall install and maintain the required landscape buffers as shown on the Binding Development Concept Plan. Pursuant to Section 7.3.10, Zoning Regulations, the Applicant may utilize existing vegetation, as appropriate, to comply with the landscape buffer requirements.

6. Failure to comply with these stipulations will be grounds for Sarasota County to seek a permanent injunction to cease the use granted by this Special Exception or such other legal action as may be appropriate.

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

PASSED AND DULY ADOPTED this 21st day of July, 2009.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By:

Chair

ATTEST:

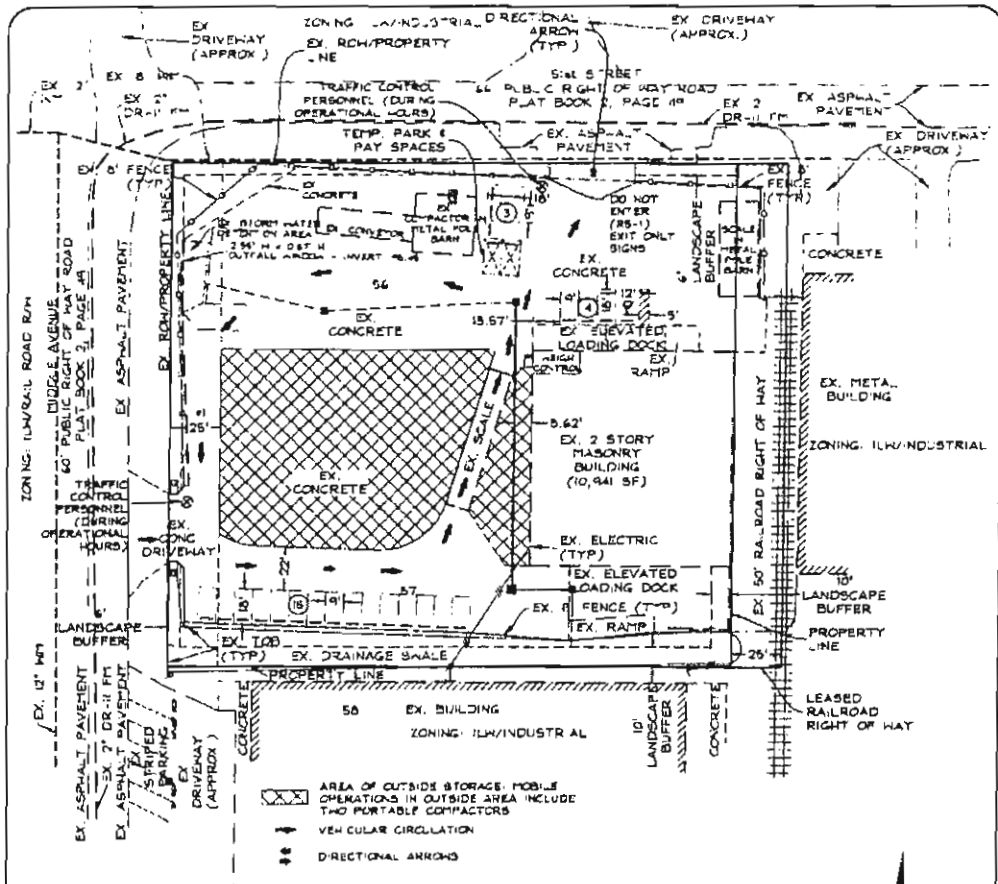
KAREN E. RUSHING, Clerk  
of Circuit Court and ex officio  
Clerk of the Board of County  
Commissioners of Sarasota  
County, Florida.

By:

Paula J. Mintorner

Deputy Clerk

# Exhibit A



NOTE  
SEMI TRUCK TRAFFIC EXPECTED 2 TIMES A DAY.  
N: NO OUTDOOR STORAGE IN 25' FRONT YARD SETBACK (SEE SECTION 7.6.3.C).  
IMPERVIOUS AREA ON SITE SHALL NOT BE INCREASED BY APPROXIMATELY 2,000 SQUARE FEET OR MORE

### SITE DATA

SITE AREA	71,463 S.F.	1.641 AC.	EXISTING USE	METAL BUNDLING & TRANSFER FACILITY
BLDG COVERAGE	10,941 S.F.	15.3%	PROPOSED USE	METAL BUNDLING & TRANSFER FACILITY
IMPERVIOUS AREA	52,643 S.F.	73.7%	EXISTING ZONING	ILW
PERVIOUS AREA	17,860 S.F.	11.0%	PROPOSED ZONING	ILW

PARKING CALCULATIONS:  
INDUSTRIAL: 1 SPACE / 500 SF  
10,941 SF = 1 SPACE/500 SF = 21.8 SPACES

REQUIRED SPACES = 22 SPACES  
PROVIDED SPACES = 22 SPACES  
REQUIRED HANDICAP SPACES = 1 SPACES  
PROVIDED HANDICAP SPACES = 1 SPACES

## SUNCOAST METALS, LLC BINDING DEVELOPMENT CONCEPT PLAN

RECEIVED

MAY 12 2007

**CAVOLI Engineering, Inc.**  
Consulting Civil Engineers  
11 Carr. 41 North Ave. 08751  
7357 ntemorano Place, Suite 101, Saratoga, R. 34240 email: John.Cavoli@CavoliEngineering.com

(941) 907-7007  
Fax: (941) 907-7008

JOHN F. CAVOLI, P.E.  
FL. REG. NO. 46642

4/22/09  
DATE

## Exhibit "B" – Stormwater Monitoring Plan



### ENVIRO-AUDIT & COMPLIANCE, INC.

---

November 3, 2008

Mr. Joseph J. Kraus, Environmental Specialist III  
Sarasota County Water Resources  
1001 Sarasota Center Boulevard  
Sarasota, FL 34240

RE: Suncoast Metal Recycling, LLC  
Stormwater Monitoring Plan

Dear Mr. Kraus,

In accordance with the requirements set forth by the Florida Department of Environmental Protection (FDEP) for NPDES permit number FLR05G400 and the request for additional stormwater sampling by the Sarasota County Water Resources Department for the Suncoast Metal Recycling, LLC facility at 2050 51<sup>st</sup> Street, Sarasota, FL 34234, the following Stormwater Monitoring Plan outline is submitted for your records.

#### Sampling Point and Frequency

Sampling will be conducted at the discharge point, Outfall #1, located in the northwest corner of the facility (Latitude 27.377788, Longitude 82.529851). All stormwater runoff from the facility is directed to this outfall location, so samples collected from this outfall will be representative of stormwater quality for the entire facility. Sampling will be conducted quarterly beginning in the first calendar quarter of 2009. Sampling will be conducted after a Qualifying Rainfall Event pursuant to Chapter 62-621.300(5).

#### Parameters/Quality Assurance/Quality Control

In addition to the sampling parameters set forth for Sector N facilities as stipulated in the FDEP NOI dated September 18, 2006, samples will be analyzed for following additional constituents.

Polycyclic aromatic hydrocarbons (PAHs)	Lead, Total
Oil and Grease (O&G)	Mercury, Total
Chemical Oxygen Demand (COD)	Nickel, Total
Aluminum, Total	Selenium, Total
Antimony, Total	Silver, Total
Arsenic, Total	Thallium, Total
Beryllium, Total	Zinc, Total
Chromium, Total	Cyanide, Total
Copper, Total	Phenols, Total
Iron, Total	

---

POST OFFICE BOX 7 • 431 Tenth AVENUE WEST • PALMETTO, Florida 34220  
Telephone (941) 721-7800 • FAX (941) 721-7878



Suncoast Metal Recycling, LLC  
2050 51<sup>st</sup> Street, Sarasota, FL  
November 3, 2008  
Page 2

The samples will be collected in accordance with applicable FDEP quality assurance/quality control and standard operating procedures. The laboratory conducting the analytical methods will be FDOH/NELAC certified.

### Reporting

All quarterly discharge monitoring reports for the NOI will be submitted to the FDEP and the Sarasota County Water Resources Department within thirty days of completion of the laboratory analyses. The monitoring reports submitted to the Sarasota County Water Resources Department will also contain the results from the additional requested parameters identified above. Reports will be submitted in hard copy (mail) and electronic (Excel). The results of the sampling will be compared to the State Surface Water Quality Standards. Any violations of State Surface Water Quality Standards will be noted and corrective action, if needed, will be addressed on a case-by-case basis with the FDEP and the Sarasota County Water Resources.

Copies of the Stormwater Pollution Prevention Plan, inspection reports, sampling and analysis records, and corrective actions will be maintained on site.

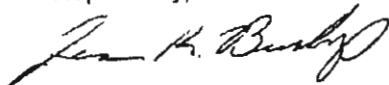
### Monitoring Plan Modifications

Suncoast Metal Recycling, LLC reserves the right to request modifications to this Stormwater Monitoring Plan if the data shows a need for any such revisions. Modifications will be requested in writing prior to implementation.

We trust that the above Stormwater Monitoring Plan outline meets the requirements for stormwater monitoring as mandated by its FDEP National Pollutant Discharge Elimination System permit as well as the requested additional sampling set forth by the Sarasota County Water Resources.

If you have any questions regarding this plan please contact our office or Mr. Mike Allen, Vice President of Suncoast Metal Recycling, LLC at 941.358.9090.

Respectfully,



Joe K. Buerhop, P.G.  
President

cc: Mike Allen  
Stephen Rees, Jr.  
John Cavoli