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KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEAGLETO Receipt#1211616



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

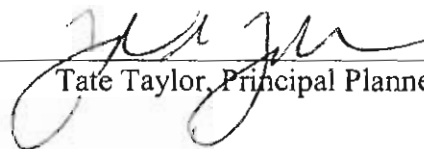
Carol McConway, Administrative Specialist
Planning Services
1660 Ringling Boulevard
Sarasota, FL 34236

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 west of Honore Avenue and north of Clark Road in Sarasota County, Florida, owned by Barry D. Edwards, and described in Resolution No. 2009-190 attached hereto, to allow 1) a transient accommodation (hotel) and 2) a height increase not to exceed 55 feet in a CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1681 filed by Shelley Hamilton, Agent, and granted by Sarasota County on September 9, 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. 2009-190, attached hereto)


Tate Taylor, Principal Planner II

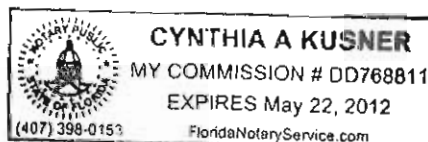
**STATE OF FLORIDA
COUNTY OF SARASOTA**

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 13th day of October, 2009.


Notary Public
State of Florida at Large

This instrument prepared by: cm



**RESOLUTION NO. 2009- 190
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1681**

WHEREAS, Shelley Hamilton, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1681 requesting that a special exception be granted to permit transient accommodations and a height increase not to exceed 55 feet, located West of Honore Avenue and approximately 250 feet north of Clark Road, Sarasota County, Florida, in an zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 18th day of June, 2009, to consider said Special Exception Petition No. 1681, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No.1681 be granted, and

WHEREAS, this Board, after due public notice, did on the 9th day of September, 2009, 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.1681 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.

BOARD RECORDS
FILED FOR RECORD
SEP 10 2009
SARASOTA COUNTY FL
PLANNING COMMISSION

0200 1000

8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1681 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

West of Honore Avenue and approximately 250 feet north of Clark Road and being more particularly described as follows:

Lot 11, Block 4, LESS the road right-of-way for Honore Avenue as described in O.R. Book 2486, Page 75, ALSO LESS Rosin Way road right-of-way as described in O.R. #2001008255, ALSO LESS the Northerly 338 feet of Lot 11, Block 4 as described in O.R. #2005007800, Sarasota Venice, Company's Subdivision, according to the plat thereof recorded in Plat Book 2, Page 17, Public Records of Manatee County, Florida, and Plat Book A, Page 70, of the Public Records of Sarasota County, Florida.

and

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 15, Block B, LESS the Southerly 36.68 feet of Lot 15, AND LESS the road right-of-way for Honore Avenue and Clark Road as described in O.R. Book 2486, Page 75, Ridgecrest Subdivision, according to the plat thereof recorded in Plat Book 1, Page 225, of the Public Records of Sarasota County, Florida.

and

Lot 14, and Lot 16, Block B, LESS the Southerly 36.68 feet thereof on to Lot 16, AND LESS the road right-of-way for Honore Avenue as described in O.R. Book 2486, Page 75, Ridgecrest Subdivision according to the plat thereof recorded in Plat Book 1, Page 225, of the Public Records of Sarasota County, Florida.

LESS any portion thereof that lies south of the north line of the real estate described in that certain General Warranty Deed from Gloria Nathanson, in her capacity as Managing Partner of SaraRealty IV, a Florida general partnership, to Baycorp Development, Inc., recorded in the Office of the Clerk of the Circuit Court.

and

Lots 1 & 2, Block A, Ridgecrest Subdivision, according to the plat thereof recorded in Plat Book 1, Page 225, of the Public Records of Sarasota County, Florida.

and the same is hereby approved for Special Exception Petition No.1681, 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 be in substantial conformance with the binding development concept plan, dated April 1, 2009 and June 18, 2009, and attached hereto as Exhibit A (Pages 1-3), except modified as necessary to comply with the stipulations contained herein. This does not imply or confer any variances from applicable zoning or land development regulations.

2. Development of the subject parcel shall be consistent with all applicable conditions of the Clark Road Corridor Plan.

3. The proposed transient accommodation building shall not exceed the height as identified in the Site Data Table and Elevation in Exhibit A (Pages 2 and 3). All other future buildings on the site shall be limited to the CG (Commercial General) zone district height standards.

4. Prior to or concurrent with the development of the subject parcel, Mead Avenue shall be improved to two 11-foot-wide travel lanes. The improvements shall be completed from the end of the existing pavement to the proposed development's access driveway. The improvements shall be included in the construction plans for the proposed development.

5. The Master Surface Water Management Plans shall be consistent with the Catfish Creek Basin Master Plan.

6. A Notice of Proximity shall be recorded for kennels north of the project prior to site and development plans or preliminary subdivision approval. The Notice of Proximity shall be in a form approved by the Sarasota County Attorney.

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

PASSED AND DULY ADOPTED this 9th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: _____

Chair

ATTEST:

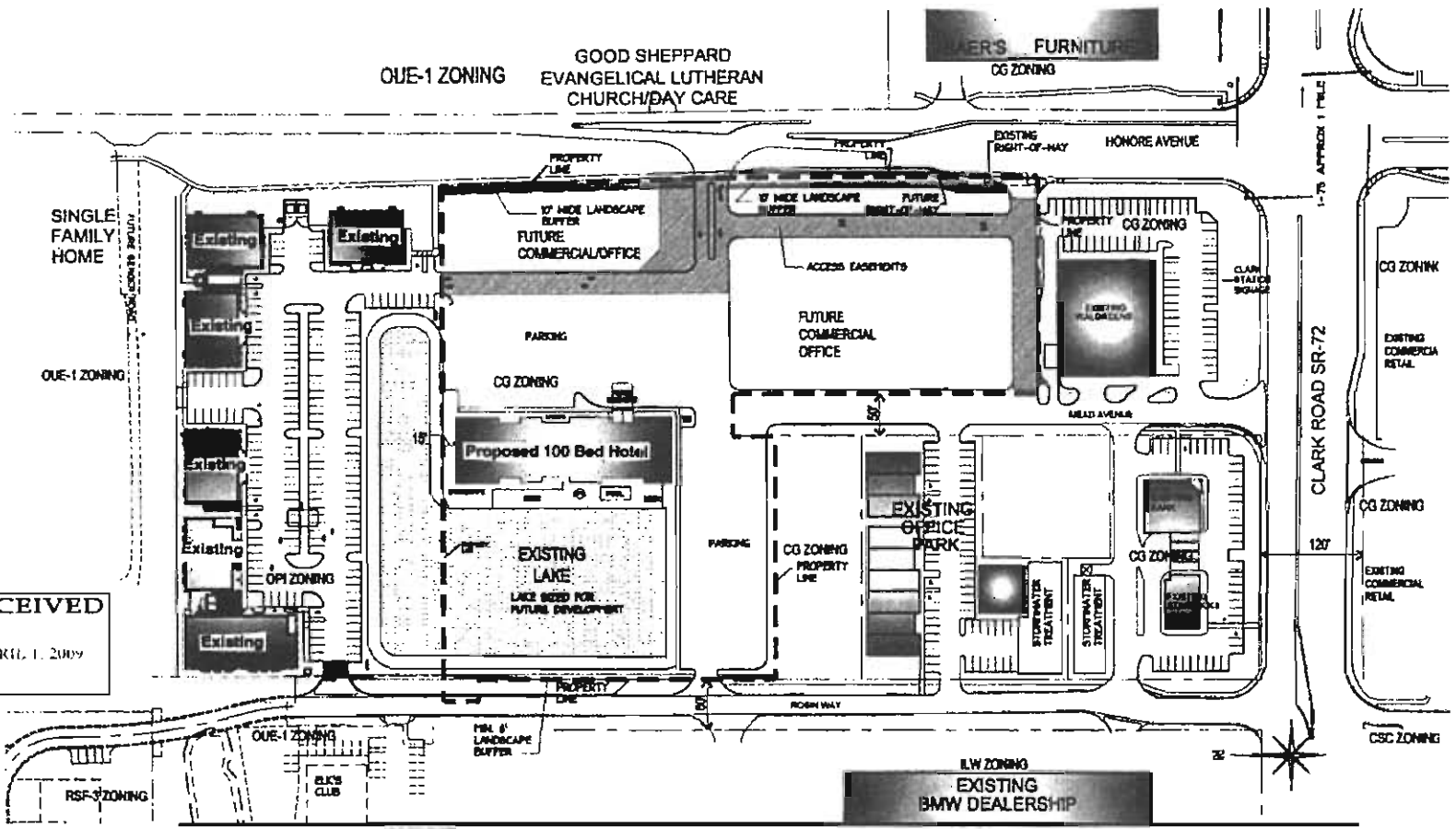
KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By: _____

Deputy Clerk

B77779-1GM

RECEIVED
APRIL 1, 2009



CLARK STATION - HOTEL DEVELOPMENT CONCEPT PLAN - BINDING

SCALE PLAN
1" = 100' - 0"

Barry D. Edwards & Associates, Inc.
8138 STATION WAY
SARASOTA, FLORIDA 34233
T (941) 821-9333
F (941) 827-1886

Exhibit A - DCP
(1 of 3)

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 JUN 18 2009
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**CLARK STATION TRANSIENT ACCOMMODATIONS
 "BINDING" DEVELOPMENT CONCEPT PLAN
 SITE DATA**

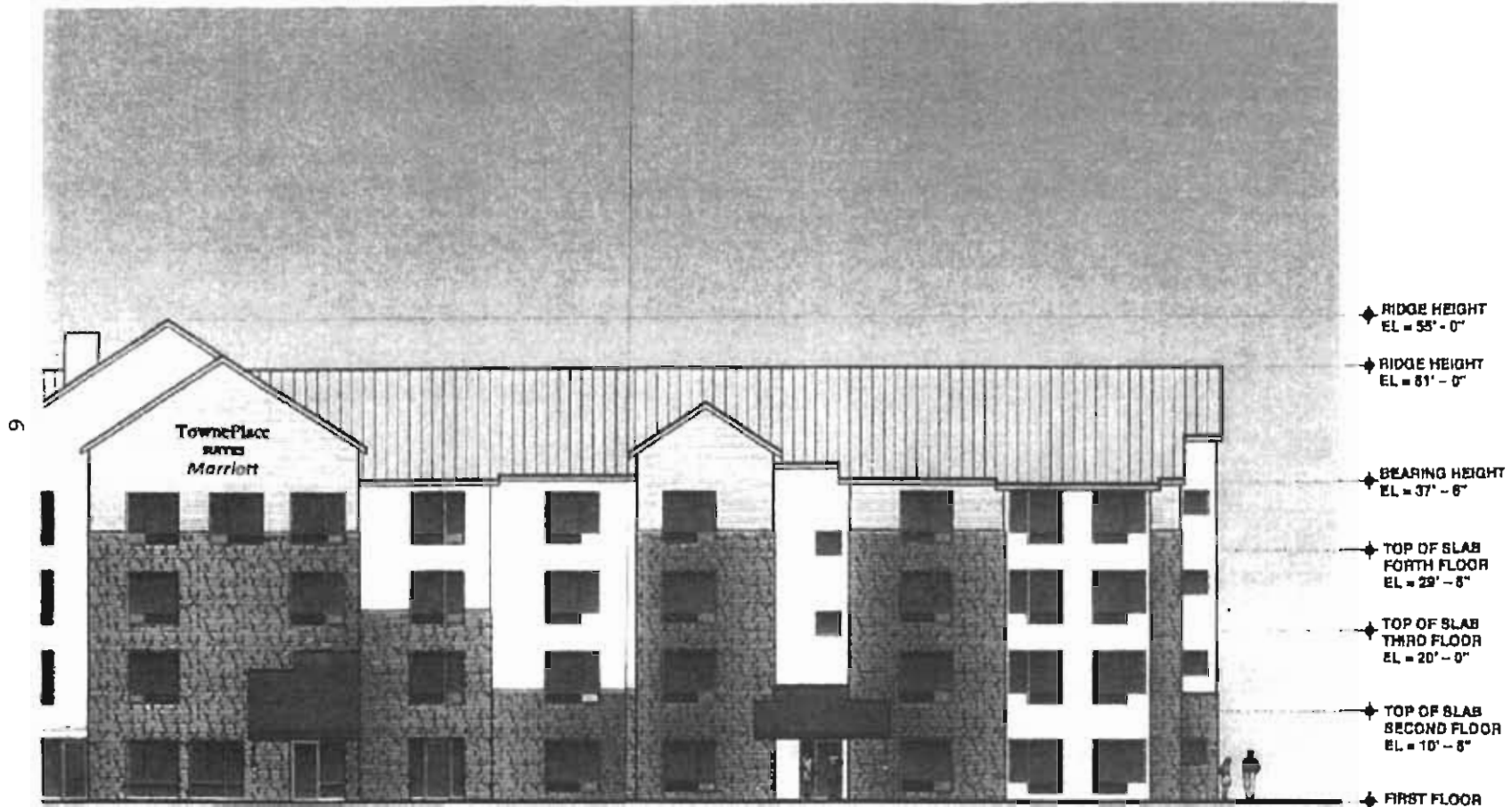
| | |
|--|---|
| GROSS ACREAGE | 7.0001 ACRES |
| OPEN SPACE (Landscaping, Stormwater, Green Space) | None Required; 32% Provided |
| BUILDING COVERAGE (Based on a 17,200 sq. ft. building over the 304,930 sq. ft. (7.001 acres) of property) | 6% (this number will increase over the 7.0001 acres when the two "Future Commercial/Office" areas are developed) |
| TOTAL NUMBER OF ROOMS PROPOSED | 100 |
| Number of Rooms w/o Kitchens | 78 (78%) |
| Number of Rooms w/Kitchens | 22 (22%) |
| Allowed Density because less than 25% of the total number of rooms have kitchens | 26 du/acre |
| Resulting Density based on 100 rooms proposed | 14.29 du/acre |
| REQUIRED PARKING FOR REMAINING USES | |
| 100 Transient Accommodation Rooms | 110 spaces |
| 40,000 sq. ft. Commercial | 160 spaces |
| 22,500 sq. ft. Office | 90 spaces |
| TOTAL | 360 spaces |
| HEIGHT REQUESTED | 44' to the mid-point between the building eaves and the ridge; 51' to the top of the ridge; and 56' to the top of the roof ornament (see attached "Front Elevation" graphic) |
| Remaining square footage approved in Developer Agreement | |
| Commercial | 40,000 sq. ft. |
| Office | 22,500 sq. ft. |

Exhibit A - Site Data Table
(2 of 3)

5

D7MG-19X

027MMA-19A



CLARK STATION TRANSIENT ACCOMMODATIONS
 PROPOSED BUILDING HEIGHT DEMONSTRATION GRAPHIC

JANUARY 2008

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 APR 01 2008
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Exhibit A - Elevation
 (3 of 3)