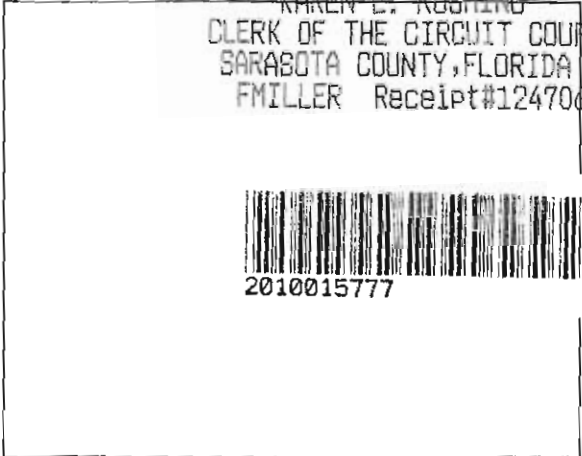


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FEB 11 2010

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2010015777 5 FEB
2010 FEB 08 10:16 AM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#1247064

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 south of SR 72 (Clark Road) and approximately 1,600 feet west of Hawkins Road in Sarasota County, Florida, owned by Bruce Torrance, Mainscape Sarasota, and described in Resolution No. 2009-277 attached hereto, to allow a Plant Nursery with Landscape Supply and to allow a lawncare/landscape business as an accessory use to a Plant Nursery with Landscape Supply allowed by Special Exception in an OUE (Open Use Estate, 1 unit/5 acres) zone district, pursuant to Special Exception Petition No. 1683 filed by Stephen Rees, Jr., Agent, and granted by Sarasota County on December 8, 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. 2009-277, 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 4th day of February, 2010.




Cynthia A. Kusner
Notary Public
State of Florida at Large

This instrument prepared by: cm

RESOLUTION NO. 2009- 277
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1683

WHEREAS, William Merrill and Stephen Rees, Jr., agents for the owner of the hereinafter described real property have filed Special Exception Petition No. 1683 requesting that a special exception be granted to permit a Plant Nursery with Landscape Supply and to allow a lawncare/landscape business as an accessory use to a Plant Nursery with Landscape Supply allowed by Special Exception, located south of S.R. 72 (Clark Road) and approximately 1,600 feet west of Hawkins Road, Sarasota County, Florida, in an OUE (Open Use Estate, 1 unit/5 acres) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 15th day of October, 2009, to consider said Special Exception Petition No. 1683, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1683 be granted, and

WHEREAS, this Board, after due public notice, did on the 8th day of December, 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. 1683 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. 1683 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

Located south of SR 72 (Clark Road) and approximately 1,600 feet west of Hawkins Road and being more particularly described as follows:

THAT PART OF SECTION 16, TOWNSHIP 37 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA DESCRIBED AS FOLLOWS;

BOARD RECORDS
FILED FOR RECORD

KARIN E. ROBINSON
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

COMMENCE AT A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "PLS 3868" AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF CLARK ROAD WITH THE SOUTHERLY RIGHT OF WAY OF STATE ROAD 72 (ALSO KNOWN AS SUGAR BOWL ROAD) RECORDED IN ROAD PLAT BOOK 1, PAGE 52, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 72, S.56°10'13"E., 1493.69 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334" FOR A POINT OF BEGINNING OF LANDS BEING DESCRIBED; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, S.56°10'13"E., 693.01 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334"; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE S.00°09'23"W., 179.05 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334"; THENCE S.88°33'52"W., 576.95 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "AM ENG LB 4334"; THENCE, N.00°09'23"E., 579.32 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND/OR RIGHTS OF WAY OF RECORD, IF ANY.

and the same is hereby approved for Special Exception 1683, 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 October 15, 2009, and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.

2. The Master Surface Water Management Plan shall be consistent with the Cow Pen Slough Basin Master Plan.

3. All stormwater treatment shall be open and above ground.

4. Prior to any site work performed, the Applicant shall submit plans for review by Water Planning and Regulatory to verify that the impervious surface is less than 2,000 square feet and that no fill is added to the site. If the proposed impervious surface is more than 2,000 square feet or fill is proposed for the site then stormwater treatment and attenuation shall be provided.

5. The Applicant shall extend the existing 8-inch water line from the western property line along the south side of Clark Road and tie into the existing 8-inch water line on the south side of Clark Road just west of Churchill Downs Road.

6. The wetlands and associated upland vegetative buffer shall be maintained in accordance with management guidelines contained within the Comprehensive Plan as a preserve and is labeled as a preserve on all plans. All activities including but not limited to filling, excavating, well drilling, altering vegetation (including trimming of both trees and understory) and storing of materials shall be prohibited within preservation areas, unless written approval is first obtained from Resource Protection Services. Exception may be granted by Resource Protection Services to facilitate implementation of approved habitat management plans, or the hand removal of nuisance/invasive vegetation.

7. A 6-foot wide pervious pathway that impacts the wetland buffers resulting from unavoidable impacts necessitated by internal parcel access requirements (see Concept Plan dated October 15, 2009), shall be allowed. Mitigation for the two buffer encroachment areas will entail planting of native species (e.g. wax myrtle) adjacent to each of the two encroachment areas within the remaining reduced buffer width (between each encroachment area and corresponding wetland limit). A mitigation plan for these impacts shall be submitted prior to or concurrent with a pre-submittal review by the Land Development Services DRC.

8. Prior to receiving Construction Authorization, Developer shall submit a Lift Station Optimization Plan and hydraulic model of the wastewater collection system. Developer shall be responsible for any off-site improvements necessary to accommodate the additional flows within the wastewater system.

9. Landscape maintenance chemicals such as fertilizers and pesticides shall be stored indoors, or under cover in such a manner as to reduce the potential exposure of the materials to precipitation.

10. A closed-loop recycle system shall be used for washing vehicles and equipment.

11. Vehicle and equipment maintenance areas, including storage of new and waste oils, lubricants, coolants, and other fluids shall follow industry standard best management practices for containment and protection from the elements, and will be located within the existing building.

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

PASSED AND DULY ADOPTED this 8th day of December, 2009.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: _____

Chair

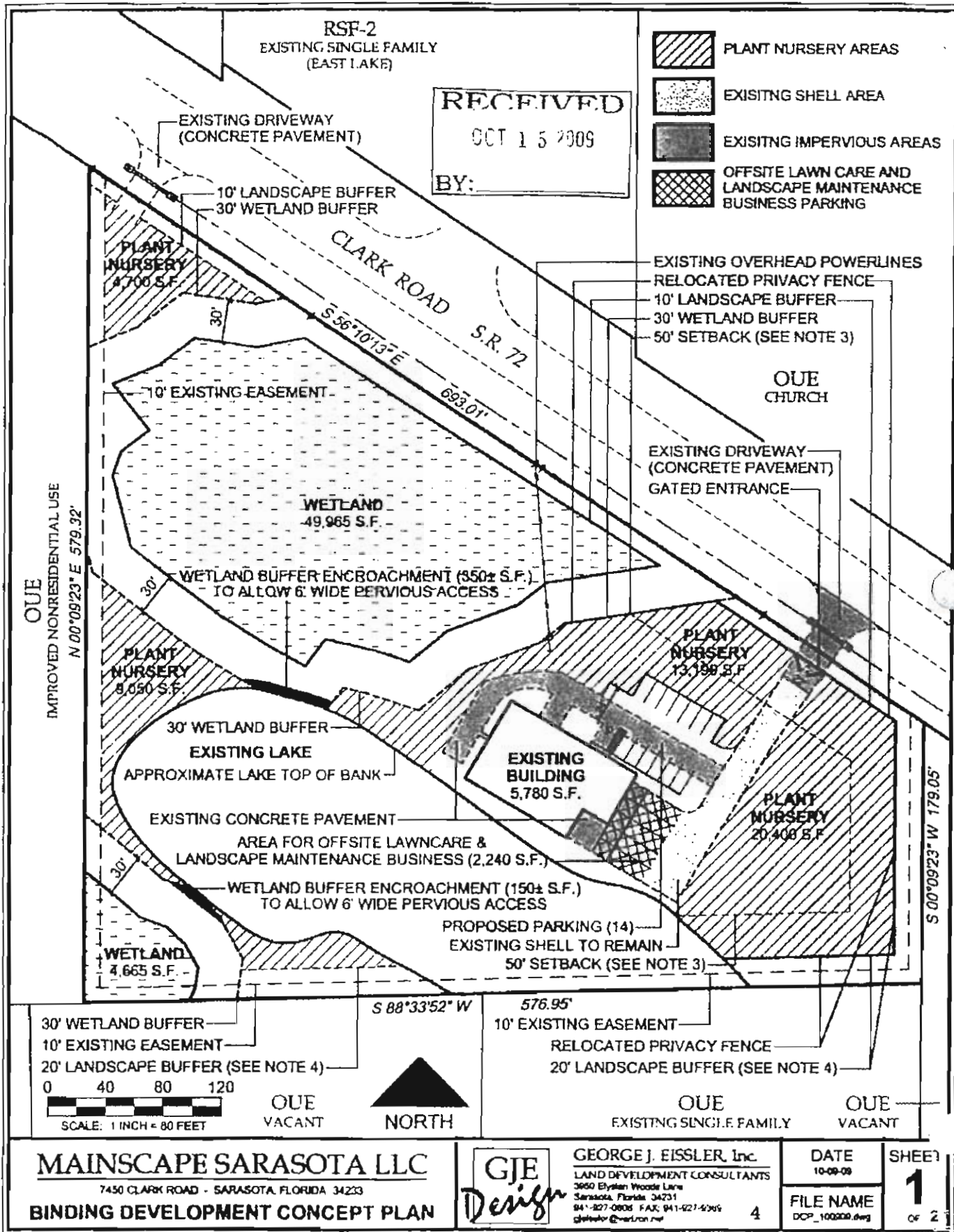
ATTEST:

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

By: _____

Deputy Clerk

EXHIBIT "A"



MAINSCAPE SARASOTA LLC
 7450 CLARK ROAD - SARASOTA, FLORIDA 34233
BINDING DEVELOPMENT CONCEPT PLAN

GJE Design

GEORGE J. ESSLER, Inc.
 LAND DEVELOPMENT CONSULTANTS
 3650 Elysian Woods Lane
 Sarasota, Florida 34231
 941-327-0808 FAX: 941-427-5205
 gje@gejessler.com

DATE
10-09-09

FILE NAME
DCP_100209.dwg

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of 2

EXHIBIT "A"

SITE DATA

GROSS AREA OF PARCEL: 218,686± S.F. (5.02 AC.)
 GROSS FLOOR AREA: 5,780± S.F.
 BUILDING COVERAGE: 2.6% of Site Area
 CURRENT ZONING: OUE
 PROPOSED ZONING: OUE W/ Special Exception
 EXISTING USE: Existing Improved Non-Residential Development
 PROPOSED USE(S): Plant Nursery with Landscape Supply and a Special Exception to allow a lawncare/landscape maintenance business as an accessory use to a Plant Nursery with Landscape Supply.

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 OCT 15 2009
 BY:

OFFSITE LAWN CARE &
 LAND. MAINT. BUSINESS: 2,240 S.F. (1.0% of Site Area)
 REQUIRED PARKING: 13 spaces

Office	1,200 SF	1 Space / 250 SF	5 Spaces
Warehouse/Storage	1,500 SF	1 Space / 1,000 SF	2 Spaces
Vehicle Service & Equip. Maint.	2 Service Bays	3 Spaces / Bay	6 Spaces

PROPOSED PARKING: 14 spaces (13 spaces plus 1 handicap space)
 OPEN SPACE REQUIRED: 43,737± S.F. (1.00 AC.) - 20% of Site Area
 OPEN SPACE PROVIDED: 192,500± S.F. (4.42 AC.) - 88.0% of Site Area
 Wetlands: 54,630± S.F. (25.0%)
 Wetland Buffers: 30,515± S.F. (14.0%)
 Existing Lake: 48,018± S.F. (22.0%)
 Landscape Buffers: 10,804± S.F. (4.9%)
 Easements: 1,191± S.F. (0.5%)
 Plant Nursery Areas: 47,340± S.F. (21.6%)

NOTES

1. The proposed zoning is OUE with a Special Exception for a Plant Nursery with Landscape Supply and a Special Exception to allow a lawncare/landscape maintenance business as an accessory use to a plant nursery with landscape supply allowed by Special Exception.
2. The Development Concept Plan illustrates 13 parking spaces.
 Any additional employee parking areas and service vehicle parking areas shall be maintained with a pervious parking surface, pursuant to Section 7.1.13.k.2.11 (b), Sarasota County Zoning Ordinance.
3. Pursuant to Section 5.3.1.j.7 of the Sarasota County Zoning Ordinance, all employee parking, service vehicles and equipment shall be setback 50 feet from the property line and screened from view from the public right of way.
4. There is no landscape buffer required between OUE properties except;
 All landscape materials and supplies shall be screened with a landscape buffer along all streets and residential property lines with a minimum capacity of 0.5 pursuant to Section 5.3.1.j.3 of the Sarasota County Zoning Ordinance.

MAINSCAPE SARASOTA LLC

7450 CLARK ROAD · SARASOTA, FLORIDA 34233

DEVELOPMENT CONCEPT PLAN DATA & NOTES



GEORGE J. EISSLER, Inc.
 LAND DEVELOPMENT CONSULTANTS
 3050 Elysian Woods Lane
 Sarasota, Florida 34231
 941-827-0808 FAX 941-827-6369
 gje@eissler.com

DATE
 10-09-09

FILE NAME
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