

RECEIVED  
FEB 11 2010  
BY:

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**

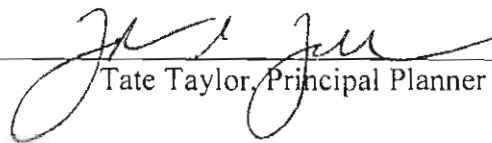
**NOTICE OF STIPULATIONS**  
**AND LIMITATIONS ENCUMBERING**  
**REAL PROPERTY PURSUANT TO**  
**THE SARASOTA COUNTY ZONING CODE**

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2010015779 6 PGS  
2010 FEB 08 10:16 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#1247064



The following property, located at the southwest quadrant of the intersection of Fruitville Road and Honore Avenue in Sarasota County, Florida, owned by N. Lee Longino, III, and described in Resolution No. 2010-016 attached hereto, to allow an expansion to an existing cemetery, columbaria, mausoleum, memorial park in an RSF-1 (Residential, Single Family, 2.5 units/acre) zone district, pursuant to Special Exception Petition No. 1684 filed by B. Alan Garrett, Agent, and granted by Sarasota County on January 27, 2010, 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. 2010-016, attached hereto)

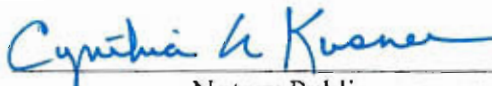
  
Tate Taylor, Principal Planner II

**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 February, 2010.



  
Cynthia A. Kusner  
Notary Public  
State of Florida at Large

This instrument prepared by:  
cm

**RESOLUTION NO. 2010-016  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1684**

WHEREAS, B. Alan Garrett, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1684 requesting that a special exception be granted to permit an expansion to an existing cemetery, columbaria, mausoleum, memorial park in an RSF-1 (Residential, Single Family, 2.5 units/acre) zone district, located at the southwest quadrant of the intersection of Fruitville Road and Honor Avenue, Sarasota County, Florida; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 19th day of November, 2009, to consider said Special Exception Petition No. 1684 and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1684 be granted, and

WHEREAS, this Board, after due public notice, did on the 27<sup>th</sup> day of January, 2010, 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. ....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

JAN 29 2010 11:33 AM  
CLERK OF CIRCUIT COURT  
SARASOTA COUNTY FL

A7010-016

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

B. Special Exception Petition No. 1684 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

The southwest quadrant of the intersection of Fruitville Road and Honore Avenue and being more particularly described as follows:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 18 EAST; THENCE NORTH  $0^{\circ}-42'-58''$  WEST, 1298.45 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23; THENCE SOUTH  $88^{\circ}-28'-26''$  WEST 33 FEET FOR A POB; THENCE CONTINUE SOUTH  $88^{\circ}-28'-26''$  WEST, 1337.49 FEET; THENCE NORTH  $0^{\circ}-36'-25''$  WEST, 1111.9 FEET; THENCE NORTH  $89^{\circ}-43'-57''$  EAST, 380 FEET; THENCE NORTH  $0^{\circ}-36'-25''$  WEST, 194.97 FEET TO THE SOUTH R-O-W OF STATE ROAD NO 780; THENCE NORTH  $89^{\circ}-43'-57''$  EAST ALONG SAID R-O-W 405.61 FEET TO A POINT OF CURVE THE RADIUS BEING 553.60 FEET AND THE CENTRAL ANGLE BEING  $89^{\circ}-33'-05''$ ; THENCE SOUTHEASTERLY ALONG THE ARC AND THE COUNTY ROAD R-O-W 865.26 FEET TO THE POINT OF TANGENT; THENCE SOUTH  $0^{\circ}-42'-58''$  EAST ALONG THE WEST R-O-W OF SAID COUNTY ROAD BEING 33.00 FEET WESTERLY AND PARALLEL TO THE EAST LINE OF SAID SECTION FOR A DISTANCE OF 733.26 FEET TO THE POB. LESS THE FOLLOWING; COMMENCE AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 36 SOUTH, RANGE 18 EAST, THENCE NORTH  $0^{\circ}-42'-58''$  WEST, 1298.45 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23; THENCE SOUTH  $88^{\circ}-28'-26''$  WEST, 33 FEET FOR A POB; THENCE CONTINUE SOUTH  $88^{\circ}-28'-26''$  WEST, 330 FEET; THENCE NORTH  $0^{\circ}-42'-58''$  WEST, 318 FEET; THENCE NORTH  $88^{\circ}-28'-26''$  EAST, 330 FEET; THENCE SOUTH  $0^{\circ}-42'-48''$  EAST, 318 FEET TO THE POB.

SUBJECT TO 31660 SF M/L SIDEWALK EASEMENT IN OR BOOK/PAGE 2795/2007, ALSO SUBJECT TO 14134 SF DRAINAGE EASEMENT TO COUNTY AS DESCRIBED IN OR BOOK/PAGE 3037/270 SAID DRAINAGE EASEMENT LIES WITHIN SIDEWALK EASEMENT ALSO SUBJECT TO 91,831 SF DRAINAGE EASEMENT TO COUNTY AS DESCRIBED IN ORI 2000090847.

and the same is hereby approved for Special Exception Petition No. 1684, 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 accordance with the Development Concept Plan, date stamped July 21, 2009, 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. Development must be in substantial conformance with the Fruitville Road/Honore Avenue Sector Plan (No. 84-04-SP).
3. Prior to site and development approval the owner/developer shall commission, and provide the results of an environmental site assessment (Phase I and Phase II as necessary) demonstrating the presence/absence of environmental contamination on the subject property. The developer shall take all appropriate actions required by County, state, and federal agencies in the event that contamination is found. Said actions shall be performed prior to the commencement of site development.
4. All stormwater treatment shall be open and above ground.
5. The Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.

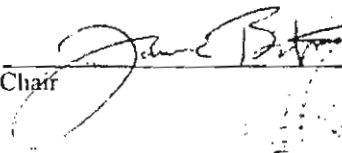
C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 24<sup>th</sup> day of January, 2010.

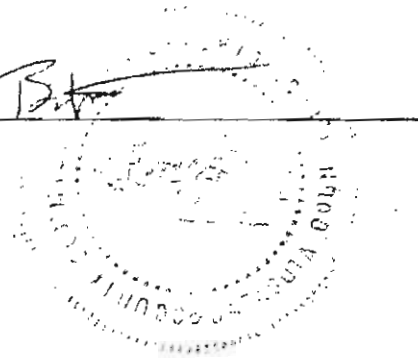
BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By:

Chair




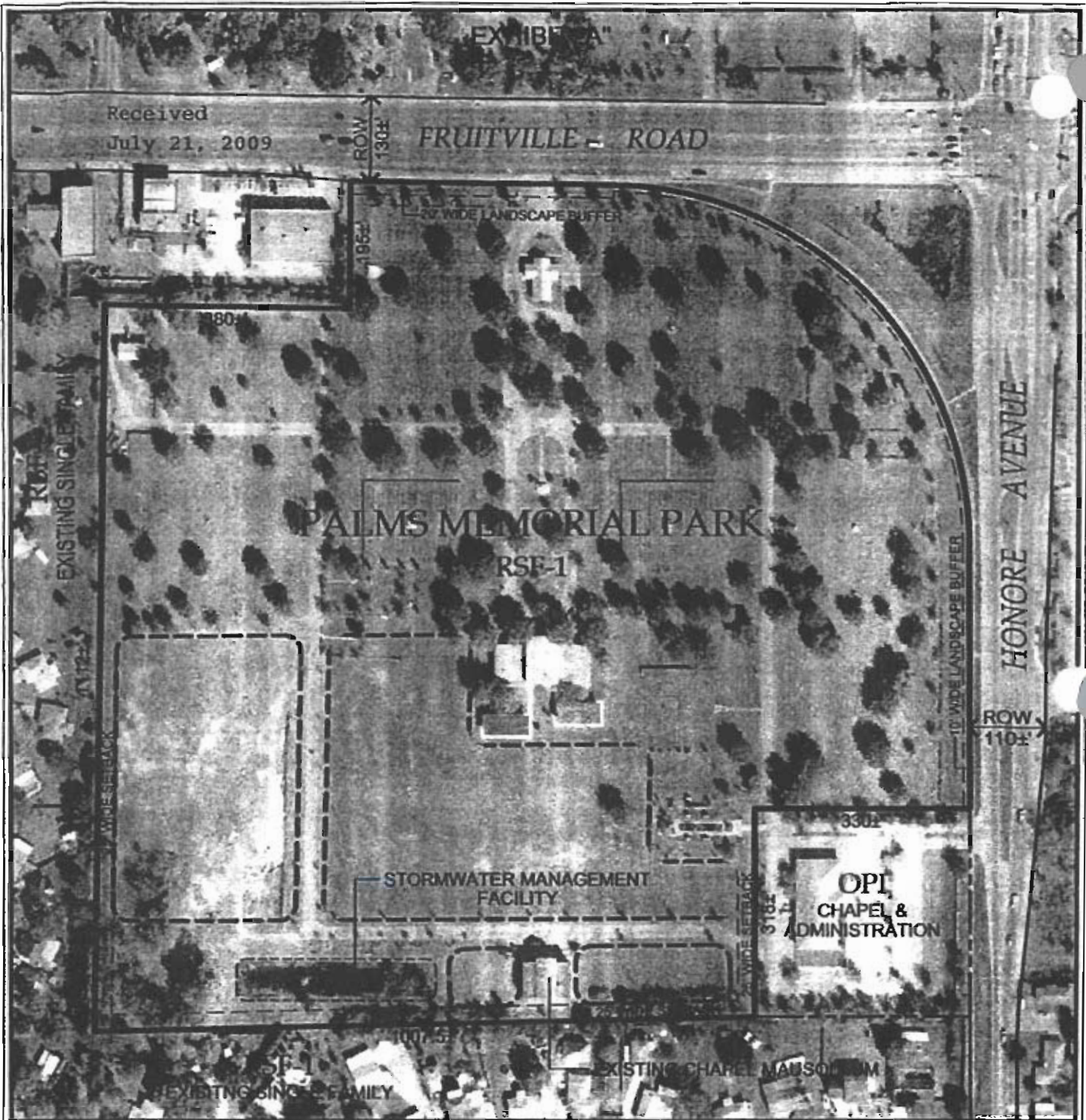
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ATTEST:

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

By:   
Deputy Clerk



**NOTES**

The current zoning designation is RSF-1.  
 The proposed zoning is RSF-1 with a special exception for cemetery, mausoleum, columbarium and memorial park in accordance with Sections 5.1 and 5.3.3.b.2 of the Sarasota County Zoning Regulations.

 AREAS OF FUTURE GARDEN MAUSOLEUM, COLUMBARIUM AND GROUND BURIAL SITES



NORTH

0 100 200 300



ONE INCH = 200 FEET

**PALMS MEMORIAL PARK  
 PROPOSED MAUSOLEUM & COLUMBARIA**  
 5116 FRUITVILLE ROAD - SARASOTA, FLORIDA 34232  
**DEVELOPMENT CONCEPT PLAN**  
 (BINDING)

**b.a.garrett** associates, inc.  
 LAND DEVELOPMENT CONSULTANTS  
 2424 Yorkshire Drive - Sarasota, Florida 34231-4954  
 Office/Fax: (941) 925-2551 Cell: (941) 284-0905 agarrem@comcast.net



DATE 07-06-09	SHEET <b>1</b> of 2
FILE NAME DCP_B&W_070609	

B7710-016

EXHIBIT "A"

RECEIVED

JUN 05 2009

SITE DATA

BY:

GROSS AREA OF PARCEL: 33.9± ACRES  
TOTAL NO. OF LOTS/UNITS: NA  
GROSS DENSITY: NA  
GROSS FLOOR AREA: 21,415± S.F.  
BUILDING COVERAGE: 1.5% OF SITE AREA  
CURRENT ZONING: RSF-1 (See Note 1)  
PROPOSED ZONING: RSF-1 W/ S.E. (See Note 2)  
EXISTING USE(S): See Note 3  
PROPOSED USE(S): See Note 4  
REQUIRED PARKING: 0 (See Note 5)  
PROPOSED PARKING: 0 (See Note 5)  
OPEN SPACE REQUIRED: NA  
OPEN SPACE PROVIDED: 1,322,000± S.F. (89.5%)  
RETENTION AREA(S): 22,000± S.F. (1.5%)  
LANDSCAPE BUFFERS NA  
OTHER OPEN SPACE: 1,300,000± S.F. (88.0%)

NOTES

1. The current zoning designation is RSF-1
2. The proposed zoning is RSF-1 with a Special Exception for a cemetery, mausoleum, columbarium and memorial park.
3. The existing use is a nonconforming cemetery, mausoleum, columbarium and memorial park.
4. The proposed use is a conforming cemetery, mausoleum, columbarium and memorial park.
5. The required parking is 1 space per 4 seats in chapel area plus 1 space per 250 S.F. of office. These uses are located in the OPI portion of Palms Memorial Park in the southeast corner, therefore no parking is required or is being proposed.

PALMS MEMORIAL PARK  
PROPOSED MAUSOLEUM & COLUMBARIA  
5196 FRUITVILLE ROAD - SARASOTA, FLORIDA 34232  
DEVELOPMENT CONCEPT PLAN  
(BINDING)

**b.a.garrett** associates, inc.  
LAND DEVELOPMENT CONSULTANTS  
2424 Yorkshire Drive Sarasota, Florida 34231-4954  
Office/Fax (941) 925-2531 Cell: (941) 284-0905 [agarrett@comcast.net](mailto:agarrett@comcast.net)



DATE  
06-02-09  
FILE NAME  
DCP\_060209

SHEET  
**2**  
OF 2