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KAREN E. PUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
DEAGLETO Receipt#126297B



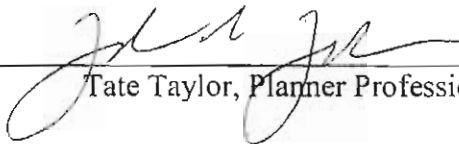
Please record and return to: **(Via Inter-Office Mail)**
Carol McConway, Administrative Specialist
Planning Services
1660 Ringling Boulevard
Sarasota, FL 34236

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 northwest corner of Cowles Street and McCall Road in Sarasota County, Florida, owned by Nortina Bernd-Cohen, and described in Resolution No. 1689 attached hereto, to eliminate a residential use as a non-conformity in a CG (Commercial, General) zone district and allow for the expansion of an existing residence, pursuant to Special Exception Petition No. 1689 filed by Nortina Bernd-Cohen, Agent, and granted by Sarasota County on March 23, 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. 2010-044, attached hereto)

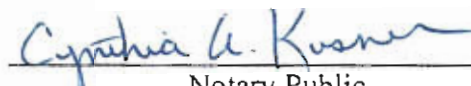

Tate Taylor, Planner Professional

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Planner Professional, 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 25th day of MARCH, 2010.




Cynthia A. Kusner
Notary Public
State of Florida at Large

This instrument prepared by:
cm

RESOLUTION NO. 2010-044
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1689

WHEREAS, Nortina Bernd-Cohen, agent and owner of the hereinafter described real property has filed Special Exception Petition No. 1689 requesting that a special exception be granted to eliminate a residential use as a non-conformity and allow for the expansion of an existing residence, located at the northwest corner of Cowles Street and McCall Road, Sarasota County, Florida, in a CG (Commercial, General) zone district, and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 4th day of February, 2010, to consider said Special Exception Petition No. 1689, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1689 be granted, and

WHEREAS, this Board, after due public notice, did on the 23rd day of March, 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.

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

B. Special Exception Petition No. 1689 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

Northwest corner of Cowles Street and McCall Road and being more particularly described as follows:

LOTS 1, 2 and 6 BLK 1 SUB OF GROVE LOT 90, PLAT OF ENGLEWOOD. As per plat thereof, recorded in Plat Book 4, Page 69, of the Public Records of Sarasota County, Florida.INSERT LEGAL

and the same is hereby approved for Special Exception 1689, 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 January 6, 2010, 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. Landscape buffer requirements shall be implemented if and when the land use is converted from residential to Commercial General (CG) use: A 20 foot wide landscape buffer or a 15 foot wide landscape buffer with a 6 foot wall with a 60 percent opacity shall be provided along the West property boundary abutting residentially zoned property. A local street 6 foot wide landscape buffer shall be provided along Cowles Street and South McCall Road with a 10 percent opacity. No buffer shall be required for CG property abutting CG zoned property.

3. If the owner constructs more than 2,000 square feet of new impervious surface, in excess of the existing impervious areas as shown on the Development Concept Plan dated January 6, 2010, a stormwater facility shall be provided at that time. The stormwater facility shall be required to treat and attenuate stormwater for all increase in impervious surface over the existing impervious areas shown on the Development Concept Plan dated January 6, 2010.

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

5. The subject property shall comply with the Englewood Town Center Revitalization Plan when the parcel is converted to a commercial use.

6. All trees designated by Resource Protection staff as Grand Trees shall be preserved, unless it is determined by staff that the tree(s) may adversely affect the public's health, safety, and welfare.

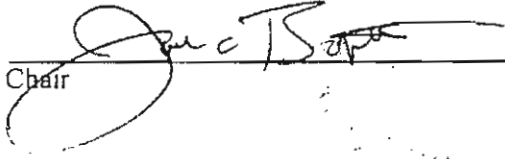
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C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 23rd day of MARCH, 2010.

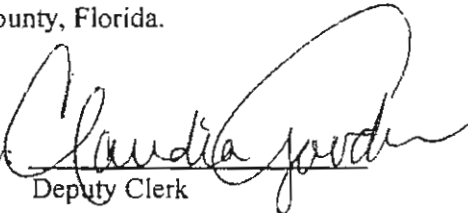
BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

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

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