

2011 APR 04 04:12 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#1374711

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

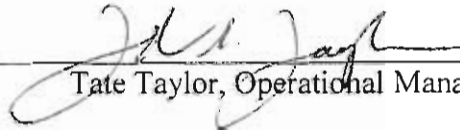
**Charge to: Planning Services**  
**Account# 51800100500489**



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

The following property, located west of U.S. 41 and north of Kestral Parkway in Sarasota County, Florida, owned by Robert Balogh, and described in Resolution No. 2011-055 attached hereto, to allow outdoor display in the CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1700 filed by Brian Lichterman, Agent, and granted by Sarasota County on March 30, 2011, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

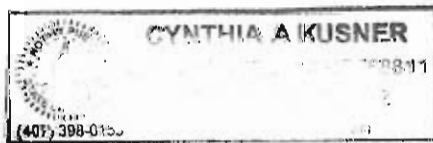
(Stipulations and limitations are those described in Section B of Resolution No. 1700, attached hereto)

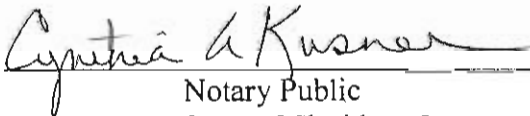
  
Tate Taylor, Operational Manager

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Operational Manager, 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 1<sup>st</sup> day of April, 2011.



  
Cynthia A Kusner  
Notary Public  
State of Florida at Large

This instrument prepared by:  
cm



**RESOLUTION NO. 2011-055  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1700**

WHEREAS, Brian Lichterman, Agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1700 requesting that a special exception be granted to allow outdoor display in a CG (Commercial General) zone district, located west of U.S. 41 and north of Kestral Parkway, Sarasota County, Florida, and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 3<sup>rd</sup> day of February, 2011, to consider said Special Exception Petition No. 1700, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1700 be granted, and

WHEREAS, this Board, after due public notice, did on the 30<sup>th</sup> day of March, 2011, 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. 1700 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;

R 2011-055

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. 1700 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

WEST OF U.S. 41 AND NORTH OF KESTRAL PARK WAY AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE SOUTHEAST 1/4 OF  
SECTION 6, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA  
COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

COMMENCE AT THE S.E. CORNER OF SAID SECTION 6,  
TOWNSHIP 37 SOUTH, RANGE 18 EAST; THENCE S 89° 43' 51"  
W, ALONG THE SOUTH LINE OF SAID SECTION 6, FOR 91.93  
FEET TO A POINT OF INTERSECTION WITH THE WESTERLY  
RIGHT OF WAY LINE OF TAMIAMI TRAIL (U.S. 41), SAID POINT  
BEING A POINT ON A CIRCULAR CURVE CONCAVE TO THE  
WEST, AND SAID POINT BEARING S 88° 56' 56" E, FROM THE  
CENTER OF SAID CURVE; THENCE RUN NORTHERLY  
ALONG THE ARC OF THE LAST MENTIONED CURVE, HAVING  
FOR ITS ELEMENTS A RADIUS OF 11,389.16 FEET AND A  
CENTRAL ANGLE OF 01° 01' 22" FOR 203.29 FEET TO THE  
POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL  
OF LAND; THENCE N 89° 43' 54" W, FOR 84.78 FEET TO A POINT  
OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE  
NORTHEAST; THENCE ALONG THE ARC OF SAID CURVE  
HAVING FOR ITS ELEMENTS A RADIUS OF 195.00 FEET AND A  
CENTRAL ANGLE OF 40° 16' 49" FOR 137.09 FEET TO THE  
POINT OF TANGENCY; THENCE N 49° 27' 06" W FOR 223.31  
FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE  
CONCAVE TO THE SOUTHWEST; THENCE ALONG THE ARC OF  
SAID CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 280.00  
FEET AND A CENTRAL ANGLE OF 41° 03' 37" FOR 200.66 FEET  
TO A POINT OF TANGENCY; THENCE S 89° 29' 17" W, FOR  
172.79 FEET; THENCE N 00° 30' 43" W, FOR 200.00 FEET TO AN  
INTERSECTION WITH THE SOUTH LINE OF WHIT ACRES  
SUBDIVISION AS RECORDED IN PLAT BOOK 4, PAGE 17,  
SARASOTA COUNTY RECORDS; THENCE N 89° 29' 17" E.

ALONG THE LAST MENTIONED SOUTH LINE OF WHIT ACRES SUBDIVISION FOR 755.00 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF TAMIAMI TRAIL; THENCE RUN ALONG THE LAST DESCRIBED WESTERLY RIGHT OF WAY LINE FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: (1) S 00° 08' 48" E, FOR 357.19 FEET; (2) N 88° 58' 41" W, FOR 16.93' TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE WEST, SAID POINT BEARING N 89° 29' 08" E. FROM THE CENTER OF SAID CURVE (3) SOUTHERLY ALONG THE ARC OF THE LAST MENTIONED CURVE HAVING FOR ITS ELEMENTS A RADIUS OF 11,389.16 FEET AND A CENTRAL ANGLE OF 00 ° 32' 35" FOR 107.93 FEET TO THE POINT OF BEGINNING.

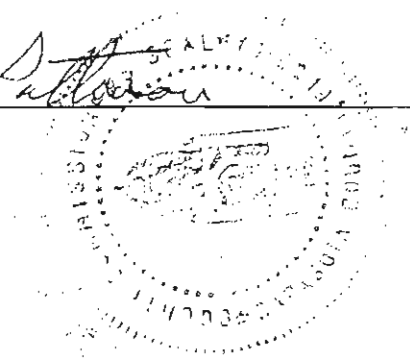
and the same is hereby approved for Special Exception No. 1700, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. Development shall take place in substantial compliance with the Development Concept Plan date stamped October 29, 2010 and attached hereto as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations.
2. The display shall not obstruct any fire protection appliances.
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 30<sup>th</sup> day of March, 2011.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By: Mara Patterson  
Chair



ATTEST:

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

By: Sara Lickson  
Deputy Clerk



SITE DATA

1. **PROPERTY OWNER:** CIRCUIT INVESTORS #2 LTD  
CIRCUIT CITY STORE # 3203  
9950 MAYLAND DR.  
RICHMOND, VA 23233-1463
2. **TOTAL SITE AREA:** 5.43 ACRES ±
3. **EXISTING ZONING:** CG (COMMERCIAL GENERAL)
4. **PROP. SPECIAL EXC.:** REQUEST FOR 1,125 SQ. FT OF  
OUTDOOR DISPLAY OF  
MERCHANDISE FOR WEST  
MARINE
5. **FLOOD ZONE:** "C" PER FIRM MAP #1251440236D, REVISED  
SEPT 3, 1992
6. **EXISTING USE:** TWO FREESTANDING  
COMMERCIAL BUILDINGS
7. **EXISTING BLDG.** 32,480 SQ. FT (ONLY 23,500 TO BE  
USED BY WEST MARINE).
8. **UTILITIES:** WATER - SARASOTA COUNTY  
UTILITIES DISTRICT  
SEWER - SARASOTA COUNTY
9. **SURROUNDING  
LAND USE:** NORTH - EXISTING COMMERCIAL & SINGLE FAMILY  
SOUTH - LANDINGS RETAIL  
EAST - PHILLIPPI SHORES SCHOOL  
WEST - SINGLE FAMILY
10. **HABITAT:** NONE - DEVELOPED FEATURES
11. **ROADWAYS:** PUBLIC ROADWAYS
12. **PARKING SPACES:** PARKING PROVIDED: EXISTING  
STANDARD (9'X18') = 280 SPACES  
EXISTING HANDICAP (12'X18') = 6 SPACES
13. **OPEN SPACE:** NONE REQUIRED - 20% PROVIDED
14. **BUILDING COVERAGE:** 45,039 TOTAL SF - 15 % BUILDING COVERAGE
15. **BUILDING HEIGHT:** MAXIMUM PERMITTED IN CG ZONING = 35'  
MAXIMUM BUILDING HEIGHT EXISTING = 25'