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Please record and return to: **(Via Inter-Office Mail)**  
Kristin Pate, 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 # 2012097748 7 PGS  
2012 JUL 31 09:20 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
RECTRAIN Receipt#1523133



2012097748

The following property, located east of U.S. 41 and north of Vamo Way in Sarasota County, Florida, owned by Patrick Hebda, and described in Resolution No. 2012-087 attached hereto, to allow outdoor display in the CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1707 filed by Brian Lichterman, Agent, and granted by Sarasota County on May 9, 2012, 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. 2012-087, 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 30<sup>th</sup> day of July, 2012.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
kp



**RESOLUTION NO. 2012- 087**  
**OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF SARASOTA COUNTY, FLORIDA**  
**SPECIAL EXCEPTION NO. 1707**

WHEREAS, Brian Lichterman, Agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1707 requesting that a special exception be granted to allow outdoor display in a CG (Commercial General) zone district, located east of U.S. 41 and north of Vamo Way, Sarasota County, Florida, and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 15<sup>th</sup> day of March 2012, to consider said Special Exception Petition No. 1707, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1707 be granted, and

WHEREAS, this Board, after due public notice, did on the 9<sup>th</sup> day of May, 2012, 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. 1707 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. 1707 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

EAST OF U.S. 41 AND NORTH OF VAMO WAY AND BEING  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF THE SOUTH ½ OF LOT 12, BLOCK 1, SARASOTA-  
VENICE COMPANY SUBDIVISION OF SECTION 34, TOWNSHIP 37  
SOUTH, RANGE 18 EAST, RECORDED IN PLAT BOOK A, PAGE 12,  
PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE NW ¼ OF SAID SECTION 34;  
THENCE NORTH 03 DEGREES 22' 05" EAST, ALONG THE EAST LINE OF  
SAID NW ¼, A DISTANCE OF 15.03 FEET, TO A POINT ON THE NORTH  
RIGHT-OF-WAY LINE OF VAMO WAY, FOR A **POINT OF BEGINNING**;  
THENCE SOUTH 89 DEGREES 44' 06" WEST, ALONG SAID NORTH  
RIGHT-OF-WAY LINE OF VAMO WAY, A DISTANCE OF 76.59 FEET; TO  
A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE  
INTERSECTION OF SAID VAMO WAY WITH TAMIAMI TRAIL (U.S. 41,  
STATE ROAD 45, SECTION 17020-2118, RECORDED IN ROAD PLAT  
BOOK 1, PAGE 78, OF SAID PUBLIC RECORDS); THENCE ALONG SAID  
RIGHT-OF-WAY LINES OF VAMO WAY INTERSECTION WITH TAMIAMI  
TRAIL THE FOLLOWING TWO CALLS: NORTH 00 DEGREES 15' 54"  
WEST, A DISTANCE OF 7.84 FEET; THENCE SOUTH 89 DEGREES 44' 06"  
WEST, A DISTANCE OF 27.72 FEET, TO A POINT ON THE EASTERLY  
RIGHT-OF-WAY LINE OF SAID U.S. 41 (TAMIAMI TRAIL), BEING ALSO  
A POINT ON A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO  
THE SOUTHWEST, WHOSE CENTER BEARS SOUTH 81 DEGREES 53' 50"  
EAST, A DISTANCE OF 2966.79 FEET, THERE FROM, SAID CURVE  
HAVING A RADIUS OF 2966.79 FEET, A CENTRAL ANGLE OF 07  
DEGREES 05' 36", AND A CHORD OF 367.06 FEET, BEARING NORTH 11  
DEGREES 38' 58" WEST; THENCE NORTHWESTERLY ALONG THE ARC  
OF SAID NON-TANGENT CURVE, AND SAID EASTERLY RIGHT-OF-

WAY LINE OF U.S. 41, A DISTANCE OF 367.13 FEET, TO A POINT ON THE SOUTHERLY LINE OF A CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OR BOOK 2779, PAGE 987, OF SAID PUBLIC RECORDS; THENCE LEAVING SAID NON-TANGENT CURVE AND SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. 41, SOUTH 88 DEGREES 42' 46" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 199.84 FEET; THENCE SOUTH 03 DEGREES 22' 05" WEST, ALONG THE WEST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OR BOOK 2779, PAGE 987, ALSO BEING SAID EAST LINE OF THE NW ¼ OF SECTION 34, A DISTANCE OF 46.14 FEET, TO THE NORTHWEST CORNER OF A CERTAIN PARCEL DESCRIBED IN OR BOOK 2205, PAGE 1918, OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 03 DEGREES 22' 05" WEST, ALONG SAID EAST LINE OF THE NW ¼ OF SECTION 34, AND THE WEST LINE OF THAT CERTAIN PARCEL, A DISTANCE OF 316.86 FEET, TO THE **POINT OF BEGINNING**, BEING AND LYING IN THE NW ¼ OF SECTION 34, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA.

and the same is hereby approved for Special Exception No. 1707, 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 March 27, 2012, and attached hereto as Exhibit "A". This does not imply or confer any variances from applicable zoning or land development regulations.
2. The access on Vamo Way shall be restricted to emergency vehicle access only.
3. Prior to commencement of the special exception use the Owner shall install the landscape buffers required by Section 7.3. of the Zoning Ordinance.
4. Outdoor display shall be limited to garden statuary and ornamental stone architectural items, ornamental plants, including trees and flowers, and produce.
5. Prior to commencement of the special exception use the Owner shall submit modified site and development plans that demonstrate the largest vehicle expected to use the subject site can safely enter, circulate and exit.
6. Prior to commencement of the special exception use, the Owner shall install bio-swales to control runoff at the locations shown on the Development Concept Plan.

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

PASSED AND DULY ADOPTED this 9 day of May, 2012.

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

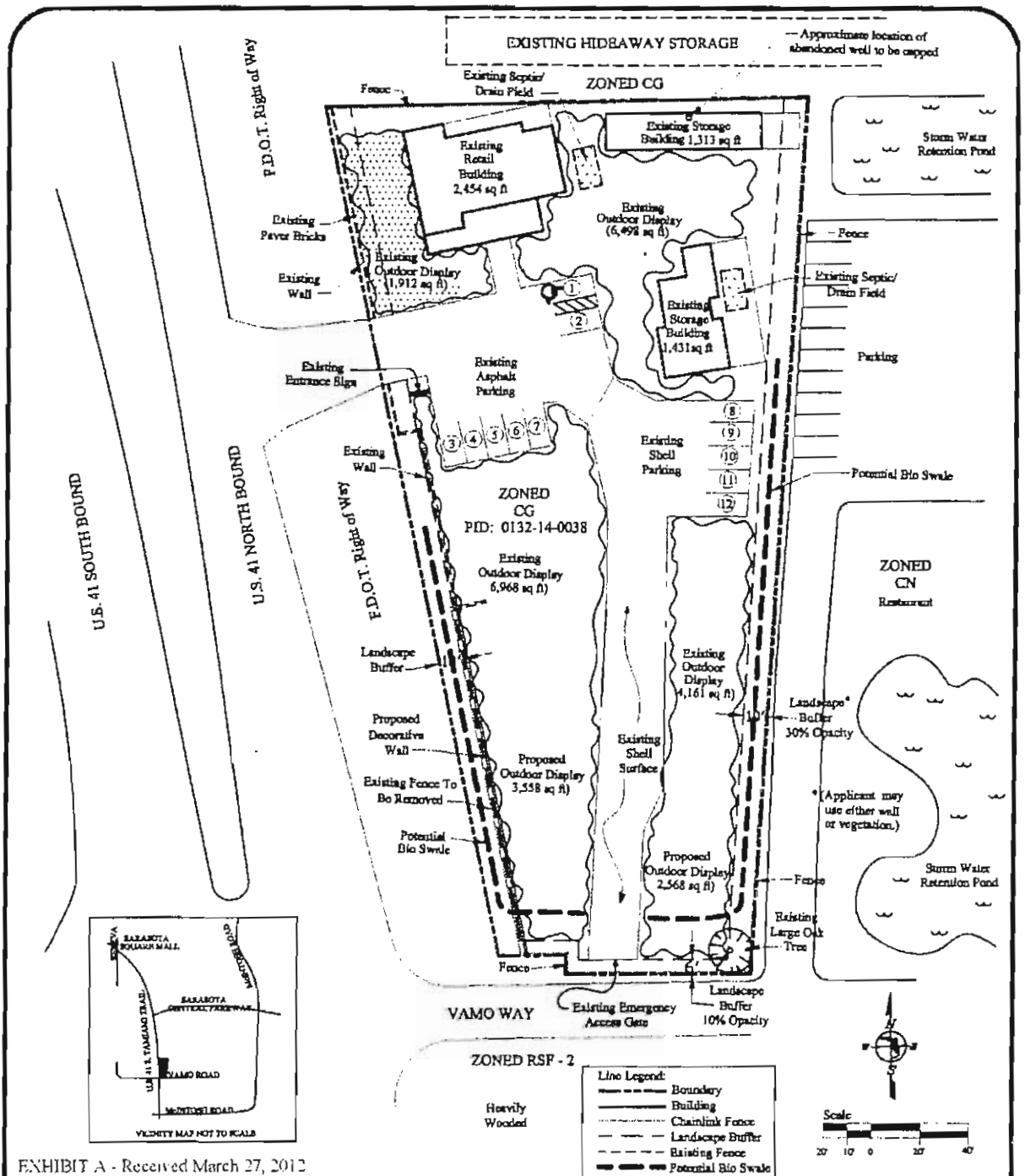


EXHIBIT A - Received March 27, 2012

<p><b>TREASURE COVE II</b>  <b>SPECIAL EXCEPTION BINDING DEVELOPMENT CONCEPT PLAN</b>        South Pointe Properties of Sarasota Inc        8927 South Tamiami Trail        Sarasota, Florida 34238</p>	<p>Local Planning by  <b>VISION PLANNING &amp; DESIGN</b>        8205 Snowy Egret Way        Lakewood Ranch, FL 34202        Phone: 941-780-4166        E-Mail: BrianL@visionplanning1.com</p>	<p>Prepared by        Chuck Proschauer        4549 McIntosh Ln        Sarasota, FL 34232        Date        March 27, 2012</p>
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R2012-087

### SITE DATA

1. PROPERTY OWNER: TREASURE COVE II  
ROBERT T. HERING, PRESIDENT  
PAT HEBDA, VICE PRESIDENT  
927 SOUTH TAMiami TRAIL  
SARASOTA, FLORIDA 34238
2. TOTAL SITE AREA: 1.25 ACRES ±
3. EXISTING ZONING: CG (COMMERCIAL GENERAL)
4. PROP. SPECIAL EXC.: REQUEST FOR OUTDOOR DISPLAY OF  
MERCHANDISE FOR TREASURE COVE II IN FOUR (4)  
AREAS WITH A TOTAL OF 25,665 ± SQ.FT.
5. FLOOD ZONE: "C" PER FIRM MAP #1251440236D, REVISED  
SEPT 3, 1992
6. EXISTING USE: ONE FREESTANDING  
COMMERCIAL BUILDING AND TWO STORAGE BUILDINGS
7. EXISTING RETAIL BLDG. 2,454 SQ. FT TO BE  
USED FOR RETAIL SALES BY TREASURE COVE II
8. UTILITIES: WATER - SARASOTA COUNTY  
UTILITIES DISTRICT  
SEWER - SEPTIC TANKS
9. SURROUNDING  
LAND USE: NORTH - COMMERCIAL STORAGE  
SOUTH - RESIDENTIAL SINGLE FAMILY  
EAST - COMMERCIAL RESTAURANT  
WEST - COMMERCIAL ACROSS U.S. 41 AND RSF-1/PUD
10. HABITAT: NONE - DEVELOPED FEATURES
11. ROADWAYS: PUBLIC ROADWAYS
12. PARKING SPACES: PARKING PROVIDED: EXISTING  
STANDARD (9'X18') = 12 SPACES  
EXISTING HANDICAP (12'X18') = 2 SPACES
13. OPEN SPACE: NONE REQUIRED
14. BUILDING COVERAGE: 5,198 TOTAL SF - 10.5 % BUILDING COVERAGE
15. BUILDING HEIGHT: MAXIMUM PERMITTED IN CG ZONING - 35'  
MAXIMUM BUILDING HEIGHT EXISTING - 20'

#### NOTES:

A. THE 12 EXISTING PARKING SPACES ARE BEING ALLOWED TO REMAIN BASED UPON AN ALTERNATIVE PARKING PLAN (11 138990 2L) APPROVED BY THE ZONING ADMINISTRATOR ON NOVEMBER 17, 2011, TO ALLOW FOR THE EXPANSION OF THE OUTDOOR DISPLAY AREAS ON THE PROPERTY WITHOUT INCREASING THE EXISTING 12 (TWELVE) PARKING SPACES TO THE REQUIRED 41 (FORTY-ONE) PARKING SPACES. THE ALTERNATIVE PARKING PLAN WAS FILED IN OFFICIAL RECORDS INSTRUMENT # 2011139651 ON DECEMBER 5, 2011

B. THERE WILL BE NO INCREASE IN IMPERVIOUS SURFACE AREA OVER 2000 SQ. FT.

C. CONSISTENT WITH SECTION 7.6.2 .C, ALL REMITTANCE FOR ANY PURCHASES OR SALE OF MERCHANDISE MUST OCCUR INDOORS