

12. Stipulations

- (a) *2.0 Acre Property leased by the City of Venice to Habitat for Humanity* (“Habitat”).

Provided that Habitat intends to construct homes on the 2.0 Acre Property, concurrent with the development of the adjacent portion of the District, the Portofino CMU shall:

- (i) Stormwater – provide stormwater retention facilities which will be adequate for the improvements to Habitat.
- (ii) Parking – provide up to twenty (20) dedicated parking spaces to be used by Habitat.
- (iii) Solid Waste – provide a suitable location for a dumpster for solid waste collection.
- (iv) Access – provide legal access from a public street to Habitat **as well as easements to utility connections (water sewer, electric).**

- (b) *Advisory Board.* There shall be an Advisory Board (herein, “Advisory Board”) which shall consist of residents of Willow Chase and Venetian Golf & River Club (in equal numbers from each, for a combined total of six (6)) to advise the applicant on the concerns of the neighboring residential communities relative to architecture, buffers, and parking area landscape.

- (c) *Project Identification Area.* A project identification area of between 4,000 and 6,000 sq. ft. is to be located at the intersection of Laurel Road and Knights Trail Road as depicted on the conceptual graphic provided. The architectural columns shall be between 8 feet and 12 feet in height and between 4 feet and 6 feet in width at the signage area. The center wall between the architectural columns shall be no less than 6 feet in height.

To ensure proper sight triangle visibility and provide for the project identification sign and feature, no landscaping and buffering materials shall be required within the sight visibility triangles of the project identification area’s

architectural feature. Landscaping plans for the Project Identification Area shall be provided at the time of site and development plan approval, which will be generally consistent with the conceptual drawing contained herein and subject to modifications resulting from final engineering, utility location, easement location, etc., which are not known at this time.

- (d) *Public Transit Access.* Applicant will reasonably coordinate with Sarasota County Area Transit to facilitate public transit service to or within the District.
- (e) *Overnight Parking.* Vehicle, boat and recreational vehicle overnight parking shall be prohibited in commercial areas. Appropriate signage shall be installed confirming this requirement with the applicant being responsible for compliance.
- (f) *Security Cameras.* Unless previously installed by the applicant, retail users shall be required to install and monitor or record security camera footage covering the users’ associated parking areas.
- (g) *Deliveries.* Applicant shall request the following of all proposed commercial retail users:

- i. Hours. Restrict all deliveries to daylight hours only.
- ii. *Back-up Alarms.* Restrict all back-up alarms on delivery vehicles to silent laser type alarms or similar silent alarms.

Non-compliance with the foregoing stipulations by users shall not constitute grounds for recourse against the users.

- (g) *Extraordinary Traffic Exaction if Portofino Includes a Single User Retail Building of 120,000 square feet or greater of Floor Area.* In addition to payments required to mitigate impacts of the Portofino CMU identified in the

project transportation analysis, and in the event a single user retail building of 120,000 square feet or greater of Floor Area is built in the Portofino CMU, the Applicant shall be responsible for the direct construction costs (excluding such things as land acquisition costs, legal fees, etc.) to widen Laurel Road to four Lanes from the intersection of Knights Trail Road to the eastern most Portofino entry point, less the total of any required payments resulting from the transportation analysis and the costs of offsite transportation improvements.

At the time the Applicant is issued a building permit for a single user retail building of 120,000 square feet or greater of Floor Area, the Applicant shall engage a licensed professional engineer to complete a cost estimate for the direct construction costs. Within 30 days of receipt of the building permit, Applicant shall place in escrow with Sarasota County an amount equal to the direct construction costs, less the total of the required payments resulting from the transportation analysis and the costs of offsite transportation improvements. In the event the construction of the Laurel Road widening to four lanes is not completed within 36 months of deposit of the escrow funds with Sarasota County, the escrow funds shall be returned to the Applicant within 30 days of Applicant’s request for return of the funds and Applicant shall be released from any obligation relating to this extraordinary traffic exaction.