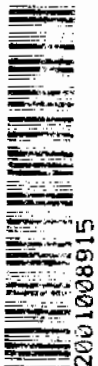


2001 JAN 22 01:59 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#006088

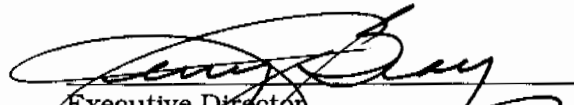
✓ Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236



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

The following property located in Sarasota County, Florida, owned by Thomas LeFevre, President of Len & Tom's Florida, Inc., a Florida Corporation, and described in Resolution No. 2001-010 attached hereto, to allow a Night Club, but not an adult entertainment establishment in the CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1490 filed by Stephen D. Rees, Agent, and granted by Sarasota County on January 4, 2000, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

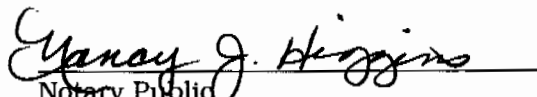
(Stipulations and limitations are those described in Section B of Resolution No. 2001-010, attached hereto)


Executive Director
Growth Management Business Center

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Jerry Gray, Executive Director of the Growth Management Business Center, 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 17th day of January, A.D. 2001.


Notary Public
State of Florida at Large

This instrument prepared by:
Nancy Higgins



Nancy J. Higgins
Commission # CC 936530
Expires May 15, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

FEB 8 2001

RESOLUTION NO. 2001-010
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1490

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
2001 JAN 11 AM 8:55
FILED FOR RECORD

WHEREAS, Stephen Rees, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1490 requesting that a special exception be granted to allow property, located at the southeast corner of Old Stickney Point Road and Peacock Road, Sarasota County, Florida, to be used for for a night club, but not adult entertainment establishment in the CG (Commercial, General) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 16th day of November 2000, to consider said Special Exception Petition No. 1490, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1490 be denied, and

WHEREAS, this Board, after due public notice, did on the 9th day of January 2001, hold a public hearing to consider said special exception petition as modified, 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. 1490 does make the following findings:

- (1) The granting of the Special Exception will promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;
- (2) All the requirements of the Sarasota County Zoning Regulations and the Comprehensive Plan for Sarasota County, Florida, have been met and satisfied;
- (3) That the requirements of the District Regulations governing this Special Exception have been met; and
- (4) The following standards have or have not been met as indicated:
 - a. The proposed use is consistent with the intent, goals, objectives, policies and programs of the Sarasota County comprehensive plan for the area in which the property is located;

b. The intensity of the proposed use is consistent with the intended future use of the area in which the property is located, in accordance with the programs of the "Future Land Use Plan";

c. The proposed use singularly or in combination with other special exceptions does not change the character of the general vicinity, as shown on the locator map;

d. The intensity of the proposed use is harmonious with the character of other uses in the general vicinity, as shown on the locator map;

e. The height and orientation of the proposed structure(s) or use is compatible with the existing neighboring structures and uses;

f. The subject parcel is sufficient and adequate in shape and size to accommodate the proposed use, and would provide for the appropriate separation between neighboring uses;

g. The proposed use is adequately screened and buffered to effectively separate traffic, light and noise from the existing or intended abutting uses;

h. The loading and refuse areas would not impose negative visual, odor, or noise impacts on abutting uses and thoroughfares;

i. The size and location of the proposed sign(s) would conform to the character of existing neighboring uses;

j. The exterior lighting would be harmonious with the existing character of existing neighboring uses, in terms of glare;

k. The ingress and egress to the subject parcel and the structures involved, if any, would not adversely affect traffic flow, safety and control;

l. The access and internal circulation is adequate in case of fire or emergency;

m. The proposed use would not cause excessive traffic impacts on the surrounding roadway system;

n. The location, type and availability of potable water for the proposed use is compatible with neighboring uses;

o. The location, type and availability of the proposed wastewater system is compatible with neighboring uses; and

p. The proposed use would not cause or intensify flooding of neighboring uses.

B. Special Exception Petition No. 1490 is hereby approved for the following described property, said property being in Sarasota County, Florida, to-wit:

Southeast corner of the intersection of Old Stickney Point Road and Peacock Road, more particularly described as follows:

Lots 1, 2 & 3, Block A, Stickney Point Subdivision, Plat Book 3, Page 98, Sarasota County, Florida Public Records,

and the same is hereby approved for a night club, but not adult entertainment establishment, 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 accordance with the Development Concept Plan dated stamped March 2, 2000 attached hereto as Exhibit "A" except modified as necessary to comply with the stipulations contained herein. Live entertainment for the nightclub (Special Exception No. E.7) shall be limited to that 285 square foot area shown and designated as "band/dancing" on attached Exhibit "B." This does not imply or confer any variances from applicable zoning or land development regulations.
2. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
3. The Owner shall be required to maintain the appearance and function of any private drainage facilities to be constructed on the site, including retention ponds and drainage ditches, at its own expense in accordance with applicable federal, state and local regulations. At the time of recording a plat or prior to final construction approval, the Owner shall be required to record in the public records, a Notice to Purchaser, approved by Sarasota County, putting purchasers on notice that the maintenance of drainage facilities is a private responsibility.
4. Prior to the commencement of the nightclub (Special Exception No. E.7), outdoor refuse areas shall be located within 100 feet of the northwest corner of the subject parcel and visually screened in accordance with Section 11.6 of the Sarasota County Zoning Ordinance.
5. Live entertainment shall be limited to the hours of 10:00 a.m. to 11:00 p.m., Sunday night through Thursday night and 10:00 p.m. to 12:00 a.m. Friday and Saturday nights, and the eve of national holidays. Live entertainment shall not resume until 10:00 a.m.
6. The decibel level of live entertainment or recorded music played indoors in the nightclub or recorded music played or amplified outside of a nightclub shall not exceed 60 decibels measured at the property line. The a-scale decibel level of measurement shall be used to

measure the live entertainment or recorded music and the measurement shall be made at the property line of the subject parcel containing the nightclub.

7. Any time that the facility is being operated as a nightclub (Special Exception No. E.7) pursuant to this special exception, windows in that portion of the building where live entertainment is allowed shall remain closed and all doors shall remain closed except for normal ingress to and egress from the building.
8. All fencing adjacent to the existing swimming pool shall be relocated to a minimum distance of twelve feet from the edge of the swimming pool to delineate the no food or drink area.
9. Permanent signs stating "No Food or Drink in the Pool or on the Pool Deck" shall be installed on the gates of the swimming pool fence.
10. The existing pool is not permitted for night swimming. All entrances to the pool must be locked during hours of operation after dusk.
11. Any time the facility is being operated as a nightclub (Special Exception No. E.7) pursuant to this special exception, live entertainment shall not be broadcast by any means outdoors. For the purpose of this stipulation, outdoors shall mean all areas outside the completely enclosed building on the subject property.
12. The Applicant shall comply with the Bob's Boathouse Good Neighbor Policy Manual contained in attached Exhibit "C."
13. The Owner shall be required to maintain in good structural condition and appearance and whenever necessary to perform appropriate repair and/or replacement the following structural modifications or additions made to the premises which constitute noise abatement measures:
 - Staggered wall along the south property line and the fill material placed along the bottom of the wall;
 - The landscaping planted in front of and along the staggered wall along the south property line;
 - The landscaping planted along the west property line abutting Peacock Road and planted along the north property line abutting Old Stickney Point Road;
 - The outdoor refuse area visual screening materials;
 - The outdoor Tiki Bar bandstand plywood wall with roof; and
 - The glass door wall at the south end of the open patio dining area.
14. The Owner shall employ a minimum of two security personnel between the hours of 9:00 p.m. to 2:00 a.m., Thursday, Friday and Saturday evenings, and one security personnel during those hours Sunday through Wednesday evenings, to provide exterior patrol and control.

Received By
Planning Services
Date Stamped
March 2, 2000

Exhibit "A"

Tiki Bar
Bandshell

LITTLE SARASOTA BAY

OLD ST. CRINEY POINT ROAD

LINE OF ADJACENT
LINE OF WELLS

LOT 1

VALET PARKING

OVERFLOW

VALET PARKING

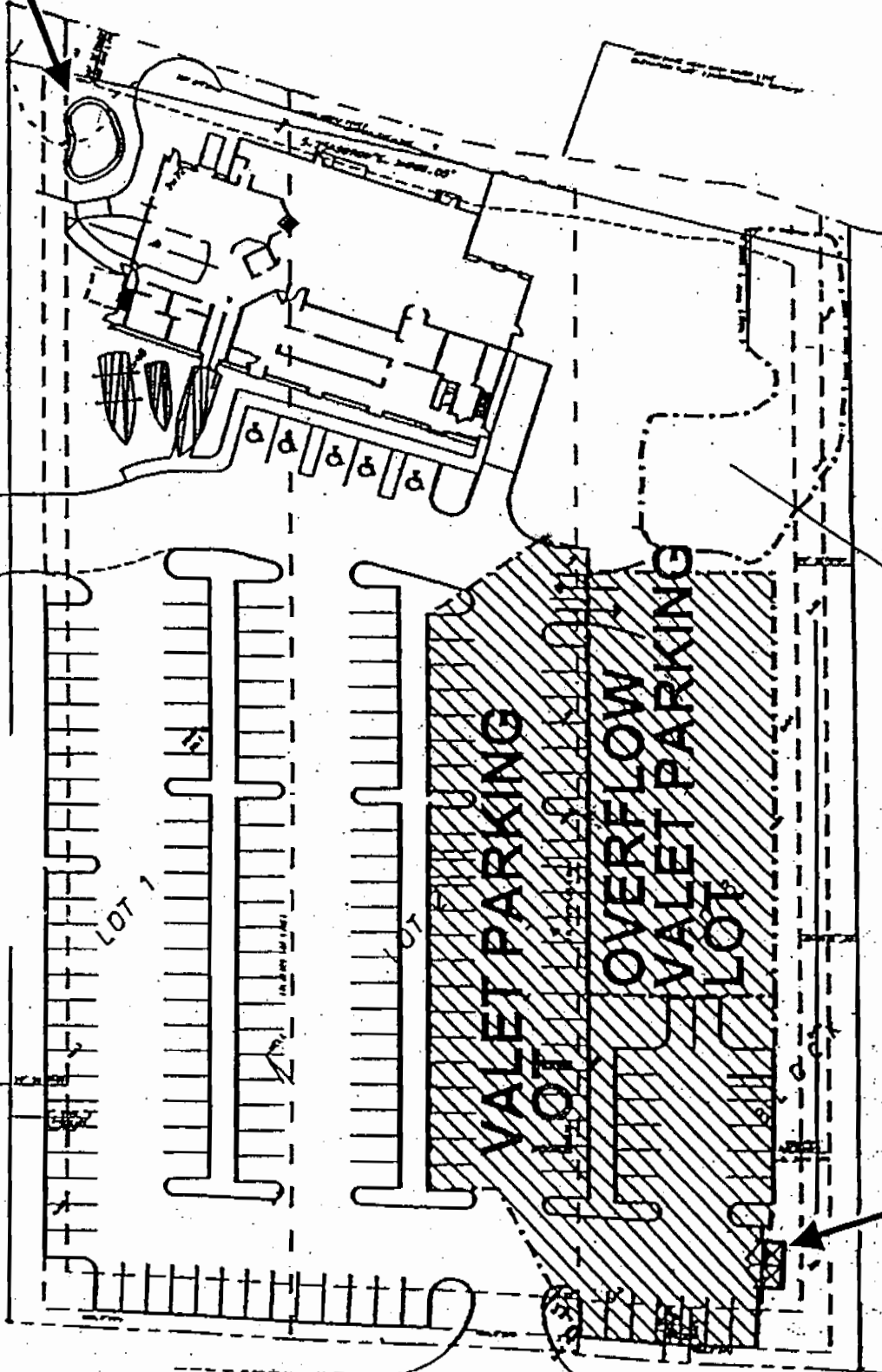
LOT

SEE ATTACHED TO
PLAN 154411

BOB'S BOATHOUSE

Refuse/Recycling
Location

PEACOCK ROAD



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

PASSED AND DULY ADOPTED this 9th day of January, A.D., 2001.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

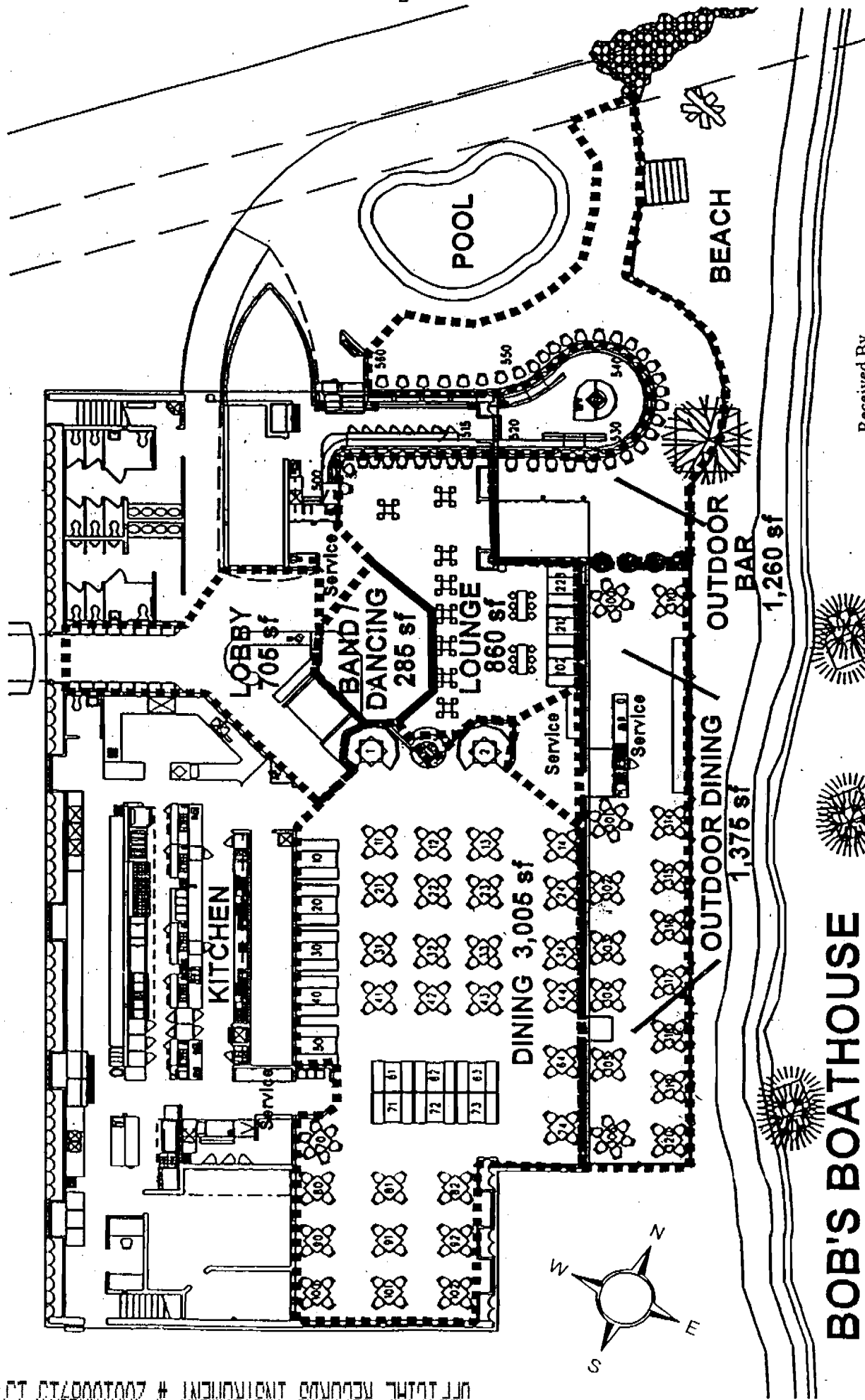
By *[Signature]*
Chairman

ATTEST:

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

By *[Signature]*
Deputy Clerk

Exhibit "B"



Received By
Planning Services
Date Stamped
March 2, 2000

BOB'S BOATHOUSE FIRST FLOOR PLAN 1"=20'-0"

A policy for restaurant operations adjacent to a residential district.

GOOD NEIGHBOR POLICY
BOB'S BOATHOUSE

Exhibit "C"

The objective of this Good Neighbor Policy Program is to create a working document that will facilitate in creating a harmonious environment between Bob's Boathouse and its surrounding neighbors. The following implemented procedures should address any neighborhood concerns should they arise.

I. Person authorized to respond to citizen concerns:

In order to expedite resolutions to citizen concerns we have offered the following:

1. All concerns can be directed to Mr. David Babel, Owner/General Manager. Mr. Babel has provided to designated representatives of the adjoining residential area his cellular phone number so as to be available for instantaneous response to any complaint received. All managers on duty are aware that Mr. Babel is to be immediately contacted should a complaint be received while he is away from the business premises.
2. Quarterly meetings between Bob's Boathouse and the surrounding neighbors shall be conducted so as to address mutual issues.
3. Where more immediate action may be deemed necessary, direct contact with Mr. David Babel can be initiated. Such contact will commence the investigation of the concern so as to expedite the cessation of the objectional activity.

II. Saturday and Sunday afternoon entertainment:

A. Citizen concerns: Loud music can be heard from the property lines of neighbors across the intracoastal.

B. Adopted Bob's Boathouse Program:

1. Speakers were redirected so as to channel music within the confines of the restaurant.
2. The levels of the band are to be set by the on duty manager. In addition, the bands are to minimize or eliminate the use of heavy base (snare or steel drums)
3. A wooden barricade with roof has been erected so as to help enclose the bandstand area. The band's main speakers are also pushed back into the bandstand.
4. A Bob's Boathouse staff member is trained and assigned to monitor the band's music volume from across the intracoastal waterway at Castel del Mare Gazebo.

- III. A. **Citizen concerns:** Loud music and voices later in the evening on the last Thursday of the month.
- B. **Adopted Bob's Boathouse Program:**
1. Program policies II.B.1., 2 and 3 above are applicable.
 2. Bob's Boathouse staff controls the volume of the music and the amplified voices of those conducting the party.
 3. The times that amplified voices would be conducting charitable raffles and Buffet sing-a-longs has been moved from 8:30 p.m. to 7:00 p.m.
 4. A trained Bob's Boathouse staff member is assigned to monitor the Parrot Heads music and voice levels from across the intracoastal waterway.
- IV. **Nightly Clean-up:**
- A. **Citizen Concerns:** Late night clean-up (i.e. taking out trash, grease trap clean up, dumping empty liquor bottles) creates loud noises.
- B. **Adopted Bob's Boathouse Program:**
1. All trash is to be taken out by 10:30 p.m. Any other trash will be disposed of in the morning.
 2. Liquor bottles are now disposed of in the morning (after 10:00 a.m.)
 3. The grease trap company now empties the trap in the morning. It is done bi-monthly at most.
 4. Security cameras have been installed at the dumpster/recycling container area to monitor employees' proper disposal and to insure maintenance of closure of the area so as not to be visible from the adjoining streets and to prevent any debris being deposited off site.
 5. Majority of kitchen staff depart from the business premises between 11:00 - 11:30 p.m. through the front entrance and not from the side kitchen door facing the residential area.

6. During use of the kitchen, the exit doors to the adjoining residential are kept closed except for temporary use to enter/exit and employees are not permitted to congregate outside of the building to avoid conversation noise emanating into adjoining residential area.
7. Staff employees park their vehicles where permissible along Old Stickney Point Road or within the premises parking lot along Old Stickney Point Road.

V. **Late night guest departures:**

A. **Citizen Concerns:** Guests leaving late at night can be heard verbally as well as their vehicle noise.

B. **Adopted Bob's Boathouse Program:**

1. A trained parking lot attendant supervises the lot during nightclub hours on Friday and Saturday evenings in addition to security personnel who maintain surveillance of both the parking lot and the remainder of the property. During nightclub hours Sunday evenings through Thursday evenings, the valets and security personnel supervise the parking area.
2. The valets park patron vehicles towards the north and center of the premises parking area so as to remove as practicably as possible vehicles from the adjoining residential areas to the south.
3. Signs are posted for guests as they leave the premises asking them to be courteous and please keep the noise down as we are adjacent to a residential neighborhood.
4. To eliminate patrons traffic using the driveway entrance at Peacock Road, a temporary barricade is placed at the driveway entrance so that patrons' vehicles will enter and exit from the premises parking area using the Old Stickney Point Road driveway.

VI. **Visual appearance of parking lot and dumpster area:**

A. **Citizen Concern:** Being able to see the dumpster and parking lot while driving down Peacock Road.

B. Adopted Bob's Boathouse Program:

1. Planted a row of greenery to cover the view of the dumpster. Such plantings will grow to a height so as to completely enclose this view. The dumpster area itself is on a regular daily cleaning schedule.
2. Added additional plantings on the west side of the parking lot to help conceal the parking lot. In addition, various flowers were planted to beautify the site.

VI. Outdoor patio dining and outdoor bar area:

A. Citizen concern: Patrons' conversations or music can be heard from the property lines of adjoining residential areas.

B. Adopted Bob's Boathouse Program:

1. Management has control of the volume for "house music" which is broadcast through speakers installed at the outside patio dining and outside bar area. Additionally, both waitstaff and bartenders have been instructed to report to the manager on duty any concerns that patrons' conversations or activities may becoming loud in order to supervise an immediate reduction in any noise level.

In conclusion, our interests are best served by attending to the interests of our neighbors as they relate to Bob's Boathouse. We have a very strong admiration for the county in which we live and work. We believe it is our civic responsibility to help promote the well being of this community.