

BOARD RECORDS
FILED FOR RECORD RESOLUTION NO. 2000-032
OF THE BOARD OF COUNTY COMMISSIONERS
2000 FEB -9 AM 11:36 OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1494

KAREN C. ROSSING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Frank Menke, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1494 requesting that a special exception be granted to allow the property, located at the southeast corner of Clark Road and Honore Avenue, Sarasota County, Florida, to be used for a Fast Food Restaurant 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 6th day of January, 2000, to consider said Special Exception Petition No. 1494, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1494 be denied, and

WHEREAS, this Board, after due public notice, did on the 8th day of February, 2000, 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. 1494 does make the following findings:

(1) The granting of the Special Exception will not adversely affect 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. 1494 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

Southeast corner of Clark Road and Honore Avenue, more particularly described as follows:

A parcel of land lying and being in the Northwest $\frac{1}{4}$ of Section 13, Township 37 South, Range 18 East, Sarasota County, Florida, and being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 37 South, Range 18 East, Sarasota County, Florida; thence South $89^{\circ}35'24''$ East, along the North Line of said Section 13, a distance of 84.33 feet; thence South $00^{\circ}24'36''$ West, 63.41 feet to intersect the Southerly Right-Of-Way Line of State Road 72 (also known as Clark Road) as shown on Right-Of-Way Map for State Project No. 17070-2527, Dated 3/20/92 for the POINT OF BEGINNING; thence South $89^{\circ}40'16''$ East, a distance of 239.76 feet; thence South $00^{\circ}15'41''$ West, a distance of 222.43 feet; thence West, a distance of 14.57 feet to the Point of Curvature of a curve to the left, having a radius of 170.00 feet, a Central Angle of $26^{\circ}33'54''$, a tangent length of 40.13 feet, a chord bearing of South $76^{\circ}43'03''$ West, and a chord length of 78.12 feet; thence along the arc of said curve, an arc length of 78.82 feet to the Point of Tangency of said curve; thence South $63^{\circ}26'06''$ West, a distance of 183.33 feet to the point of curvature of a curve to the right having a radius of 130.00 feet, a Central Angle of $10^{\circ}44'57''$, a tangent length of 12.23 feet, a chord bearing of South $68^{\circ}48'34''$ West, and a chord length of 24.35 feet; thence along the arc of said curve, an arc length of 24.39 feet to a point on a curve to the left, having a radius of 2922.75 feet, a Central Angle of $02^{\circ}20'04''$, a Tangent Length of 59.55 feet, a chord bearing of North $01^{\circ}21'01''$ East, and a chord length of 119.07 feet; thence along the arc of said curve, an arc length of 119.08 feet to the Point of Tangency of said curve; thence North $00^{\circ}10'59''$ East, a distance of 157.62 feet; thence North $32^{\circ}52'01''$ East, a distance of 64.92 feet to the POINT OF BEGINNING.

LESS AND EXCEPT: That portion of the above described land conveyed to Florida Department of Transportation by Deed Dated December 10, 1998, and recorded in OR Instrument #1998164785, Public Records, Sarasota County, Florida,

and the same is hereby approved for a Fast Food Restaurant, 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.

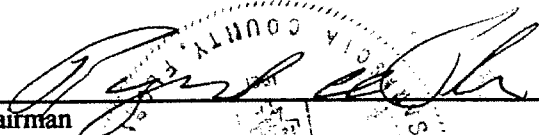
1. Development shall occur in substantial compliance with the Development Concept Plan date stamped January 14, 2000, attached hereto as Exhibit A. This does not imply or confer any variances from applicable zoning or land development regulations.
 2. The Owner shall be required to maintain the appearance 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 or 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.
 3. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
 4. There shall be no outdoor loudspeaker or paging system.
 5. Development shall comply with the Clark Road Corridor Plan No. 91-02-SP (Ordinance No. 95-020, and 97-006 as amended).
 6. A minimum of 100 feet of driveway throat length (defined as the distance between the edge of pavement of the roadway and the first parking space or internal circulation road) shall be provided for access points to the subject parcel.
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 8th day of February, A.D., 2000.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By

Chairman



ATTEST:

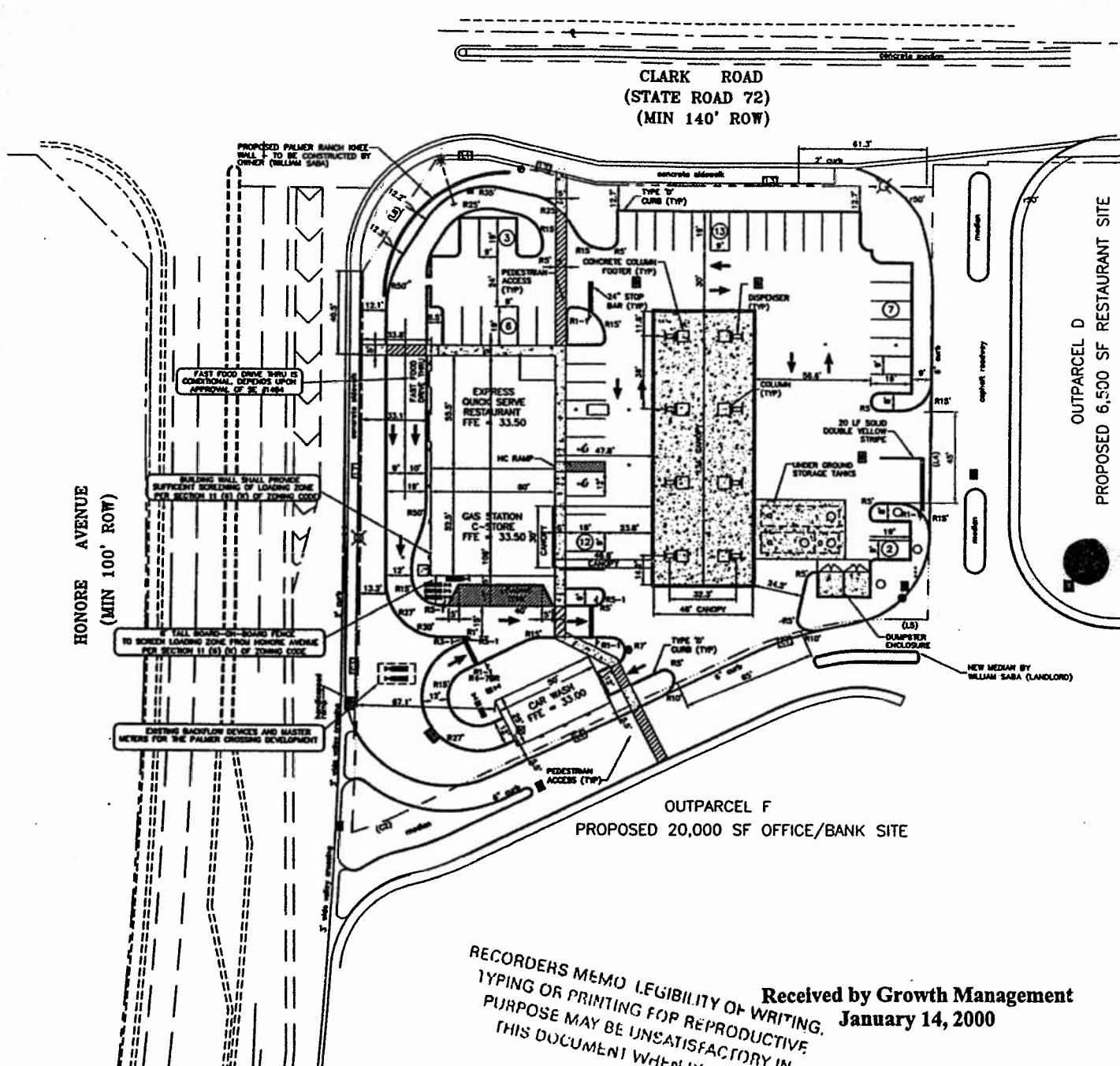
KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By

Deputy Clerk



EXHIBIT "A"



CLARK ROAD
(STATE ROAD 72)
(MIN 140' ROW)

HONORE AVENUE
(MIN 100' ROW)

OUTPARCEL D
PROPOSED 6,500 SF RESTAURANT SITE

OUTPARCEL F
PROPOSED 20,000 SF OFFICE/BANK SITE

RECORDERS MEMO LEGIBILITY OF WRITING, TYPING OR PRINTING FOR REPRODUCTIVE PURPOSE MAY BE UNSATISFACTORY IN THIS DOCUMENT WHEN RECEIVED.

Received by Growth Management
January 14, 2000