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KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CBETHEL Receipt#006096

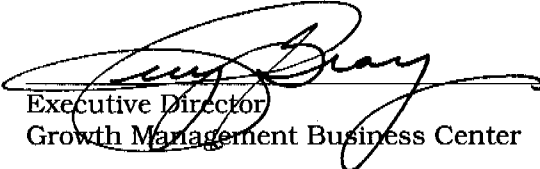
✓ Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236



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 Sumiko Oakes Schiffman, and described in Resolution No. 2000-291 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. 1499 filed by Mark Barnebey, Agent, and granted by Sarasota County on December 6th, 2000, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

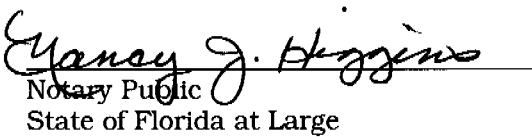
(Stipulations and limitations are those described in Section B of Resolution No. 2000-291, attached hereto)


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 6 2001

BOARD RECORDS
FILED FOR RECORD
2000 DEC 11 AM 11:31

RESOLUTION NO. 2000-291
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1499

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Mark Barneby, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1499 requesting that a special exception be granted to allow property, located at the Southeast corner of Old Stickney Point Road and Midnight Pass 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 2nd day of November, to consider said Special Exception Petition No. 1499, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1499 be approved, and

WHEREAS, this Board, after due public notice, did on the 6th day of December, 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. 1499 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. 1499 is hereby approved for the following described property, said property being in Sarasota County, Florida, to-wit:

Southeast corner of Old Stickney Point Road and Midnight Pass Road, more particularly described as follows:

A parcel of land situated in Section 19, Township 37 South, Range 18 East, Sarasota County, Florida, which includes Lots 1 & 2, Block 1, Sabal Palms Subdivision (unrecorded plat), Section 19, Township 37 South, Range 18 East, Sarasota County, Florida, which is more particularly described as follows:

Beginning at the intersection of the Southeasterly R/W line of Old Stickney Point Road (60' R/W) with the Northeasterly R/W line of Midnight Pass Road (50' R/W); thence North 50°12'00" East along the said R/W of Old Stickney Point Road 442.80' to a found iron pipe at the Southwesterly R/W line of Sabal Drive (30' R/W); thence South 38°42'00" East along said Sabal Drive R/W 129.85' to a found iron pipe; thence South 50°12'00" West 190.76' to a found iron pipe; thence South 39°36'00" East 40.17' to a found iron pipe; thence South 50°12'00' West 250.05' to a found iron pipe at the said R/W line of Midnight Pass Road; thence North 39°35'00" West along said Midnight Pass Road R/W 170.00' to the point of beginning.

Less,

Lot 2, Block 1, Sabal Palms Subdivision (Unrecorded Plat), Section 19, Township 37 South, Range 18 East, Sarasota County, Florida.

Containing 1.26 acres of land more or less.

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 July 18, 2000 attached hereto as Exhibit "A" except modified as necessary to comply with the stipulations contained herein. Live entertainment for the nightclub shall be limited to that 6' x 10' area along the northern interior wall to the east of the existing doorway shown and designated as entertainment stage area on Exhibit "B" attached hereto. 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. Outdoor refuse areas shall be setback a minimum of 25 feet from the southern property boundary line 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. until 12:30 a.m., Sunday night through Wednesday night and until 2:00 a.m. Thursday, Friday and Saturday nights. Live entertainment shall not resume until 10:00 a.m.
6. Prior to the commencement of the nightclub use, wheel stops shall be provided for all parking spaces on lot 1 as depicted on the Development Concept Plan, attached Exhibit "A", dated July 18, 2000.
7. 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.
8. Prior to the commencement of the nightclub use, landscape buffers shall be installed on lot 1 in accordance with Section 13 of the Zoning Ordinance.
9. Any time that the facility is being operated as a nightclub 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.

- 10. There shall be no outdoor live entertainment or outdoor speakers.
- 11. Applicant shall post signs, one at the northern entrance and one at the southern entrance, which contains substantially the following message:

“Be respectful of our Siesta Key neighbors when leaving Captain Curt’s. Please keep your voices and other noises down as you head home. Siesta Key is a great community. Let’s keep it that way!”

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

PASSED AND DULY ADOPTED this Cth day of December, A.D., 2000.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By *David R. Mills*
Chairman

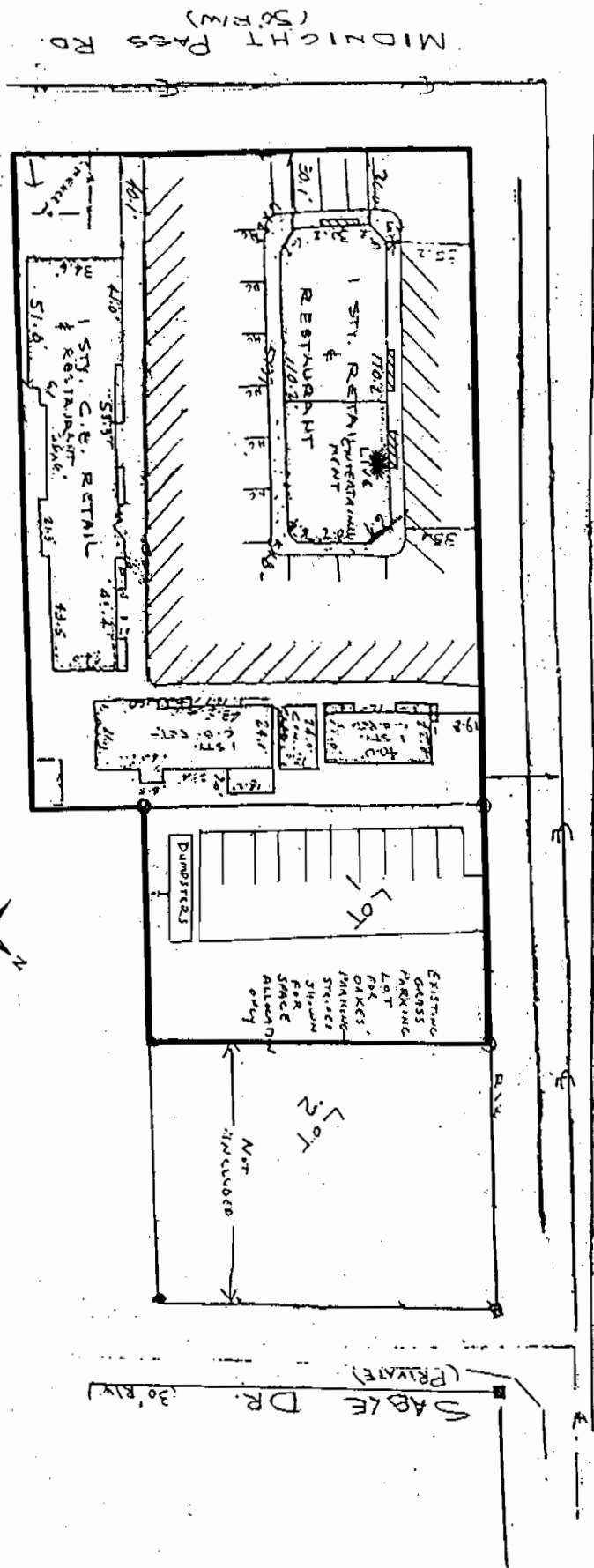
ATTEST:

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

By *Karen E. Rushing*
Deputy Clerk

Exhibit "A"

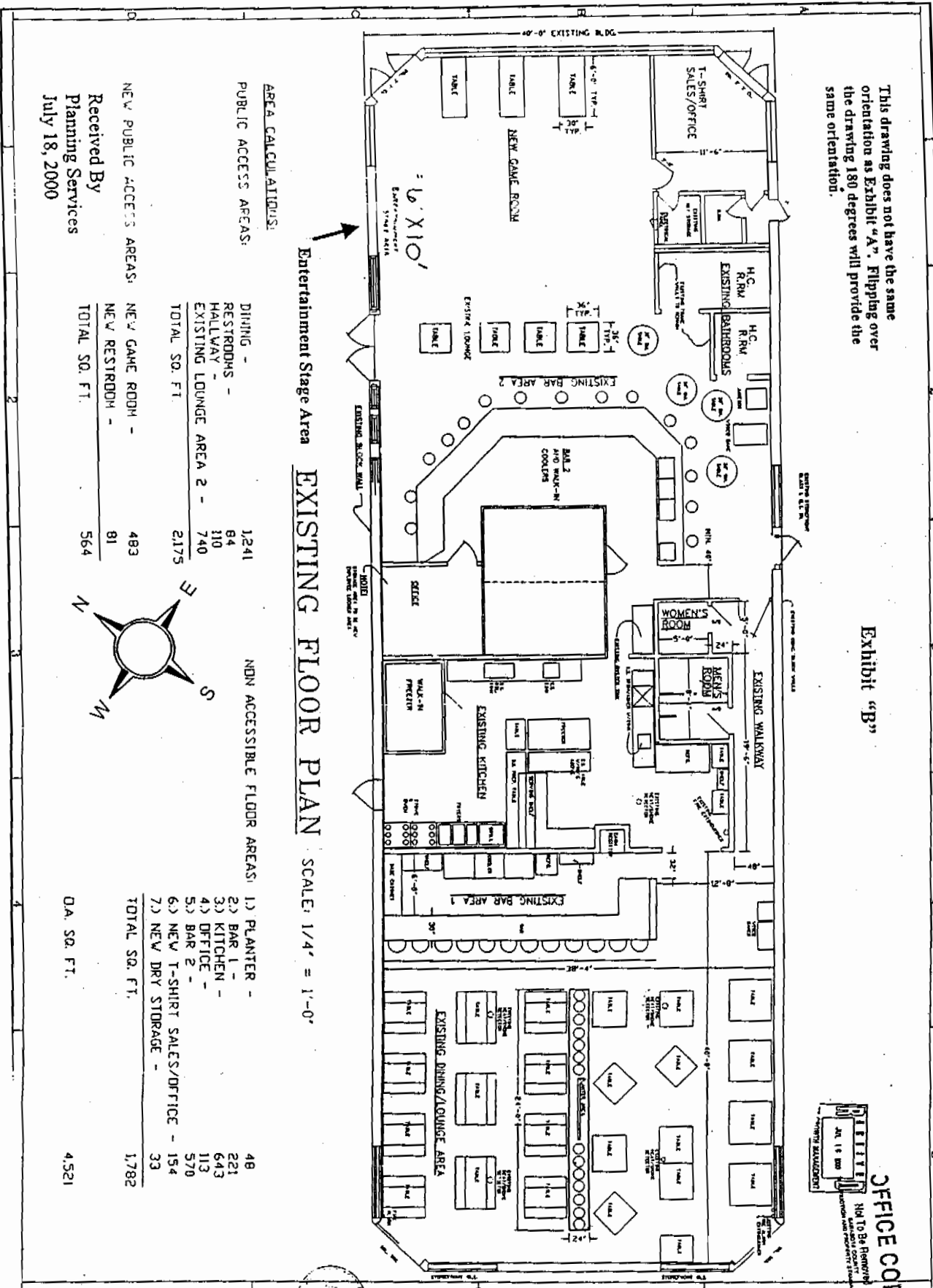
OLD STICKNEY POINT ROAD R/W
(GO. R/W)



Received By
Planning Services
July 18, 2000

This drawing does not have the same orientation as Exhibit "A". Flipping over the drawing 180 degrees will provide the same orientation.

Exhibit "B"



NEW PUBLIC ACCESS AREAS:
 Received By
 Planning Services
 July 18, 2000

AREA CALCULATIONS:

PUBLIC ACCESS AREAS:

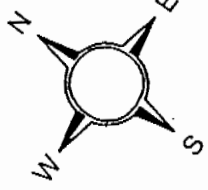
DINING -	1,241
RESTROOMS -	84
HALLWAY	310
EXISTING LOUNGE AREA 2 -	740
TOTAL SQ. FT.	2,175

NON ACCESSIBLE FLOOR AREAS:

NEW GAME ROOM -	483
NEW RESTROOM -	81
TOTAL SQ. FT.	564

1) PLANTER -	48
2) BAR 1 -	221
3) KITCHEN -	643
4) OFFICE -	113
5) BAR 2 -	570
6) NEW T-SHIRT SALES/OFFICE -	154
7) NEW DRY STORAGE -	33
TOTAL SQ. FT.	1,782

DA. SQ. FT. 4,521



EXISTING FLOOR PLAN SCALE: 1/4" = 1'-0"

OFFICE COPY
 Not To Be Reproduced
 Without Written Consent
 DATE: 11/18/00
 DRAWING NO. 1000000000

A REMODEL FOR:
CAPT. COURT'S CRAB AND OYSTER BAR
 1200 OLD STICKNEY POINT ROAD
 SARASOTA, FLA. 34242

NO.	DATE	DESCRIPTION

SCALE: AS SHOWN
 CURTIS DWG
 DATE: 12/27/97
 DATE: 12/28/97