


RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2001031861 8 PGS
2001 MAR 12 11:51 AM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
HARMSTRONG Receipt#022925

8
Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

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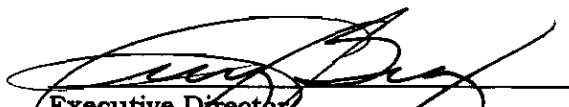


2001031861

**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 Jim D Sypret and M. Jay Lancer, and described in Resolution No. 2001-047 attached hereto, to allow a nightclub, but not adult entertainment establishment; and a nightclub providing outdoor entertainment in the CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1508 filed by Troy Sypret, Agent, and granted by Sarasota County on February 28, 2001, 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. 2001-047, attached hereto)

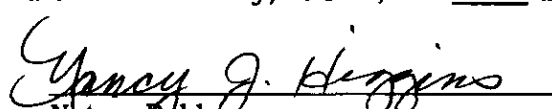


Executive Director
Growth Management Business Center

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 8th day of March, A.D. 2001.



Nancy J. Higgins
Notary Public
State of Florida at Large

This instrument prepared by:
Elaine Wickwire



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

15

FILED
2001 MAR -2 PM 1:49

RESOLUTION NO 2001-047
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO 1508

MAR - 2001

CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Troy Syprett, agent for the owner of the hereinafter described real property has filed Special Exception Petition No 1508 requesting that a special exception be granted to allow the property, located West of Ocean Boulevard and 530 feet ± North of Beach Road, Sarasota County, Florida, to be used for a nightclub, but not adult entertainment establishment, and a nightclub providing outdoor entertainment 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 14th day of December, 2000, to consider said Special Exception Petition No 1508, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No 1508 be denied, and

WHEREAS, this Board, after due public notice, did on the 14th day of February, 2001, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition, and

WHEREAS, the approval of Special Exception Petition No 1508 is intended to supercede in all regards Special Exception Petition No 1286, approved by the Board of County Commissioners on March 24, 1992

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 1508 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

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2001 MAR 15 10:51 AM
E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
HARMSTRONG Receipt#022921

R2001-047

(4) The following standards have 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. 1508 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit

Lot 10, Block 11, Mira Mar Beach Subdivision, Plat Book 2, Pages 130-130a, Sarasota County, Florida Public Records,

and the same is hereby approved for a nightclub, but not adult entertainment establishment, and nightclub providing outdoor entertainment, 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 April 1, 2000 attached hereto as Exhibit "A" except modified as necessary to comply with the stipulations contained herein Live entertainment for the indoor nightclub (Special Exception No E.7 in the Commercial, General Schedule of District Regulations) and live entertainment for the outdoor nightclub (Special Exception No E.9 in the Commercial, General Schedule of District Regulations) shall be limited to the areas shown and designated as "stage" on attached Exhibit "B" There shall be only one location used for live entertainment on any given evening 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 Indoor live entertainment (Special Exception No E.7) shall be limited to the hours of 10:00 p.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.
- 5 Outdoor live entertainment (Special Exception No E.9) shall be limited to the hours of 10:00 p.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, recorded music played or amplified outside of a nightclub, or outdoor live entertainment (Special Exception No. E 9) 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 on which the live entertainment or recorded music occurs.
- 7 There will be no designated dance floor on the premises either indoors or outdoors.
- 8 The kitchen will be open and food will be served whenever the nightclub's special exception is in use.
- 9 There will be parking area signs posted in the parking areas located near Pancho's restaurant requesting patrons to "have respect for our neighbors and keep noise to a minimum" or words to that effect.
10. This special exception shall supercede Special Exception No. 1286 approved by the Board of County Commissioners on March 24, 1992.

C This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 28th day of February, A D , 2001

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.


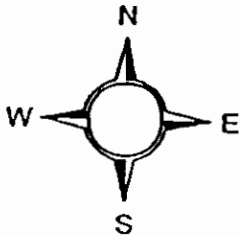
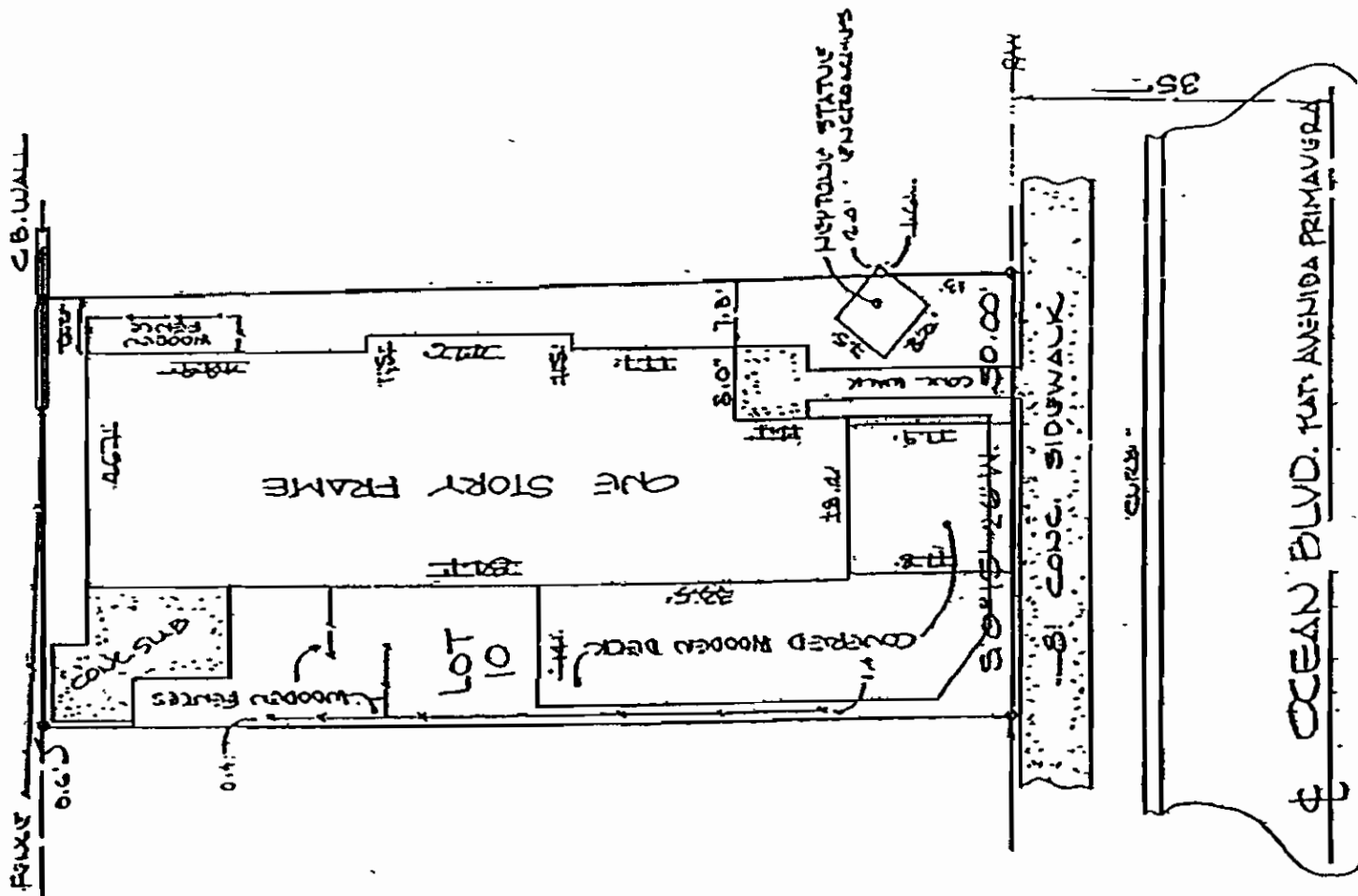
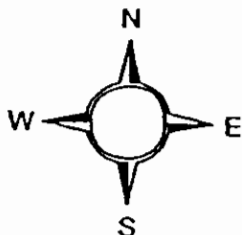
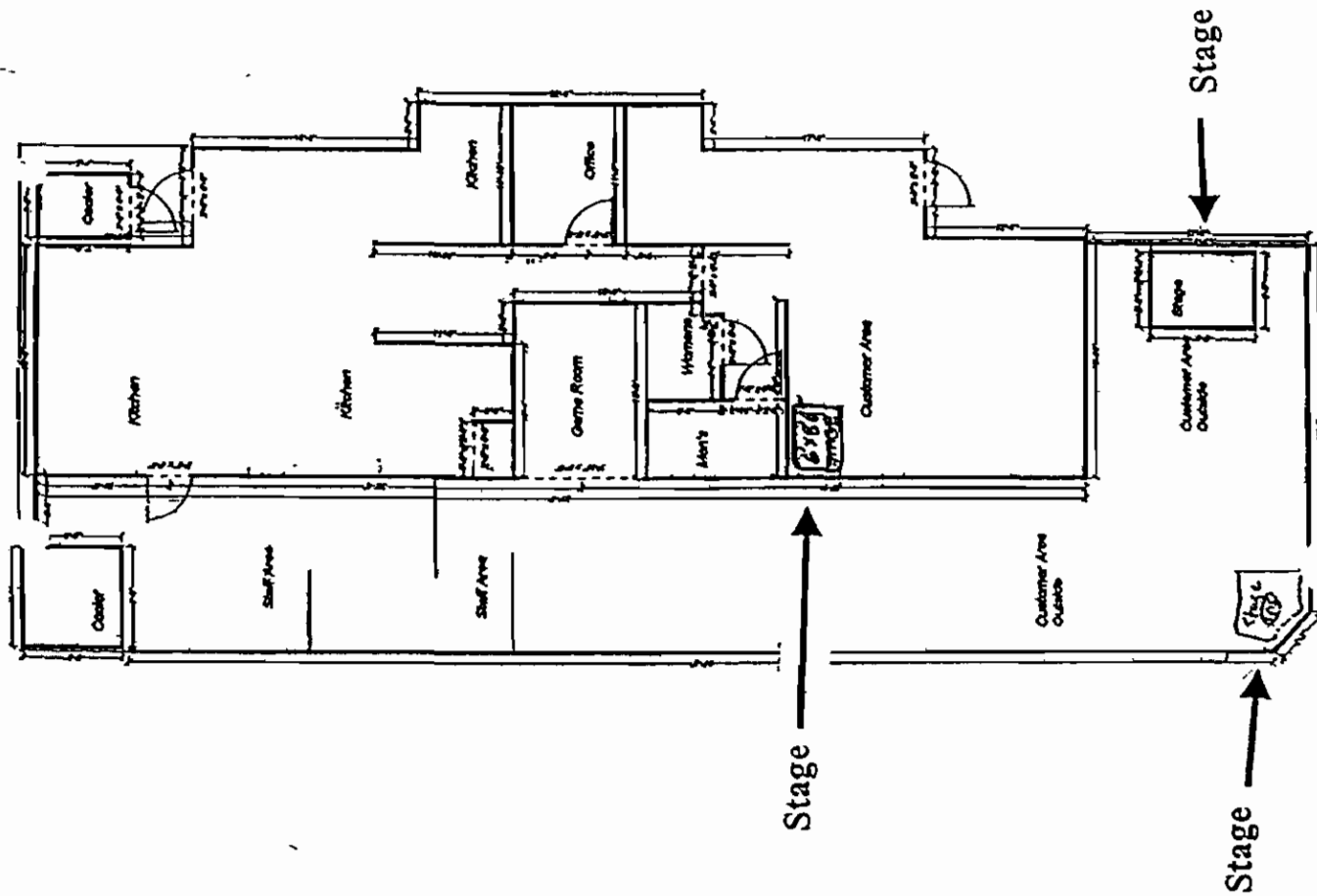
By 
Deputy Clerk

Exhibit "A"



Received By
Planning Services
April 1, 2000

Exhibit "B"



Received By
Planning Services
October 25, 2000