

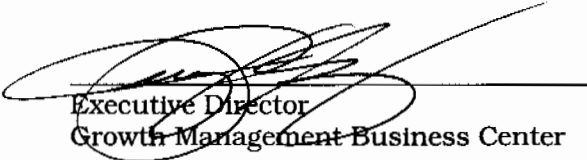
Please record and return to Karen Grasset
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2001083598 6 PGS
2001 JUN 14 12:44 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#055143

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 H. Gibbens, Real Estate Manager, and described in Resolution No. 2001-132 attached hereto, to allow for a Fast Food Restaurant in the CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1528 filed by Michael McElveen, Agent, and granted by Sarasota County on May 23, 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. 2001-132, 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 12th day of June, 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.

2001 JUN -5 PM 3:40
 CLERK OF DISTRICT COURT
 SARASOTA COUNTY, FL

RESOLUTION NO. 2001-132
 OF THE BOARD OF COUNTY COMMISSIONERS
 OF SARASOTA COUNTY, FLORIDA
 SPECIAL EXCEPTION NO. 1528

WHEREAS, Michael McElveen, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1528 requesting that a special exception be granted to allow the property, located on the northwest corner of Bee Ridge Road and Beneva Road, 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 19th day of April, 2001, to consider said Special Exception Petition No. 1528, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1528 be granted, and

WHEREAS, this Board, after due public notice, did on the 23rd day of May, 2001, 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. 1528 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. 1528 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

Northwest corner of Bee Ridge Road and Beneva Road, more particularly described as follows:

The north 150.00 feet of the south 176 feet of the west 150.00 feet of the east 200 feet of Tract 112, Block 4, section 33, of the Re-subdivision of Hyde Park Citrus Subdivision, as recorded in Plat Book 3, Page 86, of the Public Records of Sarasota County, Florida being more particularly described as follows:

Commence at the southeast corner of Section 33, Township 36 south, Range 18 east; thence north 0° 01' 12" east, along the east line of Section 33, 50.00 feet ; thence north 89° 58' 27" west and parallel to the south line of Section 33, 50.00 feet for a Point of Beginning; thence continue north 89° 58' 27" west and parallel, 150.00 feet; thence north 0° 01' 12" east and parallel to the east line of Section 33, 150.00 feet; thence south 89° 58' 27" east, 150.00 feet; thence south 0° 01' 12" west along a line parallel to and 50.00 feet from the east line of section 33, 150.00 feet to the Point of Beginning,

and the same is hereby approved for SE 1528, 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 March 13, 2001, attached hereto as Exhibit A except modified as necessary to comply with the stipulations contained herein. 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. The development shall be designed so as to prevent vehicles at the drive through window from queuing into any public right-of-way. If at site and development plan review, the County Engineer determines that queues will be generated that adversely impact a public roadway, the site shall be designed to eliminate the adverse impact. If at any time after development of the parcel the County Engineer determines that queues from the drive through are adversely impacting Beneva Road, the access on Beneva Road shall be modified or removed to eliminate the impacts within a time determined by the County Engineer.
- 5. Hours of operation for the drive through shall be limited to 6:30 a.m. to 10:30 p.m. Sunday through Thursday and 6:30 a.m. to 11:00 p.m. Friday and Saturday.

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

PASSED AND DULY ADOPTED this 23rd day of May, A.D., 2001.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By David R. Mills
Chairman

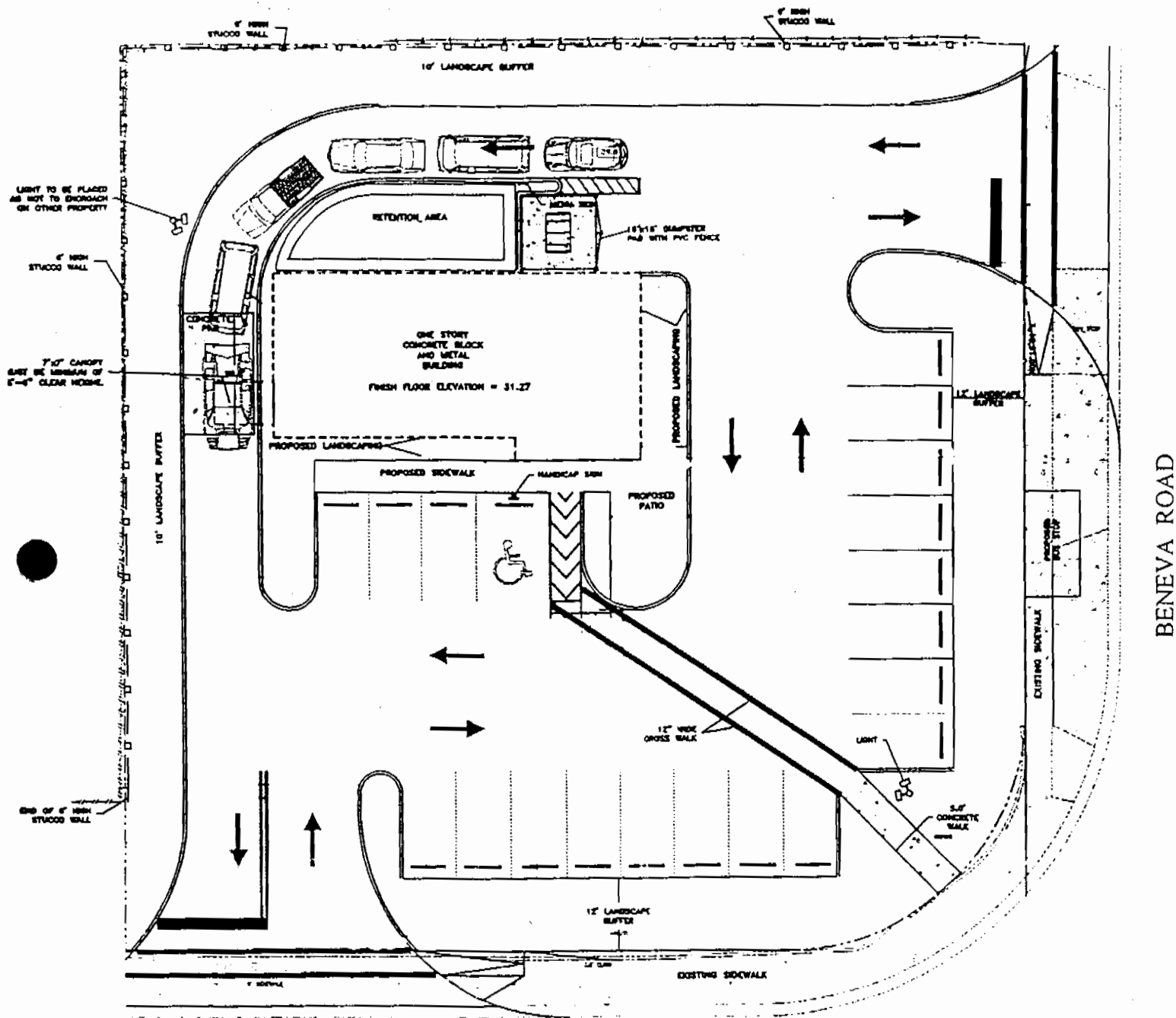
ATTEST:

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

By Paula J. Lentman
Deputy Clerk

MAP SERIES / CONCEPT PLAN

Exhibit A



RECEIVED
 MAR 13 2001
 BY GROWTH MANAGEMENT

BEE RIDGE ROAD

