

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

2002 MAY 02 02:08 PM
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
FMILLER Receipt#165972

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 Ronald G and Patricia A. Allen, and described in Resolution No. 2002-097 attached hereto, to allow 1) A night club, but not adult entertainment establishment, and 2) the outdoor sale and consumption of food and beverages at a restaurant after 10.00 pm, Sunday through Thursday, and after 11 00 pm, Friday and Saturday in the CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1539 filed by Michael T Robertson, Agent, and granted by Sarasota County on April 23, 2002, 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 2002-097, 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 30th day of April, A.D. 2002

Notary Public
State of Florida at Large

This instrument prepared by
Susan M Anderson



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

RESOLUTION NO. 2002-097
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO 1539

WHEREAS, Michael Robertson, Agent for the owner of the hereinafter described real property, has filed Special Exception Petition No 1539 requesting that a special exception be granted to allow the property, located west of U.S 41 and 250 feet ± south of Stickney Point Road, Sarasota County, Florida, to be used for 1) A night club, but not adult entertainment establishment, and 2) the outdoor sale and consumption of food and beverages at a restaurant after 10:00 pm, Sunday through Thursday, and after 11 00 pm, Friday and Saturday 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 15th day of November, 2001, to consider said Special Exception Petition No. 1539, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No 1539 be granted, and

WHEREAS, this Board, after due public notice, did on the 8th day of January, 2002, 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 1539 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 been met as indicated:

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 SARASOTA COUNTY, FL

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 1539 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

West of U S. 41 and 250 feet ± south of Stickney Point Road, more particularly described as follows:

That part of the south 1/2 of Section 17, Township 37 South, Range 18 East, Sarasota County, Florida, more particularly described as follows: Commence at the intersection of the original southeasterly right-of-way line of Stickney Point Road being 66 feet wide and the original southwesterly right-of-way line of Tamiami Trail (U.S. Hwy 41) being 66 feet wide; thence south 39°02'40" east along said original southwesterly right-of-way line of Tamiami Trail, a distance of 400 feet; thence south 50°59'58" west parallel with said southeasterly right-of-way line of Stickney Point Road a distance of 20 feet to an existing southwest right-of-way line of Tamiami Trail (U.S. Hwy 41), per Road Plat Book 1, Page 59 for a Point of Beginning thence south 39°02'40" east along said existing southwesterly right-of-way line of Tamiami Trail, a distance of 300.00 feet; thence south 50°59'58" west and parallel with said southeasterly right-of-way line of Stickney Point Road a distance of 197 00 feet; thence north 39°02'40" west and parallel with said existing southwesterly right-of-way line of Tamiami Trail, a distance 300 feet; thence north 50°59'58" east and parallel with said southeasterly right-of-way line of Stickney Point Road, a distance of 197 feet to the Point of Beginning

LESS AND EXCEPT THOSE LANDS DEEDED TO THE STATE OF FLORIDA BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 2403, PAGE 494, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.,

and the same is hereby approved for A night club, but not adult entertainment establishment, and the outdoor sale and consumption of food and beverages at a restaurant after 10:00 pm, Sunday through Thursday, and after 11:00 pm, Friday and Saturday, 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 Plans date stamped August 30, 2001 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) shall be limited to the 108 square foot "dance area" and 40 square foot "band area" as shown on attached Exhibit "B", date stamped August 30, 2001. Outdoor sale and consumption of food and beverages after 10.00 p m , Sunday through Thursday, and after 11.00 p m , Friday and Saturday (Special Exception No E 11 in the Commercial, General Schedule of District Regulations) shall be limited to the 135 square foot area designated as "outdoor dining area" on attached Exhibit "B", date stamped August 30, 2001 This does not imply or confer any variances from applicable zoning or land development regulations.

2. 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 evening of and the evening before national holidays. Live entertainment shall not resume until 10.00 a m
3. The decibel level of live entertainment or recorded music played indoors in the 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 played indoors in the nightclub and the measurement shall be made at the property line of the subject parcel containing the nightclub.
4. 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 and egress from the building
5. Live entertainment and recorded music 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.
6. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
7. Outdoor sale and consumption of food and beverages (Special Exception No. 11) 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 evening of and the evening before national holidays and shall not resume until 10:00 a m.
8. 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
9. Prior to the commencement of indoor live entertainment (Special Exception No E 7) and outdoor sale and consumption of food and beverages (Special Exception No E 11), a canopy tree at each parking lot island shall be provided in compliance with Section 13 10 of the Zoning Ordinance

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

PASSED AND DULY ADOPTED this 23rd day of April 2002, A.D., 2002

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

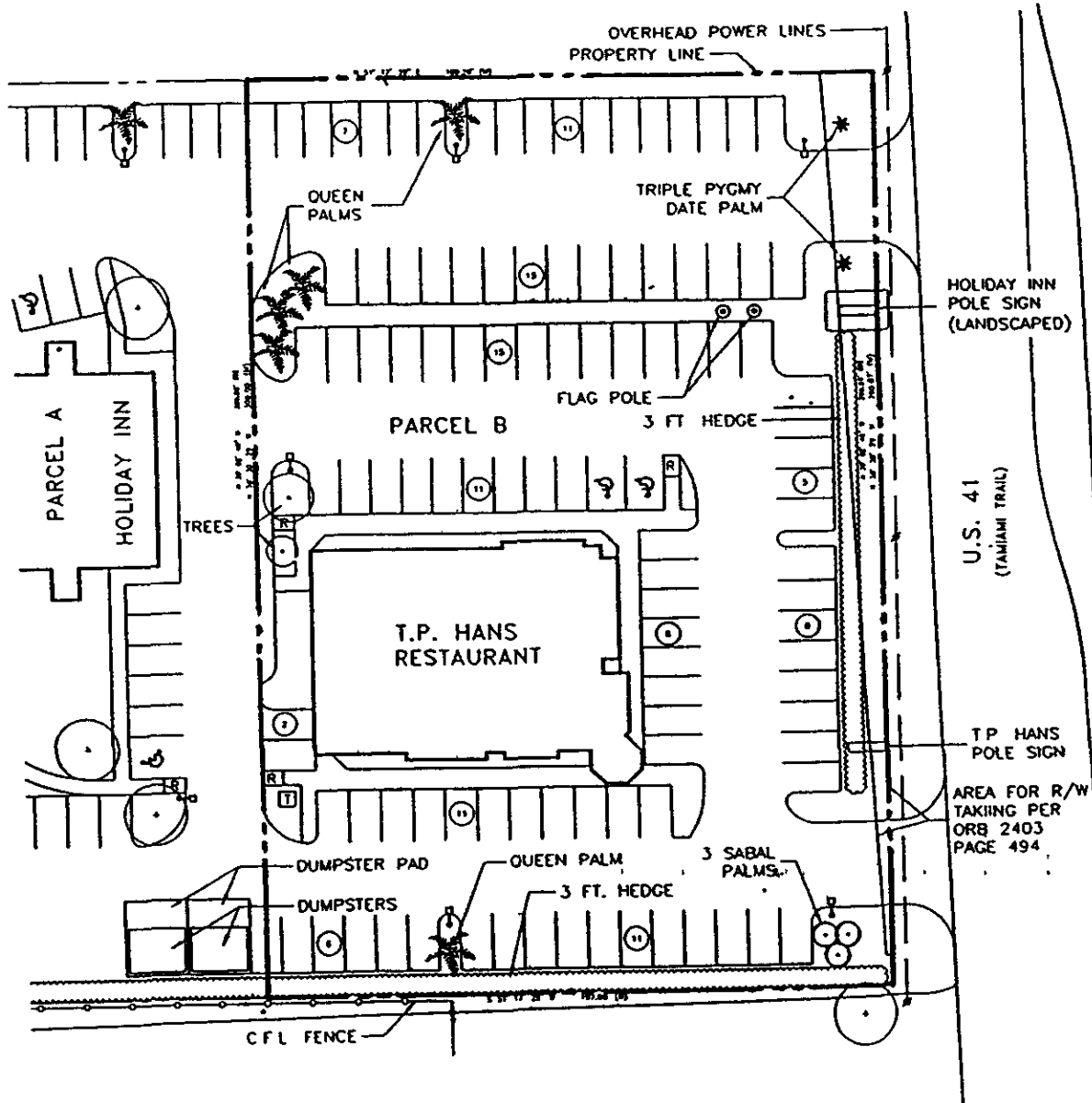
By *Mara Patterson*
Chairman

ATTEST:

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

By *Cynthia A. Strath*
Deputy Clerk

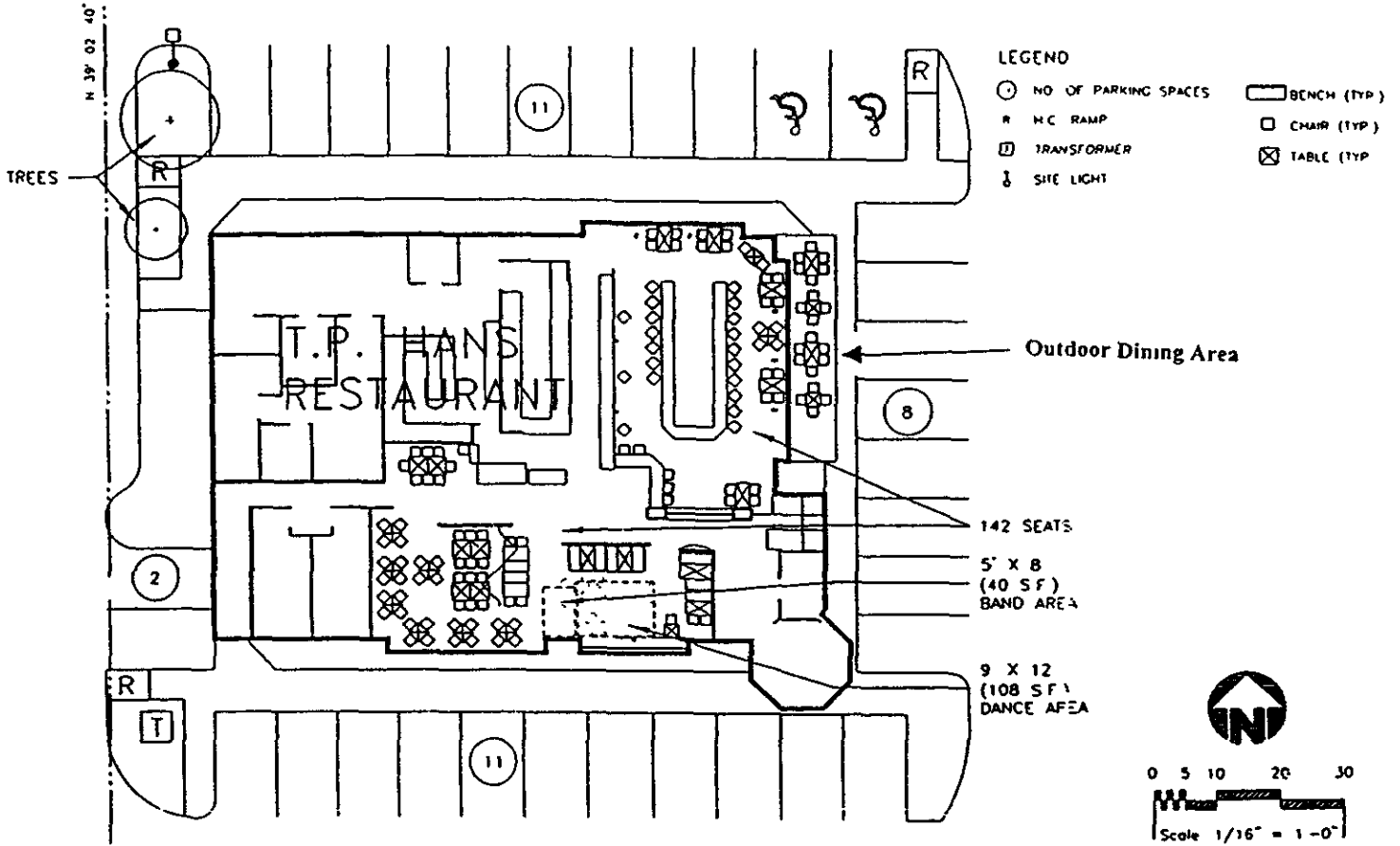
Exhibit "A"



Received By
 Planning Services
 August 30, 2001



Exhibit "B"



EXISTING FLOOR PLAN

Received By
 Planning Services
 August 30, 2001

STATE OF FLORIDA)
 COUNTY OF SARASOTA)
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL FILES
 IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 4/26/02
 KAREN E. RUSHING CLERK OF THE CIRCUIT COURT
 EX OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS SARASOTA COUNTY, FLORIDA

BY Cynthia A. Strala
 DEPUTY CLERK