

2003 JAN 31 03:24 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
FMILLER Receipt#272727



Please record and return to: (Via Inter-Office Mail)  
Karen Grassett  
Growth Management Business Center  
1660 Ringling Boulevard, 5<sup>th</sup> Floor  
Sarasota, FL 34236

**NOTICE OF STIPULATIONS  
AND LIMITATIONS ENCUMBERING  
REAL PROPERTY PURSUANT TO  
THE SARASOTA COUNTY ZONING CODE**

The following property, located west of U.S. 41, east of Brentwood Avenue and 120' ± south of Upper Elmwood Avenue in Sarasota County, Florida, owned by Michael McCullough, and described in Resolution No. 2003-024 attached hereto, to allow a fast food restaurant located within an existing convenience store/gas station in the Commercial General (CG) zone district, pursuant to Special Exception Petition No. 1569 filed by Bruce E. Franklin, Agent, and granted by Sarasota County on January 22, 2003, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

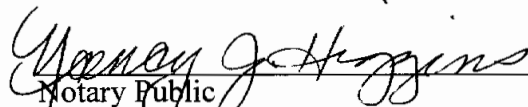
(Stipulations and limitations are those described in Section B of Resolution No. 2003-024, attached hereto)

  
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 30<sup>th</sup> day of January, A.D. 2003.

  
Notary Public  
State of Florida at Large

This instrument prepared by:  
SMA



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

RESOLUTION NO. 2003-024  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1569

INSTRUMENT # 2003019310

7 PGS

2003 JAN 23 AM 9:47

CLERK OF COUNTY COURT  
SARASOTA COUNTY, FL

WHEREAS, Bruce Franklin, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1569 requesting that a special exception be granted to allow the property, located at 6212 Tamiami Trail, Sarasota County, Florida, to be used for fast food restaurant in the Commercial General (CG) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 22<sup>nd</sup> day of January, to consider said Special Exception Petition No. 1569, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1569 be granted, and

WHEREAS, this Board, after due public notice, did on the 22<sup>nd</sup> day of January, 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. 1569 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. 1569 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

West of U.S. 41, east of Brentwood Avenue and 120' + south of Upper Elmwood Avenue, being more particularly described as follows;

Lots 4, 7 and 8, Block 2, Pine Shores Estates, recorded in Plat Book 5, Pages 20 and 20-A, Public Records of Sarasota County, Florida, and Lot 3, Block 2 of a part of Pine Shore Estates, Recorded in Plat Book 5, Page 57, Public Records of Sarasota County, Florida.,

and the same is hereby approved for 1569, 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 compliance with the Development Concept Plan (Exhibit A) dated July 25, 2002. This does not imply or confer any variances from applicable zoning or land development regulations.
2. Refuse areas shall be contained in refuse sites previously approved and permitted for the subject parcel.
3. There shall be no outdoor loudspeaker or paging system, an intercom system for the menu board and gas islands are permitted.
4. Outdoor banners identifying or advertising any products or services shall be prohibited. This shall not preclude lawfully permitted signage or standard pump-top toppers. A menu board for the restaurant shall be permitted.
5. The northernmost access point to U.S. 41 is ingress only and the southernmost access point to U.S. 41 is egress only.

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

PASSED AND DULY ADOPTED this 22nd day of January, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

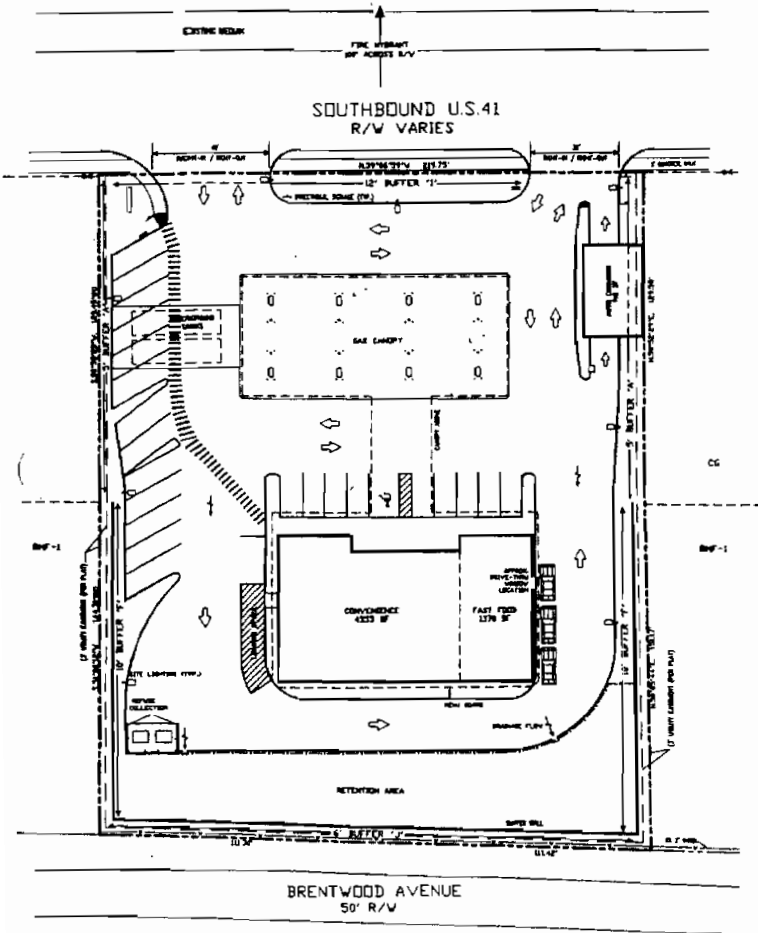
By *Shannon Stubb*  
Chairman

ATTEST:

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

INSTRUMENT # 2003019310  
7 PGS

By *Paula J. Clintman*  
Deputy Clerk



**SITE DATA**

GROSS SITE AREA	1.40A (81,146 SF)
EXISTING ZONING	CG
EXISTING LAND USE	VACANT
PROPOSED LAND USE	CONVENIENCE/GAS/FAST FOOD
NO. BUILDINGS	2
FAST FOOD AREA	1370 SF
PARKING REQUIRED	6 SPACES
CONVENIENCE STORE AREA	4555 SF
PARKING REQUIRED	13 SPACES
TOTAL PARKING REQUIRED	19 SPACES
TOTAL PARKING PROVIDED	24 SPACES
TOTAL BUILDING AREA (INCL CAR WASH)	6,837 SF
FLOOD ZONE	ZONE "X"



22 JULY 02

**DEVELOPMENT CONCEPT PLAN  
TROPIC ENTERPRISES - U.S. 41**

LRS • LAND RESOURCE STRATEGIES, INCORPORATED  
2000 10th Street, Sarasota, Florida 34237-1100, Phone: 941-552-1100, Fax: 941-552-1101, Email: lrs@lrsinc.com



R2003-024