

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

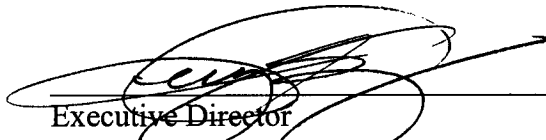
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INSTRUMENT # 2004012083 6 Pgs
2004 JAN 22 12:03 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CFOLKINS Receipt#425974



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

The following property located at 4250 Tamiami Trail South (U.S. 41) in Sarasota County, Florida, owned by James S. Young, and described in Resolution No. 2003-309 attached hereto, to allow a fast food restaurant with outdoor dining and extended hours of operation in the CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1576 filed by Scott Lincoln, Agent, and granted by Sarasota County on December 16, 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. 2003-309, attached hereto)

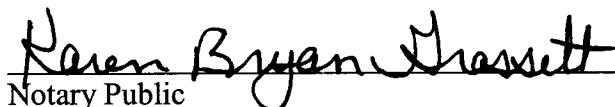

Executive Director
Growth Management Business Center

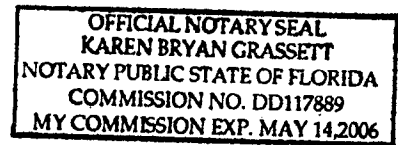
STATE OF FLORIDA
COUNTY OF SARASOTA

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 13th day of

January, 2004 A.D.


Notary Public
State of Florida at Large



This instrument prepared by:
CS

BOARD RECORDS
FILED FOR RECORD

RESOLUTION NO. 2003- 309
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1576

DEC 17 2003
GROWTH MANAGEMENT

2003 DEC 17 AM 11:30
KAFEN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

WHEREAS, Scott Lincoln, Agent, for the hereinafter described real property has filed Special Exception Petition No. 1576 requesting that a special exception be granted to allow the property, located at 4250 Tamiami Trail South (U.S. 41), Venice, Florida, to allow a fast food restaurant with outdoor dining and extended hours of operation in a CG (Commercial General) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 4th day of September, 2003, to consider said Special Exception Petition No. 1576, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1576 be granted, and

WHEREAS, this Board, after due public notice, did on the 16th day of December, 2003, 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. 1576 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, guiding principles and programs of the Comprehensive Plan;
 - b) The proposed use is compatible with the existing land use pattern and designated future uses;

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There is adequate public facilities available consistent with the level of service standards adopted in the Comprehensive Plan, and as defined and implemented through the Sarasota County Concurrency Management System Regulations, Chapter 94, Article VII of Exhibit A of the Sarasota County Code;

- d) The proposed use, singularly or in combination with other special exceptions, will not be detrimental to the health, safety, morals, order, comfort, convenience, or appearance of the neighborhood or other adjacent uses by reason of any one or more of the following: the number, area, location, height, orientation, intensity or relation to the neighborhood or other adjacent uses;
- e) The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;
- f) The subject parcel is adequate in shape and size to accommodate the proposed use; and
- g) The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control.

B. Special Exception Petition No. 1576 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

The legal description of said property in Sarasota County, Florida being:

South of US 41 and 1350' east of Jacaranda Blvd.

Parcel ID No. 0460-02-0005 (Parent Tract)

COM AT NE COR OF SEC 34-39-19TH S-89-57-38-W 1762.01 FT TH S-0-02-22-E 156.9 FT TO S R/W LINE OF US 41 TH N-89-38-22-W 468.94 FT FOR POB TH CONT N-89-39-04-W 269.5 FT TH S-84-39-04-W 91.38 FT TH S-O-21-42-W 213.99 FT TH S-89-37-54-E 360.43 FT TH N-0-21-42-E 223.13 FT TO POB CONTAINING 1.8366 AC M/L.

More specifically described as follows:

Fast Food/Sonic Drive-In Parcel

COM AT NE COR OF SEC 34-39-19 TH S-89-57-38-W 1762.01 FT. THS-0-02-22-E 156.19 FT TO S R/W LINE OF US 41 TH N-89-38-22-W 468.94 FT TH N-89-39-04-W 163.27 FT FOR POB TH CONT N-89-39-04-W 106.23 FT TH S-84-39-04 W 91.38 FT TH S-0-21-42-W 213.99 FT TH S-89-37-54-E 197.13 FT TH N-00-22-06-E 223.13 FT TO POB, CONTAINING 43,569.31 SF OR 1.0002 AC M/L

R 2003-309

and the same is hereby approved for Special Exception No. 1576, 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. 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.
2. This special exception is governed by the provisions of sub-section 1.9.2.a.3. of Ordinance No. 2003-052. The Owner has elected to be bound by the development concept plan submitted with the application. As a result of such election, the following stipulations shall apply:
 - a. Development shall occur in substantial accordance with the Development Concept Plan date stamped April 9, 2003, and attached hereto as Exhibit "A" provided, however, that in the event of a conflict between the Development Concept Plan and the stipulations contained herein, the stipulations shall take precedence. This does not imply or confer any variance from applicable zoning or land development regulations.
 - b. At the time of Site and Development Plan review and approval, the provisions and requirements of Zoning Ordinance No. 75-38, revised and updated through Amendment No. 196 (Ordinance No. 2001-054, adopted October 15, 2001) shall apply as to matters depicted on the Development Concept Plan and the provisions and requirements of Ordinance No. 2003-052 shall apply to the extent that they do not conflict with the Development Concept Plan.
 - c. Any deviations from the Development Concept Plan that are not allowed by this special exception resolution (that is, what is not in substantial accordance with the Concept Plan), or amendments must comply with the zoning code in effect at the time of approval of that modification.
3. Development of the subject parcel shall be in accordance with Ordinance No. 94-089, as applicable.
4. Exterior lighting on the site shall be directed only toward the subject site and away from adjacent properties and streets.
5. Refuse areas shall be visually screened in accordance with Section 11.6.f of the Sarasota County Zoning Ordinance.
6. The Master Surface Water Management Plans shall be consistent with the Alligator Creek Basin Master Plan.
7. Menu Boards for each parking space shall be allowed as follows:

- a. Double-sided menu boards may be placed on both sides of the parking spaces;
 - b. No single menu board shall exceed six (6) square feet in area of menu text/copy on each side; and
 - c. Menu boards shall not be legible from the U.S. 41 (Tamiami Trail) right-of-way or adjoining properties.
8. The outdoor sale and consumption of food and beverages on the subject parcel shall be allowed every day of the calendar year and shall occur no later than midnight (12:00 a.m.).
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 16th day of December, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By *Shannon Hart*
Chairman

ATTEST:

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

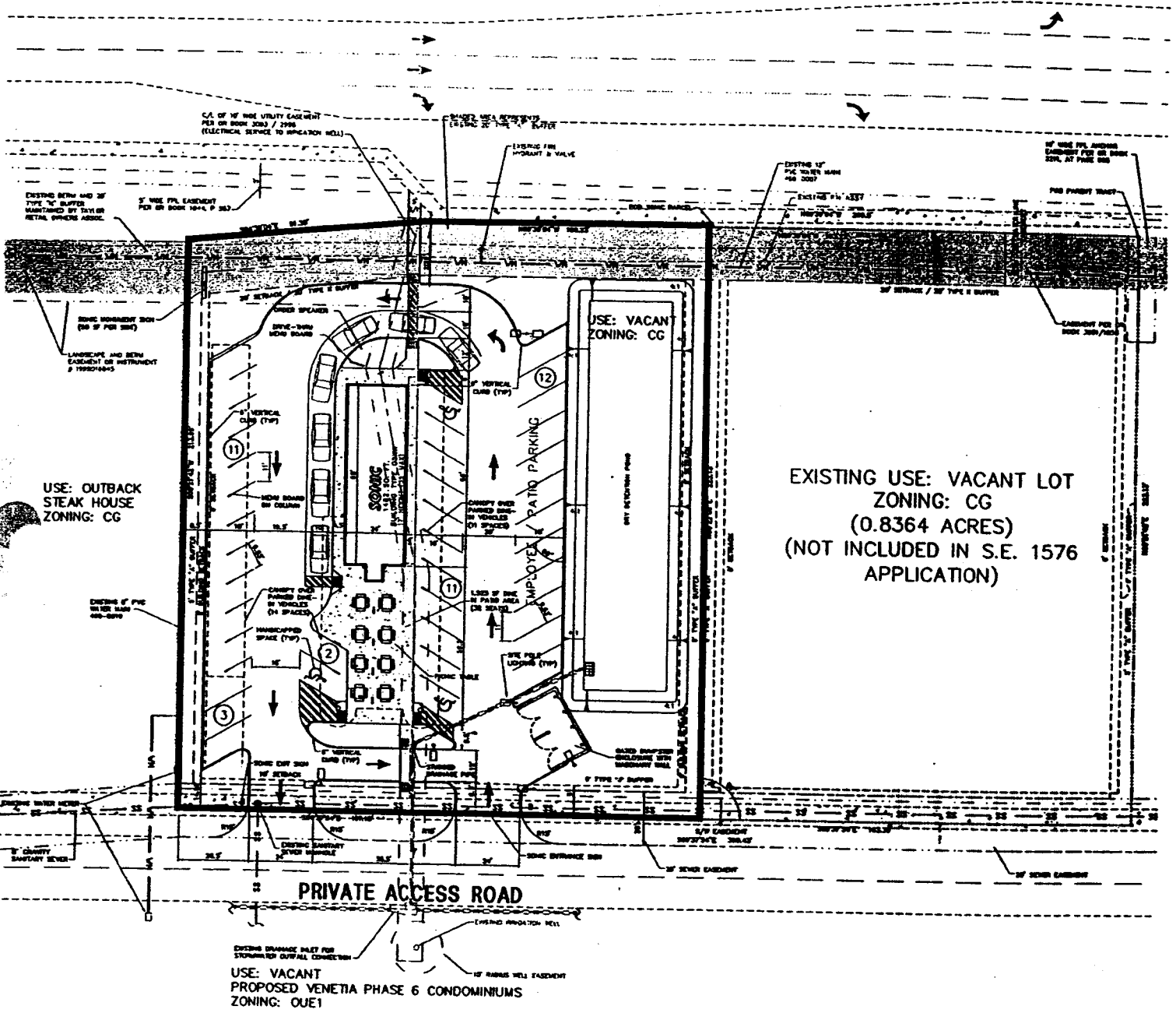
By: *Gaudia G. Goods*
Deputy Clerk

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

INSTRUMENT # 2004012083
6 PGS

TAMAMI TRAIL (US HWY 41)



THIS DOCUMENT RECEIVED BY:
GROWTH MANAGEMENT ON
APRIL 9, 2003

