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Please record and return to: Karen Grasset
(VIA INTER-OFFICE MAIL)
Growth Management Business Center
1660 Ringling Boulevard, 5th Floor
Sarasota, FL 34236

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2003223902 6 P00
2003 NOV 05 03:51 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CFOLKINS Receipt#396736



2003223902

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

The following property, located on the south side of Clark Road and 300 feet + east of Honore Avenue in Sarasota County, Florida, owned by William Saba, and described in Resolution No. 2003-220 attached hereto, to allow Fast Food Restaurant in the CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1578 filed by Dana Gourley, Agent, and granted by Sarasota County on September 10, 2003, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

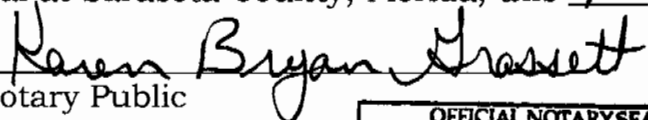
(Stipulations and limitations are those described in Section B of Resolution No. 2003-220, attached hereto)


Executive Director
Growth Management Business Center

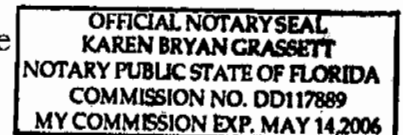
STATE OF FLORIDA
COUNTY OF SARASOTA

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 4th
day of November, 2003 A.D.


Notary Public
State of Florida at Large

This instrument prepared by: SMA



RESOLUTION NO. 2003-220
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1578

BOARD RECORDS
FILED FOR RECORD

2003 SEP 12 AM 7:56

KAREN E. RUSHING

WHEREAS, Dana Gourley, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1578 requesting that a special exception be granted to allow the property, located on the south side of Clark Road 300 feet± east of Honore Avenue, Sarasota County, Florida, to be used for 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 June, 2003, to consider said Special Exception Petition No. 1578, and

WHEREAS, this Board, after due public notice, did on the 10th day of September, 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. 1578 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. 1578 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

A PARCEL OF LAND LYING AND BEING IN THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 13, TOWNSHIP 37 SOUTH, RANGE 18 EAST, SARASOTA COUNTY, FLORIDA; THENCE SOUTH 89°35'24" EAST, ALONG THE NORTH LINE OF SAID SECTION 13, A DISTANCE OF 368.75 FEET; THENCE SOUTH 00°24'36" WEST 59.40 FEET TO INTERSECT THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 72 (ALSO KNOWN AS CLARK ROAD) AS SHOWN ON RIGHT-OF-WAY MAP FOR STATE PROJECT NO. 17070-2527, DATED 3/20/92 FOR THE POINT-OF-BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY LINE, SOUTH 89°59'39" EAST 52.12 FEET; THENCE SOUTH 89°21'34" EAST 99.81 FEET; THENCE SOUTH 75°51'47" EAST 10.38 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND CROSSING OUTPARCEL D, SOUTH 00°15'28" WEST 220.02 FEET TO THE SOUTHERLY LINE OF OUTPARCEL D; THENCE ALONG SAID LINE SOUTH 89°36'05" WEST 162.01 FEET TO THE SOUTHWEST CORNER OF OUTPARCEL D; AND THENCE ALONG THE WESTERLY LINE OF OUTPARCEL D, NORTH 00°15'28" EAST 224.81 FEET TO THE POINT-OF-BEGINNING CONTAINING 36,247 SQUARE FEET (0.8321 ACRE).

and the same is hereby approved for Fast Food Restaurant, 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.

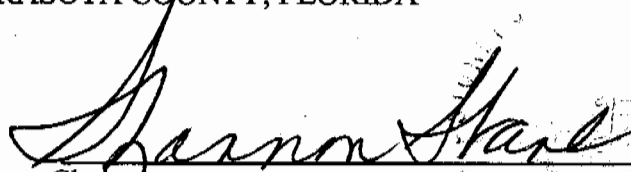
1. Development shall take place in substantial compliance with the Development Concept Plan date stamped August 21, 2003, and attached hereto as Exhibit "A" except modified as necessary to comply with the stipulations contained herein. This does not infer nor imply any variances from applicable zoning 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. Refuse areas shall be visually screened in accordance with Section 11.6.f of the Sarasota County Zoning Ordinance.
 5. Development on the subject parcel shall be consistent with the Master Surface Water Management Plan for the Palmer Crossing Shopping Center.
 6. Development shall be consistent with the Clark Road Corridor Plan (Ordinance No. 2000-016) as may be amended from time to time.
 7. The text of the menu board shall not be legible from the Clark Road right-of-way. Other standards include:
 - a. No more than one menu board per drive-thru lane shall be permitted.
 - b. The menu board shall not exceed 36 square feet in area.
 - c. A maximum of two square feet of the menu board may contain digital changeable copy for order confirmation only.
 - d. No more than one preview menu board per drive-thru lane shall be permitted.
 - e. Each preview menu board shall not exceed 6 square feet in area.
 - f. A preview menu board shall not contain digital changeable copy.
- C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 10th day of September, A.D., 2003.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

INSTRUMENT # 2003223902
6 PGS

By



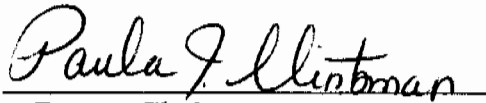
Gannon Stare

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. Lintman

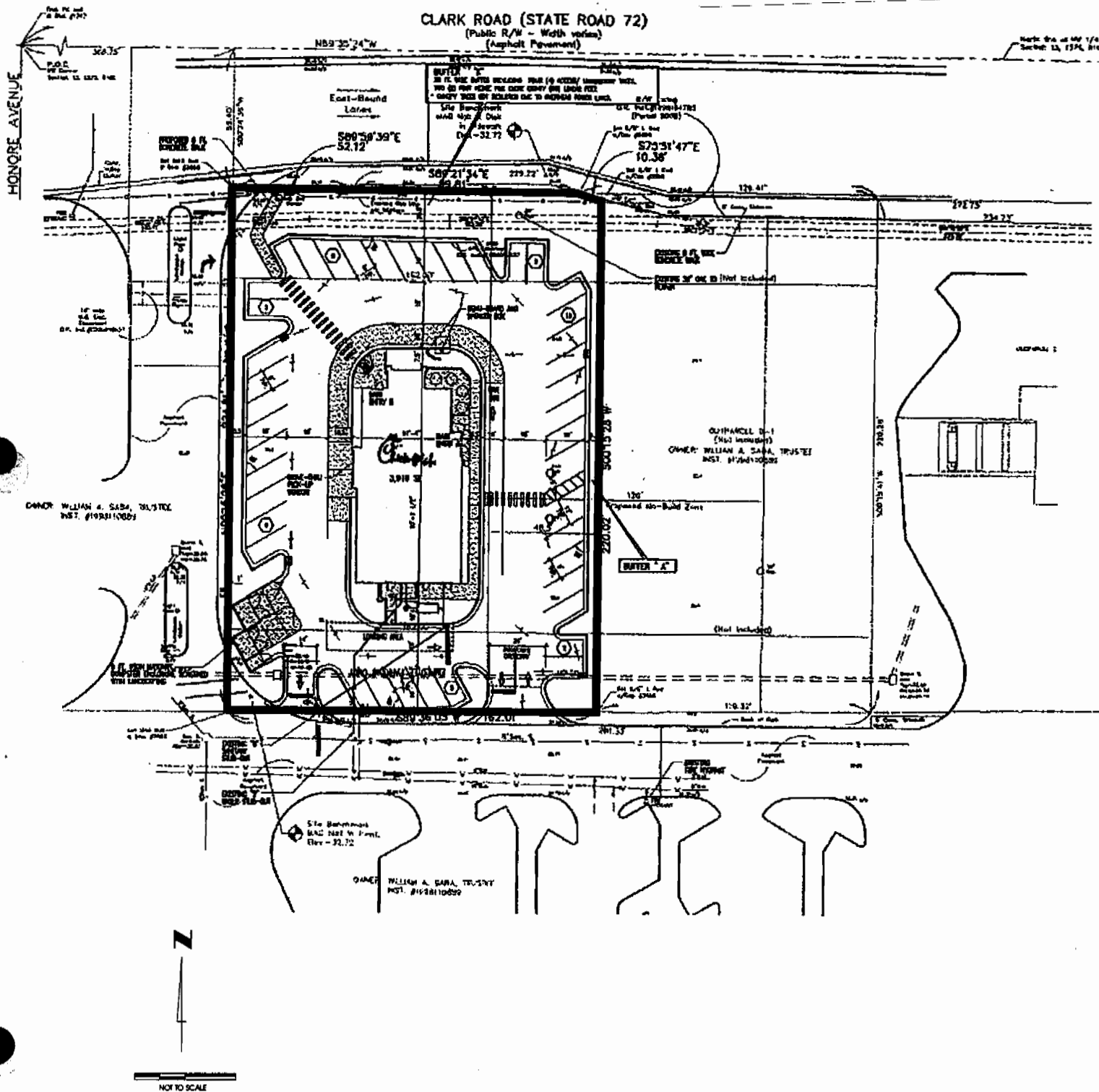
Deputy Clerk

NOV 10 2003

MAP SERIES/CONCEPT PLAN

EXHIBIT "A"

INSTRUMENT # 2003223902
6 PGS



THIS DOCUMENT RECEIVED BY:
GROWTH MANAGEMENT ON
AUGUST 21, 2003