

5  
Please record and return to: (Via Inter-Office Mail)  
Susan M. Anderson, Administrative Coordinator  
Planning Services  
1301 Cattlemen Road, Bldg. A  
Sarasota, FL 34232

Charge to: Planning Services  
Account# 51800100500489

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

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2005020800 5 PGS  
2005 JAN 31 07:52 AM  
KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA  
CEAGLETO Receipt#578218



The following property, located West of Superior Avenue and 600' north of Gulf Gate Drive in Sarasota County, Florida, owned by Gail Lorraine, and described in Resolution No. 2005-025 attached hereto, to allow indoor entertainment from 10pm to 2am in the CG (Commercial General) zone district, pursuant to Special Exception Petition No. 1604 filed by Joel Freedman, Agent, and granted by Sarasota County on January 25, 2005, 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. 2005-025, attached hereto)

H. Epstein, Manager  
Planning Services

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Hank Epstein, Manager, Planning Services, 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 27<sup>th</sup>  
day of January, 2005.

Notary Public  
State of Florida at Large

This instrument prepared by: lam



Shelley E. Hamilton  
MY COMMISSION # 00235335 EXPIRES  
August 18, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

2005 JAN 26 AM 8:22

**RESOLUTION NO. 2005-025  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION NO. 1604**

INTERESTED  
PARTY OF RECORD  
SARASOTA COUNTY FL

**WHEREAS**, Joel Freedman, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1604 requesting that a special exception be granted to allow the property, located west of Superior Avenue and 600' north of Gulf Gate Drive, Sarasota County, Florida, to allow indoor entertainment after 10:00 pm, 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 16th day of December, 2004, to consider said Special Exception Petition No. 1604, and

**WHEREAS**, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1604 be granted, and

**WHEREAS**, this Board, after due public notice, did on the 25th day of January, 2005, 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. 1604 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 proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
5. The proposed use is compatible with the existing land use pattern and designated future uses;

6. There are 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;

7. 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;

8. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;

9. The subject parcel is adequate in shape and size to accommodate the proposed use; and

10. 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. 1604 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: West of Superior Avenue and 600' north of Gulf Gate Drive, being more particularly described as follows: Lots 8 and 9, Block 4, Gulf Gate, Unit 2.

and the same is hereby approved for 1604, 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 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.
2. Development shall take place in substantial accordance with the Development Concept Plan date stamped November 17, 2004.

3. The decibel level of live entertainment or recorded music played indoors in the nightclub shall not exceed 75 dba or 85 dbc measured at the property line.
4. Live entertainment 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.
5. There shall be no indoor live entertainment between 2:00 a.m. and 10:00 a.m.

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

PASSED AND DULY ADOPTED this 25<sup>th</sup> day of January, 2005.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By

Gene A. Meccia  
Chair

ATTEST:

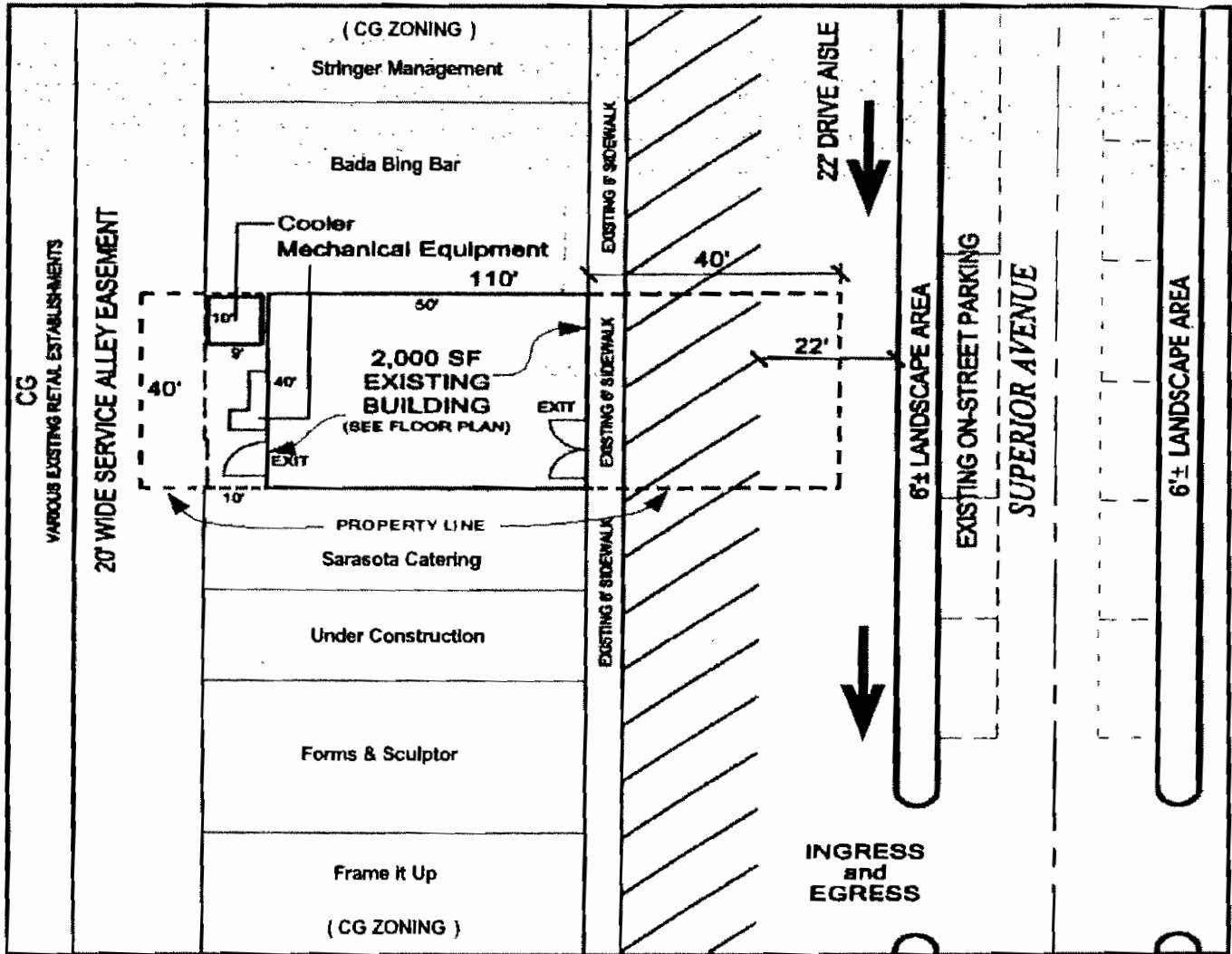
KAREN E. RUSHING, Clerk  
of Circuit Court and ex officio  
Clerk of the Board of County  
Commissioners of Sarasota  
County, Florida.

By

Paula J. Clements  
Deputy Clerk

# MAP SERIES/CONCEPT PLAN

INSTRUMENT # 2005020800  
5 PGS



THIS DOCUMENT RECEIVED BY:  
PLANNING AND DEVELOPMENT SERVICES  
NOVEMBER 17, 2004

SE-1604

R2005-025