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Please record and return to: ~~(Via Inter-Office Mail)~~
Susan Carleton, Administrative Coordinator
Planning Services
1660 Ringling Blvd., 1st Floor
Sarasota, FL 34236

Charge to: Planning Services
Account# 51800100500489

**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 Curtis Hare, and described in Resolution No. 2006-043 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. 1624 filed by Scott Lincoln, Agent, and granted by Sarasota County on February 21, 2006, 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. 2006-043, attached hereto)

Crystal Allred, Acting Manager
Planning Services

**STATE OF FLORIDA
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Crystal Allred, Acting 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 she acknowledged before me that she executed the same.

29th Witness my hand and official seal at Sarasota County, Florida, this day of June, 2006.



Cynthia A. Kusner
Commission #DD508088
Expires: May 22, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Notary Public
State of Florida at Large

This instrument prepared by: sfc

RECEIVED

FEB 27 2006

RESOLUTION NO. 2006-043 *By Sarasota County Planning*
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1624

WHEREAS, Scott Lincoln, Agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1624 requesting that a special exception be granted to allow the property, located south of US 41 and east of Jacaranda Boulevard to allow a Fast Food Restaurant with Outdoor Dining and Extended Hours of Operation 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 first day of December, 2005, to consider said Special Exception Petition No. 1624, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1624 be granted, and

WHEREAS, this Board, after due public notice, did on the twenty-first day of February, 2006, 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. 1624 does make the following findings:

1. The proposed use is consistent with the intent, goals, objectives, policies, guiding principles and programs of the Comprehensive Plan;
2. The proposed use is compatible with the existing land use pattern and designated future uses;
3. 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;
4. 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

BOARD RECORDS
FILED FOR RECORD

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LEWIS PUSZ
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

relation to the neighborhood or other adjacent uses;

5. The proposed use will be adequately buffered to effectively separate traffic, visual impact and noise from existing or intended nearby uses;
6. The subject parcel is adequate in shape and size to accommodate the proposed use;
7. The ingress and egress to the subject parcel and internal circulation will not adversely affect traffic flow, safety or control; and
8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1624 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

South of US 41 and east of Jacaranda Boulevard, being more particularly described as follows: **That portion of the following Parent Tract (Original Parent Tract):** COM AT NE COR OF SEC 34-39-19 TH S-89-57-38-W 1762.01 FT TH S-0-02-22-E 156.19 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-0-21-42-W 213.99 FT TH S-89-37-54-E 360.43 FT TH N-0-21-42-E 223.13 FT TO POB; **Fast Food/Sonic Drive-In Parcel (Pertaining to Amended SE # 1576):** COM AT NE COR OF SEC 34-39-19 TH S-89-57-38-W 1762.01 FT TH S-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; **Less out that western portion of the above described parcel of land described as follows:** Commence at the Northeast corner of Section 34, Township 39 South, Range 19 East, Sarasota County, Florida; Thence S.89°57'38"W., along the North line of said Section 34, a distance of 1762.10'; thence S.00°02'22"E., perpendicular to said North line of Section 34, a distance of 156.19' to a point on the South right-of-way line of U.S. Highway No. 41 (State Road No. 45), as shown on State of Florida, State Road Department, Right-of-Way Map Section No. 10710-2508, Sheet 12, dated 12-11-73 and last revised 8-19-92; thence N.89°38'22"W., along said South Right-of-Way line, a distance of 632.24' to the POINT OF BEGINNING; Thence continue N.89°38'22"W., along said South Right-of-Way line, a distance of 42.13'; thence S.00°21'42"W., leaving said South Right-of-Way line a distance of 185.15'; thence continue S.29°37'54"E., a distance of 23.02'; thence continue S.00°21'42"W., a distance of 18.01' to a point on the North line of a Private Drive Easement, recorded in Official Records Book 3049, at Page 1785, Public Records of Sarasota County, Florida; thence S.89°37'54"E., along said North line of a Private Drive Easement, a distance of 30.62'; thence

N.00°21'42"E., leaving the North Line of said Private Drive Easement, a distance of 223.11' to the POINT OF BEGINNING.

and the same is hereby approved to allow a Fast Food Restaurant with Outdoor Dining and Extended Hours of Operation in a CG (Commercial General) zone district, 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 occur in substantial accordance with the Development Concept Plan date stamped May 31, 2005, and attached hereto as Exhibit "A." This does not imply or confer any variance from applicable zoning or land development regulations.
2. Development of the subject parcel shall be in accordance with Ordinance No. 94-089, as applicable.
3. 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.
4. 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.).
5. Within ninety days of the transfer of ownership of the out parcel the current owners of the Sonic Restaurant shall add seven (7) oak trees on the Sonic property east of the parking lot, remove the existing retaining wall along the east side of the parking lot, and each oak tree shall meet the requirements of Section 7.3.3.h.1. of the Zoning Ordinance.

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

PASSED AND DULY ADOPTED this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By *David R. Miller*
Chair

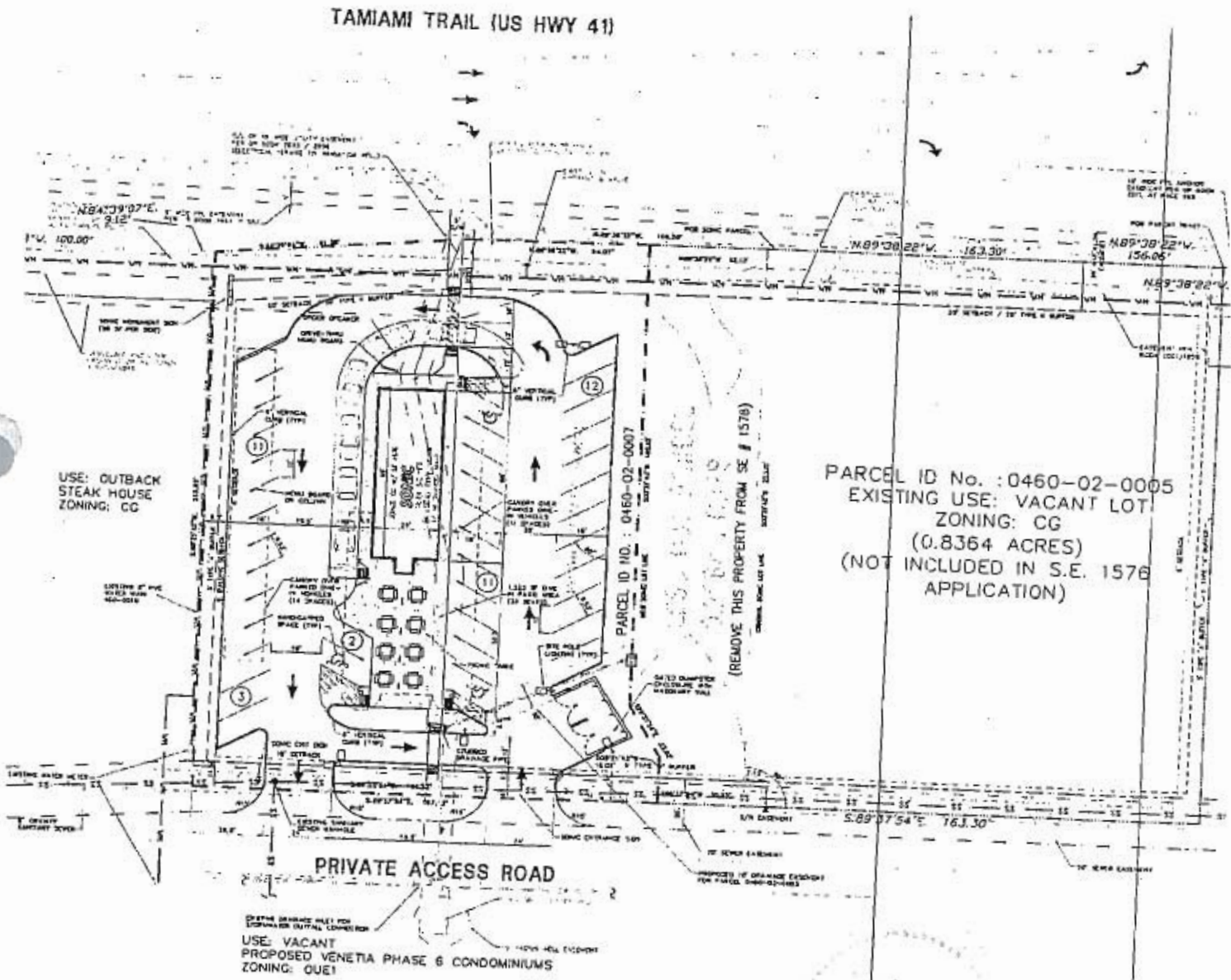
ATTEST:

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

By *Jicia Hanger*
Deputy Clerk

EXHIBIT A

DEVELOPMENT CONCEPT PLAN



This document received by
Planning Services on May 31, 2005

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 2/24/06
KAREN L. MUSHING, CLERK OF THE CIRCUIT COURT
IN AND FOR THE COUNTY OF SARASOTA, FLORIDA
BY [Signature]
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R2006-043