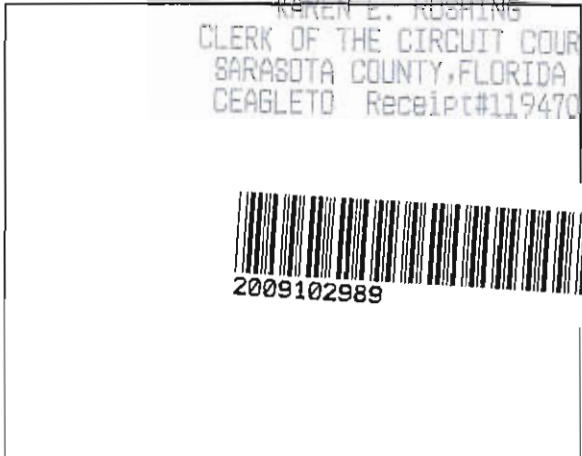


RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2009102989 5 PGS
2009 AUG 19 04:37 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEABLETO Receipt#1194704

Please record and return to: **(Via Inter-Office Mail)**
Carol McConway, Administrative Specialist
Planning Services
1660 Ringling Boulevard
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 east of Gateway Avenue and approximately 100 feet south of Mall Drive in Sarasota County, Florida, owned by Richard G. Rudiger, and described in Resolution No. 2009-125 attached hereto, to allow entertainment in a completely enclosed building after 10 p.m. in a CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1678 filed by Joshua Chester, Agent, and granted by Sarasota County on June 10, 2009, 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. 2009-125, attached hereto)


Tate Taylor, Principal Planner II

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Principal Planner II, 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 14th day of August, 2009.




Notary Public
State of Florida at Large

This instrument prepared by: cm

RESOLUTION NO. 2009-125
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1678

WHEREAS, Joshua Chester, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1678 requesting that a special exception be granted to allow the property, located east of Gateway Avenue and approximately 100 feet south of Mall Drive, Sarasota County, Florida, to allow entertainment in a completely enclosed building after 10 p.m. 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 16th day of April, 2009, to consider said Special Exception Petition No. 1678; and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1678 be granted, and

WHEREAS, this Board, after due public notice, did on the 10th day of June, 2009, 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. 1678 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 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.

BOARD RECORDS
FILED FOR RECORD
KELLY BUSHONG
CLERK OF COUNTY COURT
SARASOTA COUNTY FL
APR 15 2009 5:51

A-7000 175

8. The subject property is adequate to accommodate the height and mass of any proposed structure(s).

B. Special Exception Petition No. 1678 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

EAST OF GATEWAY AVENUE AND APPROXIMATELY 100 FEET
SOUTH OF MALL DRIVE AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

LOTS 51,52,53,54,55,56,57 BLOCK 4, GULF GATE SUBDIVISION,
UNIT 2, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK
16, PAGE 11, OF THE PUBLIC RECORDS OF SARASOTA COUNTY,
FLORIDA,

and the same is hereby approved for Special Exception Petition No. 1678, 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 accordance with the Development Concept Plan date stamped Dec. 16, 2008.

2. There shall be no entertainment in or on the subject parcel between 2:00 am and 10:00 am.

3 From 10:00 pm until closing on nights when entertainment is provided, the two northern most doors will be locked from the outside precluding entrance and will be signed "Emergency Exit Only". Latching devices on these doors are to be released by panic hardware or fire exit hardware. The applicant will coordinate with the Fire Prevention Division prior to modifying any doors.

4. From 10:00 pm until closing, 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. Upon notification by the Zoning Administrator that violations of Chapter 54, Article VI of the Sarasota County Code, Noise Pollution, or any violations of the conditions of this Special Exception or the Zoning Code have occurred at this property, the Board may schedule a hearing to determine whether to modify or revoke the provisions of this Special Exception pursuant to the provisions of Section 3.16.11 of the Zoning Code.

6. No speaker located outside of the building may be used at any time.

7. From 10:00 pm until closing on nights when entertainment is provided, all doors and windows shall remain closed except for normal ingress and egress.

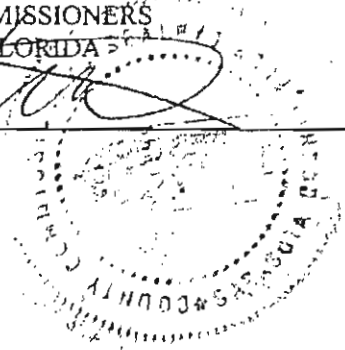
C. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 10th day of June, 2009.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: 

Chair



ATTEST:

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

By: 

Deputy Clerk

