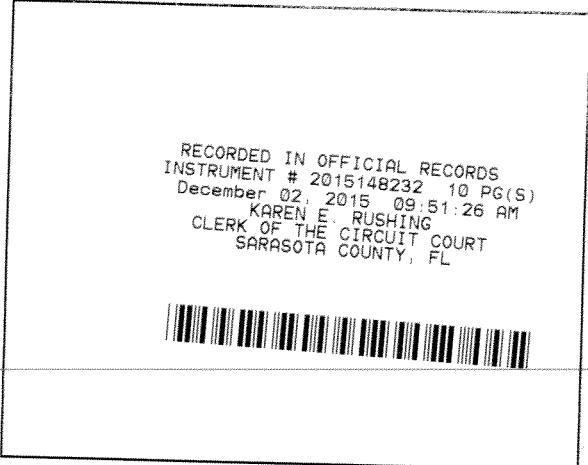


Please record and return to: (Via Inter-Office Mail)  
Cynthia Spraggins, Administrative Specialist  
Planning Services  
1660 Ringling Boulevard  
Sarasota, FL 34236

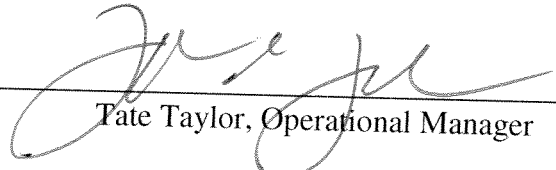
Customer ID# 5223  
Charge to: Planning Services  
Account# 51810000500489



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

The following property, located south of Fruitville Road, east of East Road, in Sarasota County, Florida, owned by Mr. Steven Stottlemeyer and described in Resolution No. 2015-187 attached hereto. To allow outdoor entertainment in a CN (Commercial, Neighborhood) zone district, pursuant to Special Exception Petition No. 1737, filed by Brian Lichterman PA, Agent and granted by Sarasota County Commission on September 22, 2015, is subject to the following stipulations and limitations, violations of which shall constitute a violation of the Sarasota County Zoning Code:

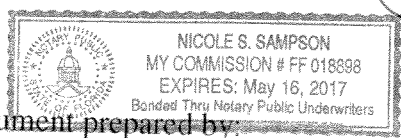
(Stipulations and limitations are those described in Section B of Resolution No. 2015-187 attached hereto )

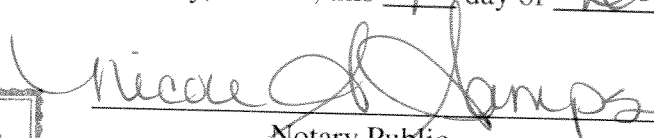
  
\_\_\_\_\_  
Tate Taylor, Operational Manager

**STATE OF FLORIDA  
COUNTY OF SARASOTA**

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Operational Manager, 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 1 day of Dec, 2015.



  
\_\_\_\_\_  
Notary Public  
State of Florida at Large

This instrument prepared by  
CMS

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RESOLUTION NO. 2015- 187  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA  
SPECIAL EXCEPTION PETITION NO. 1737

WHEREAS, Brian Lichterman, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1737 requesting Outdoor Entertainment, located south of Fruitville Road, east of East Road, Sarasota County, Florida, in CN (Commercial, Neighborhood) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 22nd day of September, 2015, to consider said Special Exception Petition No. 1737, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1737 be approved, and

WHEREAS, this Board, after due public notice, did on the 22nd day of September, 2015, hold a public hearing to consider said special exception petition, the recommendation of the Planning Commission and all matters relevant to said petition, and

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. 1737 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.

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

B. Special Exception Petition No.1737 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

South of Fruitville Road, east of East Road, Sarasota, and being more particularly described as follows:

THAT PART OF LOT 15, PALMER FARMS 5TH UNIT, A SUBDIVISION IN SECTIONS 20, 29, AND 32, TOWNSHIP 36 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA, AS PER THE RECORD PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS;

COMMENCE AT A 5/8" IRON ROD WITH PLASTIC CAP STAMPED A M ENG LB 4334 FOUND AT THE SE CORNER OF SAID LOT 15; THENCE ALONG THE SOUTH LINE OF SAID LOT 15, N.88°15'52"W., 325.00 FEET TO A NAIL WITH 2" ALUMINUM DISK STAMPED PCP PLS 4521 FOUND AT THE SW CORNER OF SAID LOT 15; THENCE ALONG THE WEST LINE OF SAID LOT 15, N.00°21'33"E., 542.97 FEET FOR A POINT OF BEGINNING OF LAND BEING DESCRIBED; THENCE CONTINUE ALONG SAID WEST LINE N.00°21'33"E., 495.41 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF EAST ROAD AS CONVEYED TO SARASOTA COUNTY IN OFFICIAL RECORDS BOOK 2877, PAGE 405, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE ALONG SAID RIGHT OF WAY LINE S.88°15'52"E., 5.00 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE, N.00°21'33"E., 159.57 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF FRUITVILLE ROAD AS CONVEYED TO SARASOTA COUNTY SAID OFFICIAL RECORDS BOOK 2877, PAGE 405 (SAID LINE ALSO BEING 65.00 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF SURVEY FOR FORMER STATE ROAD 780, SECTION 17040-

2503); THENCE ALONG SAID LINE S.88°15'26"E., 197.43 FEET TO THE BEGINNING OF A TANGENTIAL CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 5794.58 FEET AND A DELTA ANGLE OF 01°09'40", WHOSE CHORD BEARS S.88°50'16"E.; THENCE ALONG SAID CURVE EASTERLY AND IN A CLOCKWISE DIRECTION, 117.43 FEET; THENCE TANGENT TO THE LAST CURVE, S.89°25'06"E., 5.15 FEET TO THE EAST LINE OF SAID LOT 15; THENCE ALONG SAID EAST LINE, S.00°21'37"W., 656.24 FEET; THENCE N.88°15'52"W., 325.01 FEET TO THE POINT OF BEGINNING.

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LESS A 5.00 FEET WIDE STRIP OF LAND FOR ADDITIONAL RIGHT OF WAY TO SARASOTA COUNTY PER OFFICIAL RECORDS INSTRUMENT #2004069990, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA.

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SUBJECT TO OTHER EASEMENTS, RESTRICTIONS, AND/OR RIGHTS OF WAY OF RECORD, IF ANY.

and the same is hereby approved for Special Exception Petition No. 1737, 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 Received April 14, 2015, and attached hereto as Exhibit "A", except as necessary to comply with the stipulations herein. This does not imply or confer any variances from applicable zoning or land development regulations.
2. The outdoor entertainment and any amplification thereof shall be limited to the 252 square foot venue for performance as shown on the Development Concept Plan, date stamped Received April 14, 2015. The venue shall be a thatched roof tiki-style structure.
3. If Site and Development review is required, the Master Surface Water Management Plan shall be consistent with the Phillippi Creek Basin Master Plan.
4. The applicant shall submit a revised landscape plan (signed/certified by a Florida Landscape Architect) to Land Development Services for review and subsequent approval for additional landscaping to ensure compliance with the landscaping shown on the binding Development Concept Plan (DCP), date-stamped Received April 14, 2015. The landscaping shall be

installed, inspected, and approved by Sarasota County prior to commencement of outdoor entertainment.

5. Hours of outdoor entertainment shall be limited to Sunday through Thursday from 11:00 am to 10:00 pm and Friday and Saturday from 11:00 am to 11:00 pm.
6. The Owner is hereby notified that in the event of any of the violations set forth in Subsection 3.16.11 of the Zoning Regulations, the Board of County Commissioners may initiate a public hearing to modify or revoke this Special Exception through the process set forth in that Subsection.

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7. Owner agrees to continuously use the Extech Sound Alarm System or better technology, to ensure there is an empirical method of controlling sound at the property lines to ensure compliance with the County Noise Ordinance, as may be amended from time to time.

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8. Owner agrees to continuously have under contract a professional sound installation company who will ensure proper placement of all speakers including wall speakers so they are directed only towards interior areas of the restaurant and oriented to ensure sound energy is maximized to stay within the interior areas of the restaurant.
9. Owner agrees all contracts created between Stottlemeyer Smokehouse and any live performers at the restaurant shall contain language requiring performers agree to keep all sound levels at or below the Sarasota County Noise Ordinance, as may be amended from time to time.
10. Owner agrees to expediently resolve any noise complaints or any other issue from any residential property owner prior to 09/22/15 living within ½ mile of the site (including all residents of Shannon Road). With respect to any noise issue, upon being notified, the Owner agrees to contact the Sarasota County Noise Control Officer and contracted professional sound installation company to work with any neighbor to make any adjustments, if any, to the equipment or to employ any other methods to mitigate sounds from Stottlemeyer's Smokehouse Restaurant.

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

PASSED AND DULY ADOPTED this 22 day of September,  
2015.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

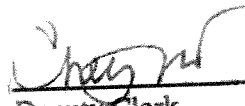
By:

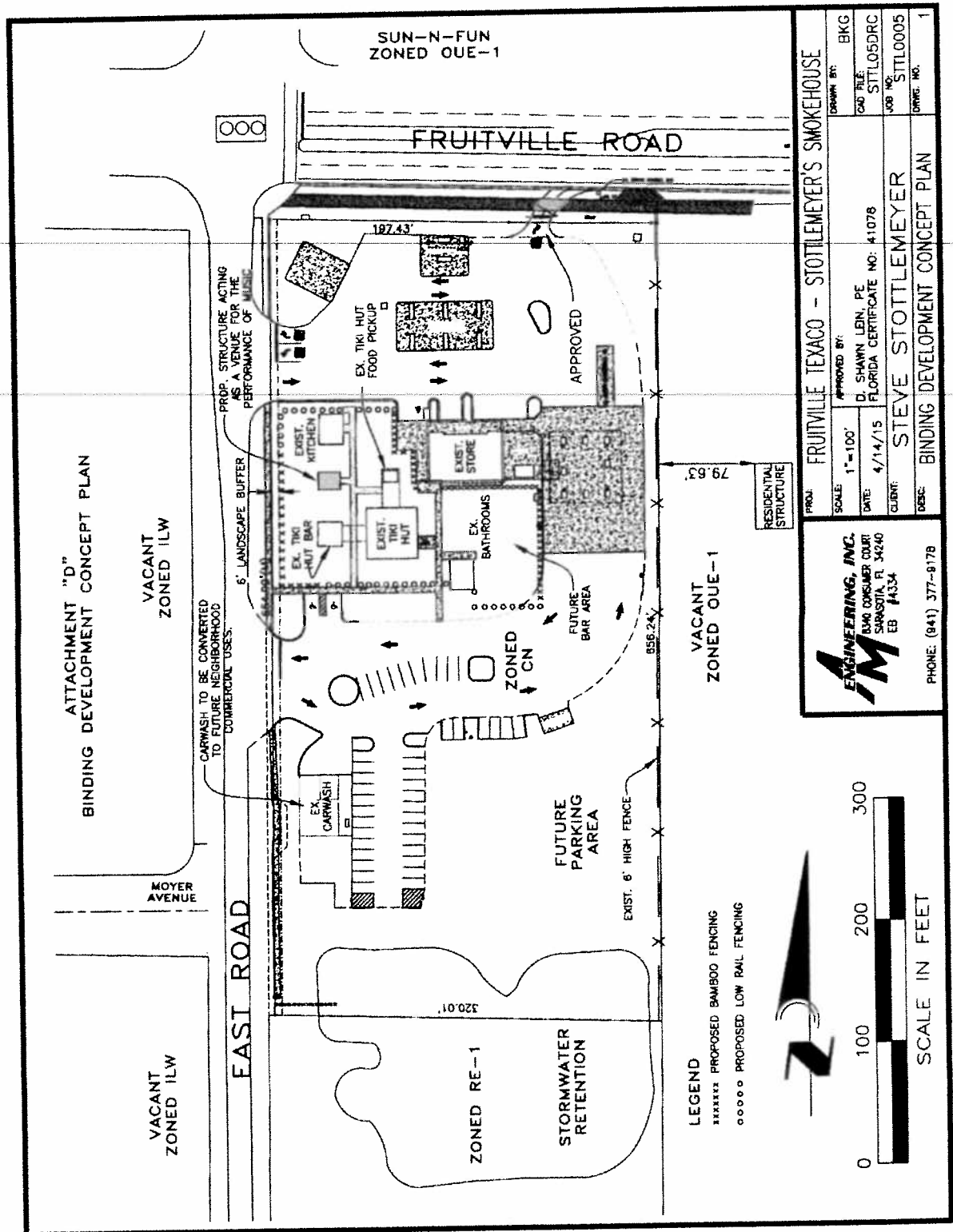
  
Vice Chairman

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



PROJECT:	FRUITVILLE TEXACO - STOTTEMEYER'S SMOKEHOUSE
SCALE:	1"=100'
DATE:	4/14/15
CLIENT:	STEVE STOTTEMEYER
DESIGNER:	BINDING DEVELOPMENT CONCEPT PLAN
APPROVED BY:	D. SHAWN LEIN, PE FLORIDA CERTIFICATE NO: 41078
DRAWN BY:	BKG
CAD FILE:	STTL050RDC
JOB NO.:	STTL0005
DWG. NO.:	1

**ENGINEERING, INC.**  
 AIAA CONSULTING  
 SARASOTA, FL 34240  
 EB 14334

PHONE: (941) 377-9178



SITE DATA:

PROPERTY ADDRESS:  
 19 EAST ROAD  
 SARASOTA, FLORIDA 34240

TOTAL SITE AREA:  
 4.85 ACRES±

PID NUMBERS:  
 0217-11-0004, 0217-11-0008, 0217-11-0013

EXISTING ZONING:  
 CN (COMMERCIAL NEIGHBORHOOD)  
 OUE-1 (OPEN USE ESTATE - 1 UNIT PER 1 ACRE)

FUTURE LAND USE:  
 THE FUTURE LAND USE MAP DESIGNATES THIS PARCEL  
 SEMI RURAL AND IT IS CONSIDERED A COMMERCIAL  
 ENCLAVE

PROPOSED SPECIAL EXCEPTION:  
 REQUEST TO ALLOW OUTDOOR ENTERTAINMENT IN THE CN DISTRICT

FLOOD ZONE:  
 FLOOD ZONE "C" PER FEMA MAP 125144 0160 D  
 DATED: MAY 1, 1984

EXISTING USE:  
 GAS STATION/CAR WASH/STORMWATER POND/RESTAURANT

PROPOSED USE:  
 STOTTLEMEYER'S SMOKEHOUSE RESTAURANT

UTILITIES:  
 WATER - WELL  
 SEWER - SARASOTA COUNTY

SURROUNDING LAND USE:  
 NORTH: SUN-N-FUN RESORT  
 SOUTH: SINGLE FAMILY HOME  
 EAST: SINGLE FAMILY HOME/AGRICULTURAL LANDS  
 WEST: VACANT ILW ZONED LANDS

SURROUNDING ZONING:  
 NORTH: OUE-1  
 SOUTH: RE-1  
 EAST: OUE-1  
 WEST: ILW

HABITAT: NONE - DEVELOPED FEATURES

ROADWAYS:  
 PUBLIC ROADWAYS

PARKING SPACES:  
 EXISTING PARKING:  
 8 STANDARD SPACES (9'X18')  
 2 HANDICAP SPACES (12'X18')


PROPOSED PARKING:  
 42 STANDARD SPACES (9'X18')  
 2 HANDICAP SPACES (12'X18')

TOTAL 50 STANDARD SPACES AND 4 HANDICAP SPACES

OPEN SPACE:  
 REQUIRED: NA  
 PROVIDED: 2.24± Ac.

BUILDING COVERAGE:  
 TOTAL LOT S.F.: 211,266.85 (4.85± Ac.)  
 EXISTING BLDG.: 9,720.34 S.F.  
 BLDG. COVERAGE: 4.60%

BUILDING HEIGHT: MAXIMUM PERMITTED IN CN ZONING: 25'

 <p>ENGINEERING, INC.                  1500 DORRIS COURT                  SARASOTA, FL 34240                  EB #4334                  PHONE: (941) 377-9178</p>		PROJ: FRUITVILLE TEXACO - STOTTLEMEYER'S SMOKEHOUSE DRAWN BY: BKJ
SCALE: 1"=100' DATE: 4/10/15	APPROVED BY: D. SIMAWN LEIN, PE FLORIDA CERTIFICATE NO: 41078	CAD FILE: ST1105DRC JOB NO: ST110005 DWG. NO: 1
CLIENT: STEVE STOTTLEMEYER SITE DATA		

R2015-187



EXHIBIT "A"  
Received April 14, 2015

KEY	SCIENTIFIC NAME	MATERIALS LIST:	COMMON NAME	SPECIFICATION
LLC	LANTANA SPP. 'CAMARA'		YELLOW LANTANA	1 GALLON, FULL
JL	JATROPHA INTERGERIMO		JATROPHA	7 GALLON, MATCHING IN SIZE
PSF	PLUMERIA SPP		FRANGIPANI	7 GALLON, FULL
CL	CHRYSALIDOCARPUS LUTESCENS		ARECA PALM	7 GALLON, FULL
RE	RAPHIS EXCELSA		RAPHIS PALM	7 GALLON, SPECIMEN
HRS	HIBISCUS RS PINK LA FRANCE STD.		TREE HIBISCUS	3 GALLON, FULL
DW	DRACAENA WARNECKI		VAR. DRACAENA	3 GALLON, FULL
CE	CHAMADOREA ELEGANS		RAMBOLD PALM	3 GALLON, FULL
AEE	ARAILIA ELEGATISSIMUM		FALSE ARAILIA	3 GALLON, FULL
ASDV	ALPHINIA DW. VAR.		VAR. DW. GINGER	3 GALLON, FULL
PC	PLUMBAGO CAPENSIS 'BLUE IMPERIAL'		BLUE PLUMBAGO	3 GALLON, FULL
BDV	BOUGAINVILLEA DW. VAR.		DWF. VAR. BOUGAINVILLEA	3 GALLON, FULL
PS	PHILODENDROM SELLOUM		SEFL. HEADING PHILODENDRON	3 GALLON, FULL
ICN	IXORA CHININSIS 'NORA GRANT'		NORA GRANT IXORA	3 GALLON, FULL
RIDP	RAPHILOPES INDICA DW. PINK		DWF. INDIAN HAWTHORNE	3 GALLON, FULL
ZP	ZAMIA PUMILA		COONTIE	2 GALLON, FULL
DM	DRACAENA MARGINATA		DRACAENA	3 GALLON, FULL
SV	SHEFFLERA ARBORCOLA VAR. DW.		DWF. VAR. SHEFFLERA	3 GALLON, FULL
ICR	IXORA COCCINEA DW. RED		DWF. FLAME OF THE WOODS	3 GALLON, FULL
DGM	DURANTA GOLD MOUND		GOLD MOUND	3 GALLON, FULL
SN	STRELITZIA NICOLI		BIRD OF PARADISE	3 GALLON, FULL
PX	PHILODENDRON XANADU		DWARF PHILODENDRON	3 GALLON, FULL
NE	NEPHROLEPS EXALTA		BOSTON FERN	1 GALLON, FULL
CT	CORDYLINE TERMINALIS		HAWAIIAN TI PLANT	3 GALLON, FULL
CVP	CODIAEUM VAR. GEORGIA		CROTON	3 GALLON, FULL
DTV	DIANELLA TASMANICA		FLAX LILY	1 GALLON, FULL
CVG	CODIAEUM VAR. GEORGIA		GEORGIA CROTON	3 GALLON, FULL
SPP	SCINDAPSUS PICTUS		POTHOS	1 GALLON, FULL
CSC	CRINUM SPP		CRINUM LILY	3 GALLON, FULL
ZPJ	ZERBRINA PENDULA		WANDERING JEW	1 GALLON, FULL
AN	ASPLENIUM NIDUS		BIRDSNEST FERN	3 GALLON, FULL
ZF	ZAMIA FUREURAE		CARDBOARD PALM	3 GALLON, FULL
HRDW	HIBISCUS ROSA SINENSIS DBL. WHITE		ROSE OF SHARON	3 GALLON, FULL
SP	SABAL PALMETTO		CABBAGE PALM	VARIOUS HEIGHTS, B&B
LIN	LAGERSTROEMIA INDICA 'NATCHEZ'		CREPE MYRTLE	1 GALLON, FULL
AE	ASPIDISTRA ELATIOR		CAST IRON PLANT	1 GALLON, FULL
LMVG	LIRIOPE MUSCARI VAR. GIANT		GIANT VAR. LIRIOPE	1 GALLON, FULL
CF	CYTROTOMIUM FALCATUM		HOLLY FERN	1 GALLON, FULL

**FRANKIE TEXACO - STUTTMEYER'S SURGHOUSE**

APPROVED BY: **D. SHAWN LEIN, PE**  
FLORIDA CERTIFICATE NO: 41078

DATE: 4/08/15

CLIENT: **STEVE STUTTMEYER**

PROJECT NO: 51TL0005

DATE: 10/15

PHONE: (841) 377-9178

PLANTINGS LEGEND

R2015-187

