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2010 MAR 25 12:42 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
CEASLETO Receipt#1261477



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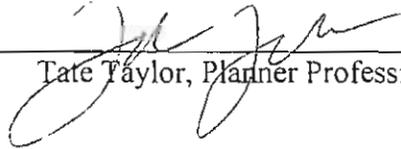
Please record and return to: **(Via Inter-Office Mail)**
Carol McConway, Administrative Specialist
Planning Services
1660 Ringling Boulevard
Sarasota, FL 34236

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 west of U.S. 41 and approximately ¼ mile north of Blackburn Point Road in Sarasota County, Florida, owned by Douglas J. Clarke and Teresa Clarke, and described in Resolution No. 2010-035 attached hereto, to allow entertainment after 10:00 p.m. in a CG (Commercial, General) zone district, pursuant to Special Exception Petition No. 1688 filed by Brian Lichterman, Agent, and granted by Sarasota County on March 16, 2010, 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. 2010-035, attached hereto)


Tate Taylor, Planner Professional

STATE OF FLORIDA
COUNTY OF SARASOTA

Before me, the undersigned Notary Public, personally appeared Tate Taylor, Planner Professional, 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 23rd day of March, 2010.




Notary Public
State of Florida at Large

This instrument prepared by:
cm

RESOLUTION NO. 2010-035
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA
SPECIAL EXCEPTION NO. 1688

WHEREAS, Brian Lichterman, agent for the owner of the hereinafter described real property has filed Special Exception Petition No. 1688 requesting that a special exception be granted to permit entertainment after 10:00 p.m., located West of U.S. 41 and approximately ¼ mile north of Blackburn Point Road, Sarasota County, Florida, in an CG (Commercial, General) zone district; and

WHEREAS, the Planning Commission of Sarasota County, after due public notice, did hold a public hearing on the 4th day of February, 2010, to consider said Special Exception Petition No. 1688, and

WHEREAS, the said Planning Commission did submit and report its findings and recommendations to this Board that said Special Exception Petition No. 1688 be granted, and

WHEREAS, this Board, after due public notice, did on the 16th day of March, 2010, 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. 1688 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. 1688 is hereby granted for the following described property, said property being in Sarasota County, Florida, to-wit:

West of U.S. 41 and approximately ¼ mile north of Blackburn Point Road and being more particularly described as follows:

The North 138.18 feet of the East 325 feet of Lot 64, LESS that part thereof taken by the State of Florida for road right-of-way, SARABAY Acres, as per Plat thereof recorded in Plat Book 4, Page 62, Public Records of Sarasota County, Florida.

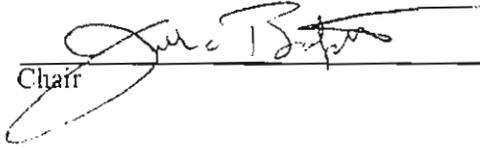
and the same is hereby approved for Special Exception 1688, subject to the stipulations as set forth below. As used in the stipulations hereinafter set forth, the term "Owner" shall refer to the owner or owners of the property described in Section B and their successors and assigns. Upon recording in the public records of Sarasota County, these stipulations shall be covenants running with the land.

1. Development shall be in substantial accordance with the Development Concept Plan, date stamped September 18, 2009, 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. 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.
3. No entertainment or any other sound may be broadcast from speakers outside of the building. For the purpose of this stipulation outside shall mean all areas outside of the completely enclosed building on the subject property.
4. The front doors must remain closed, while live entertainment is occurring, after 10pm, except for ingress and egress.
5. Customer ingress and egress doors shall be located on the eastern side of the building and oriented to U.S. 41.

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

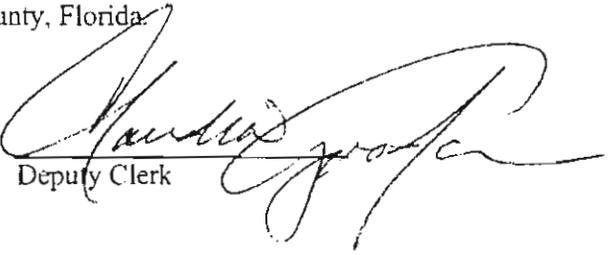
PASSED AND DULY ADOPTED this 16th day of MARCH, 2010.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: 
Chair

ATTEST:

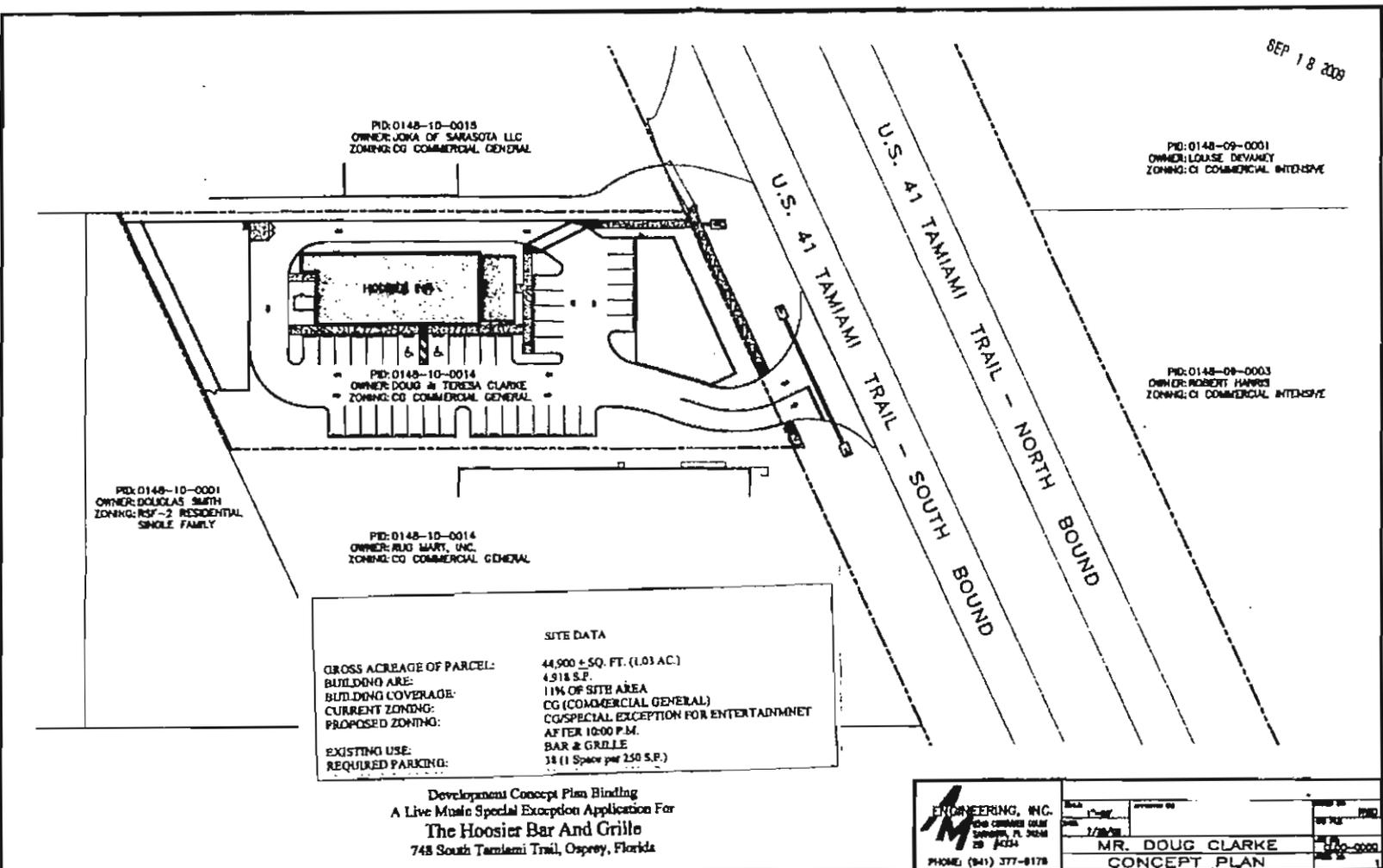
KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By: 
Deputy Clerk

R2010-035

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SEP 18 2008



PID: 0148-10-0015
 OWNER: JONA OF SARASOTA LLC
 ZONING: CG COMMERCIAL GENERAL

PID: 0148-09-0001
 OWNER: LOUISE DEVANEY
 ZONING: CI COMMERCIAL INTERMEDIATE

PID: 0148-10-0014
 OWNER: DOUG & TERESA CLARKE
 ZONING: CG COMMERCIAL GENERAL

PID: 0148-09-0003
 OWNER: ROBERT HARRIS
 ZONING: CI COMMERCIAL INTERMEDIATE

PID: 0148-10-0001
 OWNER: DOUGLAS SMITH
 ZONING: RSF-2 RESIDENTIAL SINGLE FAMILY

PID: 0148-10-0014
 OWNER: RUG MART, INC.
 ZONING: CG COMMERCIAL GENERAL

SITE DATA	
GROSS ACREAGE OF PARCEL:	44,900 ± SQ. FT. (1.03 AC.)
BUILDING AREA:	4,918 S.F.
BUILDING COVERAGE:	11% OF SITE AREA
CURRENT ZONING:	CG (COMMERCIAL GENERAL)
PROPOSED ZONING:	CG/SPECIAL EXCEPTION FOR ENTERTAINMENT AFTER 10:00 P.M.
EXISTING USE:	BAR & GRILLE
REQUIRED PARKING:	14 (1 Space per 250 S.F.)

Development Concept Plan Binding
 A Live Music Special Exception Application For
The Hoosier Bar And Grille
 748 South Tamiami Trail, Osprey, Florida

<p>A.M. ENGINEERING, INC. 4540 CAMDEN BLVD OSPREY, FL 33558 813-833-1434 PHONE: (813) 377-8178</p>	Date: 7/20/08 Project No: 08-0001 Scale: 1/8" = 1'-0"	Sheet No: 1 Of 1
	MR. DOUG CLARKE CONCEPT PLAN	
	PID: 0148-10-0014	

Exhibit A