

MANATEE COUNTY ZONING ORDINANCE
PDMU-97-05(Z)(P) - PELLEGRINI/J. P. IGLOO SKATING FACILITY

DEC 31 2 05 PM '97

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 (SUBURBAN AGRICULTURE, 1 DWELLING UNIT PER ACRE) TO PDMU (PLANNED DEVELOPMENT MIXED USE); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 113,500 SQUARE FOOT, 1,200 SEAT SKATING FACILITY, GRANTING SPECIAL APPROVAL (1) TO A PROJECT LOCATED PARTIALLY IN THE MIXED USE FUTURE LAND USE CATEGORY, (2) TO A PROJECT LOCATED IN A DESIGNATED ENTRANCEWAY, AND (3) TO A PROJECT EXCEEDING 50,000 SQUARE FEET IN A MIXED USE CATEGORY.

DEC 26 3 36 AM '97

FILED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of said County, after considering the testimony, evidence, documentation, application for amendment of the Official Zoning Atlas, the recommendation and findings of the Planning Commission of said County, as well as all other matters presented to said Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

A. The Board of County Commissioners has received and considered the report of the Manatee County Planning Commission concerning the application for Official Zoning Atlas Amendment as it relates to the real property described in Section 4 of this Ordinance from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDMU (Planned Development Mixed Use).

B. The said Board of County Commissioners held a public hearing on December 16, 1997 regarding said proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, the Manatee County Land Development Code, and has further considered the information received at said public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.

Section 2. The Preliminary Site Plan is hereby APPROVED to allow a 113,500 square foot, 1,200 seat Skating Facility, granting Special Approval (1) to a project located partially in the Mixed Use Future Land Use Category, (2) to a project located in a designated entranceway, and (3) to a project exceeding 50,000 square feet in a Mixed Use category with the following stipulations and Specific Approval:

STIPULATIONS

1. A 4 foot wide sidewalk shall be provided along the south side of 29th Street East prior to issuance of Certificate of Occupancy.
2. The trees located within the landscape buffer adjacent to 29th Street East shall be a minimum dbh of 3 inches at time of planting.
3. A four foot high continuous berm or wall, measured from the finished floor elevation of the proposed building, shall be provided along the southern right-of-way of 29th Street East from I-75 to the eastern property line.

4. A six (6) foot high berm shall be provided adjacent to I-75, south of 29th Street East, prior to issuance of Certificate of Occupancy.
5. Rooftop mechanical equipment shall not be visible from I-75 or any surrounding property.
6. Signage shall be limited to a 20 foot high pole sign along I-75 and a ground sign along 29th Street East.
7. A cross access easement between this site and the Gulf Coast Factory Outlet mall site shall be recorded prior to issuance of Certificate of Occupancy.
8. The throat lengths of the entrances shall be determined at time of traffic impact study.
9. If the applicant chooses to vacate the segment of 29th Street East south of the proposed retention area, then this vacation shall be completed prior to Certificate of Occupancy.
10. Provided that the County has sufficient right-of-way and facilities for such construction, prior to Certificate of Occupancy for this project, 60th Avenue East shall be extended northward to Mendoza Road and constructed to County Standards as a two lane paved road. To the extent contributions are made by this developer, costs for this improvement shall be fully credited against impact fees, as permitted by Section 806 of the Land Development Code. The developer shall enter into an agreement with Manatee County to address funding amounts for 60th Avenue East to insure that the cost of the improvements borne by the applicant do not exceed transportation impact fee obligations of the project. If the road is under construction, a temporary Certificate of Occupancy may be granted.
11. The Final Landscape Plan shall comply with Section 737.1.3 of the Land Development Code.
12. Twenty-ninth (29th) Street East shall be constructed to County Standards from 60th Avenue East to the westernmost driveway into the site prior to a Certificate of Occupancy.
13. Development of this site shall be in substantial conformance with the elevation drawings submitted into the record.
14. The loading zone and door shall be completely screened from view from I-75.

SPECIFIC APPROVAL

1. Specific Approval for an alternative to Section 710.1.6 of the Land Development Code, Parking Ratios.

Section 3. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County, Ordinance No. 90-01, the Manatee County Land Development Code, is hereby amended by changing the zoning district classification of the property identified in Section 4 herein from A-1 (Suburban Agriculture, 1 dwelling unit per acre) to PDMU (Planned Development Mixed Use), and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Planning Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

SECTION 9 TOWNSHIP 34S RANGE 18E

PARCEL 1 - THE NW 1/4 OF THE SE 1/4 OF THE NW 1/4 AND THE WEST 1/2 OF THE NE 1/4 OF THE SE 1/4 OF THE NW 1/4, SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LESS RAILROAD RIGHT-OF-WAY, LYING EAST OF THE RIGHT-OF-WAY OF I-75, ALSO KNOWN AS SR 93, ALL LYING AND BEING IN MANATEE COUNTY, FLORIDA.

PARCEL 2 - THE SW 1/4 OF THE NE 1/4 OF THE NW 1/4, LESS STRIP OF LAND ALONG THE SOUTH SIDE AMOUNTING TO .67 ACRES SOLD TO THE TAMPA SOUTHERN RAILROAD FOR A RAILROAD RIGHT OF WAY, IN SECTION 9, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS PARCEL CONVEYED TO STATE OF FLORIDA BY DEED RECORDED IN OFFICIAL RECORDS BOOK 887, PAGE 1551, DESCRIBED AS FOLLOWS: THAT PART OF THE SW 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 9, TOWNSHIP 34 S, RANGE 18 E, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE NW CORNER OF SAID SECTION 9, TOWNSHIP 34 S, RANGE 18 E; THENCE S 89 DEGREES 53'21" E FOR A DISTANCE OF 1327.19 FEET ALONG THE NORTH LINE OF SAID SECTION 9; THENCE S 00 DEGREES 37'18" W FOR A DISTANCE OF 627.69 FEET TO POB; THENCE S 89 DEGREES 40'26" E FOR A DISTANCE OF 348.52 FEET; THENCE S 00 DEGREES 39'49" W FOR A DISTANCE OF 603.96 FEET; THENCE N 89 DEGREES 27'52" W FOR A DISTANCE OF 348.08 FEET; THENCE N 00 DEGREES 37'18" E FOR A DISTANCE OF 602.69 FEET TO THE POB.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 16th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Patricia M. Glass
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

By: [Signature]

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. 97-05 adopted by the Board of County Commissioners of said County on the 16th day of December, 1997 this 23rd day of December, 1997, in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
By: [Signature] D.C.

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FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

December 26, 1997

FILED FOR RECORD
R. B. SHORE
CLERK CIRCUIT COURT
MANATEE CO., FLORIDA
Dec 31 2 06 PM '97

Honorable R. B. Shore
Clerk to Board of County Commissioners
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Susan G. Romine, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of December 22, 1997 and certified copy of Manatee County Ordinance No. PDMU-97-05 (Z) (P), which was filed in this office on December 26, 1997.

The duplicate copy showing the filing date is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud" with a small flourish underneath.

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Enclosure