

FILED FOR RECORD
R. B. SHORE

2009 FEB -2 AM 9:50

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

FILED
2009 JUN 22 AM 10:29
MANATEE COUNTY FLORIDA

MANATEE COUNTY ZONING ORDINANCE

PDPI-06-46(Z)(G) – POLICE ATHLETIC LEAGUE (PAL)(DTS #20060276)

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 35.28 ACRES AT THE SOUTHEAST CORNER OF US 41/301 AND 13TH AVENUE EAST, BRADENTON, FROM LM (LIGHT MANUFACTURING), NC-S (NEIGHBORHOOD COMMERCIAL SMALL), AND PDUI (PLANNED DEVELOPMENT URBAN INDUSTRIAL) TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR A NUMBER OF EXISTING USES AND FACILITIES, INCLUDING TWO ELEMENTARY AND ONE MIDDLE CHARTER SCHOOLS, OFFICE FACILITIES FOR COALITION FOR HOMELESS, A HEAD START PRE-SCHOOL, POLICE ATHLETIC LEAGUE STAFF AND OFFICES, AND ATHLETIC FACILITIES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County (“Applicant”) filed an application to rezone approximately 35.28 acres described in Exhibit “A”, attached hereto, (the “property”) from LM (Light Manufacturing), NC-S (Neighborhood Commercial Small), and PDUI (Planned Development Urban Industrial) to the PDPI (Planned Development Public Interest) zoning district; and

WHEREAS, the applicant filed a General Development Plan for a number of existing uses and facilities, including two elementary and one middle charter schools, office facilities for Coalition for Homeless, a Head Start pre-school, Police Athletic League staff and offices, and athletic facilities; and

WHEREAS, Planning staff recommended approval of the rezone and General Development Plan, subject to the stipulations contained in the staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on November 13, 2008 to consider the rezone and the General Development Plan, received the staff recommendation, and considered the criteria for approval in the Manatee County Comprehensive Plan and the Land Development Code; and

WHEREAS, the Manatee County Planning Commission, as the County’s Local Planning Agency, found the applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development

Code and recommended approval of the applications, subject to the stipulations contained in the staff report, and

WHEREAS, after the first of two required public hearing on December 4, 2008, this Ordinance was inappropriately filed with the Office of the Secretary of State, Florida Department of State.

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

Section 1. FINDINGS OF FACT. The recitals set forth above are true and correct and are hereby adopted as findings by the Board of County Commissioners.

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

A. The Board of County Commissioners 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 Exhibit "A" of this Ordinance, from LM (Light Manufacturing), NC-S (Neighborhood Commercial Small), and PDUI (Planned Development Urban Industrial) to the PDPI (Planned Development Public Interest) zoning district.

B. The Board of County Commissioners held duly noticed public hearings on December 4, 2008, and January 8, 2009 regarding the 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 the public hearing.

C. The proposed amendment to the Official Zoning Atlas regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved for a number of existing uses and facilities, including two elementary and one middle charter schools, office facilities for Coalition for Homeless, a Head Start pre-school, Police Athletic League staff and offices, and athletic facilities; subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. If redevelopment of the site exceeds 50% of the existing total square footage, an updated General Development Plan shall be submitted for review and approval.

This Plan shall include all existing and proposed uses and square footage, updated parking, landscaping, and other necessary buffers.

2. On-site circulation patterns shall be clearly marked and signed.
3. All new lighting shall meet the requirements of Section 709 of the Code and be shown on subsequent Final Site Plan submittals.

B. TRANSPORTATION CONDITIONS:

1. Depending on the project impacts, additional right-of-way may be required at time of Final Site Plan approvals.
2. The applicant shall submit a detailed traffic analysis to address impacts of this project at the time of application for concurrency. The applicant was advised that capacity is not reserved at this stage, nor is capacity guaranteed as being available at time of actual development.

C. ENVIRONMENTAL CONDITIONS:

1. Drip lines of all trees to be preserved within 50' of the limits of construction should be depicted on the site plan. The drip lines may be estimated based on 1 foot of radius (out from the trunk in all directions) for every 1 inch dbh (diameter breast height). Note that up to a 15% impact to the drip line may be allowed for a preserved tree. Also, adjustments to improvements may be able to be made to decrease impacts to healthy trees to 15% or less.
2. All trees within areas proposed for construction activities that are to be preserved shall have chainlink protective barricades constructed at their driplines prior to commencement of construction. No improvements, fill, grade changes, or compaction of soil due to heavy machinery will be permitted within the dripline of trees to be preserved, as shown on the approved plans.
3. A Water Well Construction Permit must be obtained prior to construction of any proposed well(s).
4. The continued, phased removal of nuisance and exotic plant species that become reestablished shall continue for the life of the project.

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 Exhibit "A" herein from LM (Light Manufacturing), NC-S (Neighborhood Commercial Small), and PDUI (Planned Development Urban Industrial) to the PDPI (Planned Development Public Interest) zoning district, 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 Official Zoning Atlas.

Section 4. TRUE AND CORRECT ORDINANCE. This Ordinance is the true and valid Ordinance PDPI-06-46(Z)(P), notwithstanding the inappropriate filing of a similarly numbered ordinance after only one of two required public hearings on December 4, 2008.

Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 7. 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 8th day of January, 2009.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

BY: Dr. Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman

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

BY: Susan J. Comuse
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF LOTS 2, 3, 4, 6, 7, 8, 9 AND 10 OF THE PLAT OF PROPERTY OF A P AND J P CURRY SUBD AS REC IN DEED BOOK F PAGE 405 PRMCF BEING MORE PARTICULARLY DESC AS FOLLOWS: BEG AT THE INT OF THE NELY R/W/L OF THE CSX RAILROAD AND THE E R/W OF US 301/US 41 (SECTION 13120-2506); TH ALG SD E R/W THE FOLLOWING TWO COURSES: N 00 DEG 35 MIN 12 SEC W A DIST OF 544.84 FT AND N 44 DEG 59 MIN 22 SEC E A DIST OF 13.97 FT TO THE S MAINTAINED R/W/L OF 13TH ST E; TH ALG SD S MAINTAINED R/W S 89 DEG 26 MIN 04 SEC E A DIST OF 1407.87 FT TO A POINT ON THE E LN OF THAT PARCEL OF LAND DESC IN O.R. 1331 PG. 2031 AS REC IN PRMCF; TH ALG SD E LN AND THE SLY EXT THEREOF S 00 DEG 14 MIN 09 SEC W A DIST OF 445.13 FT; TH S 89 DEG 26 MIN 04 SEC E A DIST OF 146.54 FT; TH S 11 DEG 42 MIN 36 SEC W A DIST OF 1112.45 FT TO THE INT WITH SD NELY R/W/L OF THE CSX RAILROAD; TH ALG SD NELY R/W/L THE FOLLOWING SIX COURSES: (1) THE N 53 DEG 13 MIN 22 SEC W A DIST OF 186.61 FT; (2) TH S 89 DEG 03 MIN 22 SEC E A DIST OF 21.81 FT; (3) THE N 00 DEG 33 MIN 56 SEC E A DIST OF 33.49 FT; (4) TH N 53 DEG 13 MIN 22 SEC W A DIST OF 397.99 FT; (5) TH S 00 DEG 24 MIN 47 SEC W A DIST OF 49.23 FT; (6) TH N 53 DEG 13 MIN 22 SEC W A DIST OF 1104.35 FT TO THE POB. (1552/5908) PI#46332.0000/3



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and correct copy of the documents on file in my office.
Witness my hand and official seal this 20th day of January, 2009
R.B. SHORE
Clerk of Circuit Court
By: [Signature] d.c.



FILED FOR RECORD
R. B. SHORE

2009 FEB -2 AM 9: 50

FLORIDA DEPARTMENT of STATE

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 26, 2009

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 20, 2009 and certified copies of Manatee County Ordinance Nos. PDPI-06-46(Z) (G), PDPI-06-43(Z) (P), PDO/PDC-05-12 (P), PDR-06-27(Z) (P) and 09-13, which were filed in this office on January 22, 2009.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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