

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA

FEB 17 2 03 PM '99

MANATEE COUNTY ZONING ORDINANCE

PDPI 98-03(Z)(G) SCHOOL BOARD OF MANATEE COUNTY (LEE MIDDLE SCHOOL)

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 PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST); PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 160,000 SQ. FT. MIDDLE SCHOOL.

FILED  
99 FEB - 8 PM 2:31  
CLERK OF STATE  
MANATEE COUNTY FLORIDA

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 PDR (Planned Development Residential) to PDPI (Planned Development Public Interest).

B. The Board of County Commissioners held public hearings on January 26, 1999 and February 2, 1999, 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 General Development Plan is hereby APPROVED to allow a 160,000 sq. ft. middle school with the following stipulations:

STIPULATIONS

1. A Hurricane Evacuation Plan for the project, pursuant to Policy 4.4.2.2 of the Comprehensive Plan, shall be approved by EMS prior to Final Site Plan approval.
2. The joint access drive for this project and the Marketplace West development to the east shall be cooperatively designed to serve both uses. The final design shall be approved by the Planning Department at time of Final Site Plan review for the development.

3. All signs must provide concealment of main support structure (e.g. pole) between 20 and 100% of sign width with materials consistent with those in the development. Signage shall not exceed 20 feet in height.
4. A six foot high solid wall shall be provided along the eastern property line, from the northern limits of the retention area to the proposed parking lot.
5. The playfield south of the school building shall not be lit at night. The soccer field, softball field, and multi-purpose courts may be lit. Any lighting provided in these areas shall be directional lighting which limits light spillage onto adjacent properties in compliance with the Land Development Code.
6. The driveway and parking area for the parking area on the southern portion of the site shall be removed prior to Preliminary Site Plan approval.
7. The western driveway on 53<sup>rd</sup> Avenue West shall be limited to right-turn in, right-turn out only. A directional median cut shall be provided on 53<sup>rd</sup> Avenue West to allow left turns into the driveway with a length of 180 feet.
8. Prior to Preliminary Site Plan approval, the School Board shall submit a traffic analysis to determine what on-site and roadway improvements are necessary to obtain a Certificate of Level of Service.
9. Prior to opening the school for students, the intersection of 53<sup>rd</sup> Avenue West and 36<sup>th</sup> Street West shall be signalized. The signal shall be of the mast arm type. The School Board is responsible for the expense of this signal to the full extent allowed by Chapter 235, Florida Statutes.
10. Prior to opening of the school for students, the following improvements at the intersection of 53<sup>rd</sup> Avenue West and the School/Market Place access shall be designed and completed:
  - a. An eastbound right-turn lane with a length of 350 feet.
  - b. A westbound left-turn lane with a length of 400 feet.
  - c. The existing northbound left turn and through lane and exclusive right-turn lane with a length of 300 feet.

The School Board is responsible for the expense of these improvements to the fullest extent allowed by Chapter 235 Florida Statutes.

11. The visitor parking area shall provide 60 stacking spaces for afternoon pick-up of students.
12. Prior to opening of the school for students, a fence or wall, at least 5 feet high, a non-mountable curb, or other design alternative, which is acceptable to the Planning Director shall be provided along 53<sup>rd</sup> Avenue West, between the two drives for the school to insure that no pick up or drop off of students is feasible.

13. With the traffic analysis, the Engineer for the School Board shall evaluate whether a school zone is warranted along 53<sup>rd</sup> Avenue West. If warranted, the School Board shall be responsible for installing appropriate identifying markers at their expense.
14. During the construction of the 4-laning of 53<sup>rd</sup> Avenue West (including sidewalks) by Manatee County, the School Board shall implement a pedestrian safety plan for the students who are required to cross or walk along 53<sup>rd</sup> Avenue West. This may include a requirement for students to be bussed. The pedestrian safety plan shall be approved by the Planning Department prior to Final Site Plan approval.
15. All developed sports fields, not the undeveloped playfields, shall maintain a minimum setback of 500 feet from the eastern property line of the project.
16. Prior to opening of the school for students, landscaping shall be installed in accordance with the requirements of Chapter 235, Florida Statutes.
17. In lieu of the School Board making off-site improvements as set forth in these stipulations, the County and School Board may enter into an interlocal agreement to provide for School Board funding, to the extent allowed by Chapter 235, of such improvements and for the responsibility for construction or installation of these improvements.
18. In order to pursue the goal of completing the four laning of 53<sup>rd</sup> Avenue West prior to the school opening, the School Board and Board of County Commissioners shall coordinate to establish the phasing and extent of construction and installation of off-site road improvements on 53<sup>rd</sup> Avenue West, which may be adjusted and modified pursuant to a Chapter 163 Interlocal Agreement between the School Board and Board of County Commissioners.
19. The site plan submitted at the February 2, 1999 Board of County Commissioners meeting shall be the approved General Development Plan.

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 PDR (Planned Development Residential) to PDPI (Planned Development Public Interest), 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.

FROM THE N.E. CORNER OF THE N.W. 1/4 OF THE N.E. 1/4 OF SECTION 16, TOWNSHIP 35 SOUTH, RANGE 17 EAST, RUN S 00°23'28" W ALONG THE EAST LINE OF SAID N.W. 1/4 OF N.E. 1/4, A DISTANCE OF 86.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF 53<sup>RD</sup> AVENUE WEST, AS DESCRIBED IN O.R. BOOK 662, PAGE 499 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE S 89°32'35" E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 110.00 FEET; THENCE S 00°23'28" W, PARALLEL WITH AND 110.00 FEET EAST OF THE AFORESAID EAST LINE OF N.W. 1/4 OF THE N.E. 1/4, A DISTANCE OF 300.00 FEET; THENCE N 89°32'35" W, PARALLEL WITH AND 300.00 FEET SOUTH OF SAID RIGHT OF WAY LINE, A DISTANCE OF 110.00 FEET TO EAST LINE OF AFORESAID N.W. 1/4 OF THE N.E. 1/4; THENCE S 00°23'28" W ALONG SAID EAST LINE, A DISTANCE OF 1594.33 FEET; THENCE S 48°45'00" W, A DISTANCE OF 1197.07 FEET; THENCE N 19°58'00" W, A DISTANCE OF 496.30 FEET; THENCE N 36°38'00" E, A DISTANCE OF 625.00 FEET; THENCE S 00°26'00" W, A DISTANCE OF 415.00 FEET; THENCE N 59°58'00" E, A DISTANCE OF 519.53 FEET;

THENCE N 00°26'00" E, A DISTANCE OF 231.57 FEET; THENCE N 55°06'00" W, A DISTANCE OF 568.42 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 75°25'18" W, A DISTANCE OF 575.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 14°08'42", A DISTANCE OF 141.95 FEET; THENCE N 00°26'00" E, A DISTANCE OF 31.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°46'00", A DISTANCE OF 216.13 FEET TO THE P.T. OF SAID CURVE; THENCE N 24°20'00" W, A DISTANCE OF 440.98 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 700.00; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°46'00", A DISTANCE OF 302.58 FEET TO THE P.T. OF THE CURVE; THENCE N 00°26'00" E, A DISTANCE OF 244.87 FEET TO THE AFORESAID SOUTH RIGHT OF WAY LINE OF 53<sup>RD</sup> AVENUE WEST; THENCE S 89°32'35" E, A DISTANCE OF 995.00 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 16, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD. CONTAINING 40.48 ACRES, MORE OR LESS.

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 2nd day of February, 1999.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

BY: Stan Stephen  
Chairman

ATTEST: RCB. SHORE  
Clerk of the Circuit Court

[Signature]

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 4<sup>th</sup> day of February, 1999.

R. B. SHORE  
Clerk of Circuit Court  
By: [Signature] D.C.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing  
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF ELECTIONS

February 5, 1999

Honorable R. B. Shore  
Clerk of the Circuit Court and Comptroller  
Manatee County  
Post Office Box 1000  
Bradenton, Florida 34206

FILED FOR RECORD  
R.B. SHORE  
CLERK CIRCUIT COURT  
MANATEE CO. FLORIDA  
FEB 17 2 03 PM '99

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated February 4, 1999 and February 5, 1999 and certified copies of Manatee County Ordinance Nos. PDR-98-19(Z)(P), PDPI-98-03(Z)(G) and 99-03 which were filed in this office on February 8, 1999.

The extra date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/bn

Enclosure