

**MANATEE COUNTY ORDINANCE**  
**PDMU-97-05(P)(R3) – MJ SQUARED LLC/IMAGINE CHARTER SCHOOL**

2007 OCT 22 AM 8:35

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RELATING TO LAND DEVELOPMENT, AMENDING ORDINANCE NO. PDMU-97-05(P)(R2) PERTAINING TO APPROXIMATELY 13.96 ACRES AT 5309 29<sup>TH</sup> STREET EAST, ELLENTON, IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; APPROVING REVISED ORDINANCE NO. PDMU-97-05(P)(R3) TO BE SUBSTITUTED FOR ORDINANCE NO. PDMU-97-05(P)(R2), WHICH WAS APPROVED ON AUGUST 24, 1999, TO APPROVE A PRELIMINARY SITE PLAN FOR AN 800 STUDENT CHARTER SCHOOL WITHIN THE EXISTING SKATING FACILITY AND THE ADDITION OF A 22,500 SQUARE FEET SECOND FLOOR FOR CLASSROOM PURPOSES; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, MJ Squared, LLC (the "Applicant") filed an application to revise an ordinance previously approved on August 24, 1999 (the "August 1999 Ordinance") pertaining to property at 5309 29<sup>th</sup> Street East, Ellenton in the PDMU (Planned Development Mixed Use) zoning district, this property being more specifically described in Exhibit "A", attached hereto; and

**WHEREAS**, the Applicant requests approval of a Preliminary Site plan for an 800 student charter school within the existing skating facility and the addition of a 22,500 square foot second floor for classroom purposes; and

**WHEREAS**, the Applicant also filed a request for Special Approval for a project in a designated Entranceway; and

**WHEREAS**, Planning staff recommended approval of the Preliminary Site Plan for an 800 student charter school within the existing skating facility and the addition of a 22,500 square foot second floor for classroom purposes; and

**WHEREAS**, the Manatee County Planning Commission, after due public notice, held a public hearing on September 13, 2007 to consider the Preliminary Site Plan, and Special Approval applications, received the Planning Staff's recommendations 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 Preliminary Site Plan application 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 application, subject to the stipulations contained in the Planning staff report, and the granting of the Special Approval for a project in a designated Entranceway.

**WHEREAS**, the Board of County Commissioners of Manatee County held a public hearing on September 27, 2007 after due notice, considered the criteria set forth in the Manatee County Land Development Code, and approved the revised Ordinance and

Preliminary Site Plan, subject to the stipulations set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY AS FOLLOWS:**

**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 the revised Preliminary Site Plan, 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 has received and considered the report of the Manatee County Planning staff concerning the application for a revised Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on October 4, 2007, regarding the revised Preliminary Site Plan 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 revised Preliminary Site Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the Manatee County Comprehensive Plan.
- D. For the purposes of granting special approval for a project in a designated Entranceway, The Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

**Section 2. PRELIMINARY SITE PLAN:** Ordinance No. PDMU-97-05(P)(R2) is hereby amended to substitute Ordinance No. PDMU-97-05(P)(R3) to approve a Preliminary Site Plan for an 800 student charter school within the existing skating facility and the addition of a 22,500 square foot second floor for classroom purposes upon the property described in Exhibit "A", subject to the following stipulations:

**STIPULATIONS:**

**A. DESIGN AND LAND USE CONDITIONS:**

1. The applicant shall provide an outdoor play area and specify such area clearly on the Final Site Plan. The size of this area shall conform to state requirements, or the

applicant may submit written documentation from the State determining that the outdoor play area is not required.

2. The applicant shall provide a sign plan for the site with the Final Site Plan. This shall include all on and off site directional signs and any other free standing signs serving the rink or the school.
3. The applicant shall remove all portable classrooms from the site prior to issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy for this project.
4. Class hours at the school shall begin no earlier than 9am and end no later than 4pm. Before-school care hours shall be between 6am and 7am for drop-off of students. After-school care hours shall end no later than 6pm.

**B. TRANSPORTATION CONDITIONS:**

1. The applicant shall enter into an agreement with Manatee County prior to the approval of the first Final Site Plan to reserve additional right-of-way along 29th Street East to accommodate a 42-foot wide half section. The agreement shall also provide for the applicant to dedicate the property within the reserved area to County for the future expansion of the 29<sup>th</sup> Street East right-of-way within 30 days after inclusion of the subject road improvement in the adopted County CIP Work Program. The agreement shall be reviewed as to form by the County Attorney and in proper recordable form and shall be recorded by the applicant in the Public Records of Manatee County prior to Final Site Plan approval.
2. The applicant shall be responsible for any additional on-site or off-site transportation safety improvements attributable to this project, as determined by the Planning Department based upon the Traffic Study.
3. The applicant shall be responsible for any additional on-site or off-site capacity related transportation improvements required as part of a CLOS for this project.

**C. INFRASTRUCTURE CONDITIONS:**

1. The Final Site Plan submittal shall provide a detailed report of the internal modification necessary to support this proposed use such as additional plumbing fixtures, additional overhead fire sprinklers meters, and if any external modifications are proposed.

**D. STORMWATER CONDITIONS:**

1. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring residents surrounding the site in respect to drainage routing, grading, and runoff.

**E. BUFFERS:**

1. Landscaping within existing screening and roadway buffers shall be upgraded to meet current Code requirements. If there is any dead or missing landscaping, it shall be shown to be replaced on the landscape plan submitted with the Final Site Plan.

**Section 3. SPECIAL APPROVAL.** Special Approval is hereby granted for a project in a designated Entranceway. This Special Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the Project approved pursuant to Section 2 hereof.

**Section 3 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 4. 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 sentence, section, clause, or other such 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 5. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

**PASSED AND DULY ADOPTED,** by the Board of County Commissioners of Manatee County, Florida on the 27<sup>th</sup> day of September, 2007.

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

BY: \_\_\_\_\_

*Cory Stein*  
Chairman

**ATTEST:**

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

BY: \_\_\_\_\_

*R. B. Shore*  
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION.

#814100004

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OF THE NW1/4 OF SEC 9, LESS RR RW LYING E OF THE RW OF 1-75, ALSO  
KNOWN AS SR 93, AND LESS OR 905 P 1879 DEEDING LAND TO DOT FOR 1-75  
RW PI#8141.0000/4



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 1<sup>ST</sup> day of  
October, 2007  
R.B. SHORE  
Clerk of Circuit Court  
By: [Signature] D.C.



## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

October 11, 2007

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

FILED FOR RECORD  
R. B. SHORE

2007 OCT 22 AM 8:34

CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 3, 2007 and certified copies of Manatee County Ordinance Nos. 07-66, PDR-06-71(P), PDC-05-40(P)(R), PDMU-99-02(P), PDMU-97-05(P)(R3), Z-06-14, 07-30, Z-06-16, Z-07-01, Z-07-10, PDR-06-10(Z)(P), PDMU-06-80(G) and PDR-06-08(Z)(P) which were filed in this office on October 8, 2007.

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

Sincerely,

Liz Cloud  
Program Administrator

LC/lbh  
Enclosures

#### DIRECTOR'S OFFICE

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