

FILED FOR RECORD
R. B. SHORE

MANATEE COUNTY ORDINANCE

2010 JUN 29 11:11 PM
PDMU-97-05(P)(R4) – ELLENTON ICE & SPORTS COMPLEX (FKA JP IGLOO)
DTS #20100036

CLERK OF THE DISTRICT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT AMENDING ORDINANCE PDMU-97-05(P)(R3) PERTAINING TO STIPULATIONS OF APPROVAL REGARDING SIGNS TO ALLOW A REPLACEMENT MESSAGE CENTER SIGN FOR THE ELLENTON ICE & SPORTS COMPLEX (FKA JP IGLOO), PROVIDING FOR SPECIFIC APPROVALS AS APPLICABLE, APPROVING A REPLACEMENT MESSAGE CENTER SIGN. ELLENTON ICE & SPORTS COMPLEX IS GENERALLY LOCATED NORTHEAST OF I-75 AND U.S. 301, OFF OF 29TH STREET EAST AT 5309 29TH STREET EAST (9.59± ACRES), ELLENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MJ Squared, LLC (the "Applicant") filed an application for a revised Preliminary Site Plan for approximately 9.59 acres described in Exhibit "A", attached hereto, (the "Property") to approve a revised Preliminary Site Plan to allow a replacement message center sign for the Ellenton Ice & Sports Complex, generally located northeast of I-75 and U.S. 301, off of 29th Street East at 5309 29th Street East, in the PDMU (Planned Development Mixed Use) zoning district; and

WHEREAS, the applicant requested Special Approval for a project previously granted Special Approval for: 1) a project within the MU (Mixed Use) Future Lane Use Category; and

WHEREAS, Planning Department staff recommended approval of the revised Preliminary Site Plan; Special Approval and Specific Approval applications 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 May 13, 2010 to consider the revised Preliminary Site 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 Preliminary Site Plan application consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval subject to the stipulations contained in the staff report.

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.

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CLERK OF THE DISTRICT COURT
MANATEE COUNTY, FLORIDA

The Board of County Commissioners, after considering the testimony, evidence, documentation, 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 has received and considered the report of the Manatee County Planning Commission 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 June 3, 2010 regarding the proposed revised Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance 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 89-01, the 2020 Manatee County Comprehensive Plan.
- D. For the purposes of granting Special Approval, the Board finds that the project, as detailed on the Preliminary Site Plan and as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.
- E. The Board of County Commissioners hereby finds that notwithstanding the failure of the Preliminary Site Plan to comply with the requirements of Section 724, Signs and Section 737, Entranceways, as more specifically described in Section 2 hereof; the Board finds the public purpose and intent of the above-referenced Land Development Code sections relative to entranceway regulations and signs to be satisfied to an equivalent degree. This finding is based upon the submission by the applicant of a Preliminary Site Plan with a sign detail, which includes an architecturally enhances sign.

Section 2. PRELIMINARY SITE PLAN. The revised Preliminary Site Plan is hereby approved subject to the following Stipulations:

STIPULATIONS

- 1. The proposed signage shall be an on-site, free-standing message center sign along I-75 and shall be depicted on the Preliminary Site Plan.
- 2. A Final Site Plan shall be submitted for review and approval to determine appropriate tree removal and replacement.
- 3. Enhanced landscaping shall be provided at the base of the sign, similar to that shown in the "Proposed Sign Detail" on the Preliminary Site Plan.
- 4. Signage shall be placed so it does not conflict with vehicular clear zones. FDOT Indices and clear zone requirements shall be met.

5. No other revisions to the Preliminary Site Plan are approved with this request.
6. An informational copy of an agreement enabling Amber Alerts to be placed on the proposed signage shall be submitted to County staff prior to the issuance of a Building Permit for the message center sign.

Section 3. 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, sentence, clause, 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 4. 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 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 3rd day of June, 2010.

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

BY: 
Carol Whitmore, First Vice-Chairman

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



BY: 
Deputy/Clerk

EXHIBIT "A"

THE NW1/4 OF THE SE1/4 OF THE NW1/4 AND THE W1/2 OF THE NE1/4 OF THE SE1/4 OF THE NW1/4 OF SEC 9, LESS RR R/W LYING E OF THE R/W OF I-75, ALSO KNOWN AS SR 93, AND LESS OR 905 P 1879 DEEDING LAND TO DOT FOR I-75 R/W 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 16th day of June, 2010
R.B. SHORE
Clerk of Circuit Court
By: G. Colorado D.C.

FILED FOR RECORD
R. B. SHORE

2010 JUN 23 PM 1:23

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

CHARLIE CRIST

Governor



FLORIDA DEPARTMENT of STATE

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS

Interim Secretary of State

June 18, 2010

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated June 16, 2010 and certified copies of Manatee County Ordinance Nos. PDR-05-60 (Z) (P), PDMU-97-05 (P) (R4), PDMU-06-28(Z) (P) and Z-10-02, which were filed in this office on June 18, 2010.

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

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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