

MANATEE COUNTY ORDINANCE
PDMU-97-05(P)(R5) – ELLENTON ICE & SPORTS COMPLEX (FKA JP IGLOO)
(DTS #20110106)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING ORDINANCE PDMU-97-05(P)(R4) PERTAINING TO STIPULATIONS OF APPROVAL REGARDING SIGNS TO ALLOW A REPLACEMENT ELECTRONIC BILLBOARD SIGN FOR OFF-SITE ADVERTISING AT THE ELLENTON ICE & SPORTS COMPLEX (FKA JP IGLOO), PROVIDING FOR SPECIFIC APPROVALS AS APPLICABLE. 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

2013 JAN 14 PM 1:14
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

FILED

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 electronic billboard sign for off-site advertising at 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 and Special 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 10, 2012 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.

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 duly noticed public hearings on June 7, 2012 and January 3, 2013 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.

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

STIPULATIONS

- 1. The proposed free-standing electronic billboard sign along I-75 shall be revised to reduce the message center portion of the previously approved sign from 880 square feet to a maximum of 700 square feet. The smaller "logo" sign shall be no bigger than that approved with the Preliminary Site Plan. The sign shall be setback a minimum of 12 feet from the property line along I-75. A revised elevation of the sign shall be provided to the Building and Development Services Department with a Final Site Plan to ensure compliance.
- 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.

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 6. STATE AND FEDERAL PERMITTING. The issuance of the local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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 3rd day of January, 2013.

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

BY: Larry Bustle
Larry Bustle, Chairman

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



BY: Wesley Lesner
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 S.R. 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 10th day of

January, 2013

R.B. SHORE
Clerk of Circuit Court

By: G. Corredo D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 14, 2013

RECEIVED
JAN 23 2013
BOARD RECORDS

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

Attention: Vicki Jarratt, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 10, 2013 and certified copies of Manatee County Ordinance Nos. 13-02, PDC-12-09(Z)(P), PDMU-97-05(P)(R5), PDMU-12-06(G), PDPI-09-12(P)(R) AND PDR-12-03(Z)(G) which were filed in this office on January 14, 2013.

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

Sincerely,

Liz Cloud
Program Administrator

LC/elr

Enclosure