

MANATEE COUNTY ZONING ORDINANCE
PDMU-98-03(Z)(P)
SARASOTA HOTEL OWNERS, LP/HOLIDAY INN AIRPORT - SHOOTERS

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

DEC 14 2 08 PM '98

98 DEC - 1 AM 10:10

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 GC/WR/AI (GENERAL COMMERCIAL), PRS/WR/AI (PROFESSIONAL-SMALL), AND PDR/WR/AI (PLANNED DEVELOPMENT RESIDENTIAL) TO PDMU/WR/AI (PLANNED DEVELOPMENT MIXED USE), RETAINING THE WR (WHITFIELD RESIDENTIAL) AND AI (AIRPORT IMPACT) OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE FOR THE EXISTING HOTEL AND MARINA USES, INCLUDING A NEW BAR AREA AND OUTDOOR RESTAURANT SEATING, GRANTING SPECIAL APPROVAL FOR A MIXED USE PROJECT IN AN R/O/R FUTURE LAND USE CATEGORY.

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 GC/WR/AI (General Commercial), PRS/WR/AI (Professional-Small), and PDR/WR/AI Planned Development Residential) to PDMU (Planned Development Mixed Use), retaining the WR (Whitfield Residential) and AI (Airport Impact) overlay districts.

B. The said Board of County Commissioners held a public hearing on November 17, 1998 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 for the existing hotel and marina uses, including a new bar area and outdoor restaurant seating, granting Special Approval for a mixed use project in an R/O/R Future Land Use Category with the following stipulations and specific approvals:

STIPULATIONS

1. The applicant shall immediately institute an employee parking sticker program, as follows:
 - a. All employee vehicles shall display a sticker that identifies the vehicle as belonging to an Airport Holiday Inn employee.
 - b. The hotel shall maintain a list of all stickers issued and the corresponding names of the employees and vehicle license numbers.
 - c. No employees shall be permitted to park in the marina lot or along Shepard or Holly.
 - d. A sample of the parking sticker shall be available at the front desk for public inspection.
 - e. Any resident observing an improperly parked employee vehicle may call the hotel. The hotel will immediately require the employee to move the vehicle.
 - f. These requirements shall be made known to all existing staff and new hires.
2. All lights on the property be retrofitted, if needed, to comply with LDC Section 709.2.3 Light Trespass.

3. The applicant shall construct the missing section of sidewalk along Shepard and Holly within 60 days of this approval.
4. The only outdoor entertainment that shall be allowed is non-amplified live outdoor music from noon to 7:00 p.m. Any music audible outdoors and generated at this property shall not exceed 50 db at the property line, 24 hours a day, 7 days a week. Notwithstanding the foregoing, all activities at this facility shall comply with the Manatee County Noise Ordinance, Article 2, Chapter 2-21, Manatee County Code of Laws, as may be amended from time to time.
5. All other music shall be indoors, with doors and windows closed.
6. The applicant shall be required to provide valet parking during all hours when live entertainment of any sort will be offered at the Hotel (including Shooters, the meeting room/conference facilities, or anywhere else on the site). This requirement shall also apply when more than 250 persons are present or expected at the meeting room/conference facilities. Valet parking will begin one hour before any event and be offered continuously until at least one hour after the conclusion of the event. A minimum of 95 cars must be accommodated in any valet parking area(s).
7. Valet parking shall not be located where any parking spaces are immediately adjacent to hotel guest rooms. The parking spaces along the west property line near Shepard shall be utilized for valet parking, as shall the spaces at the northernmost end of the hotel property. The site plan shall be revised to reflect these requirements.
8. The applicant shall demonstrate compliance with 603.14.5.3., and 603.14.5.4.(1)(2)(3)(4)(5)(6), Operational Guidelines for Waterfront Uses. The applicant shall erect "idle/no-wake", manatee awareness, and Manatee Education signs in locations approved by the Planning Department.

SPECIFIC APPROVALS

1. Specific Approval for an alternative to Section 710.1.6 of the Manatee County Land Development Code, Parking Ratios..
2. Specific Approval for an alternative to Section 715.5.1 of the Manatee County Land Development Code, Required Roadway Buffers..
3. Specific Approval for an alternative to Section 715.5.2 of the Manatee County Land Development Code, Required Screening Buffer..
4. Specific Approval for an alternative to Section 715.6 of the Manatee County Land Development Code, Vehicle Use Area Landscaping.

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 GC/WR/AI (General Commercial), PRS/WR/AI (Professional-Small), and PDR/WR/AI Planned Development Residential) to PDMU (Planned Development Mixed Use), retaining the WR (Whitfield Residential) and AI (Airport Impact) overlay districts, 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.

LOTS 1 AND 2, NORTH ISLES AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGES 2 AND 3, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO: A CERTAIN PARCEL OF REAL ESTATE EXTENDING FROM THE WEST LINE OF LOT 1, NORTH ISLES, AS ESTABLISHED ON THE PLAT THEREOF, TO THE OUTSIDE OF THE PRESENT SEAWALL, EXISTING ON THE 4TH DAY OF DECEMBER, 1959, AND BEING A STRIP FROM NINE TO THIRTEEN FEET IN WIDTH, MORE OR LESS.

ALSO: LOTS 5, 6, 19, 20 AND 21 AND THAT PART OF THE NORTH ½ OF LOT 7, LYING NORTH OF AN EXTENSION OF THE MOST SOUTHERLY LINE OF SAID LOT 19 TO SHEPHERD STREET, BLOCK 26, WHITFIELD ESTATES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 23, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

ALSO: A LEASEHOLD ESTATE UNDER A LEASE WITH THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA FOR A TRACT OF SUBMERGED LAND DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 2, NORTH ISLES SUBDIVISION, AS RECORDED IN PLAT BOOK 10, PAGE 2, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND RUN S 65°54'02" W, ALONG AN EXISTING CONCRETE SEAWALL, A DISTANCE OF 20.00 FEET; THENCE N 34°46'49" W, A DISTANCE OF 570.23 FEET; THENCE N 54°50'08" E, A DISTANCE OF 162.00 FEET TO AN EXISTING CONCRETE SEAWALL; THENCE ALONG SAID SEAWALL IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 105 FEET, MORE OR LESS (S 56°21'49" E, A DISTANCE OF 104.15 FEET FOR AN UPLAND CLOSING LINE); THENCE CONTINUING ALONG SAID SEAWALL THE FOLLOWING SIX COURSES: S 29°03'28" E, A DISTANCE OF 170.00 FEET; THENCE S 26°03'28" E, A DISTANCE OF 220.00 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT WITH A RADIUS OF 60.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHWESTERLY DIRECTION, A DISTANCE OF 83.78 FEET, THROUGH A CENTRAL ANGLE OF 80°00'00" TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 53°56'32" W, A DISTANCE OF 47.70 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHWESTERLY DIRECTION, A DISTANCE OF 26.37 FEET THROUGH A CENTRAL ANGLE OF 75°32'46" TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 21°36'15" E, A DISTANCE OF 24.83 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA. AS RECORDED IN OFFICIAL RECORD BOOK 1162, PAGES 1148 THROUGH 1167, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

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 17th day of November, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. Glass*
Chairman

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

By: *Susan S. Kamine* D.C.

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 17th day of November, 1998.

R. B. SHORE
Clerk of Circuit Court
By: *Earl M. Lloyd* D.C.

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Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
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FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

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Historic Tallahassee Preservation Board
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Preservation Board
MUSEUM OF ART
FILED FOR RECORDED
DEC 14 2 08 PM '98

December 10, 1998

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated November 25, 1998 and December 4, 1998 and certified copy each of Manatee County Ordinance Nos. PDR/PDC-98-06 (Z) (G), PDC-98-08 (Z) (P), and PDMU-98-03 (Z) (P), which were filed in this office on December 1, 1998; and corrected page for Ordinance No. PDR/PDC-98-06 (Z) (G), which was received on December 9, 1998.

The extra date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/vm

Enclosure