

FILED FOR RECORD
R. B. SHORE

2009 MAY 21 AM 10:22

MANATEE COUNTY ZONING ORDINANCE

**PDC-08-26(Z)(P) – 301 OXFORD LLP/OXFORD COMMERCIAL DEVELOPMENT
DTS#20080348**

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R. B. SHORE

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CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

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MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 19.5 ACRES AT THE SOUTHWEST CORNER OF U.S. 301 AND OXFORD ROAD, EAST OF CHIN ROAD, AT 5111 OXFORD ROAD, PARRISH FROM A/NCO (GENERAL AGRICULTURE/NORTH CENTRAL OVERLAY) AND A-1/NCO (SUBURBAN AGRICULTURE/NORTH CENTRAL OVERLAY) TO THE PDC/NCO (PLANNED DEVELOPMENT COMMERCIAL) ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY; APPROVE A PRELIMINARY SITE PLAN FOR 150,000 SQUARE FEET OF OFFICE, COMMERCIAL, AND RETAIL USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 301 Oxford, LLC by NDC Partners LLC/ Ron Allen, President (the "Applicant") filed an application to rezone approximately 19.5 acres described in Exhibit "A", attached hereto, (the "property") from A/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central Overlay) to the PDC/NCO (Planned Development Commercial) zoning district, retaining the North Central Overlay; and

WHEREAS, the applicant also filed a Preliminary Site Plan application for 150,000 square feet of office, commercial, and retail uses (the "project") on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Sections 710.1.6 Table B and 722.1.4.3 of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the rezone, Preliminary Site Plan, 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 April 9, 2009 to consider the rezone, Preliminary Site Plan, and Specific Approval 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 applications 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 applications, subject to the stipulations contained in the staff report.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

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MANATEE CO. 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, application for amendment of the Official Zoning Atlas, 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 Official Zoning Atlas Amendment as it relates to the real property described in Exhibit "A" of this Ordinance from A/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central Overlay) to the PDC/NCO (Planned Development Commercial) zoning district, retaining the North Central Overlay.

B. The Board of County Commissioners held duly a noticed public hearing on May 7, 2009 regarding the 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 Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.

D. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 710.1.6 Table B, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because adequate parking will be provided.

E. Notwithstanding the failure of this plan to comply with the requirement of LDC Section 722.1.4.3, the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulations to an equivalent degree because the sidewalk will be provided in an area where pedestrians may use it.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 150,000 square feet of office, commercial, and retail uses upon the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. The design for the 19 buildings shall be in substantial conformance with the elevation drawings entered into the record for this project. Compliance with the NCO architectural requirements and points system shall be verified with the FSP.
2. All roof mounted H.V.A.C. mechanical equipment shall be screened with a solid parapet wall or other noise deflecting materials, which shall be consistent with the construction

materials of the main buildings, so as not to be visible from nearby roads and residences.

3. The dumpsters shall be screened with the building materials matching the principal building on site.
4. The Final Plat shall include vehicular cross-access easements for the two proposed connections to the west.
5. Prior to any Certificate of Occupancy, an access agreement between this property owner and other owners with rights to Oxford Road, shall be recorded with the Clerk of the Circuit Court, demonstrating the legal right to access Oxford Road and make necessary improvements to the road, as they are shown on the site plan.
6. A coordinated sign plan for the development shall be approved by the Planning Department prior to Final Site Plan. Ground signs shall be utilized throughout the development. Ground signs shall include decorative elements reflective of the finish building materials, colors, and architectural details consistent with each building. Signs shall comply with LDC Sect. 724.14.
7. All deliveries and truck loading shall be prohibited between the hours of 10 PM and 7 AM.
8. The applicant shall work with Manatee County Area Transit (MCAT) to identify a potential transit stop adjacent to the project. At such time that MCAT establishes a plan for service along the US 301 corridor, and identifies the need for a transit stop, the applicant shall accommodate the requisite stop adjacent to the project.
9. Permitted uses are as follows*:

Commercial Uses – Retail**

- a. Retail Sales, Neighborhood Convenience
- b. Retail Sales, Neighborhood General
- c. Drinking Establishment
- d. Drive-Thru Eating Establishment
- e. Eating Establishment
- f. General Retail Uses

Commercial Uses – Services

- a) Bank⁽⁺⁾
- b) Bank/Drive-through⁽⁺⁾
- c) Business Services⁽⁺⁾
- d) Professional Office (Health Services)⁽⁺⁾
- e) Clinic (Health Services)⁽⁺⁾
- f) Medical & Dental Laboratories⁽⁺⁾
- g) Office⁽⁺⁾
- h) Dry Cleaners Neighborhood
- i) Dry Cleaners Pick-up
- j) Food Catering

- k) Printing, Small
- l) Printing Medium
- m) Personal Services Establishment
- n) Rental Service Establishment
- o) Repair Service Establishment

Residential Support Uses

- a) Churches or other Places of Worship
- b) Day Care Facilities, as allowed by the LDC

*Any Conditional Use Criteria associated with each use must be addressed at the time of Final Site Plan submittal.

**Retail Commercial is limited to 5,000 square feet for the entire site, pursuant to the Comprehensive Plan.

(*)Office uses allowed with first 7,500 square feet of non-retail development (see Stipulation 10)

10. In order to ensure compliance with the Comprehensive Plan, a minimum of 7,500 square feet of office space shall be constructed prior to or concurrently with the construction of any retail portion of this development (maximum of 5,000 square feet).

B. TRANSPORTATION CONDITIONS:

1. Prior to any Certificate of Occupancy the developer shall improve Oxford Road to county standards (i.e., 24 foot pavement) from US Highway 301 75 feet south to the entrance on Oxford Road.

C. STORMWATER CONDITIONS:

1. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Slaughter Drain/the Unnamed creek that crosses at the intersection of Chin Road and Old Tampa Road outfalling to Manatee River. Modeling shall be used to determine pre- and post-development flows.
2. Existing storage volume in existing wetlands and/or drainage ditches that are proposed to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention pond.

D. ENVIRONMENTAL CONDITIONS:

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.

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 classification of the property identified in Exhibit "A" herein from A/NCO (General Agriculture/North Central Overlay) and A-1/NCO (Suburban Agriculture/North Central Overlay) to the PDC/NCO (Planned Development Commercial) zoning

district, retaining the North Central Overlay 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 Official Zoning Atlas.

Section 4. SPECIFIC APPROVAL. Specific Approval is hereby granted to Sections 710.1.6 Table B and 722.1.4.3 of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

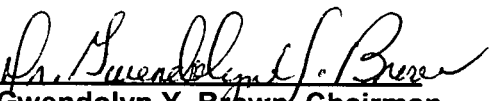
Section 5. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, clause, sentence, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 6. 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.

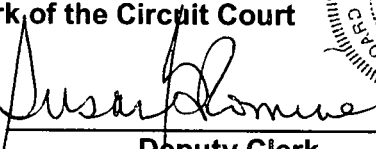
Section 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 7th day of May, 2009.

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

BY: 
Dr. Gwendolyn Y. Brown, Chairman

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

BY: 
Deputy Clerk

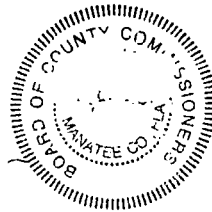


EXHIBIT "A"

LEGAL DESCRIPTION

DESCRIPTION: (Taken from Warranty Deed Recorded in Official Record Book 1391, Page 1940)

Begin at the Southwest corner of the Southeast 1/4 of Section 31, Township 33 South, Range 19 East, Manatee County, Florida; Thence S89°21'00"E, along the south line of said Section 31, a distance of 510.23 feet to the westerly right-of-way line of Oxford Road, a 40.0 foot wide county road; thence N05°23'28"W, along said westerly line, a distance of 1,019.46 feet; thence N04°13'08"W, along said westerly line, a distance of 414.21 feet to the southerly right-of-way line of U.S. Highway #301; thence S60°17'33"W, along said southerly right-of-way line, a distance of 975.49 feet; thence S29°42'28"E, 641.63 feet; thence S20°51'22"E, 408.29 feet to the POINT OF BEGINNING. Containing 19.49 acres, more or less.



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 13TH day of

MAY, 2009
R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

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CLERK OF CIRCUIT COURT
MANATEE CO FLORIDA
KURT S. BROWNING
Secretary of State

May 15, 2009

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

Attention: Ms. Nancy Harris, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 13, 2009 and certified copies of Manatee County Ordinance Nos. PDC-08-23 (P), PDC-08-26 (Z) (P), PDMU-09-04 (Z) (G), Z-08-01, 09-17, 09-28, 09-41 and PDR-06-63 (Z) (G), which were filed in this office on May 15, 2009.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

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