

FILED FOR RECORD  
R. B. SHORE

2008 JAN 22 PM 1:02

**MANATEE COUNTY ZONING ORDINANCE  
PDO-94-03(P) – GRAND OAKS OFFICE PARK**

CLERK OF DISTRICT COURT  
MANATEE CO. FLORIDA

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR 33,000 SQUARE FEET OF OFFICES ON APPROXIMATELY 4.63 ACRES ON THE NORTH SIDE OF 53RD AVENUE WEST ± 155 FEET EAST OF 20TH STREET WEST AT 1705 53RD AVENUE WEST, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Grand Oaks Properties, LLC (the "Applicant") has filed an application for a Preliminary Site Plan for approximately 4.63 acres described in Exhibit "A", attached hereto, (the "Property") for 33,000 square feet of offices; and

**WHEREAS**, the Applicant has also requested Special Approval for a project: 1) exceeding 30,000 square feet in the RES-9 Future Land Use Category; and 2) adjacent to a perennial stream; and

**WHEREAS**, the Applicant has also files a request for Specific Approval for alternatives to Sections 722.1.4.2 and 728.5.1.2 of the Land Development Code; and

**WHEREAS**, Planning Department staff recommended approval of the 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 December 13, 2007, to consider the Preliminary Site Plan application, received the staff's 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:**

**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 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 January 3, 2008, regarding the proposed 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 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 and to satisfy the criteria for approval in the Land Development Code.

D. For the purposes of granting special approval for a non-residential project (1) exceeding 30,000 square feet in the RES-9 Future Land Use Category and (2) adjacent to a perennial stream, the Board hereby finds that the Project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of the site plan to conform with the requirements of Sections 722.1.4.2 and 728.5.1.2 of the LDC, the Board finds that the public purpose of the Land Development regulations is satisfied to an equivalent or greater degree.

**Section 2. PRELIMINARY SITE PLAN.** The Preliminary Site Plan is hereby approved for 33,000 square feet of offices upon the Property subject to the following Stipulations:

### **STIPULATIONS**

#### **Planning**

1. Prior to the first Certificate of Occupancy issuance, a six (6) foot high solid decorative, opaque wall or a PVC (no wood) fence shall be installed along the entire north and west perimeters of the project. The wall or fence shall be placed at the interior edge of the landscaped buffers and all required landscaping shall be on the exterior side of the wall or fence.
2. Setbacks for the project shall be:
  - South front: 30 feet
  - East front: 75 feet
  - North side: 75 feet
  - West side: 35 feet

Stormwater Management

3. The developer shall provide a Notice to Buyers that Manatee County has no obligation relative to Cedar Hammock Canal to maintain, change, improve, clean, repair natural erosion, restore the natural changes in the course of the stream bed or correct any other condition not caused by the County.
4. Any fill within the 100-year floodplain of the Cedar Hammock Drain shall be compensated by the creation of an equal or greater storage volume above seasonal high water table. 100-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
5. The existing 25-year flood elevation along the Cedar Hammock Canal shall be utilized as tailwater condition.
6. This project shall be required to reduce the calculated pre-development flow rate by up to fifty percent (50%) for all stormwater outfall flow directly or indirectly into Cedar Hammock Canal. Modeling shall be used to determine pre-and post-development flows.
7. A Drainage Easement shall be dedicated to Manatee County and be shown on the Final Site Plan along Cedar Hammock Canal within the project boundaries. In addition, a twenty-five (25) foot Drainage-Maintenance Access Easement shall be provided along Cedar Hammock Canal. Drainage-Maintenance Access Easements shall be on clear and level ground, free of obstructions including landscaping. Manatee County is only responsible for maintaining the free flow of drainage through these systems.
8. Routing and modeling of the existing conditions shall be provided with the Drainage Model Land Construction Plan for all natural drainage systems within and surrounding this project taking into consideration all wetland storage and ground depressions.
9. 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.
10. There shall be full 25-year attenuation on all stormwater ponds within the development.

Natural Resources

11. All trees within the area proposed for construction activities that are to be preserved shall have protective barricades constructed at their driplines prior to commencement of construction. No improvements, fill, grade changes or compaction of soil due to heavy machinery will be permitted within the dripline of trees proposed to be preserved.
12. Proposed Highrise Oaks shall be placed 25' on center, and 20' on center shall be allowed within clusters. Alternative species may be utilized that are appropriate for closer spacing. If sufficient room is not available onsite for all required replacement trees, payment into the Tree Trust Fund may also be used to meet current LDC requirements.

13. There shall be no burning of trees or branches for land clearing.
14. An ERP approved by SWFWMD shall be provided to the Planning Department for review prior to Final Site Plan approval.
15. Irrigation for landscaping shall use the lowest water quality source available. Use of the Manatee County public potable water supply shall be prohibited.

**Transportation**

16. Prior to Final Site Plan approval, twenty-seven feet of right-of-way shall be dedicated along 53rd Avenue West.
17. At time of Final Site Plan and Construction Plan approval, the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as, any capacity improvements associated with the issuance of a Certificate of Level of Service.
18. Pursuant to Final Site Plan approval, for an administrative revision to same, the development may convert the right in/right out entrance and quick curb to an unobstructed full access entrance at such time as the 14th Street/53rd Avenue West intersection meets the applicable level of service standards.
19. Impact Fee Credits for the dedication of right-of-way for 53rd Avenue West shall not exceed 50% of the applicants per square feet purchase price of the land not to exceed a total credit of \$75,000. All further Transportations Impact Fee Credits shall be waived.

**Section 3. SPECIAL AND SPECIFIC APPROVALS.** Special Approval is hereby granted for a non-residential project: 1) exceeding 30,000 square feet in the RES-9 Future Land Use Category; and 2) adjacent to a perennial stream. 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 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 section, 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 5. CODIFICATION.** Pursuant to § 125.68(1), *Florida Statutes*, the ordinance if not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

**Section 6. 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, 2008.

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

**BY:** 

**Chairman**

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



**BY:** 

**Deputy Clerk**

**EXHIBIT "A"**

LEGAL DESCRIPTION OF THE PROPERTY

LEGAL DESCRIPTION (OR 2041 PG 1667)

BEGINNING AT A POINT 306 FEET WEST OF THE SE CORNER OF THE SE 1/4 OF THE SE 1/4 OF SECTION 10, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE 80 FEET WEST ALONG THE NORTH BOUNDARY OF ONECO ROAD; THENCE NORTH TO THE CENTERLINE OF CEDAR HAMMOCK DRAINAGE CANAL; THENCE EAST 80 FEET; THENCE SOUTH TO THE POINT OF BEGINNING.

AND

LOTS 1, 2 AND 3, BLOCK 44 AND LOTS 1, 2 AND 3, BLOCK 45, HOLIDAY HEIGHTS SECOND ADDITION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 9; PAGE 27, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

CONTAINING 201, 825 SQ. FT. OR 4.63 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 10<sup>th</sup> day of January, 2008  
R.B. SHORE  
Clerk of Circuit Court  
[Signature] D.C.

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R. B. SHORE

2008 JAN 22 PM 1:16



CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

## FLORIDA DEPARTMENT of STATE

**CHARLIE CRIST**  
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

**KURT S. BROWNING**  
Secretary of State

January 17, 2008

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

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 January 10, 2008 and certified copy of Manatee County Ordinance No. PDO-94-03(P), which was filed in this office on January 14, 2008.

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

Sincerely,

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

Liz Cloud  
Program Administrator

LC/jru  
Enclosure

#### DIRECTOR'S OFFICE

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