

Manatee County Zoning Ordinance

PDR-23-02(Z)(P) – OXFORD LANDING PDR PSP/OWNBEY-BECKETT-OXFORD-ANDERSON – WAYNE LAMAR OWENBY AND FRIEDA MAE OWENBY, GERALEEN M AND ROBERT J ANDERSON AND GERALEEN M REVOC LIVING TRUST (OWNER) - NICK GLUCKMAN (CONTRACT PURCHASER)- PLN2208-0122

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 15-17, AS AMENDED, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF AN APPROXIMATELY ±25.19 ACRE SITE, GENERALLY LOCATED ONE MILE EAST OF HARRISON RANCH BOULEVARD, ON THE SOUTH SIDE OF U.S. 301 NORTH, AND THE EAST SIDE OF OXFORD ROAD, COMMONLY KNOWN AS 4920 OXFORD ROAD, PARRISH, (MANATEE COUNTY); FROM A-1 (AGRICULTURE SUBURBAN) (±2.2 ACRES) AND A (±22.9 ACRES) (GENERAL AGRICULTURE) TO THE PDR (PLANNED DEVELOPMENT RESIDENTIAL) ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 194 MULTI-FAMILY RESIDENTIAL UNITS; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ownbey-Beckett-Oxford-Anderson – Wayne Lamar Owenby and Frieda Mae Owenby, Geraleen M and Robert J Anderson and Geraleen M Revoc Living Trust (Owner) - Nick Gluckman (Contract Purchaser) (the “Applicants”) filed an application to rezone approximately 25.19 acres project site described in Exhibit “A”, attached hereto, (the “Property”) from A-1 (Agriculture Suburban) (±2.2 acres) and A (±22.9 acres) (General Agriculture) to the PDR (Planned Development Residential) zoning district; and

WHEREAS, the applicant also filed a Preliminary Site Plan for 194 multi-family residential units (the “project”) on the property; and

WHEREAS, the applicant also filed a request for Specific Approval for alternatives to Land Development Code Sections: 1) 1001.C.1. and 1001.C.2 to allow for the secondary access to be located on the street on which the primary access is located, although it is not considered a public thoroughfare and 2) 1005.3.B in order to exceed the minimum required parking by more than ten percent (10%); and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on August 10, 2023, to consider the rezone, Preliminary Site Plan and Specific Approval applications 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, 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 PDMU/ST/WP-E (Planned Development Mixed Use/Special Treatment/Watershed Protection Evers) and A-1/ST/WP-E (Agricultural Suburban/Special Treatment/Watershed Protection Evers) to PDR/ST/WP-E (Planned Development Residential/Special Treatment/Watershed Protection Evers) zoning district.

B. The Board of County Commissioners, after due public notice, held a public hearing on August 17, 2023, regarding the proposed Official Zoning Atlas Amendment described herein in accordance with the requirements of 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 the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

D. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1001.1.C.1 and 1001.1.C.2, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed design because the intent of the requirements will be met, as the development will have two means of access via Oxford Road and an additional indirect access point at 115 Circle East. The second means of access is limited to residents and emergency vehicles only.

E. Notwithstanding the failure of this plan to comply with the requirements of Land Development Code Section 1005.3.B, the Board finds that the purpose of the LDC regulation is satisfied to an equivalent degree by the proposed alternative parking design as it relates to the intent of the requirements being met as the development will provide adequate parking for the proposed residential development.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for 194 multi-family residential units, upon the property subject to the following Stipulations:

A. DESIGN AND LAND USE

1. All dumpsters, compactors, and other utility equipment shall be screened with a six-foot-high wall constructed with building materials consistent with the principal building(s). Compliance shall be verified with review of the building permit.

2. Final Site Plan (FSP) review and approval is required for recreational area(s) and any proposed amenities shown on the Preliminary Site Plan. Any structures and/or uses shall comply with the LDC requirements for parking, screening buffer (recreational use to residential use), structure height, signage, etc. Recreation Area structure(s) shall have a minimum setback of 20-feet from property lines.
3. Any significant historical or archeological resources discovered during development activities shall be immediately reported to the Florida Department of State, Division of Historical Resources, and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, and the County. The final determination of significance shall be made in conjunction with the Florida Department of State, Division of Historical Resources, and the County. The appropriate treatment of such resources (potentially including excavation of the site in accordance with the guidelines established by the Florida Department of State, Division of Historical Resources) must be completed before resource disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
4. All roof mounted mechanical equipment (e.g., HVAC) shall be screened with a solid parapet wall or other visual and noise deflecting materials. The materials shall be consistent with the construction of the principal building(s). Compliance will be verified with review of the building permit.
5. Any proposed gate within internal private driveways shall be accessible to emergency providers in accordance with the applicable County ordinances and regulations.

B. ENVIRONMENTAL

1. All other applicable state or federal permits shall be obtained prior to commencement of development.
2. There are no impacts to jurisdictional wetlands or wetland buffers being approved by the adoption of this Ordinance.
3. A Construction Water Quality Monitoring Program and proposed sampling locations are required to be included in the ESCP information on the Final Site Plan in accordance with Section 353.3 of the LDC.
4. If wells are encountered, a Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the EPS for review and approval prior to recommencing construction activities. The Well Management Plan shall include the following information:
 - Digital photographs of the well along with nearby reference structures (if existing);
 - GPS coordinates (latitude/longitude) of the well;
 - The methodology used to secure the well during construction (e.g. fence, tape); &
 - The final disposition of the well - used, capped, or plugged.
5. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

C. STORMWATER

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 Gamble Creek Watershed. Modeling shall be used to determine pre- and post- development flows.

D. UTILITIES

1. Connection to the County water and wastewater system is required pursuant to the Manatee County Comprehensive Plan. The cost of connection, including the design, permitting and construction of off-site extensions of lines, shall be the responsibility of the Applicant. Such off-site extension shall be designed and constructed in accordance with the applicable County Master Plan. The connection shall be designed, engineered and permitted by the Applicant consistent with Manatee County Public Works Standards and approved by County Engineer through the Development Services review process for the project.

Section 3. SPECIFIC APPROVAL. Specific Approval is hereby granted for alternatives to Land Development Code Sections: 1) 1001.C.1. and 1001.C.2 to allow for the secondary access to be located on the street on which the primary access is located, although it is not considered a public thoroughfare and 2) 1005.3.B in order to exceed the minimum required parking by more than ten percent (10%). The Specific Approval shall continue in effect and shall expire concurrent with the Revised Preliminary Site Plan for the project approved pursuant to Section 2 hereof.

Section 4. AMENDMENT OF THE OFFICIAL ZONING ATLAS. The Official Zoning Atlas of Manatee County (Ordinance No. 15-17, the Manatee County Land Development Code) is hereby amended by changing the zoning district classification of the property described in Exhibit "A", incorporated by reference herein from A-1 (Agriculture Suburban) (±2.2 acres) and A (±22.9 acres) (General Agriculture) to the PDR (Planned Development Residential) zoning district, and the Clerk of the Circuit Court, as Clerk to the Board of County Commissioners, as well as the Development Services Department, are hereby instructed to cause such amendment to the Official Zoning Atlas.

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, sentence, clause, or 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. 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 8. 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 August 2023.



**BOARD OF COUNTY
COMMISSISONERS OF MANATEE
COUNTY, FLORIDA.**

BY: 
Kevin Van Ostenbridge, Chairman

ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

BY: 
Deputy Clerk

Exhibit "A"

Legal Description

DESCRIPTION: A parcel of land lying in Section 31, Township 33 South, Range 19 East, Manatee County, Florida, and being more particularly described as follows:

COMMENCING at the Southwest Corner of the Southeast 1/4 of said Section 31, run thence along the Southerly boundary of Section 31, thence S.89°13'04"E., a distance of 530.39 feet to the **POINT OF BEGINNING**; thence S.89°13'04"E., a distance of 754.64 feet; thence N.00°35'01"W., a distance of 1508.65 feet; thence S.58°41'39"W., a distance of 712.18 feet; thence N.17°42'58"W., a distance of 407.03 feet to the Southerly right of way of U.S. 301 North; thence along said Southerly right of way, S.60°19'04"W., a distance of 154.11 feet to the center of a 40 foot private road, Oxford Road; thence along said center line, S.04°13'40"E., a distance of 423.10 feet; thence S.05°22'48"E., a distance of 25.88 feet; thence S.05°22'48"E., a distance of 996.30 feet; to the **POINT OF BEGINNING**.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

August 18, 2023

Honorable Angelina Colonnese
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, FL 34206

Attention: Julissa Santana

Dear Honorable Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. PDR-23-02(Z)(P), which was filed in this office on August 18, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh