

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY ZONING ORDINANCE  
2004 NOV 12 PM 3:13 PDUI-02-27(Z)(G) - TROPICANA PRODUCTS, INC.

CLERK OF THE COUNTY OF MANATEE, FLORIDA  
MANATEE COUNTY, FLORIDA  
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 ± 13.8 ACRES FROM RSF-4.5 (RESIDENTIAL-4.5 DWELLING UNITS PER ACRE TO PDUI (PLANNED DEVELOPMENT URBAN INDUSTRIAL) AND ± 0.7 ACRES FROM NC-S (NEIGHBORHOOD COMMERCIAL-SMALL) TO PDUI (PLANNED DEVELOPMENT URBAN INDUSTRIAL); PROVIDING AN EFFECTIVE DATE AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A NEW 1,222,748 SQUARE FT. INDUSTRIAL PROJECT; AND ADDING: THE FERRELL GAS PARCEL, (±2.1 ACRES); INTERNAL RAILROAD ACCESS TO THE PLANT, (± 3.05 ACRES); AND THE SOUTH DEVELOPMENT POD, (±4.08 ACRES).

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

Section 1. FINDINGS OF FACT. The Board of County Commissioners of Manatee County, 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 Section 4 of this Ordinance (± 13.8 acres) from RSF-4.5 (Residential Single-Family-4.5 dwelling units per acre) to PDUI (Planned Development Urban Industrial) and (±0.7 acres) from NC-S (Neighborhood Commercial-Small) to PDUI (Planned Development Urban Industrial).

B. The Board of County Commissioners held a public hearing on August 24, 2004 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 the 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 2020 Manatee County Comprehensive Plan.

Section 2. The General Development Plan covering ± 190.43 acres is hereby APPROVED to allow a new 1,222,748 square ft. industrial project, and adding: the Ferrell Gas Parcel (± 2.1 acres); internal railroad access to the plant, (± 3.05 acres); and the south development pod (± 4.08 acre) with the following Stipulations:

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STIPULATIONS

1. The uses on the Headstart parcel, the East Development Pod, shall be limited to Agricultural Research Facilities, Educational Facilities, Eating Establishments, Banks with and without drive thrus, Industrial Service Establishments, Office, Antennas or Towers associated with the principal use, Research and Development, Day Care Centers, Environmental Education Facilities, Schools of Special Education, Utility Uses, Overflow Employee Parking and Open Space.
2. A 25 ft. wide landscape buffer shall be provided along the north, east and south property lines of the East Development Pod at the time of Final Site Plan approval on this parcel. This buffer shall meet the standards of Section 715.
3. Noise impact monitoring shall be conducted on surrounding parcels on the east side of the plant facility prior to construction of new buildings on the east side of the project adjacent to residential. The applicant shall establish a noise baseline pre and post construction for existing and proposed development along the east side of the project. Up to four times in the first two years of operation of the new facilities, Manatee County may request a noise study be prepared by the applicant. The County shall provide at least 10 days written notice prior to the requested commencement of monitoring. Should violations occur, the applicant shall take steps to mitigate the noise exceedence; this shall not preclude separate Code Enforcement action.
4. Exterior pallet storage areas shall be limited to 35 feet in height on the perimeter of the project, and 45 feet in height on the interior.
5. A 15 ft. wide roadway buffer shall be installed on the 15<sup>th</sup> Street East frontage of the East Development Pod. This buffer shall include canopy trees at least 3" caliper planted every 40 ft. on center and understory trees at least 2" caliper planted every 25 ft. on center and shrubbery at least 36" in height at planting every 36 inches on center. This buffer shall be shown on the site plan for development on the East Development Pod.
6. A Wetland Buffer Restoration Plan shall be submitted to the EMD for review with the Final Site Plan for the East Development Pod. The plan shall include both supplemental plantings and ongoing removal of exotic nuisance vegetation.
7. Prior to Certificate of Occupancy/Final Subdivision Plat approval for the east development pod, a Conservation Easement for the areas defined as post-development jurisdictional wetlands/wetland buffers and upland preservation areas shall be dedicated to the County in accordance with Section 719.11.1.3 of the LDC.
8. There shall be no outdoor speakers used on the East Development Pod except for required emergency warning systems and those used with drive through banking facilities.
9. A complete environmental assessment and wetland survey, as specified in Section 719.7.3.4 and 5 of the Code, shall be submitted with the Preliminary Site Plan for the East Development Pod.

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10. The developer shall provide signs adjacent to wetland buffers/conservation easements indicating that the area is a "Conservation Area". The type and location of such signs shall be shown and approved by the EMD with the Final Site Plan.
11. Nuisance, exotic plant species shall be removed from upland portions of the site prior to issuance of a Certificate of Occupancy.
12. A 25 ft. wide roadway buffer shall be provided along US 301 for the Southwest Development Pods. This buffer shall include canopy trees at least 3" caliper planted every 30 ft. on center and understory trees at least 2" caliper planted every 20 ft. on center and shrubbery at least 36" in height at planting every 36 inches on center. This buffer shall be installed prior to the issuance of the first Certificate of Occupancy for either development pod.
13. There shall be no antennae or tower facilities, helistops, animal products processing, or gas pumps, not accessory to the industrial use, allowed in this project.
14. If a different industrial user occupies the site with a significantly different operational use other than food and beverage processing, packaging, and transportation, then any initial subsequent replacement of demolished buildings shall require County Planning Department review to determine if further General Development Plan approval is warranted and if so, then a subsequent General Development Plan application and approval process will be required.
15. All new truck loading, service areas, outside storage and parking of heavy equipment, semi-trucks, and trailers adjacent to the eastern property line shall be screened from view from the public right of way with at least a fence, minimum six ft. in height and landscaping equaling or exceeding at least one 8' high 1 ½" dbh canopy tree every 25 feet on center and 20 shrubs per 30 linear feet. Such landscaping shall be located and maintained on the exterior side of the fence. The buffer area shall be at least 10 feet in width, adjacent to the west side of the relocated right of way line of 13<sup>th</sup> St. Ct. East. For the property added as part of the Amended General Development Plan, PDUI-90-01(Z)(G) (R2), the landscaping shall be in accordance with the landscaping plan submitted by the applicant at the 6/25/92 BOCC hearing. (Original Stipulation).
16. The applicant shall not take access from any local roadways and shall record a non ingress/egress easement on local roadways to be shown on all final site plans. All access to the site shall be from existing internal entrances and roads designated as collector or higher. (Original Stipulation).
17. The wire security fence in place along the western right of way line of 13<sup>th</sup> Street East shall be covered with green vinyl or removed and replaced with a green vinyl covered chain link fence for buffering purposes. Any barbed wire used in conjunction with this fence shall also be green in color. (Original Stipulation).

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 ( $\pm$  13.8 acres) from RSF-4.5 (Residential Single-Family-4.5 dwelling units per acre) to PDUI (Planned Development Urban Industrial) and ( $\pm$ 0.7 acres) from NC-S (Neighborhood Commercial-Small) to PDUI (Planned Development Urban Industrial), 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. LEGAL DESCRIPTION.

$\pm$ 13.8 ACRES FROM RSF-4.5 TO PDUI

COMMENCE AT THE NNORTHWEST CORNER OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S 89° 14' 43" E, ALONG THE NORTH LINE OF SAID SOUTHWEST  $\frac{1}{4}$ , A DISTANCE OF 42.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S 89° 14'43" E, ALONG SAID  $\frac{1}{4}$  SECTION LINE, A DISTANCE OF 619.58 FEET; THENCE S 00° 07' 32" W, 972.70 FEET; THENCE N 89° 14' 57" W, 617.41 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF 15<sup>TH</sup> STREET EAST; THENCE NORTH, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 972.78 FEET TO THE POINT OF BEGINNING.

$\pm$  0.7 ACRES FROM NC-S TO PDUI

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 34 S., RANGE 17 E; THENCE S 89°05'03" E, ALONG THE SOUTHERLY LINE OF SAID NORTHWEST  $\frac{1}{4}$ , A DISTANCE OF 116.74 FT. TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NO. 55; THENCE N 00°30'55" W. ALONG THE EASTERLY RIGHT-OF-WAY OF SAID STATE ROAD NO. 55, A DISTANCE OF 588.44 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°30'55" W, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 96.51 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF THE C.S.X. RAILROAD RIGHT-OF-WAY; THENCE S 53°11'51" E, ALONG THE SOUTHERLY LINE OF SAID C.S.X. RAILROAD RIGHT-OF-WAY, PARALLEL WITH THE C.S.X. RAILROAD MAIN TRACK CENTERLINE AND 25.0 FT. SOUTHWESTERLY THEREFROM, 446.01 FT.; THENCE S 00° 25' 28" W, 74.52 FT.; THENCE N 53°11'51" W, PARALLEL WITH THE SOUTHERLY LINE OF SAID C.S.X. RAILROAD RIGHT-OF-WAY AND 60.0 FT. SOUTHWESTERLY THEREFROM, 409.73 FT.; THENCE S89°29'05" W, A DISTANCE OF 27.63 FT. TO THE POINT OF BEGINNING. BEING AND LYING IN THE NORTHWEST  $\frac{1}{4}$  OF SECTION 36, TOWNSHIP 34 S., RANGE 17E., MANATEE COUNTY, FLORIDA. CONTAINING 27,006 SQ FT MORE OR LESS

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Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

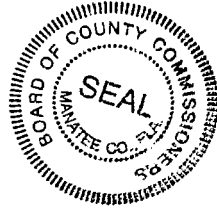
PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 24<sup>th</sup> day of August, 2004, and as amended on the 2<sup>nd</sup> day of November, 2004.

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

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

[Signature]  
Bis...



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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 3<sup>rd</sup> day of November, 2004

R.B. SHORE  
Clerk of Circuit Court

By: [Signature] D.C.



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R. B. SHORE

2004 NOV 12 PM 3:13

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT OF STATE

**Glenda E. Hood**

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

November 9, 2004

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

Attention: Patricia Wanless Branch, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 3, 2004 and certified copy of Manatee County Ordinance No. PDUI-02-27(Z)(G), which was filed in this office on November 8, 2004.

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

Sincerely,

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

Liz Cloud  
Program Administrator

LC/kcs

Enclosure

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