

MANATEE COUNTY ZONING ORDINANCE
PDUI-90-01(Z)(G)(R²) - TROPICANA PRODUCTS, INC.

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA
Jul 6 1 10 PM '92

JUL 2 2 39 PM '92

FILED

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 RSF-6 (RESIDENTIAL SINGLE FAMILY, 6 DU/ACRE) AND LM (LIGHT MANUFACTURING) TO PDUI (PLANNED DEVELOPMENT URBAN INDUSTRIAL); AND APPROVAL OF A GENERAL DEVELOPMENT PLAN THAT INCLUDES 243,700 SQ. FT. OF INDUSTRIAL AND STORAGE USES, TRANSPORTATION FACILITIES AND OFF-STREET PARKING; PROVIDING AN EFFECTIVE DATE.

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 RSF-6 (Residential Single Family, 6 du/acre) and LM (Light Manufacturing) to PDUI (Planned Development-Urban Industrial).

B. The said Board of County Commissioners held a public hearing on June 25, 1992 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, entitled TROPICANA PRODUCTS, INC., is hereby APPROVED to allow 243,700 sq. ft. of industrial and storage uses, transportation facilities and off-street parking with the following stipulations and modification:

STIPULATIONS

1. A Master Irrigation Plan shall be submitted concurrent with the first Final Site Plan submittal for this portion of the revised General Development Plan. Also, a Master Irrigation plan shall be submitted for the entire site at this time.
2. A Master Signage and Lighting Plan shall be submitted concurrent with the first Final Site Plan submittal for this revised General Development Plan. A Master Signage and Lighting Plan shall be submitted for the entire site at this time.
3. 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 feet (6') in height and landscaping equaling or exceeding at least one (1) eight foot (8') high 1 1/2-2 inch d.b.h canopy tree every twenty-five feet (25') on center and 20 shrubs per thirty (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 13th Street Court 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.

4. There shall be a screening buffer consistent with stipulation #3 located on the east sides of buildings #55, #56, #62, #63, the proposed expansion of building #47 and on the south side of buildings #56 and #19D.
5. The applicant shall submit a noise mitigation plan in which there shall be no increase in the ambient noise level at all property lines of this revised site plan, created by this development. This plan shall be submitted to the Planning, Permitting and Inspections Department concurrent with the submittal of the first Preliminary Site Plan within this revised area of the GDP. This plan shall include the following items: 1. Establishment of a pre-development twenty-four hour baseline noise reading at at least four points evenly distributed along all property lines, and adjacent to existing residential homes, to be submitted prior to issuance of the first Certificate of Occupancy. 2. Quarterly reports shall be submitted to the Planning, Permitting and Inspections Department, which give operational noise levels, which shall be provided by the developer at it's cost.
6. There shall be no loading zones located on the east sides of buildings #55, #56, #62, #63, and the proposed expansion of building #47, and no loading zones shall be located on the south side of buildings #56 and #19D. If there are loading zones proposed on the south side of building #62, the loading shall be limited to the hours between 8:00 am and 6:00 pm.
7. The applicant shall meet all County requirements regarding affordable housing replacement that are applicable to this project for the area added as part of the Amended General Development Plan with PDUI-90-01(Z)(G)(R²) relating to the demolition of any such units or, alternatively, shall provide an Affordable Housing Plan to the County for approval by the Board of County Commissioners. Either option must be submitted either within 6 months of this General Development Plan approval or prior to any future Final Site Plan approval for the aforesaid property, whichever comes first.
8. The applicant shall not take access from any adjacent 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.
9. The wire security fence in place along the western right of way line of 13th 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.
10. The relocated 13th Street Court East shall be a public street, dedicated to Manatee County and constructed to County standards by the applicant within one year of the approval of this General Development Plan. A performance security to insure the construction shall be posted within 90 days of this

approval. The applicant shall provide adequate access for adjacent neighbors and vehicle traffic during construction of this street, specific provisions for which must be approved by the Director of Planning, Permitting and Inspections before the vacated 13th Street Court East is fenced off from public use.

11. In lieu of constructing a sidewalk along the western right-of-way of the proposed relocated 13th Street Court East and the northern right-of-way of 26th Avenue East, the applicant may provide a bond or submit a fee in an amount equal to the cost of constructing the linear footage for those sidewalks. The alternative bond or fee may be used by the County for constructing sidewalks to the new middle school along the east side of 15th Street East or the north side of 26th Avenue East lying east of 15th Street East. The bond/fee or actual construction of the sidewalk by the applicant shall be provided in conjunction with the approval of the first Final Site Plan for this revised General Development Plan. Should additional right-of-way be required for the applicant to construct the sidewalk on 26th Avenue East adjacent to their existing property, the applicant shall provide the additional right-of-way.
12. The alternate roadway plan submitted by Tropicana shall be incorporated into future development plans for this project and any future general development plans.

MODIFICATION

1. Modification of the sidewalk requirement along 13th Street East in conjunction with Stipulation #11.

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 RSF-6 (Residential Single Family, 6 du/acre) and LM (Light Manufacturing) 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, Permitting and Inspections Department, are hereby instructed to cause such amendment to the said Official Zoning Atlas.

Section 4. LEGAL DESCRIPTION.

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 36, TOWNSHIP 34 S., RANGE 17 E., THENCE N 00°09'59" E, ALONG THE EAST LINE OF SAID SECTION 36, SAME BEING THE RANGE LINE, A DISTANCE OF 1669.98 FT. TO THE INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTHERLY MAINTAINED R/W OF 20TH AVENUE EAST; THENCE N 89°23'17" W, ALONG SAID EASTERLY EXTENSION AND THE NORTHERLY MAINTAINED R/W OF SAID 20TH AVENUE EAST, A DISTANCE OF 508.71 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE N 89°23'17" W, ALONG SAID MAINTAINED R/W, A DISTANCE OF 156.67 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 36; THENCE S 00°06'25" W, ALONG THE EASTERLY LINE OF SAID SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 320.66 FT. TO THE INTERSECTION WITH THE VACATED NORTHERLY R/W OF 21ST AVENUE EAST; THENCE N 89°26'03" W, ALONG SAID VACATED R/W, A DISTANCE OF 663.64 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF "LINCOLN TERRACE," A SUBDIVISION (PARTIALLY VACATED), AS RECORDED IN PLAT BOOK 4, PAGE 104, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°08'15" W, ALONG THE WESTERLY LINE OF SAID "LINCOLN TERRACE," A DISTANCE OF 692.53 FT. TO THE INTERSECTION WITH THE NORTHERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1282, PAGE 3872, AFORESAID PUBLIC RECORDS; THENCE N 89°31'57" W, ALONG THE NORTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 1282, PAGE 3872, A DISTANCE OF

9.43 FT. TO THE INTERSECTION WITH THE EASTERLY R/W LINE OF SEABOARD COASTLINE RAILROAD; THENCE S 15°06'57" E, ALONG SAID EASTERLY RAILROAD R/W LINE, A DISTANCE OF 415.69 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF STATE ROAD NO.683 (U.S. HIGHWAY 301) AS SHOWN ON F.D.O.T. R/W MAPS SECTION 13120-2506; THENCE S 58°36'17" E, ALONG THE NORTHERLY R/W OF SAID STATE ROAD NO. 683, A DISTANCE OF 412.59 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF 26TH AVENUE EAST, THENCE S 89°36'46" E, ALONG THE NORTHERLY R/W OF SAID 26TH AVENUE EAST, A DISTANCE OF 353.25 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF "PINEALTOS PARK," A SUBDIVISION, AS RECORDED IN PLAT BOOK 4, PAGE 46, AFORESAID PUBLIC RECORDS; THENCE N 00°13'53" E, ALONG THE EASTERLY LINE OF SAID "PINEALTOS PARK," A DISTANCE OF 612.27 FT. TO THE INTERSECTION WITH THE SOUTHERLY LINE OF AFORESAID "LINCOLN TERRACE;" THENCE N 89°31'57" W, ALONG THE SOUTHERLY LINE OF SAID "LINCOLN TERRACE," A DISTANCE OF 34.71 FT. TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF LOT 15, OF SAID "LINCOLN TERRACE;" THENCE N 00°02'55" E, ALONG THE WEST LINE OF THE EAST 1/2 OF SAID LOT 15 AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 158.47 FT. TO A POINT ON THE SOUTH LINE OF LOT 34, OF SAID "LINCOLN TERRACE;" THENCE S 89°23'08" E, ALONG THE SOUTH LINE OF SAID LOT 34, ALSO BEING THE NORTH R/W OF 23RD AVENUE EAST (PITTSBURG AVENUE), A DISTANCE OF 34.37 FT. TO THE SOUTHEAST CORNER OF SAID LOT 34, SAME BEING THE SOUTHWEST CORNER OF LOT 33, OF SAID "LINCOLN TERRACE;" THENCE N 00°06'02" E, ALONG THE WEST LINE OF SAID LOT 33, A DISTANCE OF 107.93 FT. TO THE NORTHWEST CORNER OF SAID LOT 33, SAME BEING THE SOUTHEAST CORNER OF LOT 61, OF SAID "LINCOLN TERRACE;" THENCE N 89°23'47" W, ALONG THE SOUTH LINE OF SAID LOT 61, A DISTANCE OF 26.00 FT. TO THE SOUTHWEST CORNER OF THE EAST 1/2 OF SAID LOT 61; THENCE N 00°06'02" E, ALONG THE WEST LINE OF THE EAST 1/2 OF SAID LOT 61, AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 157.93 FT. TO A POINT ON THE SOUTH LINE OF LOT 80, OF SAID LINCOLN TERRACE;" THENCE S 89°24'26" E, ALONG THE SOUTH LINE OF SAID LOT 80, ALSO BEING THE NORTH R/W OF 22ND AVENUE EAST (HOMESTEAD AVENUE), A DISTANCE OF 26.00 FT. TO THE SOUTHEAST CORNER OF SAID LOT 80, SAME BEING THE SOUTHWEST CORNER OF LOT 79 OF SAID "LINCOLN TERRACE;" THENCE N 00°06'02" E, ALONG THE WEST LINE OF SAID LOT 79 AND THE WEST LINE OF LOT 108, OF SAID "LINCOLN TERRACE;" A DISTANCE OF 216.05 FT. TO THE SOUTH R/W OF 21ST AVENUE EAST (VIRGINIA AVENUE); THENCE N 89°21'40" W, ALONG SAID SOUTH R/W, A DISTANCE OF 11.44 FT. TO THE INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 43, PAGE 626, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°09'59" E, ALONG THE WEST LINE OF SAID CERTAIN PARCEL AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 218.82 FT. TO THE NORTHWEST CORNER OF SAID CERTAIN PARCEL; THENCE S 89°20'16" E, ALONG THE NORTH LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 26.03 FT. TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1318, PAGE 1841, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 00°09'59" E, ALONG THE EAST LINE OF SAID CERTAIN PARCEL AND THE NORTHERLY EXTENSION THEREOF, A DISTANCE OF 151.32 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 36, TOWNSHIP 34 S, RANGE 17 E, MANATEE COUNTY, FLORIDA.

CONTAINING 23.07 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

Section 5. EFFECTIVE DATE. This ordinance shall take effect immediately upon the receipt of the official acknowledgment from the Office of the Secretary of State, State of Florida, that same has been filed with that office.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 25th day of June, 1992.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Kathy A. Suel

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

BY: Susan A. French
D.C.

STATE OF FLORIDA COUNTY OF MANATEE
I hereby certify that the foregoing is a true copy of ORDINANCE NO. PDUI-90-01(Z)(G)(R²) adopted by the Board of County Commissioners of said County on the 25th day of June, 1992, this 27th day of June, 1992, in Bradenton, Florida.
R. B. Shore
Clerk of Circuit Court
By: Emily Lloyd D.C.



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF ELECTIONS

Room 2002, The Capitol, Tallahassee, Florida 32399-0250
(904) 488-8427

FILED FOR RECORD
R.B. SHORE
CLERK CIRCUIT COURT
MANATEE CO FLORIDA
JUL 6 1 10 PM '92

July 2, 1992

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

Attention: Susan G. French, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter of June 26, 1992 and certified copies of Manatee County Ordinance Numbers PDO 92-01 (Z)(P), PDUI-90-01(Z)(G)(R2) and Z-92-05, which were received and filed in this office on July 2, 1992.

The duplicate copies showing the filing date are being returned for your records.

Sincerely,

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

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosures (3)