

FILED FOR RECORD
R. B. SHORE

2008 MAR -6 AM 11:33

**MANATEE COUNTY ORDINANCE
PDI-05-56(P)(R) – BUCKEYE INDUSTRIAL PARK**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, PERTAINING TO APPROXIMATELY 95.4 ACRES ON THE SOUTH SIDE OF BUCKEYE ROAD, ± ¼ MILE EAST OF U.S. 41, AND 1,300 FEET WEST OF BUD RHODEN ROAD, AT 3007 AND 3015 BUCKEYE ROAD, PALMETTO IN THE PDI (PLANNED DEVELOPMENT INDUSTRIAL) ZONING DISTRICT; APPROVING A REVISED PRELIMINARY SITE PLAN AND AMENDING AND RESTATING ZONING ORDINANCE PDI-05-56(P)(R) APPROVED ON AUGUST 2, 2007; TO AMEND STIPULATION NO. 31, TO REDUCE OR ELIMINATE THE REQUIREMENT FOR A 35 FOOT RIGHT-OF-WAY DEDICATION ALONG THE SOUTH SIDE OF BUCKEYE ROAD; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, PROVIDING AN EFFECTIVE DATE.

2008 MAR -3 AM 9:41

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WHEREAS, Buckeye Industrial Limited (the "Applicant") filed an application for an amendment to the approved Ordinance for approximately 95.4 acres described in Exhibit "A", attached hereto, (the "Property") to revise Stipulation No. 31 to reduce or eliminate the requirement for a 35 foot right-of-way dedication along the south side of Buckeye Road; and

WHEREAS, Special Approval was previously granted to exceed a Floor Area Ratio of 0.35 in the IL Future Land Use Category; and

WHEREAS, Specific Approval was previously granted for alternatives to Section 715.3.2.c and Figure 715.C of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the revised Preliminary Site Plan, 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 staff, 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 received and considered the staff report 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 February 26, 2008 regarding the revised Preliminary Site Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01 (the Manatee County Land Development Code), and 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 No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. The Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved to amend Stipulation No. 31, to reduce or eliminate the requirement for a 35 foot right-of-way dedication along the south side of Buckeye Road subject to the following Stipulations:

STIPULATIONS

1. Any fill within the 100-year floodplain 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).
2. There shall be a full 25-year attenuation on all stormwater ponds within the development.
3. A Drainage Maintenance Easement shall be provided along the ditch running along the west property line and the ditch running through the middle property north of proposed Lots 6-13, 21, and 22. The Drainage Easement width shall be from top of bank to top of bank, based on design cross section, and an additional 25 feet Drainage Maintenance Access Easement from the top of bank along at least one side of the ditch. 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.
4. Routing and modeling of the existing conditions shall be provided with the Drainage Model and Construction Plan for all natural drainage systems within and surrounding this project and ground depressions.
5. 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.
6. The control structures in the existing wetlands shall not restrict the existing discharge rate.
7. The downstream tailwater conditions shall be used in modeling the on-site drainage system. The model shall reflect the current downstream constrictions. The drainage model shall reflect no increase in stage downstream of the site.
8. The Drainage Model and Construction Plan shall demonstrate stormwater conveyed by the roadside drainage swales along Buckeye Road will not flood the roadway in front of this property.

9. The applicant shall conduct a geotechnical investigation in accordance with Chapter 2-20.1 of the Manatee County Code of Ordinances, to quantify the post-development radon exposure risk and provide the results to the EMD prior to Final Site Plan approval.
10. Any tenant of the park operating a business that falls within one of the eleven categories of industrial activity identified in 40 CFR 122.26(b)(14) must obtain a generic or individual NPDES permit and implement a SWPPP. Copies of the permit coverage eligibility letter and the SWPPP shall be forwarded to the Manatee County Environmental Management Department (EMD) prior to Final Site Plan approval for each such lot within the subdivision.
11. A Water Well Construction Permit must be obtained from the EMD prior to construction of the proposed well(s).
12. Existing wells shall be kept in a watertight manner and be protected during all construction activities.
13. Underground or aboveground pollutant storage tank installation or removal must conform to the requirements of Chapter 62-761, Florida Administrative Code.
14. If burning of trees or branches is required for land clearing, a burn permit must be first obtained from the Environmental Management Department. No burn permits will be issued until Final Site Plans or Construction Plans are approved.
15. Prior to Final Site Plan for each lot, a special report for solid waste and waste water is required. The solid waste report shall address the type of solid waste generated, the generation rate, the method of disposal and any recycling efforts being made by the applicant. The waste water report shall describe composition and generation rate.
16. HVAC equipment, loading zones, and dumpsters shall be screened from view from adjacent rights-of-way and nearby residences. Additionally, all HVAC equipment for Lots 16-20, 23, 28, and 29 shall be located on the ground rather than roof mounted. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials.
17. All roof mounted HVAC mechanical equipment for the remaining lots 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 Chapman Road and Buckeye Road.
18. Architectural renderings for structures shall be submitted for review prior to Final Site Plan approval for each lot.
19. All building facades shall include landscaping and design features which reduce the mass, scale, and uniform monolithic appearance of large unadorned walls.

Exterior building materials shall consist of brick, architectural precast concrete panels, architectural masonry units, split face block, glass, stucco, ceramic tile, stone, wood, or similar materials. Painted or exposed standard concrete block, or corrugated metal shall

not be permitted. Architectural metals or standard concrete block with stucco type finish, in conjunction with other permitted building materials may be allowed, provided that at least 50% of the building face is constructed from other permitted materials.

To ensure that the buildings do not project a massive blank wall, blank walls shall be no longer than 20 feet in length. Design elements including prominently visible architectural details (e.g., bumpouts, reveals and projecting ribs, cornice, offset building planes, windows, shutters, areas of contrasting or different finish building materials, etc.) shall be applied to buildings.

Other methods, as determined by the Planning Director, may be approved, including allowing blank walls longer than 20 feet in length, provided superior building materials and significant horizontal design features are incorporated as part of the building elevation. Building elevations shall be approved with the Final Site Plan by the Planning Department ensuring compliance with this condition.

20. No heavy industrial uses are allowed in this subdivision. Adverse impacts statements shall be submitted prior to each subsequent site plan approval.
21. Commercial uses shall be a maximum of 3,000 square feet and limited to intensive commercial, wholesale commercial, and small retail uses containing neighborhood retail uses only.
22. Outdoor storage and loading zones shall not face residential uses.
23. All deliveries and truck loading occurring on Lots 16-20 and Lots 23, 28, and 29 (adjacent to residential) shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m.
24. The height of buildings on Lots 16-20 and 23, 28, and 29 shall be limited to 35 feet.
25. Prior to Final Plat approval, a forty (40) foot wide buffer with enhanced landscaping shall be provided along Chapman Road. This buffer shall be planted with two staggered rows of understory trees (2" caliper, 6-ft. height, 3-foot spread), with trees in each row 30 feet on center, and 33 shrubs per 100 linear feet. At least three different species for each plant category shall be used.
26. Prior to Final Plat approval, a twenty (20) foot wide buffer with enhanced landscaping shall be provided along the south and southwest perimeters (adjacent to the residential use) of the project. This buffer shall be planted with three canopy trees (3" caliper, 12-ft. height, 5-foot spread), and 33 shrubs (30 inches at time of planting) per 100 linear feet.
27. Prior to Final Plat approval, a minimum twenty (20) foot wide buffer with enhanced landscaping shall be provided along Buckeye Road and Bud Rhoden Road. This buffer shall be planted with two staggered rows of understory trees containing six (6) evergreen trees (2" caliper as measured six inches from the base of the tree, 6-ft. height, 3-foot spread) and 33 shrubs (30-inches at time of planting) per 100 linear feet. At least three different species for each plant category shall be used.

28. Prior to Final Plat approval, a six (6) foot high solid decorative, opaque wall or PVC fence shall be installed along the entire south, southwest, and east perimeters of the project. The wall shall be placed at the interior edge of the landscaped buffers and all required landscaping shall be on the exterior side of the wall.
29. A non-vehicular ingress egress easement in a form acceptable to the County shall be recorded and shown on the Final Plat along lots adjacent to Buckeye Road, Bud Rhoden Road, and Chapman Road, excluding the two access roads. No lots shall have direct access to Buckeye Road and Bud Rhoden Road. All driveways shall connect to the internal roads.
30. All ground signs shall be in compliance with the requirements of any sign regulations then in effect. In addition, pole signs, message center signs, fluorescent signs, and neon signs are prohibited for all lots.
31. Prior to Final Plat approval, 31 feet (60 feet half-width) right-of-way along Bud Rhoden Road shall be dedicated to Manatee County.

Section 3. SPECIAL AND SPECIFIC APPROVALS . Special Approval was previously granted to exceed a Floor Area Ratio of 0.35 in the IL Future Land Use Category. 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. Specific Approval was previously granted for alternatives to Sections 715.3.2.c and Figure 715.C of the Land Development Code. These Specific Approvals 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, sentence, 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, this ordinance is 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 26th day of February, 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

A PARCEL OF LAND LYING IN SECTION 7 AND 8, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 21, JOHN PIPLACK'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 145 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, WHICH HAS BEEN PARTIALLY VACATED BY RESOLUTION R-01-65-V, RECORDED IN OFFICIAL RECORDS BOOK 1699, PAGE 5189, SAID RECORDS; SUBJECT TO THE WEST 15-FEET OF SAID LOT 21 FOR ROAD RIGHT-OF-WAY.

AND

LOTS 1, 2, 3, 4, 5, 6, 7 AND 8, OF GIVLER'S SUBDIVISION, BEING A RESUBDIVISION OF LOTS 14 AND 20 OF JOHN PIPLACK'S SUBDIVISION, ACCORDING TO THE PLATS THEREOF RECORDED IN PLAT BOOK 2, PAGE 145, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA WHICH HAVE BEEN PARTIALLY VACATED BY RESOLUTION R-01-65-V RECORDED IN OFFICIAL RECORDS BOOK 1699, PAGE 5189, SAID RECORDS. LESS RIGHT-OF-WAY FOR BUCKEYE ROAD ALONG THE NORTH SIDE OF LOTS 1 THRU 4 OF SAID GILVER'S SUBDIVISION.

AND

THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 8, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LESS ROAD RIGHT-OF-WAY FOR BUD RHODEN ROAD AND CHAPMAN ROAD.

AND

TOGETHER WITH: 15-FOOT WIDE VACATED ROADWAY LYING WEST OF AND CONTIGUOUS TO THE WEST LINE OF LOTS 4 AND 5, THE 25-FOOT WIDE VACATED ROADWAY LYING SOUTH OF AND CONTIGUOUS TO THE SOUTH LINE OF LOTS 5, 6, 7 AND 8, AND THE 15-FOOT WIDE VACATED ROADWAY LYING EAST OF AND CONTIGUOUS TO THE EAST LINE OF LOTS 1 AND 8, OF GIVLER'S SUBDIVISION, BEING A RE-SUBDIVISION OF LOTS 14 AND 20 OF JOHN PIPLACK'S SUBDIVISION, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, WHICH ROADWAYS WERE VACATED BY RESOLUTION R-01-65-V RECORDED IN OFFICIAL RECORDS BOOK 1699, PAGE 5189 OF SAID PUBLIC RECORDS.

AND

TOGETHER WITH: THE 25-FOOT VACATED ROADWAY LYING SOUTH OF THE NORTH LINE OF LOT 21, AND THE 15-FOOT VACATED ROADWAY LYING WEST OF THE EAST

LINE LOT 21, OF JOHN PIPLACK'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 145 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, WHICH ROADWAYS WERE VACATED BY RESOLUTION R-01-65-V RECORDED IN OFFICIAL RECORDS BOOK 1699, PAGE 5189 OF SAID PUBLIC RECORDS.

CONTAINING 95.4 ACRES, MORE



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 27th day of

February, 2008

R.B. SHORE
Clerk of Circuit Court

By: Maggie Hamilton D.C.



FILED FOR RECORD
R. B. SHORE

2008 MAR -6 AM 11:33

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

KURT S. BROWNING
Secretary of State

March 3, 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 February 27, 2008 and certified copies of Manatee County Ordinance Nos. 08-24 and PDI-05-56(P)(R), which were filed in this office on March 3, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/jru
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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LEGISLATIVE LIBRARY SERVICE
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RECORDS MANAGEMENT SERVICES
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