

FILED FOR RECORD
R. B. SHORE

2008 AUG 20 PM 1:36

**MANATEE COUNTY ZONING ORDINANCE
PDMU-08-15(G) – GULF COAST CORPORATE PARK**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN TO RE-ESTABLISH DEVELOPMENT APPROVAL FOR 1,342,516 SQUARE FEET OF INDUSTRIAL SPACE, 60,000 SQUARE FEET OF COMMERCIAL SPACE, AND 60,000 SQUARE FEET OF OFFICE SPACE; AMEND STIPULATIONS 2, 5, AND 10 TO CORRECTLY REFLECT LOT NUMBERS; AND AMEND STIPULATION 4 TO CONFORM WITH THE CURRENT LAND DEVELOPMENT CODE; ON APPROXIMATELY 141.5 ACRES AT THE SOUTHEAST CORNER OF INTERSTATE 275 AND US 41 IN THE PDMU (PLANNED DEVELOPMENT MIXED USE) ZONING DISTRICT; SUBJECT TO STIPULATIONS ON CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sysco Food Services West Coast FL, Inc. (the "Applicant") filed an application for a General Development Plan for approximately 141.5 acres described in Exhibit "A", attached hereto, (the "Property") to re-establish development approval for 1,342,516 square feet of industrial space, 60,000 square feet of commercial space, 60,000 square feet of office space; Amend Stipulations 2, 5, and 10 to correctly reflect lot numbers; and amend Stipulation 4 to conform with the current Land Development Code; and

WHEREAS, the Applicant filed a request for Special Approval for a mixed use project; and

WHEREAS, the Applicant filed a request for Specific Approval for an alternative to Section 737.4.1.2(d) of the Land Development Code; and

WHEREAS, Planning staff recommended approval of the General Development Plan; Special Approval, and Specific Approval, 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 July 10, 2008 to consider the General Development Plan application, received the staff 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 General Development 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 August 5, 2008 regarding the proposed Preliminary Site Plan 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 General Development 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 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 LDC Section 737.4.1.2(d), the Board finds that the proposed design satisfies the public purpose and intent of the LDC regulation to an equivalent degree because the trees scheduled for preservation were chosen both for individual quality and arrangement in groups. Grouped trees provide canopies that are interdependent and provide greater environmental and aesthetic benefit than trees preserved individually.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved to re-establish development approval for 1,342,516 square feet of industrial space, 60,000 square feet of commercial space, 60,000 square feet of office space, and amend Stipulations 2, 5, and 10 to correctly reflect lot numbers; and amend Stipulation 4 to conform with the current Land Development Code upon the Property subject to the following Stipulations:

STIPULATIONS

1. All building façades visible from other properties outside the park shall exhibit an aesthetically attractive appearance. Exterior building materials shall consist of brick, stone, wood, or similar materials. Painted or exposed concrete block, corrugated metal, or tilt up precast slabs shall not be permitted. Architectural metals in conjunction with other permitted building materials shall be allowed, provided that at least fifty percent (50%) of the building face is constructed from other permitted materials.
2. The sides of buildings visible from I-275 and US 41 on Lots 3-6 (Phase 3) and 20-22 in the industrial area, and on Lot 19 in the commercial area, shall have minimal blank walls no longer than 40 feet in length for the commercial and stand alone office buildings and no longer than 60 feet in length for industrial buildings. In order to insure that the buildings do not project a massive blank wall, design elements including prominently visible architectural details (e.g., bumpouts, reveals, projecting ribs, offsets, windows, shutters, etc.) shall be applied to the walls of buildings visible from the above referenced streets. Design elements shall be reviewed for compliance by staff at Final Site Plan.

3. All truck loading, service areas, outside storage, and parking of heavy equipment, semi trucks, trailers, or other vehicles over 1 ½ tons shall be located at the non-street side of the building when adjacent to I-275, US 41, and Erie Road, unless they are not visible from a height of five feet (5') and the edge of pavement from said street, to be determined at time of Certificate of Occupancy (C.O.).
4. A coordinated signage plan for the perimeter of the project shall be submitted and reviewed at time of preliminary site plan submittal. All signage must provide concealment of main support structure (e.g. pole) between 20 and 100% of sign width with materials consistent with those in the development.
5. Lots 4 (Phase 1) and 8 shall have a minimum seventy-five foot (75') setback adjacent to residential development.
6. All roof mounted H.V.A.C. equipment, loading areas, and dumpsters for structures shall be screened from view from Erie Road, US 41, I-275, and adjacent properties. Screening shall be provided by materials consistent with the exterior finish materials of the buildings, landscaping, or other opaque materials consistent with the standards of the entranceway.
7. All heavy truck traffic (3 or more axles) shall access the site from the US 41 and Erie Road intersection only. An appropriate sign identifying this requirement shall be posted at all loading zones.
8. In order to accommodate the future expected demand for public transportation to the industrial park, the project shall provide a bus stop and shelter which meets ADA and MCAT standards, to be constructed prior to the last C.O. in Phase 3.
9. Commercial and stand alone office structures shall provide for intermittent shaded outdoor community space at a minimum of one percent of the total gross floor area of the commercial areas. Community spaces shall be located in the circulation paths of the complex or main structure and shall incorporate benches or other seating components.
10. The 20' wide landscape buffer along I-275 and the eastern property line of Lots 4 (Phase 1) and 8 shall be planted with two staggered rows of 3"dbh canopy trees (at least 14' in height) 50' on-center. A hedge, shrub, or berm meeting the requirements of Section 737.5.1.1 of the Land Development Code shall be provided on the rear of lots 4 (Phase 1), 8 and 4-6 (Phase 3) in order to partially screen the proposed industrial development. To the maximum extent possible, the existing landscaping and vegetation, which will remain either in the open space abutting Frog Creek or along the rear of the previously mentioned lots, shall be utilized to meet the screening requirements.
11. The variable width wetland buffer shall be approved by the Planning Department prior to Final Site Plan approval and be in accordance with the requirements of Section 719.11 of the LDC.

12. Industrial uses shall be limited to uses permitted in the Light Manufacturing (LM) zoning designation as illustrated in Section 602 of the LDC and to the square footage maximums for each type of land use specified in the General Development Plan.
13. This project shall be required to reduce the calculated predevelopment flow rate by fifty percent for all stormwater outfalls and outfall directly or indirectly into Frog Creek. This is required due to the fact that Frog Creek experienced historical flooding problems as acknowledged by this department.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a mixed use project. This Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof. Specific Approval is hereby granted for an alternative to Section 737.4.1.2(d) of the Land Development Code. This Specific Approval shall continue in effect and shall expire concurrent with the General Development 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 5th day of August, 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

FROM THE CENTER OF SECTION 30, TOWNSHIP 33 SOUTH, RANGE 19 EAST RUN N 89°31'46" W, ALONG THE NORTH LINE OF THE N.E. 1/4 OF THE S.W. 1/4 OF SAID SECTION 30, A DISTANCE OF 0.19 FEET TO A POINT ON THE ARC OF A CURVE TO THE LEFT WHOSE RADIUS POINT BEARS N 89°05'54" W, AT A DISTANCE OF 5961.56 FEET, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 41 (STATE ROAD 45); THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00° 14'29", A DISTANCE OF 24.67 FEET TO THE P.T. OF SAID CURVE: THENCE N 00°39'39" E, A DISTANCE OF 37.09 FEET TO THE POINT OF BEGINNING: THENCE, CONTINUE, ALONG SAID EAST RIGHT OF WAY LINE N 00°39'38" E, A DISTANCE OF 449.94 FEET TO THE RIGHT OF WAY LINE OF INTERSTATE-275, SECTION 13175-2403: THENCE ALONG SAID RIGHT OF WAY LINE OF INTERSTATE-275, THE FOLLOWING FIVE COURSES: S 89°20'35" E, A DISTANCE OF 50.76 FEET; THENCE N 10°13'08" E, A DISTANCE OF 243.60 FEET; THENCE N 50°12'54" E, A DISTANCE OF 57.85 FEET; THENCE S 89°47'20" E, A DISTANCE OF 393.43 FEET; THENCE N 00°12'40" E, A DISTANCE OF 60.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE S 89°47'20" E, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 906.19 FEET TO THE WEST LINE OF THE S.E. 1/4 OF THE N.E 1/4 OF AFORESAID SECTION 30; THENCE N 00°44'05" E, ALONG SAID WEST LINE, A DISTANCE OF 458.84 FEET TO THE SOUTH LINE OF THE N.W. 1/4 OF SAID N.E 1/4; THENCE N 99°44'12" W. ALONG SAID SOUTH LINE A DISTANCE OF 1244.97 FEET TO AFORESAID RIGHT OF WAY LINE OF INTERSTATE-275; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: N 04°28'16" E. A DISTANCE OF 20.43 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 506.00 FEET: THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY DIRECTION A DISTANCE OF 543.96 FEET THROUGH A CENTRAL ANGLE OF 61°35'38" TO THE P.T. OF SAID CURVE THENCE N 66°03'54" E, A DISTANCE OF 176.89 FEET THENCE N 69°52'45" E, A DISTANCE OF 356.99 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 2197.93 FEET THENCE ALONG THE ARC OF SAID CURVE IN A EASTERLY DIRECTION A DISTANCE OF 629.65 FEET THROUGH A CENTRAL ANGLE OF 16°24'43" TO THE RIGHT OF WAY LINE OF FROG CREEK; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: S 45°00'00" E, A DISTANCE OF 170.00 FEET THENCE N 45°00'00" E, A DISTANCE OF 146.31 FEET; THENCE N 45°00'00" W, A DISTANCE OF 33.64 FEET TO THE AFORESAID RIGHT OF WAY LINE OF INTERSTATE-275; THENCE N 80°25'05" E, ALONG SAID RIGHT OF WAY LINE. A DISTANCE OF 1005.24 FEET TO THE EAST LINE OF AFORESAID N.E 1/4; THENCE S 01°02'26" W, ALONG SAID EAST LINE, A DISTANCE OF 1061.52 FEET TO THE AFORESAID RIGHT OF WAY LINE OF FROG CREEK; THENCE ALONG SAID RIGHT OF WAY LINE OF FROG CREEK THE FOLLOWING FIVE COURSES: N 81°06'26" W, A DISTANCE OF 4.63 FEET; THENCE N 24°47'15" W, A DISTANCE OF 393.36 FEET; THENCE N 89°25'45" W, A DISTANCE OF 110.51 FEET THENCE S 24°47'15" E, A DISTANCE OF 493.91 FEET; THENCE S 81°06'26" E, A

DISTANCE OF 71.96 FEET TO THE EAST LINE OF THE S.E. 1/4 OF SAID N.E. 1/4; THENCE S 01°02'26" W, ALONG SAID EAST LINE, A DISTANCE OF 132.00 FEET; THENCE S 88°57'34" E, A DISTANCE OF 30.00 FEET; THENCE S 01°02'26" W, PARALLEL WITH AND 30 FEET EAST OF SAID EAST LINE. A DISTANCE OF 859.49 FEET TO THE NORTH LINE OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 29, TOWNSHIP 33 SOUTH, RANGE 18 EAST; THENCE N 89°40'01" W, ALONG SAID NORTH LINE, A DISTANCE OF 30.00 FEET TO EAST LINE OF THE N.E. 1/4 OF THE S.E. 1/4 OF AFORESAID SECTION 30; THENCE S 00°59'21" W, ALONG SAID EAST LINE, A DISTANCE OF 1259.05 FEET TO THE RIGHT OF WAY LINE OF ERIE ROAD AS DESCRIBED IN OFFICIAL RECORD BOOK 1196, PAGE 2033, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: N 89°21'44" W, A DISTANCE OF 748.04 FEET TO THE P.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 540.60 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY DIRECTION A DISTANCE OF 570.99 FEET THROUGH A CENTRAL ANGLE OF 60°31'00" TO THE P.C.C. OF A CURVE TO THE RIGHT WITH A RADIUS OF 515.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHERLY DIRECTION A DISTANCE OF 261.74 FEET THROUGH A CENTRAL ANGLE OF 29°07'09" TO THE P.T. OF SAID CURVE; THENCE N 00°16'25" E, A DISTANCE OF 196.83 FEET TO THE P.C. OF A CURVE TO THE LEFT WITH A RADIUS OF 625.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHWESTERLY DIRECTION A DISTANCE OF 984.30 FEET THROUGH A CENTRAL ANGLE OF 90°14'03" TO THE P.T. OF SAID CURVE; THENCE N 89°57'39" W, A DISTANCE OF 746.52 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTIONS 29 I 30, TOWNSHIP 33 SOUTH. RANGE 19 EAST. MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS. RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 141.49 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 13th day of

AUGUST, 2008

R.B. SHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE
2008 AUG 20 PM 1:36
CLERK OF THE CIRCUIT COURT
MANATEE COUNTY
KURT S. BROWNING
Secretary of State

August 15, 2008

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

Attention: Ms. Diane E. Vollmer, D.C.

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 13, 2008 and certified copies of Manatee County Ordinance Nos. PDO-08-06(Z) (P), PDMU-08-15(G), PDMU-07-36, PDC 07-32 (P), PDR-04-27 (Z) (P), 08-57, Z-89-46 (G) (R-11), PDC 07-02 (P), 08-28, 08-13 and PDMU-06-30 (Z) (G), which were filed in this office on August 15, 2008.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

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