

2010 DEC 14 PM 2: 27

ORDINANCE NO. 10-72

CLERK OF DISTRICT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM RES-1 (RESIDENTIAL 1 DU/GA TO P/SP(1) (PUBLIC / SEMI-PUBLIC (1) 0 DU/GA); FOR LAND LOCATED 1 MILE WEST OF INTERSECTION OF DAM ROAD AND SR 64 INTERSECTION AND 1,748 FEET NORTH OF SR 64; WITH DECLARED USES OF A TRANSPORTATION FACILITY OWNED AND OPERATED BY THE SCHOOL BOARD OF MANATEE COUNTY CONSISTING OF PARKING FOR BUSES, SERVICE VEHICLES, AND EMPLOYEES, FUEL STATION, VEHICLE WASH, MAINTENANCE FACILITY FOR SCHOOL BUSES AND FLEET VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (5.45± ACRES).

FILED
2010 DEC - 8 AM 11:40
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, of the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"), empowers and requires Board of County Commissioner of Manatee County (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-10-29 initiated by the Applicant is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element of the Manatee County Comprehensive Plan, consistent with Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, as amended, empowers the local government to adopt small scale amendments, waiving the objections, recommendations and comments review; and

WHEREAS, the proposed amendment encompasses 10 acres or less and meets the requirements to qualify for adoption as small area plan amendment under Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, on September 9, 2010, the Manatee County Planning Commission, after due public notice, held a public hearing to consider this map change and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, the minimum statutory and plan administration requirements for public participation for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan, provided herein, have been met or exceeded; and

WHEREAS, the Board of County Commissioners, on October 12, 2010, previously adopted Ordinance No. 10-15 which included both a map amendment for the subject property to the P/SP(1) (Public/Semi-Public 1) Future Land Use Classification, as well as the declared use stated as a text amendment to the Comprehensive Plan; and

WHEREAS, on December 2, 2010, the Board of County Commissioners of Manatee County rescinded the adoption of Ordinance 10-15 and held a duly noticed public hearing to consider adoption of Ordinance No. 10-72 specifically pertaining solely to a map amendment to the P/SP(1) (Public/Semi-Public 1) Future Land Use Classification for the subject property; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because of a change in circumstance in the adopted plan has been demonstrated by the applicant; and

WHEREAS, the intent and purpose of the P/SP(1) Future Land Use Classification is to recognize major public facilities, which may have adverse aesthetic or welfare impacts on adjacent property and maintenance facilities are expressly listed with the general range of potential uses; and,

WHEREAS, an applicant requesting the P/SP(1) Future Land Use Classification is required to declare a specific use for the subject property and the School Board has stated a declared use of a transportation facility owned and operated by the School Board, as described in the Application; and,

WHEREAS, the Applicant has submitted with its Application information and analysis on the compatibility of the proposed uses with surrounding development; and,

WHEREAS, prior to any development occurring upon the subject property, under the P/SP(1) Future Land Use Classification, a rezoning of the Planned Development zoning with an accompanying preliminary site plan will be required to be submitted to the Board of County Commissioners with stipulations to address potential compatibility issues; and,

WHEREAS, in exercise of said authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the said amendment of the Comprehensive Plan to preserve and enhance present advantages, encourage the most appropriate use of land, water and resources, consistent with the public interest, overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance. Based upon the findings made relative to this proposed map amendment to the Comprehensive Plan, and the compatibility analysis submitted with the Applicant, it has been determined that the existing Future Land Use Map designation for the property subject to the amendment is no longer in the public interest and should be amended as described in Section 3 below.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property, described on Exhibit A hereto which is incorporated herein by reference from RES-1 (Residential 1 DU/GA) to P/SP(1) (Public / Semi-Public (1)). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County's Comprehensive Plan pursuant to Ordinance No. 89-01, as amended. The declared use is a transportation facility owned and operated by the School Board of Manatee County consisting of parking for buses, service vehicles, and employees, fuel station, vehicle wash, maintenance facility for school buses and fleet vehicles.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining

provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged within 31 days after adoption, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, respectfully finding the amendment in compliance with the Act.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 2nd day of December, 2010.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Donna G. Hayes, Chairman

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

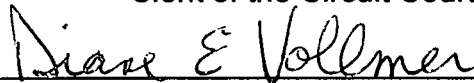
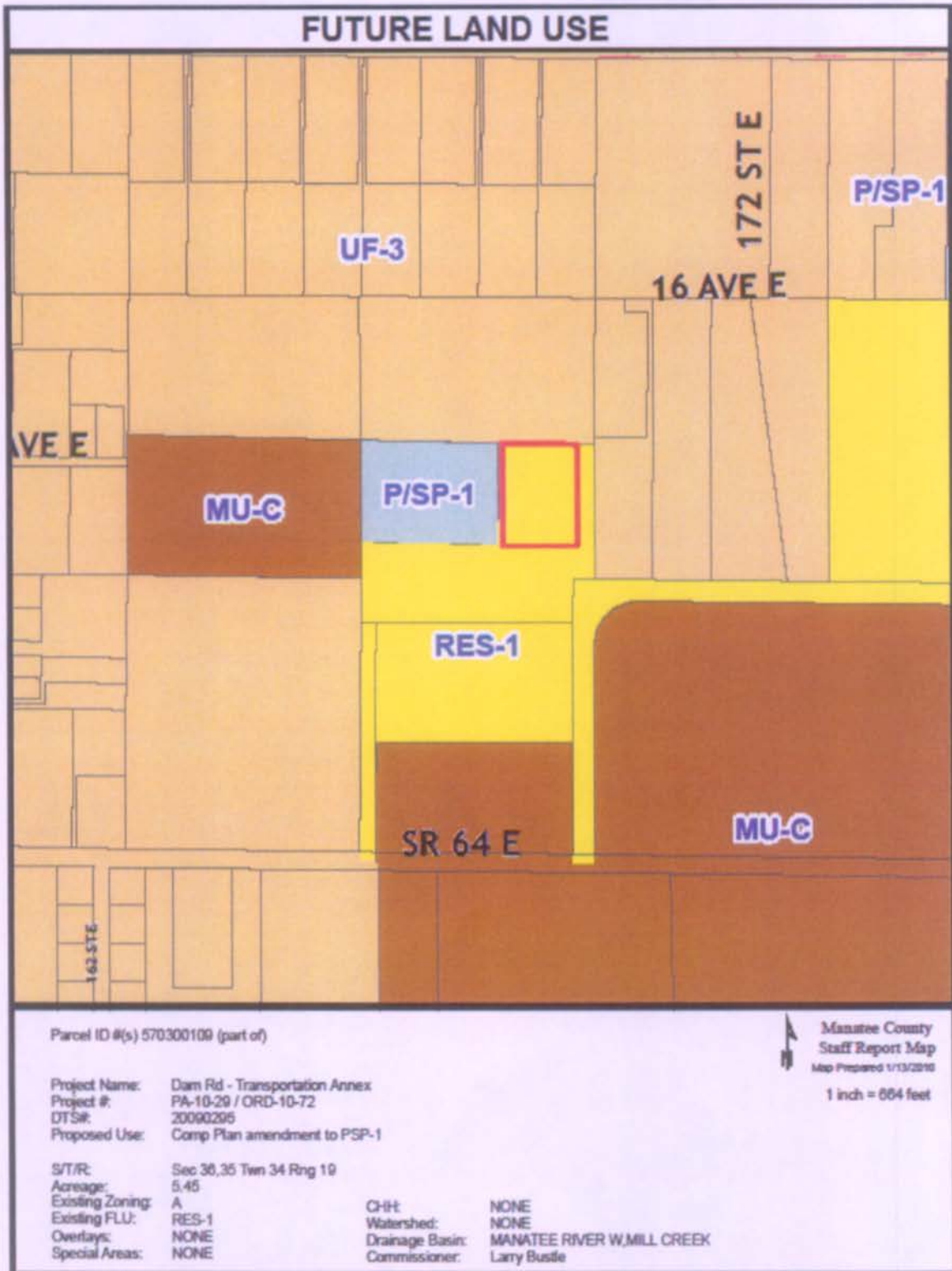
By: 
Diane E. Vollmer
Deputy Clerk



Exhibit A



Parcel ID #(s) 570300109 (part of)

Project Name: Dam Rd - Transportation Annex
 Project #: PA-10-29 / ORD-10-72
 DTS#: 20090295
 Proposed Use: Comp Plan amendment to PSP-1

S/T/R: Sec 36,35 Twn 34 Rng 19
 Acreage: 5.45
 Existing Zoning: A
 Existing FLU: RES-1
 Overlays: NONE
 Special Areas: NONE

GH# NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER W. MILL CREEK
 Commissioner: Larry Bustle

Manatee County
 Staff Report Map
 Map Prepared 1/13/2010
 1 inch = 664 feet

LEGAL DESCRIPTION
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AREA

EXHIBIT A - PAGE 1 of 2


DESCRIPTION: BUS DEPOT EAST

COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE S00°21'50"W, ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 775.51 FT. TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE N89°26'46"W, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 120.00 FT. FOR A POINT OF BEGINNING; THENCE S00°21'50"W, 562.84 FT.; THENCE N89°26'46"W, A DISTANCE OF 422.30 FT.; THENCE N00°30'09"E, A DISTANCE OF 562.84 FT. TO THE AFORESAID NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE S89°26'46"E, ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 420.94 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 35, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.45 ACRES, MORE OR LESS.

(REFER TO SHEET 2 OF 2 FOR SKETCH)

NOVEMBER 17, 2009
DATE OF CERTIFICATE


KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 5118

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER, LB 2241.
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOB NUMBER: 7615

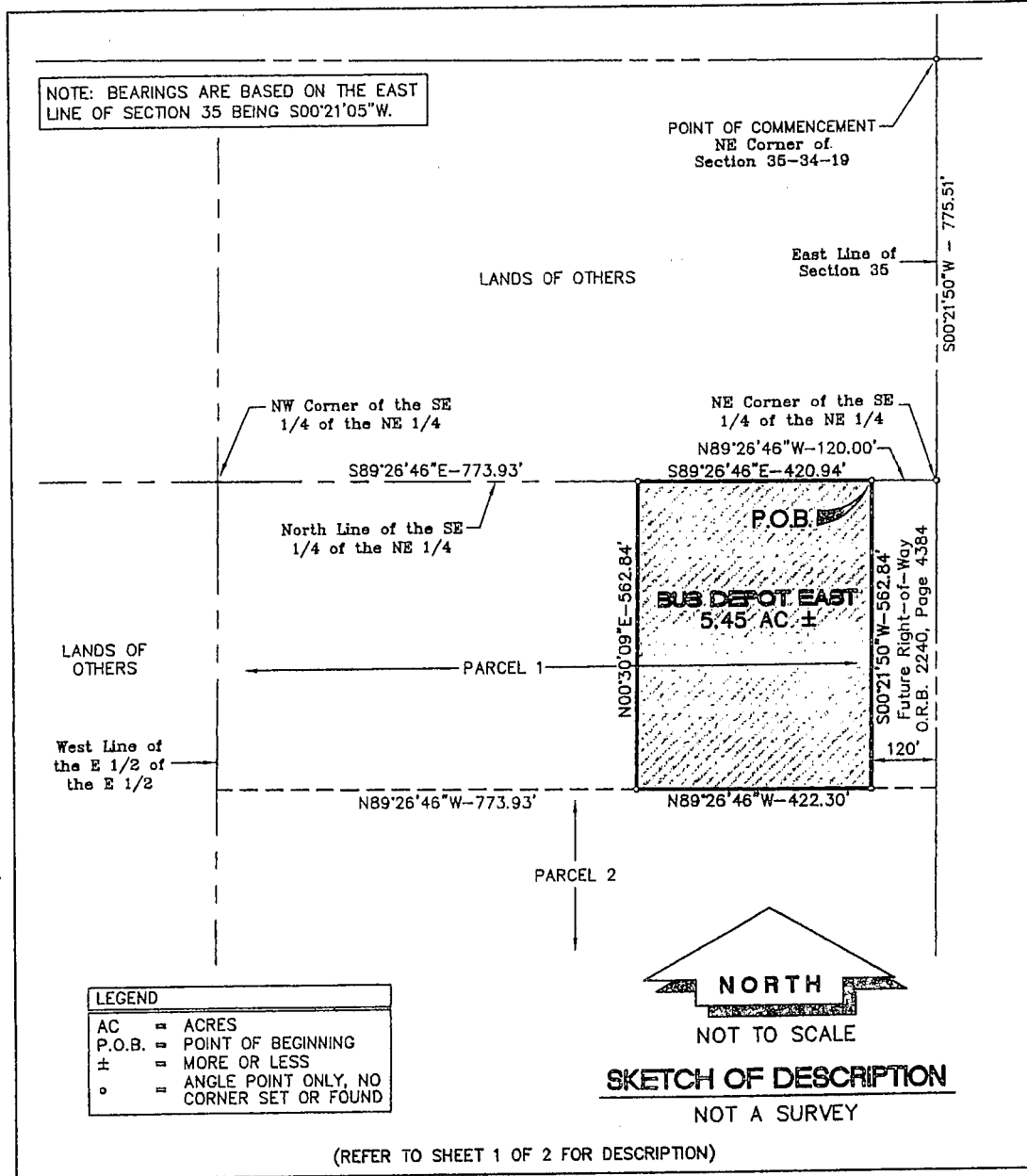
SHEET NUMBER 1 OF 2

LOMBARDO, FOLEY & KOLARIK, INC.
Consulting Engineers, Surveyors and Planners
P.O. Box 199 • 625 4th Street West • Palmetto, Florida 34221 • (941) 722-4551



DRBUSWSK.DWG 111809 tonyo

EXHIBIT A - PAGE 2 of 2



DRBUSWSK.DWG 111809 tonya

JOB NUMBER: 7615 DRAWN BY: T.BALL SCALE: NONE SHEET NUMBER 2 OF 2

LOMBARDO, FOLEY & KOLARIK, INC.

Consulting Engineers, Surveyors and Planners

P.O. Box 139 • 823 4th Street West • Palmetto, Florida 34221 • (840) 722-4531



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 20 day of December 2010

R. B. SHABAE
Clerk of Circuit Court

By: Lombardo D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

FILED FOR RECORD
R. B. SHORE
2010 DEC 14 PM 2:26
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA
DAWN K. ROBERTS
Interim Secretary of State

December 9, 2010

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

Attention: Ms. Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated December 3, 2010 and certified copies of Manatee County Ordinance Nos. 10-44, 10-65, 10-72, PDMU-91-01 (G)(R5) and PDC-09-08 (Z)(P), which were filed in this office on December 8, 2010.

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

Sincerely,

Liz Cloud
Program Administrator

LC/srd
Enclosure

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
850.245.6600 • FAX: 850.245.6643

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STATE ARCHIVES OF FLORIDA
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CAPITOL BRANCH
850.488.2812 • FAX: 850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

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PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this 2nd day of December, 2010.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: 
Donna G. Hayes, Chairman

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

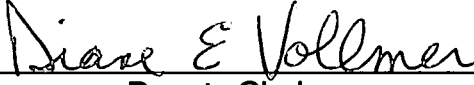
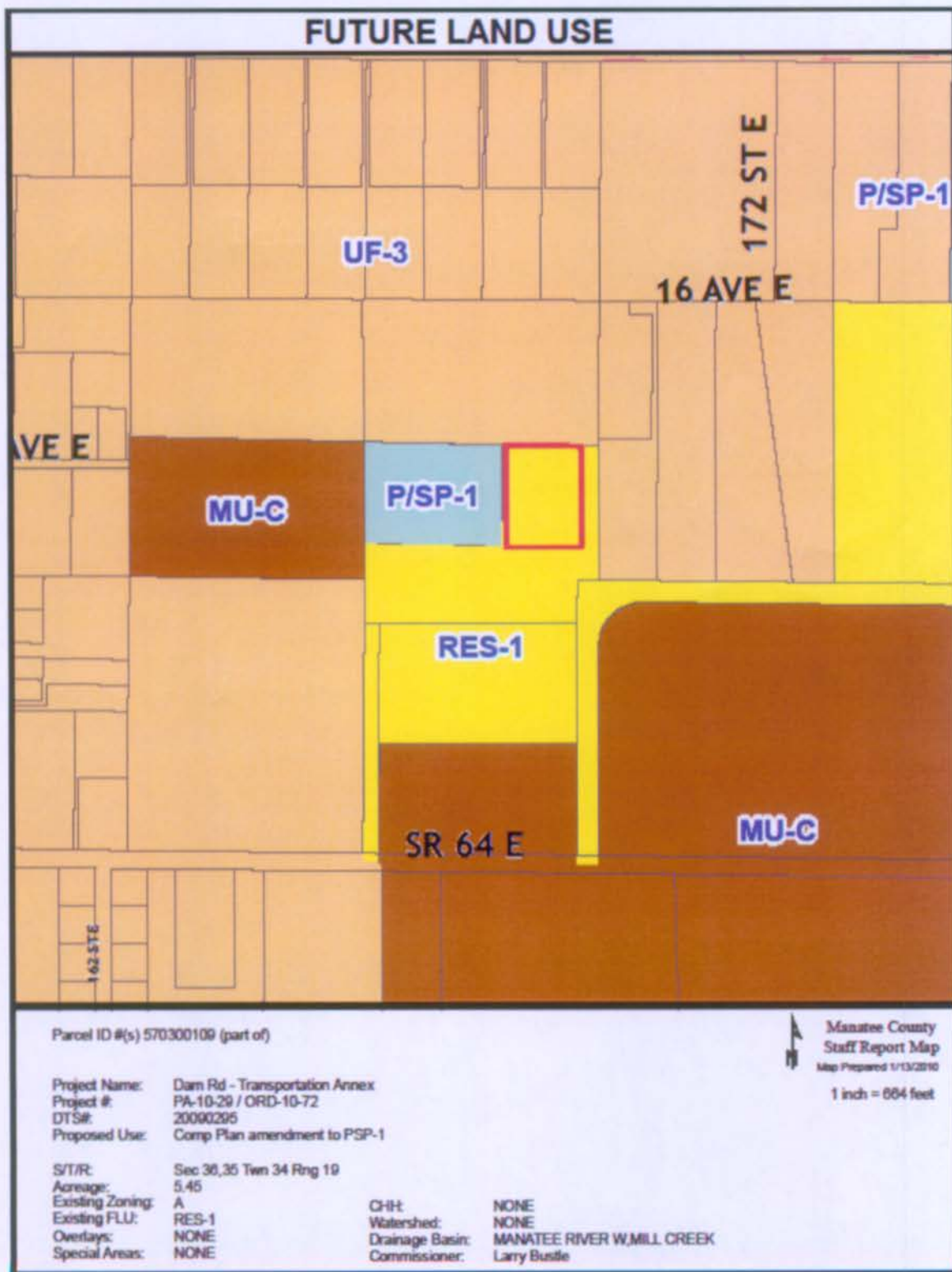
By: 
Deputy Clerk



Exhibit A



LEGAL DESCRIPTION
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AREA

EXHIBIT A - PAGE 1 of 2

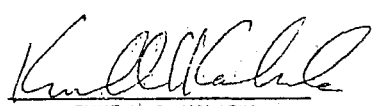
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CONTAINING 5.45 ACRES, MORE OR LESS.

(REFER TO SHEET 2 OF 2 FOR SKETCH)

NOVEMBER 17, 2009
DATE OF CERTIFICATE


KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 5116

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER, LB 2241.
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DRBUSWSK.DWG 111809 tonye

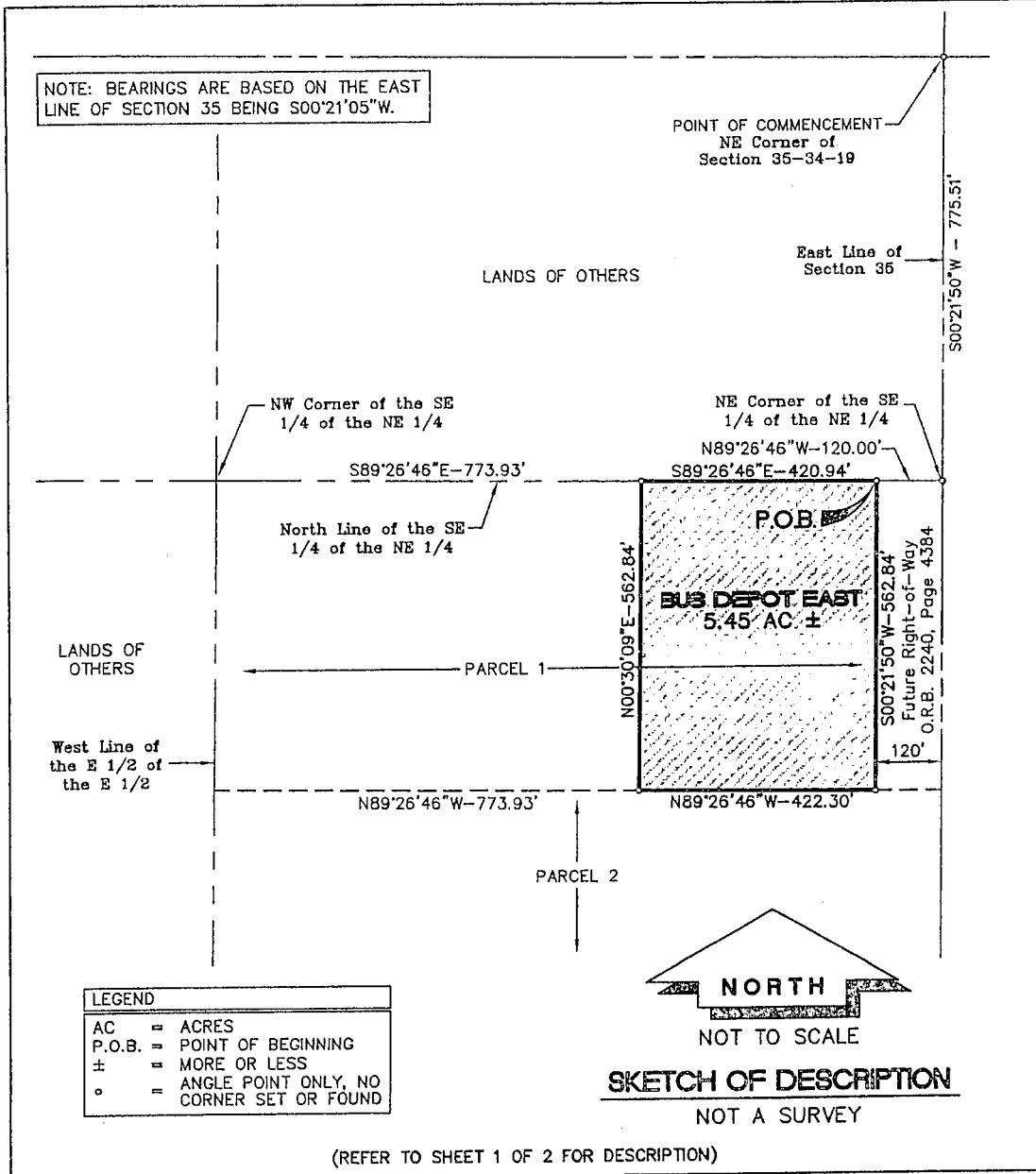
JOB NUMBER: 7615

SHEET NUMBER 1 OF 2

LOMBARDO, FOLEY & KOLARIK, INC.
Consulting Engineers, Surveyors and Planners
P.O. Box 139 • 625 4th Street West • Palmetto, Florida 34221 • (941) 722-4531



EXHIBIT A - PAGE 2 of 2



DRBUSWSK.DWG 111809 tonya

JOB NUMBER: 7615 DRAWN BY: T.BALL SCALE: NONE SHEET NUMBER 2 OF 2

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P.O. Box 199 • 825 4th Street West • Palmetto, Florida 34221 • (941) 722-4591



BRADENTON HERALD

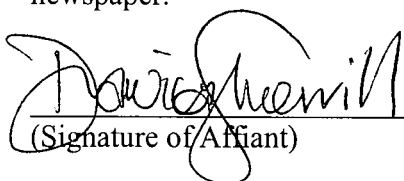
WWW.BRADENTON.COM
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Fax: 941-708-7758

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

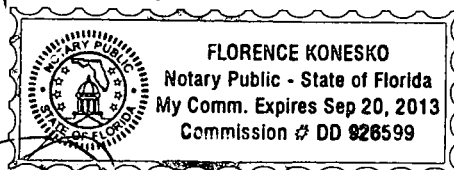
STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Danica Sherrill, who, on oath, says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, **LEGAL NOTICE OF LAND USE CHANGE** as published in said newspaper in the issue **11/24/2010**.

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
24 Day of Nov, 2010



SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF LAND USE CHANGE

Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County – Notice to Real Property Owners and General Public.

The Manatee County Board of County Commissioners will hold a public hearing to consider the adoption of an amendment to the Manatee County Comprehensive Plan. Said amendment pertains to the unincorporated area of Manatee County. At the conclusion of the public hearing the Board of County Commissioners shall determine whether to adopt, adopt with modifications or not adopt the amendment to the Manatee County Comprehensive Plan.

Date: Thursday, December 2, 2010

Time: 9:00 a.m. or soon thereafter

Place: Manatee County Government Administrative Center
1112 Manatee Ave. West, Board Chambers (1st Floor)

Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

A PA-10-29-ORDINANCE 10-72 – SCHOOL BOARD OF MANATEE COUNTY DAM ROAD/SR 64 – TRANSPORTATION ANNEX

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM RES-1 (RESIDENTIAL 1 DU/GA) TO P/SP(1) (PUBLIC / SEMI-PUBLIC (1) 0 DU/GA); FOR LAND LOCATED 1 MILE WEST OF INTERSECTION OF DAM ROAD AND SR 64 INTERSECTION AND 1,748 FEET NORTH OF SR 64; WITH DECLARED USES OF A TRANSPORTATION FACILITY OWNED AND OPERATED BY THE SCHOOL BOARD OF MANATEE COUNTY CONSISTING OF PARKING FOR BUSES, SERVICE VEHICLES, AND EMPLOYEES, FUEL STATION, VEHICLE WASH, MAINTENANCE FACILITY FOR SCHOOL BUSES AND FLEET VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (5.45± ACRES).

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

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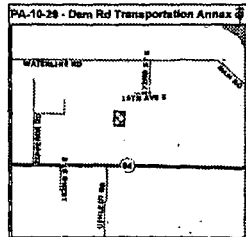
Please Send Comments To: Manatee County Planning Department
Attn: Agenda Coordinator
1112 Manatee Ave. West, Suite 427
Bradenton, FL 34206
planning.agenda@mymanatee.org

All written comments will be entered into the record.

For More Information: Copies of the proposed amendments will be available for review and copying at cost approximately seven (7) days prior to the public hearing. Information may also be obtained by calling 748-4501, Ext. 6878, between 8:00 AM and 5:00 PM.

Americans with Disabilities: The Manatee County Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Commission's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds; FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.



SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

Bobbi Roy
Manatee County Planning Dept.
1112 Manatee Ave. W., 4th. flr.
Bradenton, FL 34205

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN CHARLOTTE COUNTY DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

Land Use Change

IN THE COURT WAS PUBLISHED IN MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

November 24, 2010

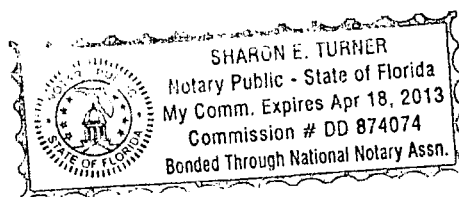
AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED _____


SWORN TO AND SUBSCRIBED BEFORE ME THIS 24th DAY OF NOVEMBER, 2010 A.D., BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

(SEAL) _____
 11/26/10

NOTARY PUBLIC



NOTICE OF LAND USE CHANGE

Official Actions Will Affect and Regulate Use of Real Property in Unincorporated Manatee County – Notice to Real Property Owners and General Public.

The Manatee County Board of County Commissioners will hold a public hearing to consider the adoption of an amendment to the Manatee County Comprehensive Plan. Said amendment pertains to the unincorporated area of Manatee County. At the conclusion of the public hearing the Board of County Commissioners shall determine whether to adopt, adopt with modifications or not adopt the amendment to the Manatee County Comprehensive Plan.

Date: Thursday, December 2, 2010
Time: 9:00 a.m. or soon thereafter
Place: Manatee County Government Administrative Center
1112 Manatee Ave. West, Board Chambers (1st Floor)

Additional amendments to the following may be necessary to implement these changes and ensure internal consistency.

A. PA-10-29-ORDINANCE 10-72 – SCHOOL BOARD OF MANATEE COUNTY DAM ROAD/SR 64 – TRANSPORTATION ANNEX

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM RES-1 (RESIDENTIAL 1 DU/GA TO P/SP(1) (PUBLIC / SEMI-PUBLIC (1) 0 DU/GA); FOR LAND LOCATED 1 MILE WEST OF INTERSECTION OF DAM ROAD AND SR 64 INTERSECTION AND 1,748 FEET NORTH OF SR 64; WITH DECLARED USES OF A TRANSPORTATION FACILITY OWNED AND OPERATED BY THE SCHOOL BOARD OF MANATEE COUNTY CONSISTING OF PARKING FOR BUSES, SERVICE VEHICLES, AND EMPLOYEES, FUEL STATION, VEHICLE WASH, MAINTENANCE FACILITY FOR SCHOOL BUSES AND FLEET VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (5.45± ACRES).

Public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The Public may also provide written comments for the Planning Commission to consider.

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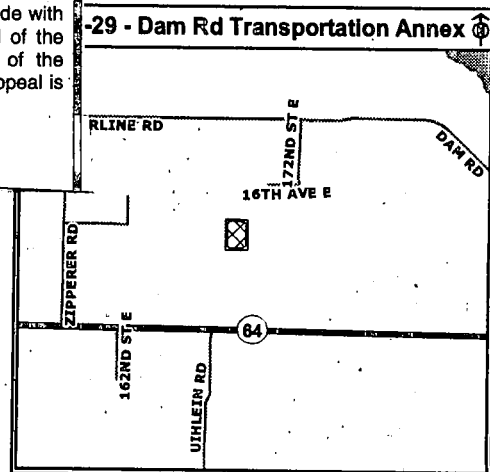
Please Send Comments To: Manatee County Planning Department
Attn: Agenda Coordinator
1112 Manatee Ave. West, Suite 427
Bradenton, FL 34206
planning.agenda@mymanatee.org

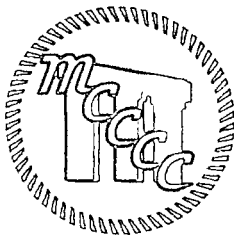
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Manatee County

R.B. "Chips" Shore

Clerk of the Circuit Court and Comptroller

P.O. Box 25400 • Bradenton, Florida 34206 • (941) 749-1800 • FAX (941) 741-4082 • www.manateeclerk.com

December 3, 2010

Liz Cloud, Chief
Florida Department of State
Administrative Code Unit
R.A. Gray Building, Room 101
500 S. Bronough Street
Tallahassee, Florida 32399-0250

Dear Ms. Cloud:

Enclosed are two certified copies each of Ordinances **10-44**, **10-65**, **10-72**, **PDMU-91-01(G)(R5)** and **PDC-09-08(Z)(P)** adopted by the Board of County Commissioners, Manatee County, Florida, in open session on December 2, 2010.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy of each Ordinance for your file and return one copy of each to my office.

Sincerely,

R. B. Shore

By: Quantana Acevedo, D.C.

RBS/SGR/qa
Enclosures
cc: Board Records

"Pride in Service with a Vision to the Future"

Clerk of Circuit and County Court - Clerk of Board of County Commissioners - County Comptroller, Auditor and Recorder

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	PA-10-29 / Ordinance 10-72 – Manatee County School Board Transportation Annex Small Scale Comprehensive Plan Amendment	TYPE AGENDA ITEM	Advertised Public Hearing – Presentations upon request
DATE REQUESTED	12/2/10	DATE SUBMITTED/REVISED	
BRIEFINGS? Who?	None	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Planning / Planning Services	AUTHORIZED BY TITLE	John Osborne, Planning Director
CONTACT PERSON TELEPHONE/EXTENSION	Sharon Tarman, Planner 748-4501 ext. 6863	PRESENTER/TITLE TELEPHONE/EXTENSION	Sharon Tarman, Planner 748-4501 ext. 6863
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

First Motion: I move to rescind adoption of Ordinance No. 10-15.

Second Motion: I move to adopt Ordinance No. 10-72 to approve map amendment PA-10-29 as per the recommended motion in the Staff Report attached to this memo.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Manatee County Comprehensive Plan and Manatee County Land Development Code.

BACKGROUND/DISCUSSION

- The School Board of Manatee County requested a map amendment for a 5.45± acre site located 1 mile west of the intersection of Dam Road and SR 64 and approximately 1750' north of SR 64.
- The map amendment request is to change the existing FLUC of RES-1 (Residential – 1du/ga) to P/SP(1) (Public/Semi-Public). P/SP(1) requires a declared use.
- The declared use is a transportation facility consisting of parking for buses, service vehicles and employees, fuel station, vehicle wash and maintenance facility for school buses and fleet vehicles.
- In 2009, the School Board of Manatee County received approval for a map amendment to the Future Land Use Map for a 9.9± acre parcel immediately to the west of this site from RES-1 to P/SP(1).
- Staff recommended approval.
- On September 9, 2010, by a vote of 7 – 0, the Planning Commission recommended approval.
- On October 12, 2010, the Board adopted Ordinance No. 10-15 to approve the map change to the P/SP(1) (Public/Semi-Public 1) Future Land Use Classification and the declared use was stated as a text amendment to the Comprehensive Plan. Subsequently, the Department of Community Affairs indicated that the County should rescind the adoption of this ordinance because it designated the declared use as a “text amendment.” (Section 163.3187(1)(c)1.d, Florida Statutes).
- The recommended motion includes rescission of Ordinance No. 10-15 and adoption of Ordinance No. 10-72 to amend the Future Land Use map for the 5.45 acre site owned by the School Board from the RES-1 (Residential-1 dwelling units per acre) to P/SP(1) (Public/Semi-Public 1) Future Land Use Classification.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: SAS)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
COST:		SOURCE (ACCT # & NAME):	
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	

**PA-10-29/ORDINANCE 10-72
RESCINDS AND REPLACES PA-10-15/ ORDINANCE 10-15
SCHOOL BOARD OF MANATEE COUNTY
DAM ROAD/SR 64 – TRANSPORTATION ANNEX**

ADOPTION OF AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PALN; PROVIDING FOR A SMALL SCALE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FROM RES-1 (RESIDENTIAL - 1 DWELLING UNIT PER GROSS ACRE) TO P/SP(1) [PUBLIC/SEMI-PUBLIC(1)] FUTURE LAND USE CLASSIFICATION COMPRISING A TOTAL OF 5.45± ACRES; LOCATED APPROXIMATELY ONE (1) MILE WEST OF THE INTERSECTIONS OF DAM ROAD AND SR 64, AND 1,748 FEET NORTH OF SR 64; SET FORTH SPECIAL PROVISIONS APPLICABLE TO THE ABOVE-DESCRIBED FUTURE LAND USE MAP AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

P.C.:	09/09/10	B.O.C.C.:	10/12/10 12/02/10
App. Rec'd:	12/04/2009	Type of Amendment:	Small Scale Map

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the Public Hearing, the technical support documents, the action of the Planning Commission, and finding the request to be in compliance with the provisions of Chapter 163, Florida Statutes, Chapter 9J-5, Florida Administrative Code, and CONSISTENT with the Manatee County Comprehensive Plan, I move to ADOPT Plan Amendment PA-10-29/Ordinance 10-72, as recommended by the Planning Commission.

(COMMISSIONER BUSTLE)

PLANNING COMMISSION ACTION:

On September 9, 2010, by a vote of 7 – 0, the Planning Commission recommended approval.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment at the September 9, 2010 Planning Commission public hearing. A revised Ordinance with typographical changes was entered into the record at the September 9, 2010 Planning Commission public hearing.

UPDATE (11-01-10)

The Board of County Commissioners adopted the amendment October 12, 2010. The Florida Department of Community Affairs (DCA) returned the amendment package stating the amendment did not qualify as a small scale map amendment pursuant to Florida Statute 163.3187(1)(c). DCA determined that including the Specific Property Development Conditions (D.5.10) to this amendment created a text amendment. Text amendments can only be processed as a large scale amendment during regular amendment cycles.

To adopt this proposal as a small scale map amendment, staff will rescind Ordinance 10-15 and adopt a revised Ordinance (Ordinance 10-72) with no reference to development conditions.

PLAN AMENDMENT SUMMARY SHEET

Name: Transportation Annex – Dam Road

Applicant: School Board of Manatee County

Case Numbers: PA-10-29/Ordinance 10-72

Request: An amendment to the Future Land Use Map from RES-1 (Residential-1 Dwelling Unit/Gross Acre) to P/SP(1) (Public/Semi-Public(1)); and a declared use of a transportation facility owned and operated by the School Board of Manatee County consisting of parking for buses, service vehicles and employees, fuel station, vehicle wash, maintenance facility for school buses and fleet vehicles. 5.45 ± acres.

Location: 1+/- mile west of the intersections of Dam Road and SR 64 and approximately 1,748 +/- feet north of SR 64

Type: Small Scale Map Amendment

Recommendation: Approval

Summary:

In 2009, the School Board of Manatee County requested a map amendment for 9.9+/- acres immediately west of this request (PA-09-01 adopted by BOCC 03/05/09) for the same use being requested with this amendment. The School Board has determined the original 9.9+/- acres is not quite large enough to provide for flexibility in designing the school bus/maintenance facility. Therefore, the School Board of Manatee County is requesting an additional 5.45+/- acres, immediately to the east of the original request, be amended from RES-1 to P/SP(1) with a declared use of a transportation facility consisting of parking for buses, service vehicles and employees, fuel station, vehicle wash, maintenance facility for school buses and fleet vehicles. The original 9.9+/- acres and this 5.45+/- acre request are part of a larger parcel owned by the School Board of Manatee County for future school sites. This request meets state statute 163.3187 since it will be more than 12 months before the additional 5.45+/- acres of the original site is amended (163.3187...*the proposed amendment does not involve the same property granted a change within the prior 12 months*). The applicant held a neighborhood meeting on Thursday, September 2, 2010.

The site is currently used for agriculture and zoned A (General Agriculture). The property is surrounded by properties zoned A (General Agriculture) on all sides. The current uses on the south and west side are agriculture. Immediately north is agricultural with a cell tower. The east side has a residential use with an ornamental nursery.

Reason for Request

The facility is needed to efficiently support school buses serving the growth of residential areas and schools east of I-75. There are presently 16 schools and 13,500 student stations requiring travel over 500,000 miles east of the interstate and south of Manatee River. There is only one maintenance facility at present, located at 2807 27th Street East Bradenton, about 12 miles west. Each bus requires maintenance at 15 day intervals. Providing maintenance, refueling and other services at the proposed facility would enable considerable cost avoidance for the School Board. Adjacent properties

owned by the School Board are planned to be developed as middle and high school campuses in future years.

Compatibility / Suitability

The Comprehensive Plan requires that projects under P/SP(1) declare a specific use or uses for a specific piece of property. For this particular site, the School Board stated the proposed use is a transportation facility owned and operated by the School Board consisting of parking for buses, service vehicles, and employees, fuel station, vehicle wash, maintenance facility for school buses and fleet vehicles.

The Agricultural zoning designation of this area allocates land for intense uses that can have negative impacts on adjacent properties, and low density (1 DU / 5 Acres) residential. The transportation maintenance facility is considered compatible with other adjacent agricultural land uses. These include the adjacent parcel to the north which has a cellular tower and a grazing classification, and row crop production to the south. An ornamental nursery and residential property is east of the proposed amendment site with approximately 120’ right of way separating the two parcels.

Development of the plan amendment property under P/SP(1) requires the property to be rezoned to the Planned Development Public Interest (PDPI) category. Review of the rezone request will provide for later evaluation and approval of a site plan and incorporate other requirements such as setback, buffer and other site development standards. The Land Development Code provides for screening, landscaping, pervious area, transitional uses or other design features as necessary to adequately protect existing or probable uses of surrounding property to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of adjoining districts from similar adverse influences.

Land Use Characteristics and Development Trends

Category/Zoning/Land Use Summary Table

<i>Site</i>	<i>Existing FLUC</i>	<i>Zoning</i>	<i>Current Use</i>
Site	RES-1	A	Vacant / Agricultural
North	UF-3	A	Agricultural/Cell Tower
East	RES-1	A	Residential/Ornamental nursery
South	RES-1	A	Vacant / Agricultural
West	RES-1	A	Vacant/Agricultural

Positive/Negative Aspects of Application and Mitigating Factors

Positive Aspects:

- The site is within the Future Development Area Boundary (FDAB).
- The plan amendment site is bordered south and west by School Board property with the southern area intended to accommodate a future school campus.
- The adjacent transportation network has capacity to absorb project impacts.
- There is available capacity to provide public infrastructure / utility services.
- The strategic location allows dispersed parking for buses near major east-west / north-south evacuation routes for emergency and disaster response.
- Right-of-way to construct access to SR-64 and to within 200' of Dam (Waterline) Road is owned by the School Board.

Negative Aspects:

- The area is presently undeveloped except for agricultural and residential on 5 to 10+ acre parcels and the PS/P(1) will intrude into this area.
- The sanitary sewer is not readily available to this site with the nearest location approximately 2 ½ miles west, potentially necessitating use of septic tank or onsite treatment facility due to cost of facility extension to the site.
- Primary access is anticipated to be SR-64, an undivided two lane highway without turn/acceleration lanes at both the site frontage and Dam (Waterline) Road.

Mitigating factors include:

- P/SP(1) policies require declaration of proposed use and provides for BOCC approval.
- Development of the proposed facility, which can only be constructed under P/SP(1) FLUC, will provide for a well-planned and designed facility.
- Properties with the future land use category of P/SP(1) will require Planned Development, allowing for stipulations concerning development features and compatibility.
- Surrounding Agriculture zoning allows for intense uses that can have negative effects on adjacent properties. The land use intensity of the plan amendment is anticipated to be low.
- The need for septic tank or onsite treatment facility is temporary until sewer lines are extended for future school development at the site. Special Approval is required for this. Sanitary sewer will be utilized once it is reasonably available.
- The transportation facility will reduce Vehicle Miles Traveled between Eastern Manatee County and the present transportation facility.
- Potential congestion / traffic hazard due to ingress/egress at SR-64 would occur during nonpeak (early morning / mid afternoon) hours.
- There is potential for alternate site access from the east via Rye Road / Future Waterline Road.
- Potential future realignment of Uihlein Road (Future 172nd Street East/Dam Road) southbound with the School ROW at SR-64 provides opportunity for intersection / turn lane improvements.



Parcel ID #(s) 570300109 (part of)

Project Name: Dam Rd - Transportation Annex
Project #: PA-10-29 / ORD-10-72
DTS#: 20090295
Proposed Use: Comp Plan amendment to PSP-1

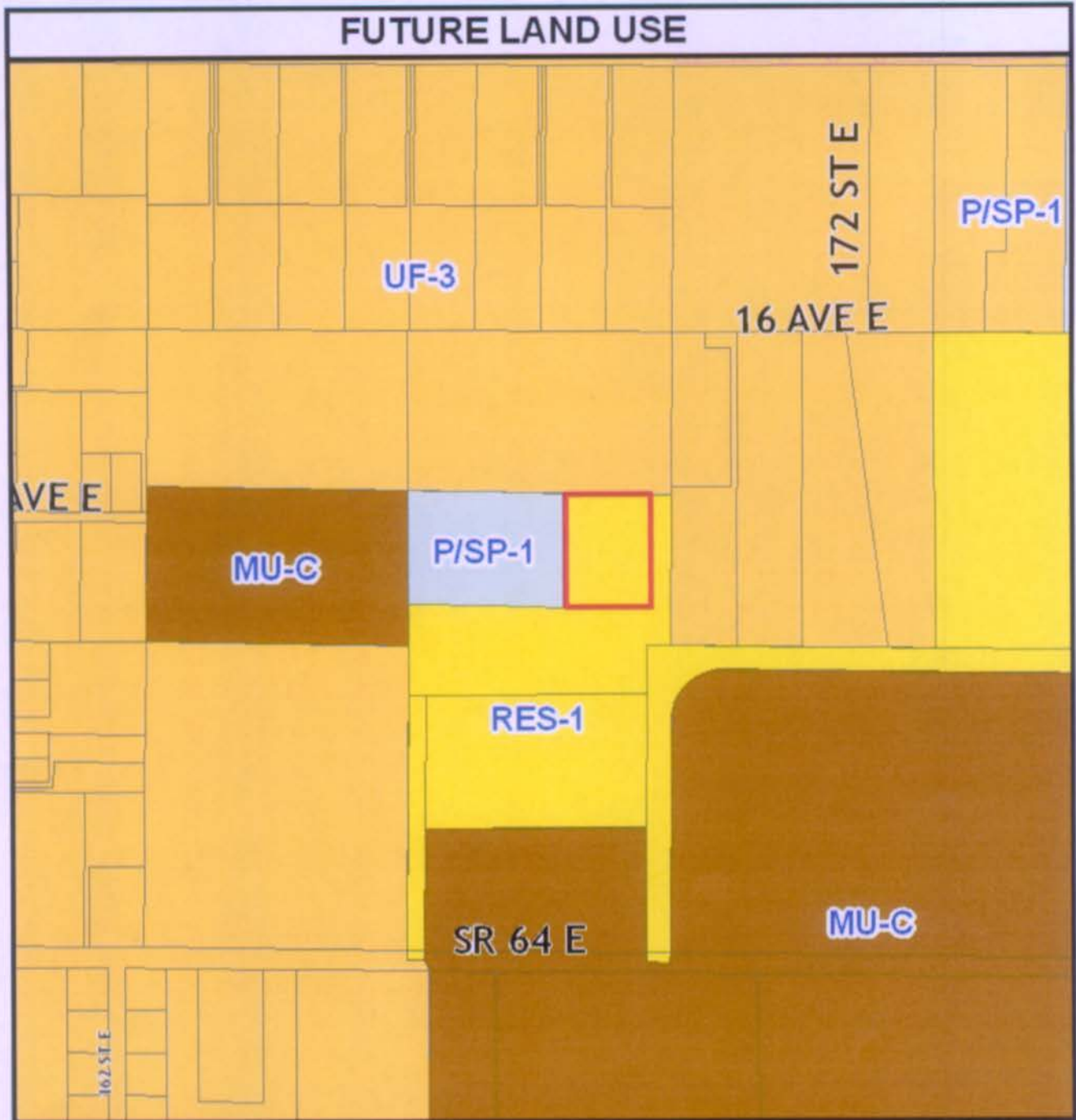
S/T/R: Sec 36,35 Twn 34 Rng 19
Acreage: 5.45
Existing Zoning: A
Existing FLU: RES-1
Overlays: NONE
Special Areas: NONE

CHH: NONE
Watershed: NONE
Drainage Basin: MANATEE RIVER W, MILL CREEK
Commissioner: Larry Bustle



Manatee County
Staff Report Map
Map Prepared 1/13/2010

1 inch = 664 feet



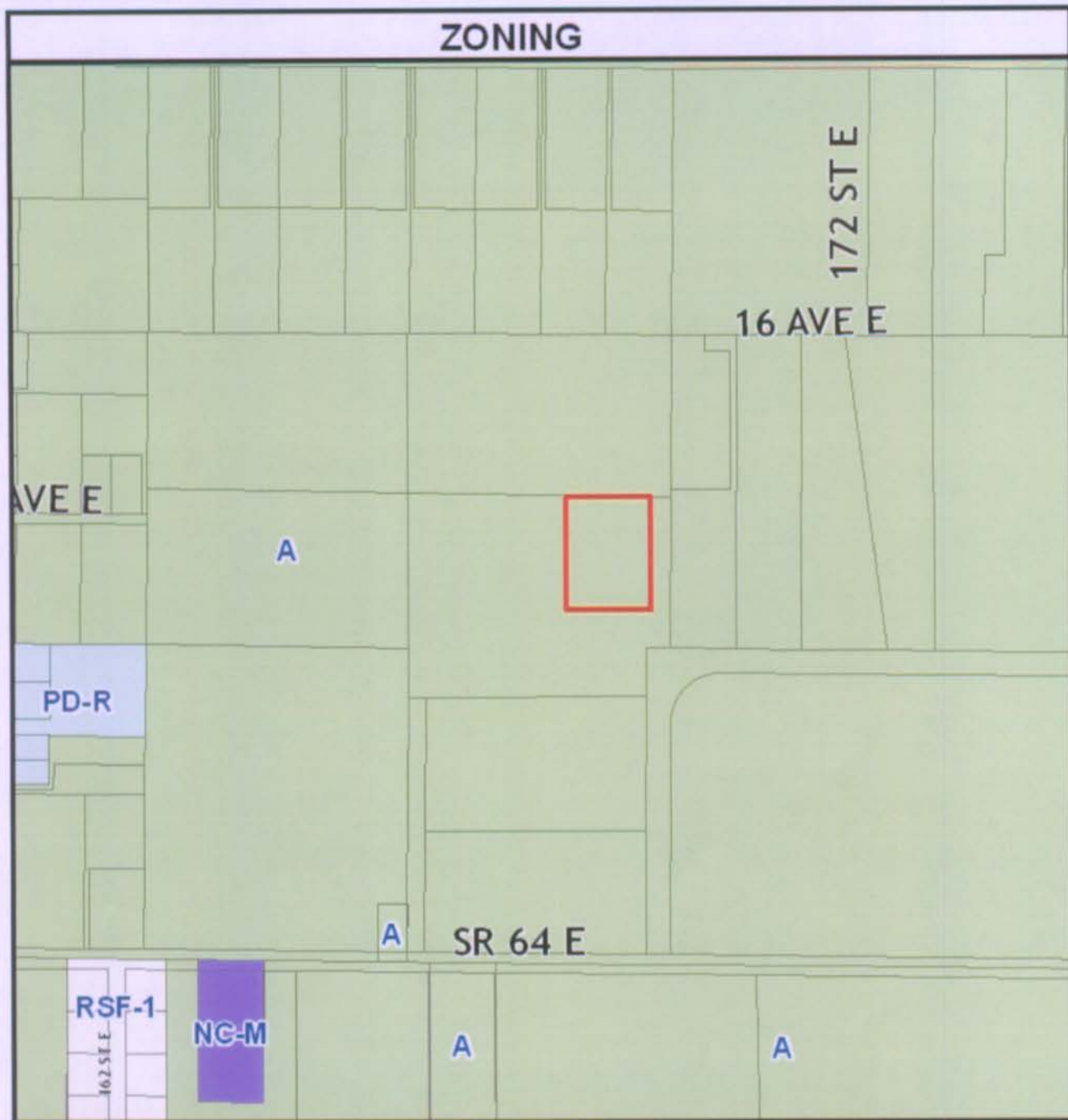
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 Existing Zoning: A
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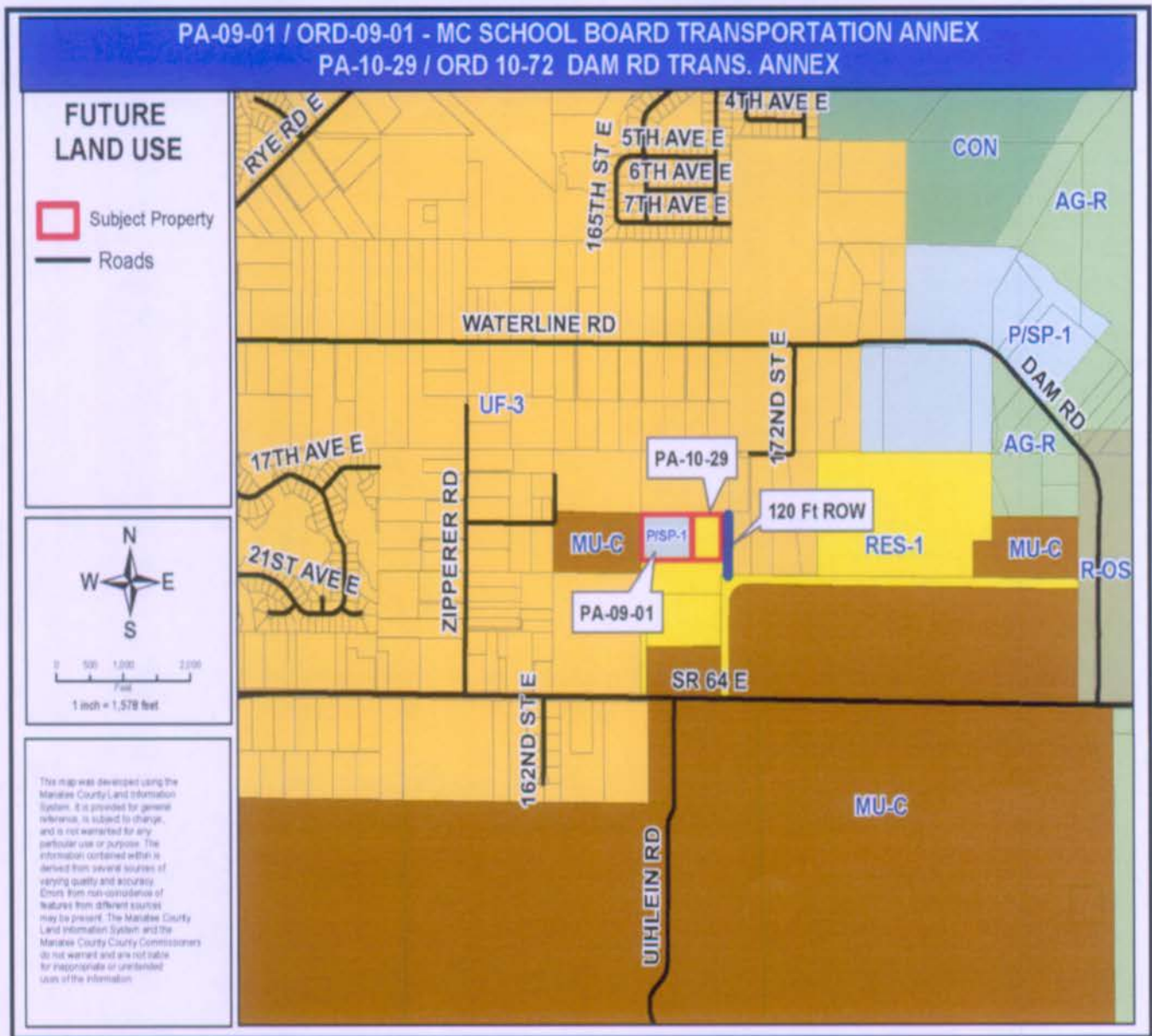
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Commissioner: Larry Bustle



**Plan Amendment Detailed Review
Land Planning Analysis**

Services and Natural Features

Roads

Roadway name: SR 64 E (Link #3070) (from Lorraine Rd. to CR 675)
Description: 2 lane undivided rural principal arterial
Adopted Level of Service: C
Operating Level of Service: B
Proposed Capital Improvements: County: None / FDOT: Resurfacing

A change in the future land use from RES-1 to P/SP(1) has the potential to increase traffic impacts if the property is developed at the maximum density.

At time of a development application submittal which requires transportation concurrency approval, the applicant will be required to complete a traffic concurrency study which identifies impacts and provides recommendations for improvements to mitigate impacts.

Utilities

GA – gross acre
 FAR – floor area ratio
 PPH – persons per household
 GDP – gallons per day
 CYPD – cubic yards per day
 MGD – million gallons per day

Existing Land Use	Acres	Dwelling Units GA	Max. Density FAR	P P H	Total Capita	GPD Potable Water	TOTAL GDP	GPD Sanitary Sewer	TOTAL GDP	TOTAL CYPD Solid Waste
RES-1 Residential	5.45	5		3	15	65	975	65	975	.05
TOTAL	5.45	5								
TOTAL EXISTING GDP/CYPD BASED ON RESIDENTIAL							975		975	.05
Proposed by Applicant	Acres	Dwelling Units GA	Max. Density FAR	P P H	Total Capita	GPD Potable Water	TOTAL GDP	GPD Sanitary Sewer	TOTAL GDP	TOTAL CYPD Solid Waste
P/SP(1)	5.45		16,000 sf			.12	1,920	.10	1,600	.26
TOTAL	5.45		16,000 sf							
TOTAL PROPOSED GDP/CYPD							1,920		1,600	.26
TOTAL EXISTING GDP/CYPD BASED ON RESIDENTIAL							975		975	.05
POTENTIAL INCREASE							945		625	.21

*Allowable commercial density in RES-1 = 150,000 sq.ft.

Capacity	Solid Waste	SE Waste Water	Potable Water
Permitted Capacity	32,636,600	11,000,000	52,850,000
Average Daily	16,160,420	4,728,000	41,550,000
	16,476,180	6,272,000	11,300,000
Reserved & Pending	2,767.2	3,179,777.35	6,325,288.2
Available Capacity	CYD = 16,473,412.8	GPD = 3,092,222.65	MGD = 4,974,711.8

Reclaimed Water

Manatee County reclaimed water facilities do not serve this area of the county.

Solid Waste

The proposed plan amendment site is within the current solid waste service area with collection provided by a county solid waste collection contractor. Lena Road Landfill (County owned and operated) is projected to have sufficient capacity over the next 30 years to accommodate Manatee County’s overall waste stream including development on the site.

Transit

The site is currently not served by the Manatee County Area Transit System. The MCAT Bus #3 runs along Manatee Ave/SR 64 and stops at the Traveler’s Oasis on the west side of I-75, approximately 7 miles from the project site.

Schools

The site lies within Manatee County District School Service Area 2. The proposed use for the plan amendment site is not anticipated to generate a need for school facilities since the use is a supporting use for the School Board's transportation facilities. The larger school board properties adjacent to this site are slated for a middle and high school in the future.

The nearest schools to the proposed plan amendment site are:

Witt Elementary School about 4.5 miles northwest,
McNeal Elementary School about 5.4 miles south,
Freedom Elementary School about 5.6 miles west,
Haile Middle School about 5.6 miles south,
Nolan Middle School about 5.8 miles south, and
Lakewood Ranch High School about 7.5 miles southwest.

Parks

This site is within Parks District "D". This district currently has 2 local parks and 10 school sites. Based on population projections, this district has an adequate inventory through the year 2030. The local parks include: Greenbrook Park East and Rye Wilderness Preserve.

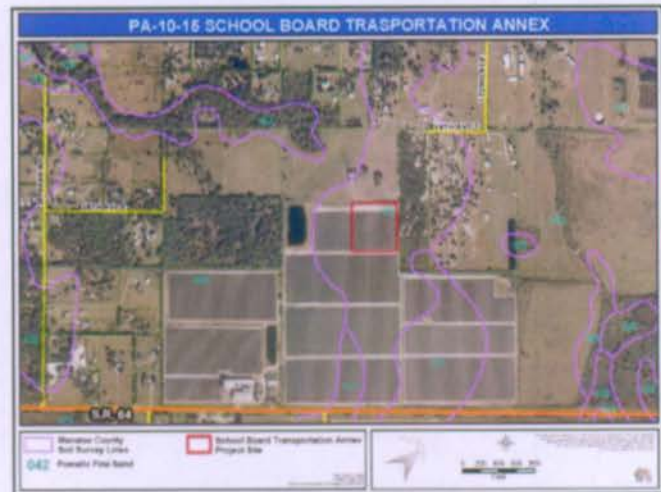
Lakewood Ranch Park - District Park
Lake Manatee State Park – Regional Park

Natural Features

Soils and Topography

The soil types are based on the 1983 Soil Survey of Manatee County. There is only one soil type on the project site, Type 42.

Type 42 – Pomello Fine Sand is a nearly level, moderately well drained soil generally found on low ridges in flatwoods. Slopes are smooth to concave and range from 0 to 2 percent. In most years the water table is at a depth of 24 to 40 inches for 1 to 4 months out of the year and at a depth of 40 to 60 inches for months out of the year.



The topography of the site may be classified as flat. The site is predominately active agricultural use, specifically as a strawberry farm. The elevation of the project site is approximately 65 feet above mean sea level.

FloodProne Areas/S.L.O.S.H./Hurricane Evacuation

The Federal Emergency Management Agency (FEMA) community map 120153 panel 0380_B; the entire site is within the X flood zone, which is outside of the 500 year floodplain.

The Sea, Lake and Overland Surges from Hurricanes (S.L.O.S.H.) report, shows the site is located outside of the report area.

The site is not within a Hurricane Evacuation Zone.



Beach Accessibility Evaluation

The site is inland; therefore beach access considerations are not applicable.

Historic Resources

According to the report titled: *An Archaeological Resource Inventory and Archaeological Site Predictive Model for Manatee County, Florida*, by Piper Archaeology/Janus Research (1992), the parcel is not in an area of potential for archaeological sites. There are no known structures or other cultural resources on the site.

Habitat for Endangered, Threatened, or Special Concern Species

The Florida Fish and Wildlife Conservation Commission Biodiversity Hot Spot Map series (1998) indicates no potential for endangered threatened or species of special concern on the subject parcel.

Other Natural Resources

There are no wetlands located within the project site. A wetland review and delineation occurred in 2007 prior to the School Board acquiring the site. Any future development will be required to comply with the Manatee County Land Development Code.

Urban Development Considerations

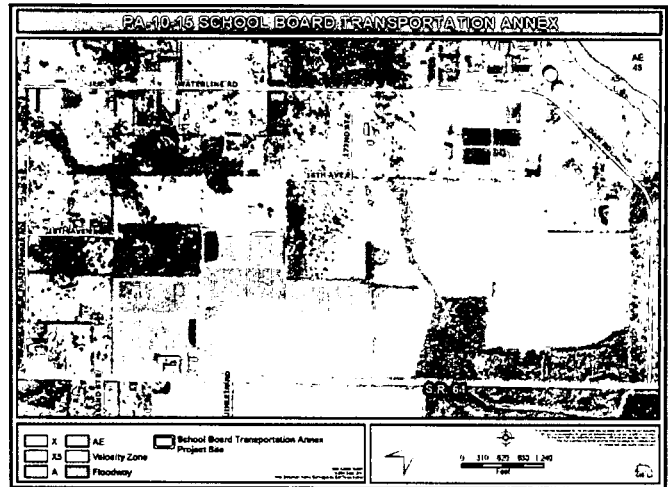
- Development of the facility is within the Future Development Area Boundary.
- The P/SP(1) future land use class has a residential density of 0 units per acre. As a result, no population increase is expected to result from this plan amendment.

FloodProne Areas/S.L.O.S.H./Hurricane Evacuation

The Federal Emergency Management Agency (FEMA) community map 120153 panel 0380_B; the entire site is within the X flood zone, which is outside of the 500 year floodplain.

The Sea, Lake and Overland Surges from Hurricanes (S.L.O.S.H.) report, shows the site is located outside of the report area.

The site is not within a Hurricane Evacuation Zone.



Beach Accessibility Evaluation

The site is inland; therefore beach access considerations are not applicable.

Historic Resources

According to the report titled: *An Archaeological Resource Inventory and Archaeological Site Predictive Model for Manatee County, Florida*, by Piper Archaeology/Janus Research (1992), the parcel is not in an area of potential for archaeological sites. There are no known structures or other cultural resources on the site.

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Urban Development Considerations

- Development of the facility is within the Future Development Area Boundary.
- The P/SP(1) future land use class has a residential density of 0 units per acre. As a result, no population increase is expected to result from this plan amendment.

Impact on Population Projections and Ability to Meet Housing Needs

New residential development is allowable within the current RES-1 FLUC but would not be allowable within the 5.45+/- acre P/SP(1) plan amendment site.

FLUC	RES-1	Max DU @ 1/acre	Persons (2.3/DU)	P/SP(1)	Max DU @ 0/acre	Persons (2.3/DU)
Gross Residential Density	1.0	5	2.3	0	0	0

The potential opportunity to accommodate 5 residences within the plan amendment area would be lost due to the plan amendment. The facility associated with the P/SP(1) plan amendment is not anticipated to have significant impact on public utility services and transportation.

Consistency of Proposed Plan Amendment with the Comprehensive Plan

The proposed plan amendment is consistent with the following cited goals, objectives and policies of the Comprehensive Plan below with certain exceptions noted. Refer to Attachment 1 for further discussion.

Goals, Objectives and Policies	Discussion
Policy: 2.1.1.2 Designate on the FLUM, land within existing developed areas at densities and intensities which are compatible with the existing development.	<p>The P/SP(1) map designations are intended to enable mapping of locations for facilities that have adverse aesthetic or health, safety, or welfare impacts on adjacent property or residents when considered appropriate, and necessary.</p> <p>The proposed use is not an allowable use and is potentially incompatible with RES-1 or UF-3 uses, necessitating the requested plan amendment.</p> <p>In order to give consideration to the appropriateness and necessity for such uses, a declaration of specific use is required.</p> <p>The Comprehensive Plan requires that P/SP(1) land must be subsequently rezoned to the Planned Development Public Interest (PDPI) designation.</p> <p>PDPI rezoning requires a site plan and provides opportunity for additional review and public hearing approval by the Planning Commission and BOCC.</p>

Goals, Objectives and Policies	Discussion
<p>Policy: 2.1.1.4 Promote development in areas which have the most public facilities available.</p>	<p>The property is within the Water / Wastewater Service Area. Water and sewer services are available, and development is required to improve / extend necessary infrastructure to the site unless separately exempted.</p> <p>The applicant states that the facility intends to utilize septic tank or an interim wastewater treatment plant until sewer lines could be extended approximately 2 ½ miles for future school development on the adjoining School Board property.</p> <p>Construction will include dry lines in preparation for future hook-up when wastewater is extended to the site.</p>
<p>Policy: 2.1.1.5 Ensure the availability of sufficient land area for the location of appropriately sited public and private utility facilities. Consider amendments to the Future Land Use Map to the P/SP(1) category to allow development of major public or semi-public uses in appropriate areas when compatible with surrounding development.</p>	<p>The plan amendment would provide land area for a needed school transportation facility.</p> <p>Required PDPI zoning if granted would ensure compatibility with existing and potential future development.</p> <p>The facility will later serve adjacent schools planned for future development.</p>
<p>Policy: 2.1.2.1 Provide opportunities for new development to occur at appropriate locations.</p> <p>Policy 2.1.2.2 Limit urban sprawl by prohibiting all future development to the area east of the established FDAB.</p> <p>Policy: 2.1.2.3 Permit the consideration of new ... non-residential development with characteristics compatible with existing development, in areas which are internal to, or are contiguous expansions of existing development if compatible with future areas of development.</p> <p>Policy: 2.1.2.5 Permit the consideration of new development in suitable areas which are currently undeveloped.</p> <p>Policy: 2.1.2.6 Limit urban sprawl through the consideration of new development, when compatible with future growth, in currently undeveloped suitable areas.</p> <p>Policy: 2.1.2.7 Review all proposed development for compatibility and appropriate timing.</p>	<p>The plan amendment would provide opportunity for new development at an appropriate location within the Future Development Area Boundary.</p> <p>The plan amendment provides opportunity for nonresidential land uses that would be contiguous and made compatible with residential and urban fringe land uses.</p> <p>According to P/SP policy, the use must be declared, compatibility needs to be addressed, and the property needs to be rezoned PDPI; thereby providing opportunity for review of compatibility and timing.</p> <p>The school transportation facility would also be provided further buffering when two planned schools are later developed.</p>

Goals, Objectives and Policies	Discussion
<p>Policy: 2.2.1.22 P/SP(1): Establish the Public/Semi-Public (1) future land use category...</p> <p>Policy: 2.2.1.22.1 ...recognize major existing and programmed public/quasi-public facilities, primarily... associated with public or private utilities,... recognize, and provide a unique designation within the Future Land Use Element, for those public or semi-public facilities which have adverse aesthetic or health, safety, or welfare impacts on adjacent property or residents. Additional areas under this category may be recognized by amendments to the Future Land Use Map</p> <p>Policy: 2.2.1.22.2 General Range of Potential Uses: Recreational uses, sanitary landfills, permanent water and wastewater treatment/storage/disposal facilities and other major public facilities including, but not limited to, airports owned or operated by a public entity, major maintenance facilities, solid waste transfer stations, major utility transmission corridors. Also, when the P/SP(1) designation is an easement on privately-held property, other uses consistent with the adjacent future land use category or categories, where consistent with the purpose of the easement and consistent with all other goals, objectives, and policies of this Comprehensive Plan, may also be considered. (See also Policy 2.1.1.5)</p>	<p>There are few existing P/SP(1) designations, and consist primarily of water, power, or solid waste facilities. A recent plan amendment provided P/SP(1) FLUC for a state Department of Transportation facility on SR-64 about 2 miles to the west.</p> <p>The Lake Manatee Water Treatment Facility located about 0.7 miles away has P/SP(1) FLUC.</p> <p>The relatively undeveloped nature of the site that would be improved under planned development standards, and the surrounding area, provide adequate opportunity for prevention of adverse aesthetic or health, safety, or welfare impacts on adjacent property or residents.</p>
<p>Policy: 2.2.1.22.4 Other Information:...</p> <p>b) In all instances where the P/SP(1) future land use category is applied..., the following shall apply:</p> <p>i) An applicant shall be required to declare a specific use or uses for a specific piece of property for which the applicant is proposing to amend the existing future land use category to P/SP(1).</p> <p>ii) At such time the applicant is proposing to amend the existing future land use category of a specific piece of property to P/SP(1), the applicant shall provide information and analysis on the compatibility of the proposed use or uses, as specified according to paragraph (ii) above, with surrounding development.</p>	<p>The requirement to declare a specific intended use, to be compatible with adjacent uses, and to rezone to Planned Development Public Interest zoning provides oversight measures to adequately evaluate and determine suitability through the development review and approval hearing process.</p>

Goals, Objectives and Policies	Discussion
<p>iii) Property with the future land use category of P/SP(1), shall required Planned Development zoning to be developed.</p>	
<p>Policy 2.6.5.1 Provide incentives for, and otherwise encourage the use of the planned unit development procedure to achieve quality, highly functional, and well-integrated project designs.</p>	<p>Planned Development provisions are applicable to the plan amendment site during future rezone and development approval processes. Rezone to Planned Development Public Interest designation is required.</p>
<p>Policy: 2.13.1.3 New and proposed school sites shall be compatible with existing or anticipated uses on adjacent properties based upon the type of school, i.e., elementary, middle, or high school or school of special education, and the type of school facilities proposed for the site.</p> <p>Policy: 2.13.1.4 Environmental concerns and traffic patterns shall be considered during school site selection to ensure compatibility with on site and adjacent natural features and the health and safety of students and local motorists.</p>	<p>Environmental assessments were conducted prior to acquisition. Transportation issues were addressed through BOCC consistency and coordination between the School Board and Transportation staff.</p>
<p>Policy: 12.1.1.2 The School Board and County government shall review proposed sites for infrastructure prior to a preliminary finding of consistency.</p> <p>Policy: 12.1.2.2 The School Board and County shall ensure proposed sites are consistent with the Comprehensive Plan and LDC.</p>	<p>The plan amendment has been initiated as a result of a consistency evaluation finding that P/SP(1) is required for the transportation annex, and schools are within the range of potential uses in RES-1. Policy 12.1.2.3 also indicates that school sites are permissible in all FLUCs except conservation, preservation, or heavy industrial.</p>
<p>Policy: 12.1.3.1 Review environmental concerns, health, safety, welfare, and compatibility of proposed sites with uses of adjacent property.</p> <p>Policy: 12.1.3.2 School sites shall be compatible with adjacent properties based on proposed school and facilities types.</p> <p>Policy: 12.1.4.1 Proposed development in adjacent areas shall be compatible with schools.</p>	<p>The plan amendment application package included a review of consistency of uses with adjacent property, noting site selection was based on environmental studies, a contractual agreement with adjacent property that sold the transportation annex site to the applicant, and safety.</p> <p>The planned future development of nearby schools by the applicant will facilitate compatibility. Additional screening/buffering that may be needed for compatibility with adjacent land uses, if any, during the site plan approval process.</p>
<p>Policy: 12.2.1.4 The School Board and County shall identify infrastructure for schools.</p>	<p>This policy will provide for coordination in preparation for future school campus development on nearby parcels.</p>

Attachments:

1. Consistency with State Comprehensive Plan, Florida Administrative Code, and Florida Statutes (163, 187, etc.)
2. Public Hearings Notification
3. Ordinance 10-72

ATTACHMENT #1

CONSISTENCY OF THE LOCAL COMPREHENSIVE PLAN AMENDMENT WITH THE STATE
COMPREHENSIVE PLAN, FLORIDA ADMINISTRATIVE CODE AND
THE FLORIDA STATUTES.

PA-10-29 (Ordinance 10-72)

The proposed amendment is consistent with
Florida Statutes 163 Part II and Rule 9J-5

163.3184 Process for adoption of comprehensive plan or plan amendment states “in compliance”
means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191 and
163.3245.

163.3177 Required and optional elements of comprehensive plan; studies and surveys
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3178 Coastal Management
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3180 Concurrency
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan
**Manatee County has completed the required 2004 EAR and the
2006 EAR based plan amendments.**

163.3245 Optional sector plans
There are no sector plans established at this time.

All State goals and policies taken from Chapter 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies
of the State Comprehensive Plan:

- 187.201 (11) (b) 3.
- 187.201 (15) (b) 1, 2, 4, 5.
- 187.201 (16) (b) 8.
- 187.201 (20) (b) 1

ORDINANCE NO. 10-72

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING COMPREHENSIVE PLANNING, AMENDING MANATEE COUNTY ORDINANCE NO. 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING A PURPOSE AND INTENT; PROVIDING FINDINGS; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM RES-1 (RESIDENTIAL 1 DU/GA TO P/SP(1) (PUBLIC / SEMI-PUBLIC (1) 0 DU/GA); FOR LAND LOCATED 1 MILE WEST OF INTERSECTION OF DAM ROAD AND SR 64 INTERSECTION AND 1,748 FEET NORTH OF SR 64; WITH DECLARED USES OF A TRANSPORTATION FACILITY OWNED AND OPERATED BY THE SCHOOL BOARD OF MANATEE COUNTY CONSISTING OF PARKING FOR BUSES, SERVICE VEHICLES, AND EMPLOYEES, FUEL STATION, VEHICLE WASH, MAINTENANCE FACILITY FOR SCHOOL BUSES AND FLEET VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (5.45± ACRES).

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, of the Local Government Comprehensive Planning and Land Development Regulation Act (the "Act"), empowers and requires Board of County Commissioner of Manatee County (a) to plan for the county's future development and growth, (b) to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county, (c) to implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations, and (d) to establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of said Act; and

WHEREAS, Manatee County Ordinance No. 89-01, as amended, was adopted pursuant to general law for the purpose of providing a framework for land use and development in the unincorporated area of Manatee County and established the Manatee County Comprehensive Plan; and

WHEREAS, Application PA-10-29 initiated by the Applicant is a request for a map amendment to amend the Future Land Use Map Series of the Future Land Use Element of the Manatee County Comprehensive Plan, consistent with Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, as amended, empowers the local government to adopt small scale amendments, waiving the objections, recommendations and comments review; and

WHEREAS, the proposed amendment encompasses 10 acres or less and meets the requirements to qualify for adoption as small area plan amendment under Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, on September 9, 2010, the Manatee County Planning Commission, after due public notice, held a public hearing to consider this map change and forwarded its recommendation to the Board of County Commissioners as required by law; and

WHEREAS, the minimum statutory and plan administration requirements for public participation for the adoption of this Ordinance and the amendment of the County's Comprehensive Plan, provided herein, have been met or exceeded; and

WHEREAS, the Board of County Commissioners, on October 12, 2010, previously adopted Ordinance No. 10-15 which included both a map amendment for the subject property to the P/SP(1) (Public/Semi-Public 1) Future Land Use Classification, as well as the declared use stated as a text amendment to the Comprehensive Plan; and

WHEREAS, on December 2, 2010, the Board of County Commissioners of Manatee County rescinded the adoption of Ordinance 10-15 and held a duly noticed public hearing to consider adoption of Ordinance No. 10-72 specifically pertaining solely to a map amendment to the P/SP(1) (Public/Semi-Public 1) Future Land Use Classification for the subject property; and

WHEREAS, the Board of County Commissioners has determined that the growth and development provisions initially approved are no longer appropriate because of a change in circumstance in the adopted plan has been demonstrated by the applicant; and

WHEREAS, the intent and purpose of the P/SP(1) Future Land Use Classification is to recognize major public facilities, which may have adverse aesthetic or welfare impacts on adjacent property and maintenance facilities are expressly listed with the general range of potential uses; and,

WHEREAS, an applicant requesting the P/SP(1) Future Land Use Classification is required to declare a specific use for the subject property and the School Board has stated a declared use of a transportation facility owned and operated by the School Board, as described in the Application; and,

WHEREAS, the Applicant has submitted with its Application information and analysis on the compatibility of the proposed uses with surrounding development; and,

WHEREAS, prior to any development occurring upon the subject property, under the P/SP(1) Future Land Use Classification, a rezoning of the Planned Development zoning with an accompanying preliminary site plan will be required to be submitted to the Board of County Commissioners with stipulations to address potential compatibility issues; and,

WHEREAS, in exercise of said authority, the Board of County Commissioners of Manatee County has determined it necessary and desirable to adopt this Ordinance to effect the said amendment of the Comprehensive Plan to preserve and enhance present advantages, encourage the most appropriate use of land, water and resources, consistent with the public interest, overcome present deficiencies and deal effectively with future problems that may result from the use and development of land within Manatee County; and

WHEREAS, all applicable requirements of general law and local law have been followed, and the proceedings have been conducted pursuant to the Act, and the Plan Format and Administration Section of the Manatee County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County that:

Section 1. Purpose and Intent: This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Sections 163.3161 through 163.3215, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings: The recitals set forth above are true and correct and are hereby adopted as findings by the Board for the adoption of this Ordinance. Based upon the findings made relative to this proposed map amendment to the Comprehensive Plan, and the compatibility analysis submitted with the Applicant, it has been determined that the existing Future Land Use Map designation for the property subject to the amendment is no longer in the public interest and should be amended as described in Section 3 below.

Section 3. Map Amendment: The Manatee County Comprehensive Plan, Ordinance No. 89-01, is hereby amended to change the Future Land Use Classification of the property, described on Exhibit A hereto which is incorporated herein by reference from RES-1 (Residential 1 DU/GA) to P/SP(1) (Public / Semi-Public (1)). Such change shall be incorporated into the Future Land Use Map established and adopted as part of the County's Comprehensive Plan pursuant to Ordinance No. 89-01, as amended. The declared use is a transportation facility owned and operated by the School Board of Manatee County consisting of parking for buses, service vehicles, and employees, fuel station, vehicle wash, maintenance facility for school buses and fleet vehicles.

Section 4. Severability: If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining

provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 5. Effective Date: The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged within 31 days after adoption, the effective date of this amendment shall be the date a final order is issued by the Department of Community Affairs, or the Administration Commission, respectfully finding the amendment in compliance with the Act.

PASSED AND DULY ADOPTED, in open session, with a quorum present and voting this _____ day of _____, 2010.

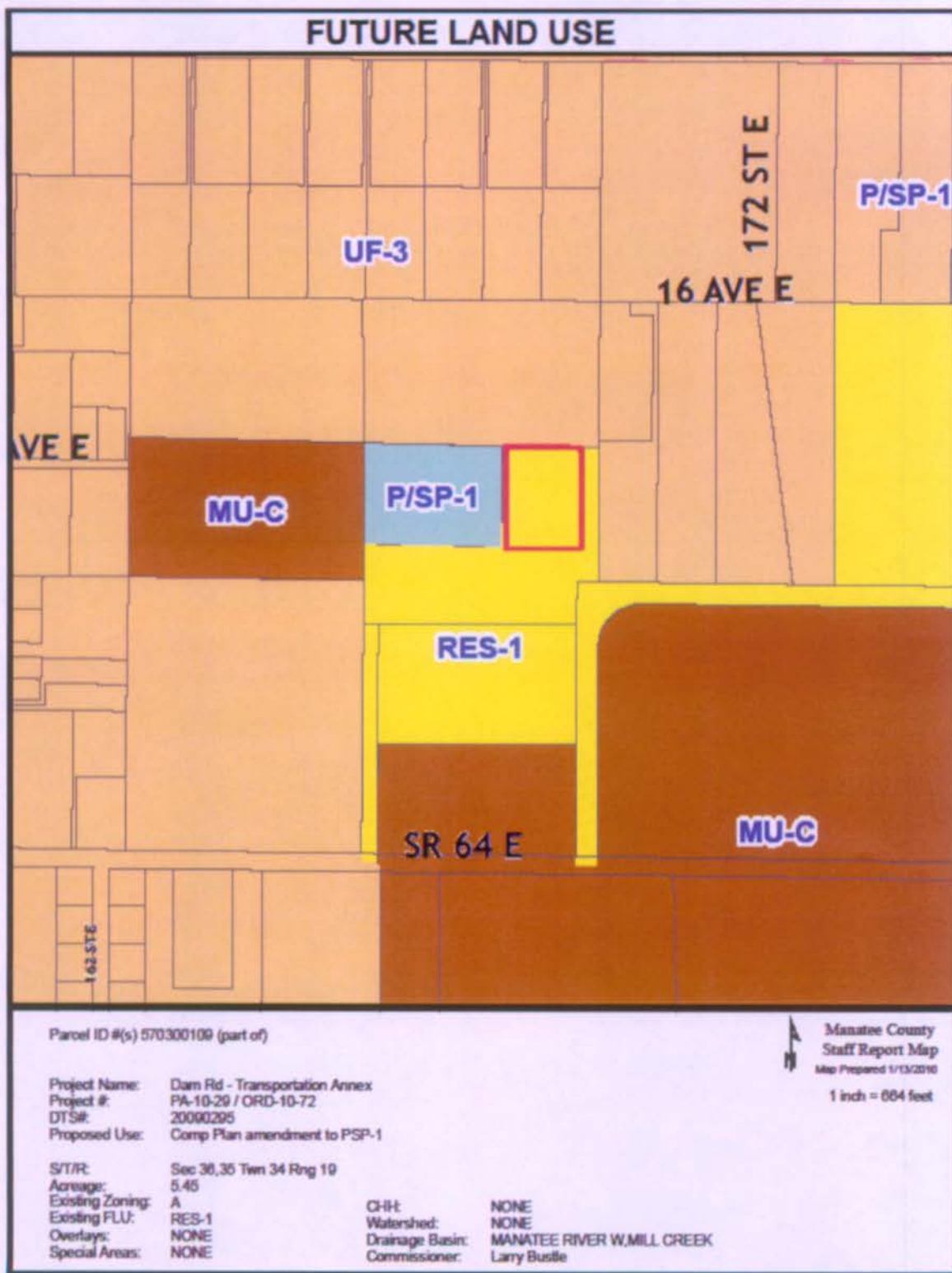
**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: _____
Donna G. Hayes, Chairman

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

By: _____
Deputy Clerk

Exhibit A



Parcel ID #(s) 570300109 (part of)

Project Name: Dam Rd - Transportation Annex
 Project #: PA-10-29 / ORD-10-72
 DT# #: 20090295
 Proposed Use: Comp Plan amendment to PSP-1

S/T/R: Sec 36,35 Twn 34 Rng 19
 Acreage: 5.45
 Existing Zoning: A
 Existing FLU: RES-1
 Overlays: NONE
 Special Areas: NONE

CH#: NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER W.MILL CREEK
 Commissioner: Larry Bustle

Manatee County
 Staff Report Map
 Map Prepared 1/13/2010
 1 inch = 604 feet

**LEGAL DESCRIPTION
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AREA**

EXHIBIT A - PAGE 1 of 2


DESCRIPTION: BUS DEPOT EAST

COMMENCE AT THE NORTHEAST CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 19 EAST; THENCE S00°21'50"W, ALONG THE EAST LINE OF SAID SECTION 35, A DISTANCE OF 775.51 FT. TO THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE N89°26'46"W, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 35, A DISTANCE OF 120.00 FT. FOR A POINT OF BEGINNING; THENCE S00°21'50"W, 562.84 FT.; THENCE N89°26'46"W, A DISTANCE OF 422.30 FT.; THENCE N00°30'09"E, A DISTANCE OF 562.84 FT. TO THE AFORESAID NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35; THENCE S89°26'46"E, ALONG SAID NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, A DISTANCE OF 420.94 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 35, TOWNSHIP 34 SOUTH, RANGE 19 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 5.45 ACRES, MORE OR LESS.

(REFER TO SHEET 2 OF 2 FOR SKETCH)

NOVEMBER 17, 2009
DATE OF CERTIFICATE


KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 5116

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER, LB 2241.
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOB NUMBER: 7615

SHEET NUMBER 1 OF 2

LOMBARDO, FOLEY & KOLARIK, INC.

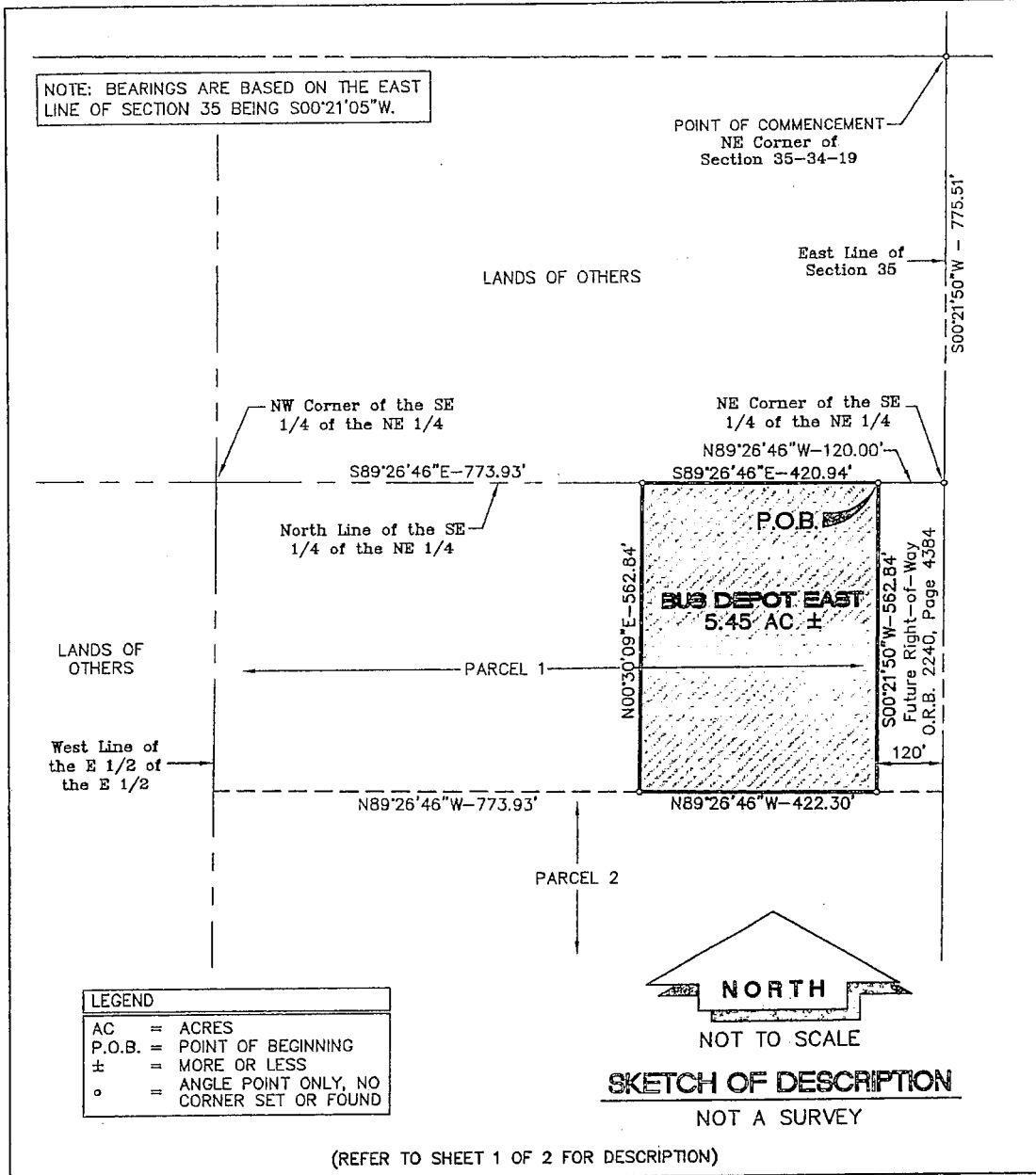
Consulting Engineers, Surveyors and Planners

P.O. Box 133 • 825 4th Street West • Palmetto, Florida 34221 • (341) 722-4551



DRBUSWSK.DWG 111809 tonya

EXHIBIT A - PAGE 2 of 2



DRBUSWSK.DWG 111809 tonya

JOB NUMBER: 7615 DRAWN BY: T.BALL SCALE: NONE SHEET NUMBER 2 OF 2

LOMBARDO, FOLEY & KOLARIK, INC.

Consulting Engineers, Surveyors and Planners

P.O. Box 128 • 825 4th Street West • Palmto, Florida 34221 • (840) 722-4531

