

FILED FOR RECORD
R. B. SHORE

2008 JUN 16 AM 11:22 MANATEE COUNTY ZONING ORDINANCE
PDI-06-57(P) - FREEDOM RECYCLING HOLDINGS, LLC - FREEDOM RECYCLING

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY, FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A CONSTRUCTION AND DEBRIS (C & D) RECYCLING FACILITY ON LOT 6 LENA ROAD BUSINESS PARK, INCLUDING A 35,900 SQUARE FOOT PROCESSING BUILDING, AN 1,800 SQUARE FOOT EQUIPMENT BUILDING, INBOUND AND OUTBOUND TRUCK SCALES, OVERNIGHT STAGING AREA FOR SIX ROLL-OFF TRUCKS, AND A 2,600 SQUARE FOOT OFFICE BUILDING, ALL ON APPROXIMATELY 5.0 ACRES \pm 1 1/4 MILES SOUTH OF SR 64, AND EAST OF I-75 AT 3407 81ST COURT EAST, BRADENTON, SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

2008 JUN -9 AM 9:22

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WHEREAS, Freedom Recycling Holdings, LLC (the "Applicant") filed an application for a Preliminary Site Plan for approximately 5.0 acres described in Exhibit "A", attached hereto, (the "property") for a construction and debris (C & D) recycling facility on Lot 6 Lena Road Business Park, including a 35,900 square foot processing building, an 1,800 square foot equipment building, inbound and outbound truck scales, overnight staging area for six roll-off trucks, and a 2,600 square foot office building; and

WHEREAS, the applicant also requested Special Approval for a project partially in an Entranceway; and

WHEREAS, the applicant also requested Specific Approval for an alternative to Section 715.3.1.g of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the Preliminary Site 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 February 14, 2008 to consider the Preliminary Site Plan application, received the staff's 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 Preliminary Site Plan as it relates to the real property described in Exhibit "A" of this Ordinance.

B. The Board of County Commissioners held duly noticed public hearings on February 28, 2008, April 3, 2008, May 1, 2008, May 15, 2008, and May 27, 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 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 Manatee County Comprehensive Plan) and to satisfy the criteria for approval in the Land Development Code.

D. For the purposes of granting special approval for a project partially in an Entranceway, the Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 715.3.1.g, the Board finds that the public purpose and intent of the LDC regulation has been achieved to an equivalent degree because relocation of required trees will provide an adequate buffer.

Section 2. PRELIMINARY SITE PLAN. The Preliminary Site Plan is hereby approved for a construction and debris (C & D) recycling facility on Lot 6 Lena Road Business Park, including a 35,900 square foot processing building, an 1,800 square foot equipment building, inbound and outbound truck scales, overnight staging area for six roll-off trucks, and a 2,600 square foot office building on the property subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

1. Stipulations attached to the approval of the overall Lena Business Park (PDI-98-05) that apply to this request and updated as appropriate are noted below.
 - a. The landscape buffer along the southern boundary of this lot shall be increased to 30 feet wide to allow for the construction of a 3 – 4' high berm. This berm shall be planted in accordance with the screening requirements in Section 715 of the Land Development Code. This berm may be administratively modified provided that staff finds the proposed alternative provides screening and buffering which is equal to or exceeds the screening buffer required by this stipulation.

- b. There shall be no outdoor storage south of any proposed buildings on this lot. The retention pond shall be located as far south as possible.
 - c. The minimum open space in the diagonal portion of this project that is in the Entranceway shall be 30 percent.
2. Hours of operation shall be limited to 6 a.m. to 6 p.m., Monday through Friday, and 7 a.m. to 1 p.m. on Saturday.
 3. Any trucks parked on site may not operate their engines overnight, from 6:00 p.m. until 6:00 a.m.
 4. Concrete crushing shall be prohibited at this facility.
 5. There shall be no outdoor storage on this site which is visible from either 81st Street Court East or single family residences to the south.
 6. All processing, including removal of recyclable materials and unacceptable wastes, waste screening, grinding of clean wood, and bailing of clean cardboard, shall take place inside the building.
 7. The entire tipping and sorting area inside the building shall be cleared of waste, recyclables, and residue and cleaned at least once each week. All washdown water from these areas shall be contained within the leachate collection systems.
 8. At the time of Final Site Plan approval, the applicant shall demonstrate compliance with Adverse Impact Standards for Light Manufacturing district in Section 723 of the Land Development Code. The applicant shall operate the facility in accordance with such Adverse Impact Standards.

B. STORMWATER CONDITIONS:

1. The Final Site Plan must demonstrate that the project complies with the design requirements of the master drainage system.

C. BUFFERS:

1. The roadway buffer along 81st Street Court East shall be planted with two canopy trees and 33 shrubs per 100 l.f., consistent with the minimum LDC requirements.

D. ENVIRONMENTAL CONDITIONS:

1. Prior to Final Site Plan approval, the developer shall submit to the Environmental Management Department a Particulate Suppression Plan for review and approval. The Particulate Suppression Plan shall demonstrate compliance with Section 723.3.4 of the Manatee County Land Development Code, which requires that emissions be completely and effectively regulated so as to prevent any nuisance, hazard or other disturbance from being perceptible at any lot line of the premises.

2. Prior to Final Site Plan developer shall obtain all required state and federal permits. Copies of all permits shall be submitted to the Planning Department and the Environmental Management Department.
3. All uses conducted on-site shall be prohibited from accepting or handling hazardous or toxic materials as defined under Section 723.3.7.1 of the Land Development Code.
4. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department for review prior to Final Site Plan approval.
5. Tree barricades for trees to be preserved shall be located at the drip line, unless approved by the Planning Department. The drip line shall be defined as the outer branch edge of the tree canopy. The area within the drip line shall remain undisturbed. The following activities are prohibited within the drip line of preserved trees: machinery and vehicle travel or parking; underground utilities; filling or excavation; storage of construction materials. The tree protection barricades shall consist of chain link fence (new or used) with a minimum 5' height, unless otherwise approved by the Planning Department.
6. A Well Management Plan shall be submitted to the Planning Department and the Environmental Management Department for review and approval prior to Final Site Plan approval. The Well Management Plan shall include identification of which wells are to be retained/abandoned; the timing of abandonment; wellhead protection details for those wells to remain and a copy of all Water Use Permits, if applicable.
7. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on the Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.
8. All permit conditions identified in DEP permit 230263-001-S0/30 issued on 10/06/2005 by the Department of Environmental Protection shall be complied with. Should there be an amendment to those conditions to make those conditions less stringent for purposes of DEP permitting, the 10/06/2005 conditions shall remain part of the stipulations for this approval. In the event of a conflict between a condition of the DEP permit and the conditions of this approval, the more restrictive condition shall apply.
9. The applicant shall comply with all DEP permit conditions.
10. There shall be no burning at the site.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project partially in an Entranceway. 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 is hereby granted for an alternative to Section 715.3.1.g of the Land Development Code. This Specific Approval 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, 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 27th day of May, 2008.

BY: BOARD OF COUNTY
COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: 

Chairman

ATTEST:

R. B. SHORE
Clerk of the Circuit Court



BY: 

Deputy Clerk

EXHIBT "A"

LEGAL DESCRIPTION OF THE PROPERTY

LOT 6 OF LENA BUSINESS PARK, A SUBDIVISION, AS RECORDED IN PLAT BOOK 39,
PAGES 116 THRU 119, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.



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 4TH day of

JUNE 2008
R.B. GHORE
Clerk of Circuit Court

By: Nancy Harris D.C.



FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

June 10, 2008

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

Attention: Ms. Vicki Jarratt

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 4, 2008 and certified copy of Manatee County Ordinance No. PDI-06-057, which was filed in this office on June 4, 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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