

MANATEE COUNTY ORDINANCE
PDPI-03-21(G)(R2) – LENA ROAD LANDFILL/SE WASTEWATER TREATMENT PLANT
DTS#20130123

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING AND RESTATING THE APPROVED GENERAL DEVELOPMENT PLAN [ORDINANCE PDPI-03-21(G)(R)] TO ALLOW ADDITIONAL IMPROVEMENTS TO THE SOUTHEAST WATER RECLAMATION FACILITY AND LENA ROAD LANDFILL ON APPROXIMATELY 1,169.20 ACRES AT 3333 LENA ROAD; LOCATED SOUTH OF SR 64, EAST OF LENA ROAD, AND WEST OF LAKEWOOD RANCH BOULEVARD, BRADENTON; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County Government (the "Applicant") filed an application for a revised General Development Plan [Ordinance PDPI-03-21(G)(R)] to allow additional improvements to the southeast water reclamation facility and Lena Road Landfill on 1,169.20 ± acres described in Exhibit "A", attached hereto, (the "Property"); and

WHEREAS, the applicant also filed a request for Special Approval for a project adjacent to a perennial stream; and

WHEREAS, Building and Development Services Department staff recommended approval of the revised General Development Plan and Special Approval applications 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 June 13, 2013 to consider the amended General Development Plan and Special Approval 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 amended General Development Plan and Special Approval applications consistent with the Manatee County Comprehensive Plan, and the Manatee County Land Development Code, recommended approval 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 an amended General Development and Special Approval 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 8, 2013 regarding the proposed amended Zoning Ordinance 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 revised Zoning Ordinance regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. For the purposes of granting Special Approval, the Board finds that the project as conditioned herein, will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. REVISED GENERAL DEVELOPMENT PLAN. The amended General Development Plan is hereby approved subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

- 1. The applicant shall provide a minimum of 30% open space for the entire project.
- 2. The landfill shall maintain a minimum 15 ft. buffer of existing trees and vegetation along their northernmost property line south of SR 64, where the landfill boundary abuts residential uses. This may be delineated by phase if necessary. Details shall be shown on the landscape plan that is submitted with each future Final Site Plan.
- 3. The applicant shall demonstrate compliance with the Land Development Code Adverse Impact requirements of Section 723 regarding odor and other adverse impacts. This shall be demonstrated prior to each Final Site Plan approval.
- 4. Any significant historical or archaeological resources discovered during development activities shall be immediately reported to the Florida Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources and Manatee County. Treatment of the resources must be completed before resource-disturbing activities are allowed to continue. If human remains are encountered, the provisions contained in Chapter 872, Florida Statutes (Offenses Concerning Dead Bodies and Graves) shall be followed.
- 5. Prior to any Final Site Plan approval, the design and shielding of on-site lighting shall comply with Section 709.2.2.
- 6. The applicant shall develop pre- and post- disaster mitigation plans to be reviewed and approved by the Public Safety Department concurrent with each Final Site Plan review.

B. TRANSPORTATION CONDITIONS:

1. Applicant is advised that studies (solid waste, wastewater and/or traffic) may be required as the property is developed. Additional on-site and/or off-site improvements may be required as the property is developed.

C. ENVIRONMENTAL CONDITIONS:

1. An updated study, consistent with Policy 3.3.2.1 of the Comprehensive Plan, for threatened and endangered plant and animal species shall be conducted prior to each Final Site Plan approval. Any management plans or permits required by the appropriate State or federal agency shall be provided to the Building and Development Services Department for any listed species found on-site, prior to commencement of construction activities.
2. Required Tree Replacement shall occur in accordance with Section 714.8 of the LDC. A combination of off-site replacement and payment into the Tree Fund can be utilized due to insufficient room onsite to plant all trees. Prior to each Preliminary Site Plan/Final Site Plan approval, an exhibit shall be provided to the Environmental Planning Division of the Building and Development Services Department for review and approval, depicting proposed locations of replacement trees.
3. Irrigation for landscaping shall use the lowest water quality source available, which shall be identified on each Final Site Plan. Use of Manatee County public potable water supply shall be prohibited.

Section 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.


Section 4. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 5. STATE AND FEDERAL PERMITTING. The issuance of this local development permit by the County shall not create any liability on the part of the County in the event the applicant fails to obtain the required state or federal agency approvals or permits or fails to fulfill the obligations imposed by any state or federal agency or undertakes actions that result in a violation of state or federal law.

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 8th day of August, 2013.

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

BY: 
Larry Bustle, Chairman

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

BY: 
Deputy Clerk



Exhibit "A"

LEGAL DESCRIPTION

PARCEL "A" (FORMERLY PARCEL A&B): THE S1/2 OF THE NW1/4 & THE N1/2 OF THE SW1/4 OF SEC 6, TWN 35 S, RNG 19 E, ALSO: THE N1/2 OF THE NW1/4 OF SEC 6, AND ALL OF SEC 31, TWN 34 S, RNG 19 E; LESS THAT PART OF SEC 31, LYING E OF A LN WHICH IS THE NLY EXT OF THE E LN OF THE NW1/4 OF SEC 8, TWN 36 S, RNG 19 E.

PARCEL "B": THAT PART OF SEC 6, TWN 35 S, RNG 19 E, LYING NLY OF THE NLY LN OF THAT CERTAIN GAS LN EASMENT RUNNING DIAGONALLY THE PROPERTY; LESS THE S1/2 OF THE NW1/4 & THE N1/2 OF THE SW1/4 OF SD SEC 6; ALSO LESS THAT PART OF SEC 6, LYING NLY OF A LN WHICH IS THE ELY EXT OF THE N LN OF THE S1/2 OF THE NW1/4 OF SD SEC 6; ALSO LESS THAT PART OF SEC 6 LYING ELY OF A LN WHICH IS PAR WITH & 1690 FT ELY OF THE E LN OF THE NW1/4 OF SD SEC 6 & ANY NLY OR SLY EXT THEREOF, ALSO THAT PART OF SEC 7, TWN 35 S, RNG 19 E LYING NLY OF THE NLY LN OF THAT CERTAIN GAS LN EASMENT RUNNING DIAGONALLY THROUGH THE PROPERTY;

PARCEL "C": THAT PART OF SEC 8, TWN 35 S, RNG 19 E, MORE FULLY DESC AS BEING BOUNDED ON THE N LN OF SD SEC 8, & BOUNDED ON THE W BY THE E LN OF THE NW1/4 OF SD SEC 6, & BOUNDED ON THE S BY THE ELY EXT OF THE N LN OF THE S1/2 OF THE NW1/4 OF SD SEC 6. & BOUNDED ON THE E BY A LN WHICH LIES 1690 FT ELY OF & PAR WITH THE E LN OF THE NW1/4 OF SD SEC 6, ALSO THAT PART OF SEC 31, TWN 34 S, RNG 19 E, MORE FULLY DESC AS BEING BOUNDED ON THE N BY THE N LN OF SD SEC 31, & BOUNDED ON THE W BY A LN WHICH IS THE NLY EXT OF THE E LN OF THE NW1/4 OF SEC 6, TWN 35 S, RNG 19 E, & BOUNDED ON THE S BY A LN WHICH LIES 1567 FT SLY OF & PAR WITH THE N LN OF SEC 31, TWN 34 S, RNG 19 E, & BOUNDED ON THE E BY A LN, WHICH LIES 300 FT ELY OF & PAR WITH THE NLY EXT OF THE E LN OF THE NW1/4 OF SEC 6, TWN 35 S, RNG 19 E, ALSO THAT PART OF SEC 31, TWN 34 S, RNG 19 E, MORE FULLY DESC AS BEING ON THE N BY A LN WICH LIES 1567 FT SLY OF & PAR WITH THE N LN OF SEC 31, TWN 34 S, RNG 19 E, & BOUNDED ON THE W BY THE NLY EXT OF THE E LN OF THE NW1/4 OF SEC 6, TWN 35 S, RNG 19 E, & BOUNDED ON THE S BY THE S LN OF SEC 31, TWN 34 S, RNG 19 E, (ALSO BEING THE N LN OF SEC 6, TWN 35 S, RNG 19 E) & BOUNDED ON THE E BY A LN WHICH LIES 1890 FT E OF & PAR WITH THE NLY EXT OF THE E LN OF THE NW1/4 OF SEC 8. TWN 35 S, RNG 19 E.

PARCEL "D" (FORMERLY ADAMS PROPERTY): THE N1/2 OF THE NE1/4 OF SEC 1, TWN 35 S, RNG 18 E, LESS ANY PORTION CONVEYED TO E & W COAST RAILWAY IN (D8 81 PG 547); SUBJECT TO R/W AGREEMENT REC IN (485/250) & SUBJECT TO EASMENT TO FPL CO REC IN (981/3999).

PARCEL "E" (OLD GUN CLUB): S1/2 OF NE1/4 SUBJECT TO EASMENT AS DESC IN (485/242).

PARCEL "F" (KNOWN AS WWTP): THE N 30 AC OF THE SE1/4 OF SEC 1, TWN 35 S, RNG 18 E, LESS THE W 330 FT OF FPL CO EASMENT, MORE PARTICULARLY DESC AS FOL BEG AT THE NE COR OF THE SE1/4 OF SEC 1. TWN 35 S, RNG 18 E; TH N 89 DEG 31 MIN 38 SEC W. ALG THE N LN OF SD SE1/4, 2320.99 FT TO THE INT WITH THE E LN OF A 330 FT WIDE FPL CO EASMNT; TH S 00 DEG 19 MIN 24 SEC W. ALG SD E EASMENT LN, PAR TO THE W LN OF SD SE1/4 & 330 FT ELY THEREFROM, 562.92 FT TH S 89 DEG 31 MIN 38

SEC E, PAR TO THE N LN OF SD SE1/4, 2321.97 FT TO THE INT WITH TH E LN OF SD SE1/4; TH N 00 DEG 13 MIN 25 SEC 3, ALG SD E IN 562.92 FT THE POB, BEING & LYING IN THE SE1/4 OF SEC 1, TWN 35 S, RNG 18 E, CONT 30 AC M/L.

PARCEL "G" (UNDEVELOPED PROPERTY): THE SE1/4 OF SEC 1, TWN 35 S, RNG 18 E, LESS 30 AC PREVIOUSLY CONVEYED TO MAN CO. REC IN (947/1388), SUBJECT TO FPL CO EASMNT AS DESC IN (1006/2513).

PARCEL "H": ALSO BEGING AT THE NE COR OF SEC 12, TWN 35 S, RNG 18 E, TH N 89 DEG 30 MIN 21 SEC W ALG THE SEC LN BETWEEN SECS 1&12, TWN 35 S, RNG 18 E, A DIST OF 2855.50 FT M/L TO A CONC WON ON THE W LN OF FPL TRANSMISSION LN EASMENT REC IN (1008/2513); TH S ALG THE W LN OF SD FPL CO EASMENT A DIST OF 2580 FT M/L TO THE C/L OF HOUSTON TEXAS GAS & OIL CORP EASMENT REC IN {DB 399 PG 117}; TH NLY ALG THE C/L OF SD EASMNT A DIST OF 3000 FT M/L TO A CONC WON ON THE E LN OF SD SEC 12 & 989.94 FT M/L TO THE NW COR OF SEC 12; TH NLY ALG THE E LN OF SD SEC 12. A DIST OF 989.94 FT M/L TO THE POB.



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

August, 20 13

R.B. SHORE
Clerk of Circuit Court

[Signature]
D.C.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 21, 2013

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

Attention: Juanita Reinhold, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 20, 2013 and certified copies of Manatee County Ordinance Nos. 13-06, PDPI 03-21 (G)(R2), PDMU 13-03 (P), PDR 13-02(Z)(P), PDMU 06-16(P)(R5), PDMU 06-86(P)(R2), and PDMU 12-18(Z)(P), which were filed in this office on August 21, 2013.

As requested, a date stamped copy of the ordinance is being returned for your records.

Sincerely,

A handwritten signature in black ink that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

Enclosure