

MANATEE COUNTY ORDINANCE
PDPI-03-21(Z)(G)(R) – LENA ROAD LANDFILL/SE WASTEWATER TREATMENT PLANT
DTS #20060180

FILED FOR RECORD
R. B. SHORE

2008 AUG 25 PM 1:33

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT AT 333 LENA ROAD SURROUNDED BY PROPERTIES THAT ARE SOUTH OF SR 64, EAST OF LENA ROAD, AND WEST OF LAKEWOOD RANCH BOULEVARD, BRADENTON, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR THE REZONING OF APPROXIMATELY 105.72 ACRES OF THE EXISTING LANDFILL PROPERTY FROM PDI (PLANNED DEVELOPMENT INDUSTRIAL) & PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO THE PDPI (PLANNED DEVELOPMENT PUBLIC INTEREST) ZONING DISTRICT; AMENDING AND RESTATING THE APPROVED GENERAL DEVELOPMENT PLAN (ORDINANCE PDPI-03-21(G)) FOR THE ENTIRE SITE TO INCLUDE A NEW METHANE POWER GENERATING FACILITY AND OTHER MINOR CHANGES AT THE EXISTING SITE; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDING; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County (the "Applicant") filed an application for an amendment to the approved Ordinance for approximately 1,155.6 acres described in Exhibit "A", attached hereto, (the "Property") rezoning of approximately 105.72 acres of the existing landfill property from PDI (Planned Development Industrial) & PDR (Planned Development Residential) to the PDPI (Planned Development Public Interest) zoning district; amending and restating the approved General Development Plan (Ordinance PDPI-03-21(G)) for the entire site to include a new methane power generating facility and other minor changes at the existing site; and

WHEREAS, the applicant filed a request for Special Approval for a project in the P/SP-1, IL, RES-6, and ROR Future Land Use Categories; and

WHEREAS, Planning Department staff recommended approval of the General Development Plan and Special 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 June 12, 2008 to consider the General Development Plan, 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 General Development Plan and Special Approval consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in 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 a General Development Plan as it relates to the real property described in Exhibit "A" of this Ordinance.
- B. The Board of County Commissioners held a duly noticed public hearing on August 7, 2008 regarding the proposed General Development Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and has further considered the information received at the public hearing.
- C. The proposed General Development Plan regarding the property described in Exhibit "A" herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, the 2020 Manatee County Comprehensive Plan.
- D. The Board hereby finds that the project will have no significant detrimental impacts on natural resources, adjacent land uses, or public facilities.

Section 2. GENERAL DEVELOPMENT PLAN. The General Development Plan is hereby approved to amend and restate the approved General Development Plan (Ordinance PDPI-03-21(G)) for the entire site to include a new methane power generating facility and other minor changes at the existing site subject to the following Stipulations:

STIPULATIONS

A. DESIGN AND LAND USE CONDITIONS:

- 1. A comprehensive tree removal and replacement plan for the yard waste site shall be included with the Final Site Plan when it is submitted for review. It shall address specifically where and how many trees will be planted off-site, as well as the size, type, and location of trees to be planted on-site. The largest required replacement trees shall be planted on-site.
- 2. The landfill shall maintain a 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.

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 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 the Final Site Plan approval, the design and shielding of on-site lighting shall comply with Section 709.2.2. In addition, pole mounted lights shall be limited to 20' in height and directed to the interior of the development using horizontal cut-offs. A photometric plan shall be submitted to the Planning Department along with the Final Site Plan for approval.
6. The applicant shall develop pre- and post- disaster mitigation plans to be reviewed and approved by the Public Safety Department concurrent with Final Site Plan review.

B. TRANSPORTATION CONDITIONS:

1. At the time of Final Site Plan and Construction Plan approval for the project, the developer shall be responsible for any additional on-site or off-site transportation operational and safety improvements attributable to this project, as determined by the Public Works Department, and in accordance with LDC Section 722.1.3.4., as well as any capacity improvements associated with the issuance of a Certificate of Level of Service.

C. STORMWATER CONDITIONS:

1. Please add the following note to the landscape plans when submitted, "As per Section 715.4, Subsection A, trees and shrubs shall not be placed within the middle two-thirds (2/3) of any drainage swale or within three (3) feet measured horizontally from the centerline of the drainage swale; whichever is greater. Swales must allow the positive flow of water without any obstruction."

D. ENVIRONMENTAL CONDITIONS:

1. Gopher tortoises have been identified onsite. If a wildlife management plan is required by the appropriate regulating agency, a copy of such shall be provided to the Planning Department for review prior to Preliminary Site Plan approval.

2. This site shall be re-evaluated for the presence of listed species prior to Preliminary Site Plan approval, per Section 736.3.7.1.4.
3. An ERP approved by FDEP shall be provided to the Planning Department for review prior to Preliminary Site Plan approval.
4. 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 Preliminary Site Plan approval, an exhibit shall be provided to Planning Department staff for review and approval, depicting proposed locations of replacement trees.
5. 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.

Section 3. SPECIAL APPROVAL. Special Approval is hereby granted for a project in the P/SP-1, IL, RES-6, and ROR Future Land Use Categories. The Special Approval shall continue in effect and shall expire concurrent with the General Development Plan for the project approved pursuant to Section 2 hereof.

Section 4. SEVERABILITY. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

Section 5. CODIFICATION. Pursuant to § 125.68(1), Florida Statutes, this ordinance is not required to be codified. Therefore, the Clerk shall not transmit the ordinance for codification.

Section 6. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 7th day of August, 2008.

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

BY: 

Chairman

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



BY: 

Deputy Clerk

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

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 WHICH 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 THE E LN OF SD SE1/4; TH N 00 DEG 13 MIN 25 SEC E, 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 15th day of August, 2008
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

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2008 AUG 25 PM 1:37

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

August 20, 2008

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AUG 25 2008

BOARD RECORDS

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

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

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 15, 2008 and certified copies of Manatee County Ordinance Nos. 08-58, PDMU-07-23(Z)(P), Z-07-12, 08-64, PDC-05-48(Z)(P), PDPI-03-21(Z)(G)(R), PDMU-91-01(G)(R4), PDMU-92-01(Z)(G)(R12) and 08-16, which were filed in this office on August 20, 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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