Request: Approval of a Special Permit for major earthmoving in the A (General Agriculture) zoning district. The site is located south of SR 64 between Lorraine Road and CR 675 at 18900 S.R. 64 East, Bradenton, Florida (± 189.10 acres).

Hearing Officer: March 24, 2014
# PROJECT SUMMARY

<table>
<thead>
<tr>
<th><strong>CASE#:</strong></th>
<th>SP-14-01 – DTS #201400001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PROJECT NAME:</strong></td>
<td>SMR Aggregates SR 64 Borrow Pit</td>
</tr>
<tr>
<td><strong>APPLICANT(S):</strong></td>
<td>Old Florida Investment Resources, LLC</td>
</tr>
<tr>
<td><strong>REQUEST:</strong></td>
<td>Special Permit for Major Earthmoving</td>
</tr>
<tr>
<td><strong>CASE PLANNER:</strong></td>
<td>Margaret C. Tusing</td>
</tr>
<tr>
<td><strong>STAFF RECOMMENDATION:</strong></td>
<td>APPROVAL WITH STIPULATIONS</td>
</tr>
</tbody>
</table>

# SITE CHARACTERISTICS AND SURROUNDING AREA

<table>
<thead>
<tr>
<th><strong>ADDRESS:</strong></th>
<th>18900 SR 64 East, Bradenton, Florida 34202</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL LOCATION:</strong></td>
<td>South of SR 64 between Lorraine Road and CR 675</td>
</tr>
<tr>
<td><strong>SIZE:</strong></td>
<td>± 189.10 acres</td>
</tr>
<tr>
<td><strong>EXISTING USE(S):</strong></td>
<td>Agriculture</td>
</tr>
<tr>
<td><strong>PREVIOUS APPROVAL(S):</strong></td>
<td>NA</td>
</tr>
<tr>
<td><strong>ZONING:</strong></td>
<td>A (Agriculture)</td>
</tr>
<tr>
<td><strong>FLOOR AREA RATIO (FAR):</strong></td>
<td>NA</td>
</tr>
<tr>
<td><strong>FUTURE LAND USE CATEGORY:</strong></td>
<td>AG-R (Agriculture Rural)</td>
</tr>
<tr>
<td><strong>OVERLAY DISTRICT(S):</strong></td>
<td>NA</td>
</tr>
</tbody>
</table>
## SURROUNDING USES & ZONING

<table>
<thead>
<tr>
<th>NORTH</th>
<th>Agriculture and Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOUTH</td>
<td>Agriculture</td>
</tr>
<tr>
<td>EAST</td>
<td>Agriculture</td>
</tr>
<tr>
<td>WEST</td>
<td>Agriculture</td>
</tr>
</tbody>
</table>

## SITE DESIGN DETAILS

### SETBACKS:
- North: 1,400-feet
- South: 8,000-feet
- East: 1,900-feet
- West: 3,100-feet

### BUFFERS:
- Roadway and perimeter buffers are not required; wetland buffers are provided as required

### ACCESS:
- Internal farming road located on site to SR 64

### WETLAND ACREAGE & IMPACTS
- No wetland impacts

### FLOOD ZONE(S)
- Zone C per FIRM Panel 120153 0380B, revised 3/15/84.
- Zone X per D-FIRMS, effective 3/17/2014.

### AREA OF KNOWN FLOODING
- No

### UTILITY CONNECTIONS
- N/A

## POSITIVE ASPECTS
- Earthmoving operations are temporary in nature and will ultimately result in the creation of a large lake on this site after reclamation is completed.
- The borrow pit is compatible with the surrounding agricultural uses.
- The minimum setback from the borrow pit to the property line is approximately 1400-feet.
<table>
<thead>
<tr>
<th>NEGATIVE ASPECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A borrow pit will increase noise and truck traffic in the immediate area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MITIGATING MEASURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Staff recommends a stipulation limiting the hours of operation from 7:00 a.m. to 4:30 p.m., Monday through Friday. No borrow pit activity shall occur on Saturday, Sundays or holidays. On-site maintenance may occur on Saturday.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STAFF SUMMARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>The borrow pit site is part of a larger parent tract (2,142 acres) that is currently used for agricultural purposes (tomatoes). Approximately 7 million cubic yards of dirt will be excavated. The pit is approximately 167 acres and the project area is approximately 189 acres. Once completed and reclaimed, the pit area will be a large lake.</td>
</tr>
</tbody>
</table>

The borrow pit is considered a short-term agricultural use in the Comprehensive Plan and is consistent with the range of potential uses of the AG-R Future Land Use Category.

The borrow pit site is located south of SR 64. The site is not located within the Lake Manatee Watershed. In accordance with LDC 604.2, the Applicant submitted historical aerial maps and records indicating that the extent of the watershed (WPM) district is different than what is indicated on the Manatee County overlay maps. County staff has reviewed and compared the Applicant’s data with the 2013 LIDAR (used to determine watershed delineation) and have determined that the project area drains into the Mill Creek Watershed and **not** into the Lake Manatee or Braden River Watersheds.

Access to this site is from SR 64 to an internal farm road. This interior roadway will accommodate two-way truck traffic. The existing farm road is a 22-feet wide shell road; the applicant will increase the roadway width to 25-feet. There is an existing eastbound left turn lane on SR 64 for access to the Lake Manatee Recreation Area. The Applicant will provide an eastbound right turn lane into the site and a westbound left turn lane into the site. The Applicant has submitted a driveway permit applicant to the FDOT on December 30, 2013. The existing farm road is of sufficient length to allow trucks in-waiting to queue on site.

The Applicant is requesting a maximum of 700 haul trips per day in association with the borrow pit with the average number of trips estimated at 230 trips. Fugitive dust from earthmoving activities will be controlled by having a water truck on site to water the interior farm road.

Following the approval of the Special Permit, the applicant is required to obtain an Operating Permit before commencing with any earthmoving activities within the approved area. The applicant is required to furnish, as part of the Operating Permit application, evidence of financial responsibility in accordance with Section 732.5.12 of the LDC.
## STAFF RECOMMENDED STIPULATIONS

### A. DESIGN AND LAND USE STIPULATIONS

1. The Applicant is required to record a notice of the approved Special Permit in the official records of Manatee County, Florida as maintained by the Clerk of the Circuit Court. A copy of the recorded notice shall be provided to the Building and Development Services Department. The Special Permit is not effective until this condition is satisfied.

2. Prior to commencement of earthmoving operations, an Operating Permit shall be applied for and issued, pursuant to Section 732.5.1 of the Land Development Code. The Operating Permit shall be issued for a term not to exceed five (5) years.

3. Hours of operation shall be limited to between 7:00 a.m. to 4:30 p.m., Monday through Friday with Saturday work limited to site maintenance. No borrow pit activity shall occur on Sundays or holidays.

4. The maximum number of haul trips shall be limited to 700 per day.

5. When a school facility is planned for the School District property located on Dam Road, approximately 1.15 miles from this site, the Applicant shall work with the School District staff on trucking times and haul routes to minimize any impact on future school traffic in this area.

6. The Earthmoving Site Plan submitted with this application is part of this approval.

### B. ENVIRONMENTAL STIPULATIONS

1. A Well Management Plan for the proper protection and abandonment of existing wells shall be submitted to the County for review and approval prior to Operating Permit issuance. The Well Management Plan shall include the following information:
   - Digital photographs of the well along with nearby reference structures (if existing).
   - GPS coordinates (latitude/longitude) of the well.
   - The methodology used to secure the well during construction (e.g., fence, tape, etc.).
   - The final disposition of the well – used, capped, or plugged.

### C. PUBLIC SAFETY STIPULATIONS

1. Internal haul road shall be maintained and compacted to allow for safe emergency vehicle response.
2. Internal access roadways shall not be obstructed in any manner, including obstruction by parked vehicles.

3. Gates shall have a minimum clear width of 20-feet when open.

4. Any construction trailers or buildings shall meet all requirements of the Florida Fire Prevention Code (FFPC) for life safety provisions.

5. Additional water supply for firefighting operations may be required depending on the size, number, and location of any proposed buildings.

D. PARKS AND NATURAL RESOURCES (PNR) DEPARTMENT STIPULATIONS

1. Staff gauge/piezometer/well locations and elevations shall be surveyed and referenced to the National Geodetic Vertical Datum (NGVD). A copy of the survey shall be submitted to the County upon completion.

2. Prior to the collection of water quality measurements, please contact PNR to confirm parameters and finalize the “Environmental Monitoring Plan” per Section 732.5.9 of the LDC. Monitoring locations shall be consistent with Exhibit C of the Final Order titled “Staff Gauge Location Map” and dated January 31, 2014.

3. Subject to the stratigraphy, geological and radiological conditions found in the boring samples, the excavation limits may be revised during the Operating Permit application process but shall not exceed thirty (30) feet in depth.

<table>
<thead>
<tr>
<th>Standard(s) Required</th>
<th>Design Proposal</th>
<th>Compliance</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>

**BUFFERS**

Roadway buffer, SR 64

Perimeter buffer (north, south, east and west)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Y</th>
<th>No perimeter buffers are required or proposed</th>
</tr>
</thead>
</table>

**TREES**

Tree replacement

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Y</th>
<th>There are no trees within the project limits, the area has been used for farming.</th>
</tr>
</thead>
</table>

**ROADS & RIGHTS-OF-WAY**

Paved roadways

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Y</th>
<th>Interior roadways exempt, exterior haul road is SR 64</th>
</tr>
</thead>
</table>

SR 64 Improvements

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Y</th>
<th>Eastbound right &amp; Westbound left turn lanes; FDOT driveway permit application submitted</th>
</tr>
</thead>
</table>
DRAINAGE/FLOODING

| Stormwater | No objections |

ENVIRONMENTAL ISSUES

| Exotic species removal | N/A | Not required for the earthmoving use |
| Wetland buffer signs | N/A | Not required for the earthmoving use |

SPECIAL PERMIT CRITERIA PURSUANT TO SECTION 505 OF THE LAND DEVELOPMENT CODE:

1. **Is the proposed use consistent with the Comprehensive Plan?**

   Major earthmoving is consistent with the AG-R Future Lane Use Category. Major earthmoving is defined as a “short-term agricultural use” and is within the range of potential uses for the AG-R category. Additionally, the major earthmoving use is consistent with the following Comprehensive Plan policies:

   Policy: 2.2.1.8.1 Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which have a long term Agricultural or Rural Residential character, such areas primarily located east of the "Future Development Area Boundary" (FDAB). Refer to the TSD, Land Use Element for location of the FDAB.

   Policy: 2.2.1.8.2 Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5, and Obj. 9.2.4): Farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally-compatible residential uses, farmworker housing, rural residential uses, neighborhood retail uses, mining, mining-related uses, low intensity recreational facilities, rural recreational facilities, public or semi-public uses, schools, and appropriate water-dependent uses (see also Objectives 4.2.1, 2.10.3 and 2.10.4).

   Policy: 2.2.1.8.3 Range of Potential Density/Intensity:

   Maximum Gross Residential Density: 0.2 dwelling units per acre

   Maximum Net Residential Density: 2 dwelling unit per acre (except within WO and CHHA Overlay Districts pursuant to Policies 2.3.1.5, and 4.3.1.5)
<table>
<thead>
<tr>
<th>Maximum Floor Area Ratio:  0.23</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Square Footage for Neighborhood Retail Uses: Small (30,000sf)</td>
</tr>
</tbody>
</table>

Policy: 2.2.1.8.4 Other Information:

a) Mining-related uses, agro-industrial uses, and agricultural service establishments are exempt from the requirement for 0.23 maximum Floor Area Ratio, but may be limited in intensity by the application of other goals, objectives, or policies in this Comprehensive Plan or by other applicable development regulations.

b) All mixed, multiple use and rural recreational use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.

c) Where established in a manner consistent with applicable land development regulations, farmworker housing may exceed densities specified in Policy 2.2.1.8.3.

A borrow pit is a mining-related use.

2. **Is the establishment, maintenance, or operation of the proposed use detrimental to, or will it endanger, the public health, safety, or general welfare?**

   The establishment, maintenance, or operation of the borrow pit will not endanger the public health, safety, or general welfare. The site is surrounded on three sides by agricultural uses and residential/agricultural to the north. The borrow pit is located a minimum of 1400-feet to the closest property line. SR 64 will provide access to the site.

3. **Will the establishment of the use impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district?**

   Uses surrounding the site are primarily agricultural uses with a limited number of single family homes to the north. Staff recommends a stipulation limiting the hours of operation to 7:00 a.m. to 4:30 p.m. Monday through Friday.
### 4. Has the applicant complied with the requirements for Level of Service review?

Yes, the Traffic Impact Statement (TIS) has been reviewed and approved. The Applicant has addressed the Comprehensive Plan requirements and provided appropriate traffic-related information to substantiate the findings. In conjunction with this outcome, the Transportation Planning Division recommends transportation concurrency approval. The TIS did not identify any off-site concurrency-related improvements which are directly attributable to the project impacts. Thus, no off-site improvements are required for this project.

### 5. Do adequate measures exist, or will they be taken, to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion on public street?

The Applicant has met with FDOT and will be constructing an eastbound right turn lane into the site and a westbound left turn lane into the site. The Applicant submitted an FDOT driveway permit application on 12/30/2013. The internal haul route is of sufficient length to provide on-site queuing so that trucks will not back up onto SR 64.

### 6. Is the proposed use consistent with the community character of the immediate neighborhood of this proposed development?

Yes, given the temporary nature of the use and the agricultural character of the surrounding area, the proposed use is consistent with the character of the immediate vicinity.

### 7. Will development of the proposed use have a substantial adverse affect on a known archaeological, historical, or cultural resource located on or off the parcel proposed for this development?

There are no known archaeological, historical, or cultural resources located on or off the parcel. There will be no wetland impacts.

### 8. Will the design of the proposed use minimize adverse effects, including visual impacts, of the proposed use on adjacent property?

Yes, the borrow pit location and design limits any adverse effects on the adjacent properties. The borrow pit is within a larger piece of land (±2000 acres) and the nearest earthmoving activity will be approximately 1,400-feet from the borrow pit project area to the adjacent property to the north. Staff recommends limiting the hours of operation from 7:00 a.m. to 4:30 p.m. Monday through Friday; with Saturday work limited to site maintenance.
### 9. Have the adequate provisions been made, or will they be made, for buffers, landscaping, public open space, or other improvements associated with the use?

The site is currently used for agricultural purposes. The applicant proposes no wetland impacts. The earthmoving project is setback a minimum of 1,400-feet from the north; 8,000 to the south, 1,900-feet to the east; and 3,100-feet to the west. Due to the significant setbacks and temporary nature of this use, landscaping is not proposed within the perimeter areas for the earthmoving use.

### 10. Does the proposed use meet all other standards or requirements set forth in the Land Development Code, which apply to the use in the zoning district for which this development seeks approval?

The site is in compliance with all provisions of the Land Development Code Section 732.4 which addresses standards for major earthmoving uses. In accordance with Section 732.4.3.16, a reclamation plan has been provided. Upon approval of the Special Permit, the Applicant will apply for an Operating Permit.

### CONDITIONAL USE CRITERIA PURSUANT TO SECTION 704 OF THE LAND DEVELOPMENT CODE

Section 704.22, Earthmoving Uses, states that earthmoving uses shall be regulated by Section 732 of the Land Development Code. The project has been reviewed pursuant to this criteria and is found in compliance with Section 732.4, Major Earthmoving Requirements of the Land Development Code. In accordance with Section 732.4.3.16, a reclamation plan has been provided. Upon approval of the Special Permit, the Applicant is required to apply for an Operating Permit.

### REMAINING ISSUES OF CONCERN – NOT RESOLVED OR STIPULATED

None

### ATTACHMENTS

1. Earthmoving Site Plan
2. Potential Haul Routes
3. Staff Gauge Location Map dated 01/31/2014
4. Copy of Newspaper Advertising
NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN that the Hearing Officer for Manatee County, will conduct a Public Hearing on Monday, March 24, 2014 at 10:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton Florida to consider and act upon the following matter:

SP-14-01 - Old Florida Investment Resources, LLC / SMR Agregates SR 64 Borrow Pit (DTS #201400801)
Request: Approval of a Special Permit for major earthmoving in the A (General Agriculture) zoning district. The site is located south of SR 64 between Lorraine Road and CR 675 at 18000 S.R. 64 East, Bradenton, Florida (± 188.10 acres).

Rules of Procedure for this public hearing are in effect pursuant to Section 502.57 of the Manatee County Land Development Code. Copies of this section of the Code are available for review at the Building and Development Services Department.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Building and Development Services Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the application, related documents, and may obtain assistance regarding this matter from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501 ext. 8878.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES: The Hearing Officer of Manatee County does not discriminate upon the basis of any individual’s disability status. This non-discrimination policy involves every aspect of the Hearing Officer’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, or FAX 742-5802.

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER
Manatee County Building and Development Services Department
Manatee County, Florida

03/12/2014
EARTH MOVING SITE PLAN
FOR
SMR AGGREGATES INC.
S.R. 64 BORROW PIT

Sections 5, 6, 7 and 8,
Twp. 35 S., Rge. 20 E.
Manatee County, Florida
DATE: OCTOBER, 2013
AMERICANS WITH DISABILITIES: The Hearing Officer of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer'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 742-5802 and wait 60 seconds, or FAX.

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER
Manatee County Building and Development Services Department
Manatee County, Florida
03/12/2014