

## Manatee County Ordinance

### PDPI-06-45(G)(R2) - Manatee County North Water Reclamation Facility General Development Plan - Manatee County - PLN1907-0010

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED GENERAL DEVELOPMENT PLAN FOR A NEW 2,811 SQUARE FOOT MAINTENANCE AND ELECTRICAL BUILDING, NEW RADIO COMMUNICATIONS TOWER, A 2,400 SQUARE FOOT STORAGE BUILDING, AND OTHER NECESSARY UTILITY STRUCTURES FOR OPERATION; THE PROPERTY IS APPROXIMATELY 80.8 OF THE 647-ACRE PARCEL AND IS GENERALLY LOCATED NORTH AND EAST OF 69TH STREET EAST, AND NORTH OF ERIE ROAD AND IS COMMONLY KNOWN AS 7550, 7920, 8100 AND 8500 69TH STREET EAST, ELLENTON (MANATEE COUNTY); 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 (the “Applicant”) filed an application for a revised General Development Plan for an Amended General Development Plan for a new 2,811 square foot maintenance and electrical building, new radio communications tower, a 2,400 square foot storage building, and other necessary utility structures for operation on approximately 80.8 acres of the 647-acre parcel as described in Exhibit “A”, attached hereto, (the “Property”); and

**WHEREAS**, the Building and Development Services staff recommended approval of the Amended General Development Plan application 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 December 12, 2019 to consider the Amended General Development Plan 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 application consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code and recommended approval subject to the stipulations 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 Plan as it relates to the real property described in Exhibit “A” of this Ordinance.

B. The Board of County Commissioners, after due public notice, held a public hearing on January 9, 2020 regarding the proposed Ordinance described herein in accordance with the requirements of the Manatee County Land Development Code and has further considered the information received at said public hearing.

C. The proposed Ordinance regarding the property described in Exhibit “A” herein is found to be consistent with the requirements of the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Land Development Code.

**Section 2. AMENDED GENERAL DEVELOPMENT PLAN.** The amended General Development Plan is hereby approved for a new 2,811 square foot maintenance and electrical building, new radio communications tower, a 2,400 square foot storage building, and other necessary utility structures for operation upon the property subject to the following Stipulations:

## **STIPULATIONS**

### **A. DESIGN AND LAND USE**

1. All other applicable local, state or federal permits shall be obtained prior to commencement of construction.

### **B. ENVIRONMENTAL**

1. A copy of the Environmental Resource Permit (ERP) approved by SWFWMD shall be submitted to the Planning Department’s Environmental Planning Division for review prior to Final Site Plan approvals.
2. The project shall be designed so that no temporary wetland buffer impacts, other than those allowed by Section 706.7B. of the LDC, are required in areas that contain native desirable vegetation. This shall be reviewed and approved by the Planning Department’s Environmental Planning Division with Final Site Plans.
3. There is a Bald Eagle nest adjacent to this project. Final Site Plans shall be designed per the U.S. Fish and Wildlife Service (USFWS) guidelines and copies of applicable permits shall be provided to ERS staff for review prior to Final Site Plan approvals.

### **C. STORMWATER**

1. Pursuant to Section 801 and 802 of the Land Development Code and Code of Federal Regulations (CFR), Title 44, Section 60.3, the subsequent Final Site Plan and Construction Plan submittal(s) and associated Drainage Modeling shall demonstrate that no adverse impacts will be created to neighboring properties surrounding the site with respect to proposed impacts to the FEMA 2014 FIRM 100-year floodplain and post-development discharge of runoff.

2. This project shall be required to reduce the calculated pre-development flow rate by a full fifty percent (50%) for all stormwater outfall flow directly or indirectly into Buffalo Canal. Modeling shall be used to determine pre- and post- development flows.
3. Any fill within the 25-year or 100-year floodplains of the Buffalo Canal shall be compensated by the creation of an equal or greater storage volume above seasonal high-water table. 100-year and 25-year floodplain compensation shall be compensated in sole use compensation areas, not dual use facilities (i.e., stormwater attenuation and floodplain compensation).
4. Stormwater Facilities are required for new impervious areas only.

**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 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 the 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 9<sup>th</sup> day of January 2020.

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

**BY: \_\_\_\_\_  
Betsy Benac, Chairman**

**ATTEST: ANGELINA COLONNESO  
Clerk of the Circuit Court**

**BY: \_\_\_\_\_  
Deputy Clerk**

**Exhibit "A"**

**Legal Description**

BEG AT THE SW COR OF THE SE1/4 OF SEC 22; TH N 02 DEG 44 MIN 24 SEC E, ALG THE W LN OF SD SE1/4, 1302.67 FT TO THE S1/2 OF SE1/4 OF SD SEC; TH S 89 DEG 16 MIN 05 SEC E, ALG THE N LN OF SD 1/2 OF SE1/4, 1964.95 FT TO INTERSECT WITH THAT AGREEMENT LN AS REC IN OR 903 P 1885; TH S 00 DEG 53 MIN 39 SEC E, ALG SD AGREEMENT LN , 1309.75 FT TO THE S LN OF SD SEC 22; TH CONT ALG SD AGREEMENT LN S 00 DEG 51 MIN 48 SEC E, 315.29 FT TO; TH N 89 DEG 03 MIN 45 SEC W PARALLEL WITH SD S LN, 2062.25 FT TO THE W LN OF NE1/4 OF SEC 27; TH N 01 DEG 46 MIN 03 SEC E, ALG SD W LN, 315.17 FT TO THE POB, SUBJ TO EASMTS OF RECORD, TOGETHER WITH R/W FROM SD PROPERTY TO ERIE RD, ALL BEING DESC IN OR 1159 P 494 PRMCF (75 AC) [INSERT "LESS RR R/W REC IN OR 56/116 DESC AS FOLLOWS: A SMALL TRIANGULAR STRIP OF LAND IN THE NW COR OF THE SW 1/4 OF THE SE 1/4 OF SEC 22, TWN 33S, RNG 18E BOUNDED ON THE N & W BY THE N & W LINES RESPECTIVELY OF THE SW 1/4 OF THE SE 1/4 OF SD SEC 22, & ON THE SE BY A LN PARALLEL TO & A DIST OF 25 FT SOUTHEASTWARDLY (AS MEASURED AT RIGHT ANGLES) FROM THE C/L OF TAMPA SOUTHERN RR AS LOCATED & TO BE CONSTRUCTED, CONTAINING 0.16 AC M/L. "]PI#6495.0000/6

COM AT SE COR OF SEC 27; TH N 89 DEG 16 MIN 01 SEC W, ALG S LN OF SD SEC, 364.03 FT; TH N 00 DEG 51 MIN 48 SEC W, 659.03 FT TO N R/W LN OF ERIE RD FOR A POB; TH S 89 DEG 58 MIN 44 SEC W, ALG SD N R/W LN, 2259.98 FT TO W LN OF SE1/4 OF SEC 27; TH N 01 DEG 46 MIN 03 SEC E, 4640.02 FT TO SW COR OF SE1/4 OF SEC 22-33-18; TH N 02 DEG 44 MIN 24 SEC E, ALG W LN OF SD SE1/4, 1302.67 FT TO NW COR OF S1/2 OF SE1/4 OF SD SEC 22; TH S 89 DEG 16 MIN 05 SEC E, ALG N LN OF SD S1/2 OF SE1/4, 1964.95 FT; TH S 00 DEG 53 MIN 39 SEC E, 1309.75 FT TO S LN OF SD SEC 22; TH CONT S 00 DEG 51 MIN 48 SEC E, 4603.99 FT TO THE POB; LESS THE FOL DESC PARCEL: BEG AT SW COR OF SE1/4 OF SEC 22; TH N 02 DEG 44 MIN 24 SEC E, ALG W LN OF SD SE1/4, 1302.67 FT TO NW COR OF S1/2 OF SE1/4 OF SD SEC; TH S 89 DEG 16 MIN 05 SEC E, ALG N LN OF SD S1/2 OF SD SE1/4, 1964.95 FT; TH S 00 DEG 53 MIN 39 SEC E, 1309.75 FT TO S LN OF SD SEC 22; TH CONT S 00 DEG 51 MIN 48 SEC E, 315.29 FT; TH N 89 DEG 03 MIN 45 SEC W, 2062.25 FT TO W LN OF NE1/4 OF SEC 27; TH N 01 DEG 46 MIN 03 SEC E, ALG SD W LN, 315.17 FT TO THE POB; ALSO LESS 40 AC M/L AS DESC IN OR 1099 P 3645, BEING DESC AS: COM AT THE SW COR OF SE1/4 OF SEC 27; TH N 01 DEG 07 MIN 21 SEC E, ALG THE W LN OF SE1/4, A DIST OF 629.37 FT TO THE INTERSECTION OF THE N R/W LN OF ERIE RD AND THE E R/W LN OF DUMP RD FOR A POB; TH CONT N 01 DEG 07 MIN 21 SEC E, ALG SD E R/W LN OF DUMP RD, ALSO BEING THE SD W LN OF SE1/4, A DIST OF 1530.0 FT; TH ELY ALG THE C/L OF A 40 FT, M/L, DRAINAGE DITCH THE FOLLOWING COURSES AND DISTANCES: S 84 DEG 01 MIN 42 SEC E, 509.29 FT; TH N 73 DEG 51 MIN 17 SEC E, 349.46 FT; TH N 77 DEG 15 MIN 15 SEC E, 301.37 FT; TH LEAVING SD DITCH, RUN S 01 DEG 07 MIN 21 SEC W, 1640.79 FT TO THE N R/W LN OF SD ERIE RD; TH W, ALG SD N R/W LN, 1133.98 FT TO THE POB, SUBJ TO EASMT OVER THE ELY 84 FT & BEING FURTHER DESC IN OR 1141 P 3517 PRMCF ALSO LESS THAT PORTION OF THE SUBJECT PROPERTY INCLUDED WITHIN THE LEGAL DESC OF THE PROPERTY CONVEYED IN THAT CERTAIN WARRANTY DEED REC IN OR 892/1722 PRMCF PI#6567.3000/9 A PARCEL OF LAND LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SEC 23, TWN 33S, RNG 18E, BEING DESC AS FOLLOWS: BEG AT THE SW COR OF SD SE 1/4

OF THE SW 1/4; TH N 02 DEG 28 MIN 17 SEC E, ALG THE W LN OF SD SE 1/4 A DIST OF 328.00 FT; TH ALG THE S TOP OF BANK OF AN EXISTING DITCH THE FOLLOWING 3 COURSES: (1) S 75 DEG 00 MIN 14 SEC E, A DIST OF 800.76 FT; (2) S 71 DEG 00 MIN 12 SEC E, A DIST OF 316.02 FT; (3) S 82 DEG 43 MIN 52 SEC E, A DIST OF 244.97 FT TO AN INT WITH THE S LN OF SD SE 1/4 OF THE SW 1/4, TH N 89 DEG 25 MIN 26 SEC W, ALG SD S LN, A DIST OF 1329.50 FT TO THE POB. CONTAINING 4.72 ACRES, M/L. (1886/7726) PI#6509.0500/9 BEGINNING AT A PT WHERE THE EAST LN OF THE W 1/2 OF SEC 26, INTERSECTS THE NLY R/W OF THE SEABOARD RAILROAD; RUN TH N ALG SD E LN 4897.92 FT TO THE NE COR OF THE NW 1/4 OF SEC 26, TH W ALG THE N LN OF SD SEC 26 A DIST OF 1308.87 FT TO A CONCRETE MONUMENT, BEING THE NW COR OF THE NE 1/4 OF THE NW 1/4 OF SD SEC 26, TH N TO THE NE COR OF THE SW 1/4 OF THE SW 1/4 OF SEC 23 A DIST OF 1286.48 FT; TH W ALG THE N LN OF THE SW 1/4 OF THE SW 1/4 OF SEC 23 & CONT W ALG THE N LN OF THE SE 1/4 OF THE SE 1/4 OF SEC 22, A TOTAL DIST OF 1916.08 FT; TH SLY 5925.87 FT TO A CONCRETE MONUMENT ON THE N R/W LN OF ERIE RD, SD CONCRETE MONUMENT BEING 409.80 FT W & 587 FT N OF THE SW COR OF SEC 26, TH E ALG THE N R/W LN OF ERIE RD A DIST OF 1904.12 FT; TH S ALG THE E R/W LN OF ROAD RUNNING N & S A DIST OF 876.53 FT TO THE NLY R/W LN OF SD SEABOARD RAILROAD; TH NELY ALG TH NLY R/W LN OF SEABOARD RAILROAD 1267.63 FT TO THE POB. SD LANDS BEING PARTS OF SEC 22, 23, 26, 27 AND 35 TWN 33S, RNG 18E. AND, LANDS DESC BY QUIT CLAIM DEED REC IN OR 903/1898 PER BOUNDARY AGREEMENT REC IN OR 903/1885: COMMENCE AT A CONCRETE MONUMENT MARKING THE SE COR OF SEC 27; TH N 89 DEG 14 MIN 27 SEC W, ALG THE S LN OF SD SEC 27, 363.63 FT; TH N 00 DEG 51 MIN 11 SEC W 642.67 FT TO A CONCRETE MONUMENT MARKING THE OCCUPIED R/W OF ERIE RD; TH CONT N 00 DEG 51 MIN 11 SEC W, PASSING THROUGH A CONCRETE MONUMENT AT 210.00 FT, 1511.22 FT TO THE INTERSECTION WITH THE ELY LN OF PURSLEY ZOYSIA GRASS COMPANY, FOR A POB; TH CONT N 00 DEG 51 MIN 11 SEC W 3110.16 FT TO A CONCRETE MONUMENT MARKING THE INTERSECTION WITH THE N LN OF SD SEC 27, SD PT LYING 493.60 FT W OF THE NE COR OF SD SEC 27, AS MEASURED ALG SD N SEC LN; TH N 00 DEG 52 MIN 43 SEC W, 1311.55 FT TO THE INTERSECTION WITH THE N LN OF THE SE 1/4 OF THE SE 1/4 OF SEC 22, TH S 89 DEG 05 MIN 01 SEC E, ALG THE N LN OF SD SE 1/4 OF THE SE 1/4, 89.91 FT TO THE INTERSECTION WITH SD PURSLEY ZOYSIA GRASS COMPANY EASTERLY LN, SD PT LYING 517.60 FT W OF THE NE COR OF SD SE 1/4 OF THE SE 1/4, AS MEASURED ALG THE N LN OF SD SE 1/4 OF THE SE 1/4, TH S 00 DEG 18 MIN 16 SEC W, ALG SD PURSLEY ZOYSIA COMPANY EASTERLY LN, 4419.83 FT TO THE POB. BEING & LYING IN SEC 22 & 27. LESS LANDS DESC BY QUIT CLAIM DEED REC IN OR 903/1900 PER BONDARY AGREEMENT REC IN OR 903/1885: COMMENCE AT A CONCRETE MONUMENT, MARKING THE SE COR OF SEC 27; TH N 89 DEG 14 MIN 27 SEC W, ALG THE SLN OF SD SEC 27, 363.63 FT; TH N 00 DEG 51 MIN 11 SEC W, 642.67 FT TO A CONCRETE MONUMENT MARKING THE OCCUPIED N R/W OF ERIE RD FOR A POB; TH CONT N 00 DEG 51 MIN 11 SEC W, PASSING THROUGH A CONCRETE MONUMENT AT 210.00 FT, 4302.08 FT TO THE INTERSECTION WITH THE WLY LN(MASSEY DEED LN), AS DESC & REC IN OR 13/407, TH S00 DEG 26 MIN 13 SEC E ALG SD WLY LN, 4301.72 FT TO THE INTERSECTION WITH THE OCCUPIED N R/W OF SD ERIE RD; TH E, ALG SD OCCUPIED N R/W, 31.25 FT TO THE POB, BEING & LYING IN SEC 27. AND LESS, COMMENCE AT THE SE COR OF SEC 27, TH N ALG THE E LN OF SD SEC 27 A DIST OF 587.00 FT TO THE N R/W LN OF

ERIE RD; TH WLY ALG SD N R/W LN OF ERIE RD 199.80 FT FOR A POB; TH WLY 210 FT TO THE E LN OF LANDS OWNED BY PURSLEY ZOYSIA GRASS COMPANY; TH N 01 DEG 48 MIN 07 SEC W ALG SD LN 210 FT; TH ELY PARALLEL TO THE N R/W LN OF SD ERIE RD 210 FT; TH S 01 DEG 48 MIN 07 SEC E 210 FT TO THE POB. AND ALSO LESS, ADD R/W FOR ERIE RD LYING WITHIN 42 FT N & E OF THE SURVEY LN AS DESC IN OR 922/31 & 32 PRMCFL, LESS OR 1886/5491 DESC AS FOLLOWS: A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SEC 23-33S-18E AND OF THE S 1/2 OF THE SE 1/4 OF SEC 22, BEING MORE PARTICULARY DESC AS FOLLOWS: BEG AT THE NE COR OF THE SW 1/4 OF THE SW 1/4 OF SD SEC 23, TH S 02 DEG 28 MIN 17 SEC W, ALG THE E LN OF SD SW 1/4 OF THE SW 1/4, A DIST OF 488.57 FT; TH N 89 DEG 29 MIN 46 SEC W, A DIST OF 274.69 FT; TH N 81 DEG 12 MIN 29 SEC W, A DIST OF 128.29 FT; TH N 70 DEG 07 MIN 11 SEC W, A DIST OF 1098.34 FT; TH N 69 DEG 54 MIN 37 SEC W, A DIST OF 298.49 FT TO AN INT WITH THE N LN OF THE S 1/2 OF THE SE 1/4 OF SD SEC 22; TH S 89 DEG 35 MIN 55 SEC E, ALG SD N LN, A DIST OF 425.96 FT TO THE NW COR OF SD SW 1/4 OF THE SW 1/4; TH S 89 DEG 45 MIN 50 SEC E, A DIST OF 1309.88 FT TO THE POB. CONTAINING 11.67 ACRES, M/L. PI#6557.0010/9

COM AT AT THE NW COR OF THE NE 1/4 OF SEC 26, TWN 33S, RNG 18E, TH S 00 DEG 28 MIN 00 SEC W, ALG THE W LN OF THE NE 1/4 OF SD SEC 26, A DIST OF 2906.94 FT FOR A POB; TH CONT S 00 DEG 28 MIN 00 SEC W, A DIST OF 1999.99 FT TO THE INT WITH THE NLY R/W LN OF THE OLD "SEABOARD RAILROAD"; TH N 63 DEG 23 MIN 03 SEC E, ALG SD NLY R/W LN, A DIST OF 1862.61 FT; TH N 00 DEG 28 MIN 00 SEC E, PARALLEL WITH THE W LN OF THE NE 1/4 OF SD SEC 26, A DIST OF 1151.99 FT; TH N 89 DEG 32 MIN 00 SEC W, A DIST OF 1658.38 FT TO THE POB, BEING & LYING IN SEC 26, TWN 33S, RNG 18E. (2074/0480) PI#6555.0010/9