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**MANATEE COUNTY ORDINANCE
PDPM-06-74(G) – MANATEE COUNTY STOCKADE, DETENTION CENTER & SHERIFF'S
FARM**

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A GENERAL DEVELOPMENT PLAN FOR THE MANATEE COUNTY STOCKADE, DETENTION CENTER AND SHERIFF'S FARM ALL ON AN ADDITIONAL 153,458 SQUARE FEET OF BUILDING AREA, CONSISTING OF: AN ADDITION TO THE DETENTION CENTER, AGRICULTURAL BUILDINGS, A SWAT TRAINING BUILDING, YOUTH ACADEMY, INMATE WORKSHOPS, AND A SEWING AND MATTRESS PLANT, ALL ON APPROXIMATELY 119.2 ACRES AT 14490 HARLLEE ROAD, PALMETTO; 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") has filed an application for a General Development Plan for approximately 119.2 acres described in Exhibit "A", attached hereto, (the "Property") for an additional 153,458 square feet of building area consisting of: an addition to the detention center, agricultural buildings, a SWAT training building, youth academy, inmate workshops, and a sewing and mattress plant; and

WHEREAS, the Applicant has also requested Special Approval for a project in the Coastal Planning Area and partially within the Entranceway; and

WHEREAS, the Applicant has also requested Specific Approval for alternatives to Sections 710.1.5.5.1, 710.1.5.5.4 and 711.4.2 of the Land Development Code; and

WHEREAS, Planning Department staff recommended approval of the General Development Plan, Special Approval, and Specific Approval applications subject to the stipulations contained in the Planning staff report; and

WHEREAS, the Manatee County Planning Commission, after due public notice, held a public hearing on July 12, 2007 to consider the applications, 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 General Development Plan, Special Approval, and Specific Approval applications consistent with the Manatee County Comprehensive Plan and to satisfy the criteria for approval in the Manatee County Land Development Code, recommended approval of the application, 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 2, 2007 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. Notwithstanding the failure of this plan to comply with the requirements of LDC Sections 710.1.5.5.5.1 and 710.1.5.5.5.4, respectively, the Board finds that the public purpose and intent of the LDC regulations are satisfied to an equivalent degree because the proposed design allows for a designated parking area for an infrequent use.
- E. Notwithstanding the failure of this plan to comply with the requirements of LDC Section 711.4.2, the Board finds that the public purpose and intent of the LDC is met in this instance due to the special nature of the facility.
- F. For the purposes of granting Special Approval for a project in the Coastal planning area and partially within an Entranceway, 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 for an additional 153,458 square feet of building area consisting of: an addition to the detention center, agricultural buildings, a SWAT training building, youth academy, inmate workshops, and a sewing and mattress plant subject to the following stipulations:

STIPULATIONS

STORMWATER

1. Any fill within the 25-year or 100-year floodplains of Tampa Bay 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).

2. Existing storage volume in existing wetlands or drainage ditches that are proposed to be permanently impacted shall be compensated with equal or greater volume in the proposed stormwater retention pond.
3. The Drainage Model and Construction Plan shall demonstrate that no adverse impacts will be created to neighboring property surrounding the site in respect to drainage routing, grading, and runoff.

DESIGN

4. The hog pen and driveway shall be relocated out of the wetland and wetland buffer. This shall be shown on all subsequent Preliminary and Final Site Plans for that area.
5. The first Final Site Plan submittal shall include the guard house and gate entry on Pat Glass Blvd.
6. Subsequent Final Site Plan submittals shall include a tracking table showing the square footage figures for the proposed building(s) and other structures with approval or under construction in order to keep a running total of approved and remaining square footage.

FLOODPLAIN MANAGEMENT

7. All development, substantial improvements, and new construction shall meet the lowest floor elevation and other requirements of the Land Development Code, The Code of Laws, and any applicable state and federal regulations.
8. Additions to existing buildings shall be reviewed for the 50% Rule upon submittal of a building permit application, i.e., the cost of the addition equals or exceeds 50% of the market value of the structure, then the structure must meet all current floodplain management requirements. An Elevation Certificate may be required to certify the elevation of the existing structure.

TRANSPORTATION/RIGHT OF WAY

9. All subsequent Preliminary and Final Site Plans shall show at least a 42-foot half-width right-of-way along both Harlee Road and County Line Road. Documents dedicating or designating those areas as public right-of-way shall be recorded in the public records of the County prior to the issuance of the Certificate of Occupancy for the first addition or new building.

ENVIRONMENTAL

10. Upland habitat shall be shown on all Preliminary and Final Site Plan submittals and preserved to the greatest extent possible.
11. Other than activities authorized by Section 719.11.1.2 of the LDC and approved by the Planning Department, wetland buffers are to remain in an unaltered state.
12. The developer shall provide signs adjacent to wetland buffers and conservation easements indicating that the area is a "Conservation Area", as required pursuant to Section 719.11.1.3.3 of the LDC. The type and location of such signs shall be shown and approved by the Planning Department with the Final Site Plan.
13. All nuisance exotic plant species shall be removed from the entire site prior to issuance of a Certificate of Occupancy for the first addition or new building.

Section 3. SPECIAL AND SPECIFIC APPROVALS. Special Approval is hereby granted for a project (I) in the Coastal planning area and (II) partially within an Entranceway. 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. Specific Approval is hereby granted for alternatives, as shown on the General Development Plan, to Sections 710.1.5.5.5.1 and 710.1.5.5.5.4 of the Land Development Code.

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.

(Signature block on following page)

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 2nd day of August, 2007.

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

BY: *Greg Stein*
Chairman

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

BY: *R. B. Shore*
Deputy Clerk



EXHIBIT "A"
LEGAL DESCRIPTION OF THE PROPERTY

STOCKADE PARCEL "A"

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 33 SOUTH, RANGE 18 EAST: RUN S 00 35' 22" W., ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1222.37 FEET: THENCE S 89°24'38" E, A DISTANCE OF 1164.55 FEET: THENCE N 00 35'22" E A DISTANCE OF 1172.60 FEET TO THE NORTH LINE OF SAID N.E. 1/4: THENCE N 89°25'19" W, ALONG SAID NORTH LINE, A DISTANCE OF 1164.55 FEET TO THE POINT OF BEGINNING. THE NORTH 50 FEET THEREOF AND THE WEST 50 FEET THEREOF BEING SUBJECT TO ROAD RIGHT-OF-WAY. LYING AND BEING IN SECTION 6, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 30.00 ACRES MORE OR LESS, EXCLUDING ROAD RIGHT-OF-WAY. SUBJECT TO PERTINENT EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

INFORMATION TAKEN FROM BOUNDARY SURVEY FOR MANATEE COUNTY COMMISSION PREPARED BY ZOLLER AND NAJJAR ENGINEERING INC., JOB NO. 366-3372, DATED 3/3/82

SHERIFF'S FARM PARCEL

BEGIN AT THE NORTHWEST CORNER OF SECTION 5, TOWNSHIP 33 S, RANGE 18 E, RUNS 89. 17 MINUTES 43 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 1743.33 FT.: THENCE S 53. 24 MINUTES 05 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A DISTANCE OF 2578.44 FT.: THENCE NORTH 23. 44 MINUTES 29 SECONDS WEST, A DISTANCE OF 465.00 FEET: THENCE NORTH 75. 30 MINUTES 34 SECONDS WEST, A DISTANCE OF 230.86 FEET: THENCE NORTH 31. 00 MINUTES 23 SECONDS WEST, A DISTANCE OF 237.93 FEET: THENCE NORTH 00. 34 MINUTES 41 SECONDS EAST, A DISTANCE OF 854.89 FEET, TO THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF COUNTY LINE ROAD: THENCE EASTERLY ALONG SAID MAINTAINED RIGHT OF WAY LINE THE FOLLOWING 3 COURSES: SOUTH 89. 00 MINUTES 59 SECONDS EAST A DISTANCE OF 652 FEET: THENCE NORTH 86. 57 MINUTES 14 SECONDS EAST, A DISTANCE OF 89.75 FEET: THENCE NORTH 78. 07 MINUTES 24 SECONDS EAST, A DISTANCE OF 111.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 50.81 ACRES MORE OR LESS (1494/4997) PI# 5911.0600/8

INFORMATION TAKEN FROM BOUNDARY & TOPOGRAPHIC SURVEY PREPARED & SHROYER, L.C. DATED APRIL 20, 1995.

DETENTION FACILITY PARCEL "B"

FROM THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 6, TOWNSHIP 33 SOUTH, RANGE 18 EAST: RUN S 00°35'22" W., ALONG THE WEST LINE OF SAID

NORTHEAST 1/4, A DISTANCE OF 1222.37 FEET: THENCE S 89°24'38" E, A DISTANCE OF 865.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN O.R. BOOK 656, PAGE 330: THENCE S 89° 24'38" E, A DISTANCE OF 299.55 FEET: THENCE N 00 35'22" E, A DISTANCE OF 342.60 FEET, THENCE S 89 25'19" E, A DISTANCE OF 768.82 FEET: THENCE S 31°00'23" E, A DISTANCE OF 237.93 FEET: THENCE S 75 30'34" E, A DISTANCE OF 230.86 FEET: THENCE S 23 44'29" E., A DISTANCE OF 388.07 FEET: THENCE S 53°24'05" W, PARALLEL WITH AND 75 FEET NORTHWESTERLY OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD, A DISTANCE OF 1979.56 FEET TO THE EAST LINE OF THE PROPERTY DESCRIBED IN O.R. BOOK 913, PAGE 604: THENCE N 00°35'22" E, ALONG SAID EAST LINE AND THE EAST LINE OF THE PROPERTY DESCRIBED IN O.R. BOOK 656, PAGE 604: THENCE N 00°35'22" E, ALONG SAID EAST LINE AND THE EAST LINE OF THE PROPERTY DESCRIBED IN O.R. BOOK 656, PAGE 336, A DISTANCE OF 1465.49 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECITON 6, TOWNSHIP 33 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA

SUBJECT TO PERTINENT EASEMENTS, RIGHT-OF-WAY, AND RESTRICTIONS OF RECORD. CONTAINING 38.4 ACRES MORE OR LESS

INFORMATION TAKEN FROM BOUNDARY SURVEY FOR MANATEE COUNTY COMMISSION PREPARTED BY ZOLLER, NAJJAR & SHROYER, INC., JOB NO. 00-12139, REVISED DATE 1/29/91. PARCEL 1 NOT INCLUDED.



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 6th day of August, 2007
R.B. SHORE
Clerk of Circuit Court
By: [Signature] D.C.



FILED FOR RECORD
R. B. SHORE

2007 AUG 16 PM 3: 17

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

August 14, 2007

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

Attention: Quantana Acevedo, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 6, 2007, and certified copies of Manatee County Ordinance Nos. PDMU-01-02(P)(R), PDC-03-47(P), PDPI-06-42(Z), PDR-97-04(P)(R), PDC-06-57(Z)(P), PDR-06-87(Z)(P), PDPM-06-74(G), PDI-05-56(P), PDR-06-78(Z)(P), PDI-05-18(Z)(P), and PDMU-06-23(Z)(P), which were filed in this office on August 9, 2007.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/lbh
Enclosures

DIRECTOR'S OFFICE

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850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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STATE LIBRARY OF FLORIDA
850.245.6600 • FAX: 850.245.6744

STATE ARCHIVES OF FLORIDA
850.245.6700 • FAX: 850.488.4894

LEGISLATIVE LIBRARY SERVICE
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RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282