

BOARD OF COUNTY COMMISSIONERS
PORT AUTHORITY
CIVIC CENTER AUTHORITY
COMMUNITY REDEVELOPMENT AGENCY
MANATEE COUNTY, FLORIDA

WEBSITE: WWW.MYMANATEE.ORG

Manatee County Administrative Center
Commission Chambers - First Floor - 1112 Manatee Avenue West
Bradenton, Florida 34205

Commission Office: (941) 745-3700
Commission Fax: (941) 745-3790

PLEDGE OF PUBLIC CONDUCT
WE MAY DISAGREE, BUT WE WILL BE RESPECTFUL OF ONE ANOTHER
WE WILL DIRECT ALL COMMENTS TO ISSUES
WE WILL AVOID PERSONAL ATTACKS

AGENDA
and
NOTICE OF PUBLIC MEETING

9:00 a.m. **LAND USE MEETING** **December 1, 2011**

MEETING CALLED TO ORDER:

Carol Whitmore, Chairman

INVOCATION & PLEDGE OF ALLEGIANCE:

Pastor Joey Mimbs, Bethel Baptist Church

[THE COMMISSION DOES NOT NECESSARILY ENDORSE THE RELIGIOUS BELIEFS OF ANY SPEAKER.]

CITIZEN COMMENTS

*Comments should be limited to two minutes per person and should concern items on **Consent Agenda**.*

CONSENT AGENDA

THE FOLLOWING ITEMS ARE DETERMINED TO BE ROUTINE IN NATURE AND SHOULD BE CONSIDERED IN A SINGLE MOTION. ITEMS DETERMINED TO WARRANT INDIVIDUAL DISCUSSION SHOULD BE REMOVED FROM THIS LIST PRIOR TO THE MOTION TO ADOPT. SUCH ITEMS SHOULD BE DISCUSSED SEPARATELY.

CLERK OF CIRCUIT COURT

- **Clerk's Consent Calendar:** Approval

RECOMMENDED MOTION: I MOVE TO APPROVE THE CONSENT AGENDA INCORPORATING THE LANGUAGE AS STATED IN THE RECOMMENDED MOTIONS IN THE AGENDA MEMORANDA (AS MAY HAVE BEEN AMENDED IN THE SUPPLEMENTAL AGENDA).

(END CONSENT)

ADVERTISED PUBLIC HEARINGS

9:00 a.m. or as soon thereafter as same may be heard

SWEARING IN OF STAFF AND PUBLIC WHO WILL GIVE TESTIMONY

PRESENTATIONS UPON REQUEST - ITEMS 1-4

1. **ORDINANCE 11-18 PARRISH LAKES DRI #28 (TBRPC DRI #269)**

Quasi-Judicial

Location: South of Moccasin Wallow Road and north of Erie Road, approximately 1 mile east of I-75

Lisa Barrett, Planning Manager

(Continued from July 26, and October 6, 2011) (To be continued to No Date Set and re-advertised)

Request: Approval of a new Development of Regional Impact to allow:

- a. 3,300 residential units;
- b. 400,000 square feet of retail; and
- c. 50,000 square feet of office.

The applicant also requests approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses, within specific ranges.

This DRI is proposed in two phases; Phase 1 which includes 1,500 residential units and 250,000 s.f. of retail, with a buildout date of 2020, and Phase 2, which includes 1,800 residential units, 150,000 s.f. of retail and 50,000 s.f. of office, with a buildout date of 2030. Specific approval is requested for both Phases 1 and 2.

Carol Whitmore, District 6 At-Large, Chairman

John R. Chappie, District 3, 1st Vice-Chairman; Larry Bustle, District 1, 2nd Vice-Chairman; Michael Gallen, District 2, 3rd Vice-Chairman
Robin DiSabatino, District 4; Donna G. Hayes, District 5; Joe McClash, District 7 At-Large

The Parrish Lakes DRI is located generally south of Moccasin Wallow Road and north of Erie Road, approximately 1 mile east of I-75. The adopted Future Land Use is Mixed Use (MU) and the current zoning is A (General Agriculture), A-1 (Suburban Agriculture) and A/NCO (General Agriculture/North Central Overlay District) (+ 1,155 acres).

2. **Z-11-07 TCW INVESTMENTS, LLC**

Quasi-Judicial

Location: 4980 US 41 N, Palmetto

Rossina Leider, Senior Development Review Specialist DTS #20110254

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 0.78 acres on the northeast corner of US 41 North and 49th Street East (Experimental Farm Road) at 4908 US 41 N., Palmetto from the NC-S (Neighborhood Commercial-Small) to the LM (Light Manufacturing) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

3. **PLAN AMENDMENT PA-12-02 (PROPOSED ORDINANCE 12-02) COUNTY INITIATED COMPREHENSIVE PLAN AMENDMENT MYAKKA CITY**

Legislative

Location: Myakka City

Kathleen Thompson, Planning Manager

Transmittal of a Plan Amendment of Manatee County, Florida amending Ordinance 89-01, as amended, (The Manatee County Comprehensive Plan), providing for a Comprehensive Plan text amendment to the Future Land Use Element to modify the exemption to commercial locational criteria for Myakka City, providing for severability; and providing an effective date.

4. **ORDINANCE 12-04 FKA 11-30 LAND DEVELOPMENT CODE AMENDMENT FOR SEXUALLY ORIENTED BUSINESS**

Legislative

John Osborne, AICP, Planning and Zoning Official

An Ordinance of Manatee County, Florida, regarding land development; amending Section 201, Land Development Code, to repeal all adult entertainment related definitions; repealing in its entirety Section 707, Land Development Code; creating a new Section in the Land Development Code for Sexually Oriented Business related definitions, in Section 201, definitions; creating a new Section 707 in the Land Development Code consisting of sexually oriented business regulations; providing for a purpose and intent; providing for administration and enforcement of the sexually oriented business regulations; amending other Sections of the Land Development Code for internal consistency; providing for severability; providing for codification and providing for an effective date.

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| PRESENTATIONS SCHEDULED - ITEMS 5-7 |
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5. **ORDINANCE 11-38 COOPER CREEK (DRI #14)**

Quasi-Judicial

Location: Northwest of the University Parkway and I-75 interchange

Lisa Barrett, Planning Manager

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Development Order for the Cooper Creek Development of Regional Impact, Ordinance 11-07 as amended, (Manatee County DRI #14 a/k/a Tampa Bay Regional Planning Council TBRPC DRI #103); providing for findings of fact; providing for conclusions of law; providing for definitions; providing for amended limitations on and conditions of approval; providing for severability; and providing for an effective date.

The changes to the Ordinance include a determination of whether the following proposed modifications to DRI #14 constitute a Substantial Deviation to the Cooper Creek DRI Development Order, pursuant to Section 380.06, Florida Statutes:

Carol Whitmore, District 6 At-Large, Chairman

John R. Chappie, District 3, 1st Vice-Chairman; Larry Bustle, District 1, 2nd Vice-Chairman; Michael Gallen, District 2, 3rd Vice-Chairman
Robin DiSabatino, District 4; Donna G. Hayes, District 5; Joe McClash, District 7 At-Large

1. Update the build out date to December 30, 2019 and expiration date to December 30, 2020 pursuant to extensions granted with House Bill 7207.
2. Extend the CLOS expiration date to December 30, 2019, consistent with the updated Transportation Analysis.
3. Modify Project Summary Table 1 to provide for an additional 20,000 sq. ft. of commercial use and 83,000 sq. ft. office use.
4. Revise Project Summary Table 1 to allow an additional 20,000 sq. ft. of school use permitted with a corresponding reduction of commercial and/or office sq. ft. at a one to one ratio.
5. Amend General Condition A.(4) to revise tradeoffs between land uses set forth in Project Summary Table 1 to reflect the changes to allowable square footage for office and commercial uses as proposed, and allow conversion of residential to an Assisted Living Facility(ALF) use.
6. Amend Map H to permit additional access points from Cooper Creek Boulevard and add Commercial and Assisted Living Facility (ALF) as permitted uses in Parcel K and ALF in Parcel G.
7. Modify the Definition of Conservation Area to mean areas under a Conservation Easement to Manatee County or as shown on Exhibit “C” and delete the reference to TBRPC.
8. Update Exhibit “C” to include post development areas under a Conservation Easement.
9. Amend General Conditions, Section D.(6), to eliminate the reference to Table 3, and change the requirement for mitigation of impacts to wetlands to reference State requirements or Manatee County Comprehensive Plan requirements if mitigation is not required by the state.
10. Delete Table 3 which provides minimum wetland preservation and conservation area ratios.
11. Any other revisions deemed necessary or appropriate during the public hearing process.
12. Various other changes to the Development Order, including recodification of the existing development order; terminology; formatting; departmental references; clarification changes; and to denote stipulations that have been complied with or requirements that have been completed. The Ordinance amends, replaces, and supersedes Ordinance 11-16, DRI #14, as amended; and provides for severability and an effective date.

The Cooper Creek DRI is located northwest of the University Parkway and I-75 interchange. Present zoning is PDMU/WP-E/ST (Planned Development Mixed Use/Watershed Protection-Evers/Special Treatment Overlay Districts) (604.68± acres).

6. **PDMU-96-01(G)(R9) COOPER CREEK CENTER**

Quasi-Judicial

Location: Northwest of the University Parkway and I-75 interchange

Lisa Barrett, Planning Manager

An Ordinance of the Board Of County Commissioners of Manatee County, Florida, amending Ordinance PDMU-96-01(G)(R8) to amend the Development Order to extend the build out date, expiration date, and CLOS expiration date pursuant to extensions granted with house bill 7207; allow an additional 20,000 sq. ft. Of commercial use and 83,000 sq. ft. office use; allow a tradeoff allowance for an additional 20,000 sq. Ft. of school use with a corresponding reduction of commercial and/or office; add a tradeoff for an assisted living facility (ALF) for residential; permit additional access points from Cooper Creek Boulevard; add Neighborhood Commercial and ALF as permitted uses in Parcel K, and ALF in Parcel G; modify the definition of Conservation Area to mean areas under a conservation easement to Manatee County or as shown on Exhibit “C”; update Exhibit “C”; delete Table 3; eliminate reference to Exhibit “H”; delete Stipulation B(14); amend the General Development Plan to implement these changes; amend stipulations to facilitate these changes; amend stipulations to update conditions and departmental references; setting forth findings; providing for severability; and providing an effective date. Cooper Creek is generally located northwest of University Parkway and I-75 intersection (604.68 ± acres).

Carol Whitmore, District 6 At-Large, Chairman

John R. Chappie, District 3, 1st Vice-Chairman; Larry Bustle, District 1, 2nd Vice-Chairman; Michael Gallen, District 2, 3rd Vice-Chairman
Robin DiSabatino, District 4; Donna G. Hayes, District 5; Joe McClash, District 7 At-Large

7. **PDR-11-03(Z)(P) SHUNN-SHION CHUNG/SPRINGFIELD SUBDIVISION**

Quasi-Judicial

Location: North side of 25th Street East (Lyntnor Road), 2,380 ± feet east of 80th Avenue East (Royal Palm Way), Parrish

Katie LaBarr, AICP, Principal Planner DTS #20110023/B000030

(Continued from August 4, September 1, October 6, and November 3, 2011)

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding land development, amending the official zoning atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone of ± 11.91 acres on the north side of 25th Street East (Lyntnor Road), approximately 2,380 feet east of 80th Avenue East (Royal Palm Way), Parrish from the A/NCO (General Agriculture/North Central Overlay) to the PDR/NCO (Planned Development Residential) zoning district, retaining the North Central Overlay District; and approval of a Preliminary Site Plan for 26 single-family detached residences; subject to stipulations as conditions of approval; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

REGULAR AGENDA

NOTHING SCHEDULED

ADMINISTRATION/COMMISSION COMMENTS

ADJOURN

* Documents have been reviewed by County Attorney's Office

The Board of County Commissioners of Manatee County, the Manatee County Port Authority, the Manatee County Civic Center Authority, and the Manatee County Community Redevelopment Agency may elect not to convene, if no business is scheduled; however, each reserves the right to take action on any matter during its meeting, including items not set forth within this agenda. The Chair of each governing body at his/her option may take business out of order if he/she determines that such a change in the schedule will expedite the business of the governing body.

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to, participation in, employment with, or treatment in, its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802, wait 60 seconds; FAX 745-3790.

PUBLIC NOTICE: According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners (or the other entities that are meeting) with respect to any matter considered at said public hearing/meeting will need a record of the proceedings, and for such purposes 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.

Prepared/**Revised** on 11/21/2011

Carol Whitmore, District 6 At-Large, Chairman

John R. Chappie, District 3, 1st Vice-Chairman; Larry Bustle, District 1, 2nd Vice-Chairman; Michael Gallen, District 2, 3rd Vice-Chairman
Robin DiSabatino, District 4; Donna G. Hayes, District 5; Joe McClash, District 7 At-Large

MEMORANDUM



County Administrator's Office
1112 Manatee Avenue West
Bradenton, FL 34205

MANATEE COUNTY FLORIDA

Phone: 941.745.3717
Fax: 941.745.3790
www.myanatee.org

DATE: December 1, 2011
TO: John Osborne, Planning & Zoning Official
FROM: Marianne Lopata, Agenda Coordinator
SUBJECT: AGENDA UPDATE FOR MEETING OF DECEMBER 1, 2011

CHANGES TO ADVERTISED PUBLIC HEARINGS

BUILDING AND DEVELOPMENT SERVICES

1. **Ordinance 11-18 Parrish Lakes DRI #28 (TBRPC DRI #269); and**
2. **Z-11-07 TCW Investments, LLC; and**
4. **Ordinance 12-04 (fka 11-30) Land Development Code Amendment for Sexually Oriented Business; and**
5. **Ordinance 11-38 Cooper Creek (DRI #14)**

Attached: Public comment letter with remarks on each of the above items.

7. **PDR-11-03(Z)(P) Shunn-Shion Chung/Springfield Subdivision**

At the request of the applicant, amend the motion to: CONTINUE public hearing to January 5, 2012, at 9 a.m. or as soon thereafter



To:
Cc:
Bcc:
Subject:

Work Session, Dec. 1

LOIS CONGDON

to: Michael Gallen, Carol Whitmore, Joe McClash

11/29/2011 04:19 PM

Oh, how I wish I had a car, although since Dec. 1 is a work session, we would probably not be able to speak anyway. Thursdays are shopping days for those of us in Westminster Manor who have no car: we go to Publix and drugstores in the morning, and Wal-mart and sometimes the Mall or Great Clips in the afternoon.

#1STOP: Please do not proceed at any time with this huge development which would eventually include at least 10,000 people if it includes families with children until you ask the Southwest Florida Water Management District to do a study to see if we are likely to have enough water for all these extra people during the dry season. I think it was about 5 years ago when someone from that organization said that if development continued as it was, either 2020 or 2030 we would run out of water for the county population. **THAT MUST NOT HAPPEN.** Your first duty in all your deliberations should be to preserve clean air and an adequate water supply. Remember, it costs the county more in providing services to new residents than it gets from impact fees and new taxes, and this huge development will break us financially.

#2With all the legal gobledy gook, it is hard to tell what's going on, but if the light manufacturing is not going to use more water than what it replaces, and it won't pollute our air, I guess it's O.K. since we need the jobs.

#4 We do not need any sexually oriented businesses to make sinners out of our people. Nothing is good for the county that goes against God's will.

#5. on agenda:

9 and 10: LEAVE THE WETLANDS ALONE IF THEY FUNCTION AT LEAST AT .2, 20%

We need all the wetlands we can get, and mitigation does not work. Forget mitigation and keep the wetlands.

11. "Any other revisions" is far too broad and allows developers to sneak bad things in at the meeting.

Thank you for heeding the above and protecting God's people and creation and especially our water supplies. Please pray to learn God's will before you prepare for this meeting.

(Rev.) Lois M. Congdon, 2210 17th Street Ct. W., Bradenton, FL. 34205; 941-747-2728