

JUNE 11, 1986

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Wednesday, June 11, 1986, at 6:03 p.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Patricia M. Glass

Maxine M. Hooper entered during the meeting.

Also present were:

Barbara Levin, Assistant County Attorney, representing
H. Hamilton Rice, Jr., County Attorney
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Commissioner Edward W. Chance.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn (except where noted).

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notice in The Bradenton Herald 5/21/86 & 6/5/86) was opened for the purpose of considering

PA-86-01(1) PLANNED MARINA DEVELOPMENT - PALMA SOLA SECTOR

Request: Amendment to The Manatee Plan to establish Planned Marina Development as a land use type, provide criteria for its location, and allow Planned Marina Development in the Palma Sola Sector. The Palma Sola Sector is bounded on the north by the Manatee River, on the west by Anna Maria Sound, on the south by Manatee Avenue, and on the east by 75th Street Northwest from Manatee Avenue West to Riverview Boulevard, then east to the western boundary of L B Buck Subdivision.

Planning Commission recommended (1) APPROVAL with the modification to require the North Bay Harbour site to be designated as a site specific location (2) execution of letter of transmittal of amendment and supporting data to the Department of Community Affairs.

The amendments included:

Amend SECTORS 4-4(B) (p. 4-18) to read as follows:

10. Planned Marina Development. The Planned Marina Development District should promote high standards in layout, design, and construction of boat livery/marina development located with good access and on navigable waters of the County while promoting environmentally sensitive use of waterfront property and preserving and enhancing waterfront vistas. Planned Marina Development would facilitate use of the most advantageous construction techniques in the development of waterfront land for a planned commercial marina and boat livery and other appropriate secondary uses.

The development of Planned Development Marina (PDM) may be a secondary land use where there is direct access to a major thoroughfare and direct access to navigable waterways.

Amend INDIVIDUAL SECTORS 4-6 as follows:

- F. Palma Sola Sector. The development of Planned Marina Development (PDM) may be used as a secondary use in this sector where there is:
 - (1) direct access to a major thoroughfare,
 - (2) direct access to navigable waterways,

- (3) a minimum of two acres to ensure provision and efficient use of open space,
- (4) a site that has previously been operated as a marina, and
- (5) a site specifically designated in this element of The Manatee Plan.

Amend Figure 4-9 (p. 4-24) Sector Uses.

Amend Figure 4-5 (p. 4-20) Southwest County Sectors.

Peggy Adams, Planning Department, (not sworn) advised that The Manatee Plan currently allows development of a marina with boat livery only within designated corridors and the site designated by this amendment, North Bay Harbour, is appropriate for consideration of Planned Marina Development zoning.

Thomas Reese, representing ManaSota 88, expressed concern with this proposal and suggested it include criteria within the State Marina Siting Policy Act.

(Enter Mrs. Hooper)

He questioned the designation of a site in the land use plan prior to approval of the zoning regulations and the necessity of the amendment.

Katherine Fernald, Manatee Save Our Bays, expressed concern as to the amendment per se and traffic impact on Manatee Avenue.

Frank Buskirk, North Bay Harbour, advised that all necessary permits will be obtained and State and County regulations will be complied with. He reviewed a portion of a traffic study prepared by Larson Engineering outlining trip generation rates for a marina and boat livery, etc.

Hugh McGuire, attorney North Bay Harbour, said they meet the criteria required by the amendments and that the procedure to amend the Plan and then consider the rezone is correct.

Others speaking were William Thompson and Avery Gould.

The public comment portion of the hearing was closed.

Finding that the local planning agency (the Planning Commission) has held the required public hearing, and after hearing comments at the public hearing held by the Board of County Commission, Mr. Chance moved that the Chairman be authorized to execute a letter of transmittal to the Department of Community Affairs, submitting PA-86-01(1) for review. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mrs. Glass and Mrs. Hooper. Voting "Nay" was Mr. Chetlain. Motion carried.

Items transmitted to the State were:

1. Copies of public notices,
2. Existing Land Use Element (Including text and maps),
3. Proposed Amendment (Including text and maps), and
4. Supporting Data (Presented in the form of the agenda of the County Commission public hearing).

PA-86-01(2) SOUTH COUNTY INDUSTRIAL AREA - EXPANSION

Request: Amendment to The Manatee Plan to expand the South County Industrial Area.

Planning Commission recommended APPROVAL and transmittal to the Department of Community Affairs.

The amendment included:

Amend Figure 4-15 (p. 4-35), the South County Industrial Area, to include area bounded on the west by the South County Industrial Area; on the north by 59th Avenue East (vacated); on the east by 33rd Street East; on the south by Saunders Road (63rd Avenue East).

JUNE 11, 1986

Cont'd

Peggy Adams (not sworn) advised that, if approved, this amendment would allow property owners to request industrial zoning. Staff objects to this amendment because existing large tracts of land in the present South County Industrial Area have not been developed and conflict of incompatible adjacent land uses (residential and industrial) will not be resolved.

She recommended the Board consider simultaneously a request to initiate an amendment to expand the South County Industrial Area into the area east of 33rd Street East, west of the Pearce Drainage Canal.

William R. Wheeler, 6111 33rd Street East, requested that if this amendment is approved, the drainage canal, instead of 33rd Street East, be used as the boundary for the industrial area.

Sam Hardee, representing the owner of 20 of the 40 acres under request for amendment, advised that the 40 acres is owned by 13 people and all but one have petitioned for the amendment. He believes 33rd Street is an adequate buffer (between residential and industrial zoning).

The public comment portion of the hearing was closed.

Discussion: Expansion of the industrial area into the area between 33rd Street East and the Pearce Drainage Canal, south of 59th Avenue East and north of 63rd Avenue East (Saunders Road).

Finding that the area between the proposed South County Industrial Area and the Pearce Drainage Canal should be included in one Plan amendment, Mrs. Hooper moved to postpone PA-86-01(2) and direct staff to prepare appropriate action for inclusion in the next Plan amendment. Motion was seconded by Mrs. Glass and carried unanimously.

Recess/reconvene. All members present except Mr. Chance.

IMPACT FEES

Public hearing (Notice in The Bradenton Herald 6/4/86) was opened for the purpose of considering proposed Ordinance 86-09 providing for establishment of impact fees for roads, parks, solid waste, and Emergency Medical Services.

Statement of views on the proposed fees by the Whitfield Estates - Ballentine Manor Estates Association was presented by William J. Maslanka (president) and entered into the record.

(Enter Mr. Chance)

EMERGENCY MEDICAL SERVICES

Jimmie Hamrick, Emergency Medical Services (EMS), reviewed the methodology for developing the EMS impact fees and recommended the Board approve the 100 percent revised schedule (Option A).

Discussion: Assessing new dwelling units within the Cities that will be using the EMS service provided by the County; assessing a surcharge on City residents who will not be paying the impact fee.

Jack Peel, Federation of Manatee County Community Associations, commented on the general provisions of the Ordinance.

Avery Gould referred to the concept of the competitive fee level and recommended the Board approve the impact fees at the "original" 100 percent fee level.

SOLID WASTE

Richard Wilford, Public Works Director, recommended approval of the revised 100 percent fee schedule (Option B) for Solid Waste Division.

John Banks, Solid Waste Manager, reviewed the methodology of determining the solid waste impact fee schedule and indicated that a special study must be done to determine the fees for industrial manufacturing uses.

Mr. Wilford stated that the fees can be utilized to provide additional capacity at the landfill, purchase additional equipment, and to do things necessary to meet State environmental requirements.

It was pointed out that if the cities within the County determine not to adopt similar fees, then the County would have the option to increase landfill tipping fees or assess a surcharge to those users.

Nancy Stroud, Burke Bosselman & Weaver, stated that the County cannot constitutionally require the cities to pay the impact fees, however, the suggestions of adding surcharges or using other routes to raise the revenues from the Cities are good solutions.
(Depart Mr. Chance)

PARKS & RECREATION

Mike Pascuzzi, Parks & Recreation Director, recommended the following for Parks & Recreation impact fees:

Credits:

1. One hundred percent credit if a developer donates property or a facility to the County. The facility must meet County standards and be accepted by the County.
2. No credit for private recreation facilities (Option A).

Fee Levels:

1. Approval of 100 percent revised schedule for residential uses (Option A).
2. Approval of 100 percent revised schedule for tourist uses (Option A).

(Enter Mr. Chance)

TRANSPORTATION

Mr. Wilford recommended the approval of the 100 percent revised rates for Transportation.

Jerome Gostkowski, Public Works Department, recommended the following for Transportation impact fees:

Off-Site Improvements (Option B):

1. No credits for safety related improvements (accel/decel lanes, turn and holding lanes, signals serving only one development entrance).
2. Partial credit for operational improvements based on capacity in excess of that utilized by the contributor (full intersection improvements, full signalization).
3. Full credit for capacity improvements (full lanes for through traffic on thoroughfares).

On-Site Improvements (Option B):

1. Partial credit for dedicating right-of-way and building thoroughfares on-site. Portion of costs in excess of cost to build on-site local roads (two lanes on 50 foot right-of-way) would receive credit, if County accepts improvement.

Upon question, Fred Bosselman, Burke Bosselman & Weaver, responded that a property owner may request return of dedicated right-of-way if the road is not constructed, which may or may not be granted at the Board's discretion.

(Depart Mr. Chance)

Rich Clarendon, Transportation Division, recommended transportation impact fees:

Residential:

Adoption of Revisions to Capacity, Urban and Suburban.
(Briefing Paper, page V-2-A, Column 11/14, Revisions to Capacity)

(Enter Mr. Chance)

Non-Residential:

Adoption of Revised Maximum, Urban and Suburban.
(Briefing Paper, page V-4)

Bob Longfield, Harland Bartholomew & Associates, responded to questions as to the different rates; method of determining rates compared to other Counties; adjustment, etc.

Recess/reconvene. All members present.

JUNE 11, 1986

Cont'd

GENERAL/ADDITIONAL ITEMS

Jim Seuffert, Director, Office of Management & Budget, reviewed the general/additional items:

Discount Rate: Factor used in the road impact fee formula to calculate the present value of a new resident's future gas tax payments.

Recommendation: Use of the bond buyers index, which is based on 25 recent bond issues from various municipalities throughout the Country. The bond buyers index would reduce the discount rate from nine to eight, or just below eight percent, thereby reducing the road impact fee.

Administrative Costs. Suggested consideration of surcharge, or other mechanism, to recover administrative costs.

Recommendation: Two percent charge.

Refunds. Discussion of what interest rate, if any, the County should pay on any refunds that may be required under the terms of the Ordinance.

Recommendation: Use of passbook interest rates or interest rate equal to passbook savings rate.

Administrative Procedures: Working papers staff is commenting on. The procedures can be implemented on July 1, 1986, should the Ordinance become effective on that date. In the event the Board wishes to allow further public input on these procedures, they could be continued until such time as the public input is received.

PUBLIC COMMENTS

Warren Sponable urged the Board adopt school impact fees in addition to the impact fees under consideration.

William J. Maslanka suggested impact fees for the full 100 percent cost of the new infrastructure required for new dwelling units and impact fees for all dwelling units be the same.

Don Varnadore, Chamber of Commerce, expressed concern regarding (1) the fees accurately assessing the actual cost of growth, (2) the consistency of the impact fees from County to County, and (3) exactions/extractions.

Caleb Grimes, representing Pursley Inc., et al, pointed out provisions in the ordinance he felt could cause potential problems in the future.

Mary Sheppard, Co-Chairman of the Sierra Club, supported the full 100 percent impact fee. She submitted a letter outlining views on the Impact Fee Ordinance.

Craig Richardson, University Park Property Owner's Association, recommended (1) initiation of a local study on Capture and Diversion and trip lengths in Manatee County; (2) full credit for off-site transportation improvements; (3) credit for on-site improvements to the extent they are for arterial and major collector roads defined as part of the major thoroughfare system. He submitted "Transportation Credits for Contribution, Dedication or Construction" (document).

Barbara Talburtt, League of Women Voters, submitted a statement recommending approval of the revised 100 percent fee schedule.

The public comment portion of the hearing was closed.

Upon question, Mr. Bosselman expressed his opinion that staff's recommendations are legally defensible.

MOTIONS**EMERGENCY MEDICAL SERVICES (EMS) - Fee Levels**

Mr. Chetlain moved for adoption of Option A, the maximum, for EMS. Motion was seconded by Mrs. Hooper and carried unanimously.

Motion was made by Mr. Chance, seconded by Mrs. Hooper, to authorize staff to prepare the appropriate surcharge, or other appropriate remedy, to be levied against the Cities if they choose to "opt out" of the EMS portion of the Impact Fee Ordinance. Motion carried unanimously.

SOLID WASTE - Fee Levels

Motion was made by Mr. Chetlain, and seconded by Mrs. Glass, to adopt Option B, maximum, for Solid Waste. Motion carried unanimously.

Motion was made by Mr. Chance to authorize staff to prepare the appropriate document/solution to insure equitability in dealing with the Cities. Motion was seconded by Mr. Chetlain and carried unanimously.

PARKS & RECREATION - Fee Levels

Motion was made by Mr. Chetlain, and seconded by Mrs. Glass, to approve Option A, maximum, for both residential and tourist uses for Parks & Recreation. Motion carried unanimously.

Credits

Motion by Mr. Chetlain to provide 100 percent credit for on-site facilities that are dedicated to public use, which meet County standards but provide no credit for on-site private recreational facilities, died for lack of a second.

Motion by Mr. Chance to provide credit for all private recreation for up to 50 percent of the park impact fee component, based on 50 percent of the fair market value, died for lack of a second.

Motion was made by Mrs. Hooper, and seconded by Mr. Fletcher, to provide credit for all private recreation up to 30 percent of the park impact fee component, based on 30 percent of the fair market value.

Carol Clarke, Planning Department, explained that the 100 percent credit for dedicated facilities is part of each of the options.

Voting "Aye" were Mr. Fletcher, Mrs. Glass, and Mrs. Hooper. Voting "Nay" were Mr. Chance and Mr. Chetlain. Motion carried.

GENERAL/ADDITIONAL ITEMS

Mr. Fletcher requested a motion, if the Board agrees with the recommendations of staff, to go to bond buyers index on the discount rate, go to two percent on the interest rate (administrative costs), and refunds at passbook levels.

Mr. Chetlain so moved. Motion was seconded by Mrs. Glass and carried unanimously.

TRANSPORTATION - Fee Levels, Residential

Motion was made by Mrs. Hooper, and seconded by Mr. Chetlain, to approve staff's recommendation on Transportation impact fees, residential. Motion carried unanimously.

Fee Levels, Commercial (Non-Residential)

Mr. Chetlain moved to accept the 100 percent Revised Maximum (Transportation Impact Fees, Commercial) with the exception that the convenience stores rate the \$1,452, both urban and suburban, based on the competitive figure. Motion was seconded by Mrs. Glass. Discussion followed. Voting "Aye" were Mr. Chetlain and Mrs. Glass. Voting "Nay" were Mr. Chance, Mr. Fletcher, and Mrs. Hooper. Motion failed to carry.

Mrs. Hooper moved to adopt the Competitive Commercial Transportation figures for urban and suburban. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Fletcher and Mrs. Hooper. Voting "Nay" were Mr. Chance, Mr. Chetlain, and Mrs. Glass. Motion failed to carry.

Motion to take no action on this item was withdrawn.

Mr. Chance moved to adopt the Competitive Impact Fees with the exception of the Convenience Store Impact Fee, with that to be changed to the Revised Maximum as listed in the document (briefing paper). Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Chance, Mr. Fletcher, and Mrs. Hooper. Voting "Nay" were Mr. Chetlain and Mrs. Glass. Motion carried.

Credits, Off-Site Improvements

Mr. Chetlain moved to approve staff's recommendation for off-site Transportation Credits, Option B. Motion was seconded by Mrs. Hooper and carried unanimously.

JUNE 11, 1986

Cont'd

Credits, On-Site Improvements

Mr. Chetlain moved adoption of on-site Transportation Credits, Option B, as recommended by staff. Motion was seconded by Mrs. Glass and carried unanimously.

PUBLIC HEARING

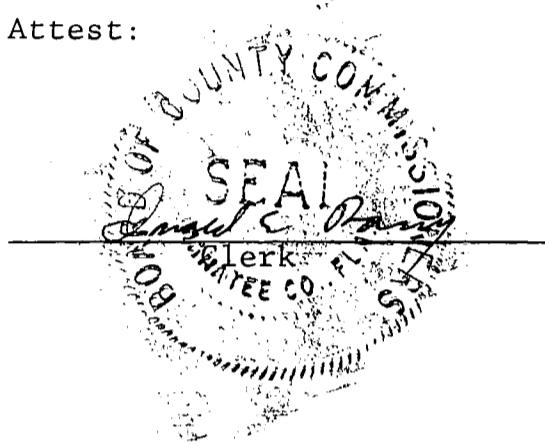
Mr. Fletcher announced that the public hearing will be continued to June 25, 1986, at 6:30 p.m.

RECESS

The Chairman declared the meeting recessed to June 25, 1986, 6:30 p.m.

Recessed: 11:50 p.m.

Attest:



APPROVED:

Richard H. Fletcher
 Chairman 7/27/86