

OCTOBER 2, 1986

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, October 2, 1986, at 2:07 p.m.

Present were Commissioners:
Westwood H. Fletcher, Jr., Chairman
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Patricia M. Glass
Maxine M. Hooper

Also present were:
H. Hamilton Rice, Jr., County Attorney
Barbara Levin, Assistant 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 Mr. Fletcher

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

ZONING

Public hearing (continued from August 25, 1986) was opened to consider

Z-85-1 ISLAND INVESTMENT PROPERTIES, LTD., N.V. KABARA, & ARVIDA CORPORATE PARK ASSOCIATES & DRI #154 - ARVIDA CORPORATE PARK (APPROVED)

Request: Change the location of the present zoning of PDC and PDI on the same site to different locations on the site keeping the same amount of acreage, (PDI 134.92 acres, PDC 83.88 acres equal to 218.8 acres) and retaining all AF/WP/ST. Located west of I-75 on the north side of University Parkway.
Planning Commission recommended APPROVAL of Z-85-1 and DRI 154 with (35) stipulations of DRI as recorded.

ORDINANCE Z-85-01:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDC (PLANNED COMMERCIAL DEVELOPMENT) AND PDI (PLANNED INDUSTRIAL DEVELOPMENT) ON THE SAME SITE TO DIFFERENT LOCATIONS ON THE SITE KEEPING THE SAME AMOUNT OF ACREAGE (PDI 134.92+ ACRES, PDC 83.88+ ACRES = 218.8+ ACRES) AND RETAINING ALL AF/WP/ST (AGRICULTURAL FRINGE OVERLAY/WATERSHED PROTECTION OVERLAY/SPECIAL TREATMENT OVERLAY DISTRICTS); PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Glass, seconded by Mrs. Hooper and carried unanimously, to insert in the Arvida Park Resolution for DRI #154, Addendum to Paragraph C (7)

In the event substantial progress toward building permit applications for 50% of the Vertical Development described in Table 2 of this paragraph is demonstrated by the developer, the developer may nevertheless be required to prepare a revised and updated Traffic Study* pursuant to this paragraph if building permits for 50% of the Vertical Development described in Table 2 shall expire for any reason other than completion of development or for reasons or causes beyond the control of the developer.

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Steve Logan, Planning and Development, stated that planning staff and consultants reviewed the Arvida Corporate Park DRI and Rezone Z-85-1 and the recommendations of the Tampa Bay Regional Planning Council and found them to be consistent with The Manatee Plan and to meet the requirements of Chapter 380.06, F.S. Staff supports the proposed Development Order, however, there are some policy ramifications that should be discussed before the project is approved.

He referred to the Southeast Area Plan adopted by the Board of County Commissioners on May 8, 1986 (Resolution R-86-90) and said that although the Arvida Park DRI meets most of the requirements of that plan, it does not meet the requirement in policy 4.F. which requires that no more than 40 percent of the project be made impervious. The proposed alternative language by the developer, which was approved by the Planning Commission, states he will meet the intent of the long term implementation strategies of the Southeast Area Plan by using best management practices.

Upon question, Mr. Logan said that the developer's plan is based on 60 percent impervious area factor and that staff's concern was on the precedent that this type of approval would set for future projects in the southeast area.

Fred Jones, Vice-President of Arvida Corporation, reviewed a slide presentation of the project and exhibited aerial photos of the site, proposed development, an artist's concept of the project, its economic benefits, and a list of Arvida Communities/Projects in other Florida Cities.

Bill Ockunzzi, Arvida Corporation, reviewed aspects of the Development Order and the conditions of approval. He elaborated on the transportation issue and water quality policy of the County and method by which this development has met all conditions of the Development Order.

Discussion: Level of service, traffic studies, water quality policy, monitoring of watersheds (Philippi Creek and Braden River), storm water runoff.

Bruce Franklin, Arvida, referred to the site plan and explained the delineation of the watersheds and reversal of the industrial and commercial zoning to allow them to divert the stormwater. He referred to Map G-2 of 80-A and explained the boundaries of the Philippi Creek Watershed and the segments which would be reversed and the portion which will remain in its natural state.

Discussion: Southeast Area Task force Water Quality 40-60 percent impervious surface policy, language on H-11, Page 15, Development Order, alternatives for meeting non-degradation of natural system.

Charles Siemon, Attorney for Arvida Corporate Park, said that the TBRPC and County staff have accepted the fact that the performance standards which are included in the Development Order will achieve the objective, which is non-degradation of the watershed; that the Task Force Recommendation was an interim measure until performance standards could be developed and adopted into the County Plan.

Richard Gimme, CDM consultant, responded to questions by the Board, and explained the intent of Chapter 17-25 of the Florida Administrative Code (FAC) which deals with impervious surface/flow from the property.

Charles Siemon reviewed the development process and chronology of the project (submitted as exhibit). He pointed out this Development Order:

- = satisfies all the requirements for Chapter 380.06,
- = establishes enforceable monitoring procedures,
- = allows only phase one without further Board approval,
- = requires that traffic studies be carried out to insure that specific public facility requirements be met,
- = specifies an annual report and identification of conditions.

Barbara Levin read Chapter 380.0617 reference annual reports, which addressed the question about enforcement if a traffic study is delayed or not submitted as part of the annual report.

Public Comments

Sabino Lioce, inquiring about transportation of garbage, was advised that collection would be provided by Waste Management.

George Farrance, President of Miller Trailers, spoke on behalf of the Executive Committee of the Economic Development Council of the Manatee Chamber of Commerce, and in support of the concept and development of Arvida Corporate Park.

Robert Green, Attorney for Wilbur Boyd Corporation (owner of Cooper Creek Development, east of Arvida), expressed concern about the effect of Arvida on Cooper Creek and on future development in the southeast county area, specifically on transportation conditions. He said the approval of the order would allocate to Arvida all the remaining capacity on University Parkway together with all of the capacity that can be created on the roadway by intersection improvements. The increase of capacity will necessitate four-laning the highway at an estimated cost of \$4-\$5 Million.

He suggested a comprehensive solution that would require each developer to pay a fair share of the cost of improvements that are going to be required to increase the capacity for the developments.

Another point of concern was that he has been informed that Cooper Creek will be required to include Arvida traffic in all its projections, however, Arvida was not required to include projections of Cooper Creek traffic in its traffic analysis.

He said Cooper Creek is prepared to assume its fair share of the cost of necessary improvements in four-laning University Parkway, but wants to be assured that they will not be faced with an impossible task after this approval; however, Arvida's commitment of \$1 Million, probably represents their fair share of cost.

He read a letter from Charles Siemon to the Planning Director (dated 9/29/86) requesting the opportunity to inspect all the public records dealing with the Cooper Creek Development.

Discussion: Development of fair method of funding road improvements and its enforcement.

Bill Oliver, Traffic Engineer with Kimley-Horn and Associates, submitted and reviewed a chart of University Parkway P.M. Peak Hour Capacity Analysis. The exhibit graphically shows the situation that the County will have with the approval of Arvida and demonstrates a fair share approach to paying for necessary improvements.

Recess/Reconvene. All members present.

Bruce Siciliano, Adley Associates, Sarasota, representing Duke and Benedict Inc., owner of approximately 216 acres at the corner of Lockwood Ridge Road and University Parkway, suggested developing a fair share concept requiring each development to pay for the capacity it uses. He said that if the Development Order is approved there is no capacity left and it destroys an objective of long term development. He asked the Board defer action on the request.

Bob Lombardo, Engineer consultant for the County, in responding to questions concerning the Kimley-Horn chart on University Parkway, stated that all these projects are combined and that the traffic is equal to the capacity of a six lane roadway on University Parkway. He suggested that a fair and equitable approach would be to treat every project the same as Arvida.

Discussion: When to collect the money for improvements of University Parkway; developing a plan fair and equitable to everyone; development of an interlocal agreement with Sarasota County to coordinate and achieve equity.

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The County Attorney explained that negotiations with Sarasota County concerning University Parkway were in process with respect to comprehensive cross credits for impact fee purposes only. His memorandum of June 27, 1986 addresses the existing interlocal agreement between the two counties dealing with County Line Road (now known as University Parkway) that was entered into in 1982. At that time the parties agreed: "that due to the anticipated need to construct additional lanes to County Line Road at some future date, each county would develop a mechanism whether it would be by special taxing district, impact fees, contributions by developers or other such devices to insure that at such time the additional lanes are required, each County will have available its 50 percent allocation to contribute to the construction project."

He said that with respect to the impact fee problem, Sarasota County General Counsel informed him they do not envision any cross credits for impact fee purposes at this time. He also said they had a funding process for their 50 percent of additional lanes for County Line Road at some future date and are prepared to spend it at the appropriate time.

Discussion: Consider in work session policies regarding road improvements, capital improvement program (CIP) and Southeast Area Task Force Policy; improvement cost paid from CIP and refunded by impact fees when collected.

Mary Sheppard spoke concerning water quality, specifically impervious surface, and recommended the developer pay the cost of monitoring; that the County be in charge of monitoring and maintenance to assure the efficiency of the retention system; and that strong penalties be imposed for infractions.

Discussion: Monitoring condition of runoff, storage of hazardous materials in an industrial area.

In response to inquiry, Barbara Levin said the County could regulate or do the monitoring and this could be made a stipulation as the program is developed.

Allan Prather, representing Duke & Benedict, Inc., inquired if applicants do not have to take into consideration projections on traffic analysis of other DRI's within the corridor.

Mr. Logan explained the methodology used for the traffic analysis of the project and referred to Option No. 2 recommended by the Tampa Bay Regional Planning Council.

As to the six-laning and multi-laning requirements established by TBRPC, in the review process all previous Manatee County DRI approvals are taken into consideration (whether or not they have been built) and additional lanes are added for each new project.

If Arvida DRI is approved there is language in the Development Order which calls for vesting of their square footage which means that after this Development Order is approved, the traffic to be generated would have to be counted by their first base along with any final site plan approvals and any construction drawing approvals issued by the County. Anything that does not have that level of approval would not be counted in any future analysis that would be considered.

Ms. Levin said that in making that determination all traffic is considered regardless of the source. Mr. Logan added that staff is not only talking about traffic from this DRI but anything that is on the road that would drop local service below level of service "C" and would cause the need for those traffic improvements to be put in place.

In response to questions concerning hazardous waste, Mr. Goodrow referred to the Southeast Area Task Force Study Resolution and pointed out that Policy #4 states that prior to the construction of industrial facilities in the southeast area, hazardous waste storage and disposal plans including transportation waste shall be provided and approved.

There is no provision for approval of additional requests for industrial zoning in the watershed portion of the Southeast Area. Commercial and industrial operations must prove through site plans and inspections that storage areas for materials that could threaten water quality in the 100 year storm have been constructed above the 100 year flood elevation of that site.

Discussion: Storage of hazardous waste

Rick Damon, Wilbur Boyd Corporation, inquired about the methodology of transportation analysis to be used for future projects.

Rebuttal:

Charles Siemon responded to concerns raised during public comments and urged the Board to look at the merits of this proposal and compare it to the policies of Chapter 380 and consider/examine the conditions that staff has worked out. He requested the Board approve this development and work with Sarasota County to improve University Parkway. Sarasota County CIP indicates plans for two additional lanes to University Parkway in 1988 and has budgeted \$2.6 Million for the project. He said that Arvida is committed to participate in the improvement program and will work with Manatee County to make sure that the long term integrity of the area is served.

The public comment portion of the public hearing was closed.

Discussion: Changing wording of DRI, D.(4), Page 10, concerning the monitoring program and its funding, supervision, cost, independent water quality monitoring, etc.

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

Mrs. Levin read the amended wording (worked out by staff and applicant) of Environmental Conditions, Section D.(4) of the Development Order in its entirety:

"Beginning two years from the date of issuance of this Development Order and continuing thereafter until buildout, the developer shall fund an independent water quality monitoring program for its project tributary to the Braden Watershed as approved by the County. The parameters to be included and the time frame for sampling shall be approved prior to approval of the Final Master Plan."

Mr. Chetlain moved approval of that change on the Development of Regional Impact Order No. 154, Section D.(4). Motion was seconded by Mrs. Glass and carried unanimously.

Mr. Chetlain moved that the same amendment be included in Paragraph 17, Page 6 of Ordinance Z-85-1. Motion was seconded by Mrs. Hooper and carried unanimously.
(Enter Mr. Chance).

Having considered the staff report, the recommendation of the Planning Commission, comments made at the Public Hearing, and finding the request to be consistent with The Manatee Plan, Mr. Chance moved

- (1) approval of Manatee County Ordinance No. Z-85-1 as amended with the stipulations recommended by the Planning Commission; and
- (2) having considered the staff report, the final report by the Tampa Bay Regional Planning Council, and comments made at the public hearing, and finding the request to be consistent with The Manatee Plan and Chapter 380.06 of the Florida Statutes, approval of DRI #154, Arvida Corporate Park with the conditions recommended by the Planning Commission as amended.

Motion was seconded by Chetlain and carried unanimously.

RECORD ORDINANCE

Z-85-1

PDC/PDI-85-7 ARVIDA CORPORATE PARK; P/DEVELOPMENT PLAN (APPROVED)

Request: Approval of preliminary development plan to allow an industrial technology park, regional shopping center, a hotel and associated development on 218.8 acres west of I-75 on University Parkway.

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Planning Commission recommended APPROVAL with the stipulations recommended by staff.

1. All appropriate conditions of the Development Order and Rezone (Z-85-1) shall apply.
2. The developer shall provide an acceleration lane, a deceleration lane and a left storage lane at the intersection of University Parkway and Corporate Boulevard.

Having considered the staff report, recommendations of the Planning Commission, comments made at the Public Hearing, and finding the request to be consistent with The Manatee Plan, Mr. Chance moved to approve PDC/PDI-85-7 with the stipulations recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD

PDC/PDI-85-7

MEETING ADJOURNED

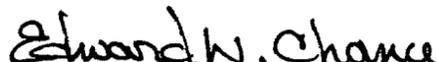
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



 Clerk



 Chairman

Adj: 5:55 p.m.

