

MAY 28, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, May 28, 1998, at 9:18 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Gwendolyn Y. Brown, First Vice-Chairman
Jonathan Bruce, Third Vice-Chairman
Stan Stephens
Amy Stein

Absent were Commissioners:

Joe McClash, Second Vice-Chairman (vacation)
Lari Ann Harris (illness)

Also present were:

Mark Barnebey, Chief Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

ZONING

Public hearing (continued from 5/25/98) was opened to consider

PDR-97-12(Z) (P) - MCFARLAND AND BUTLER/WADING BIRD GOLF AND COUNTRY CLUB

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A AND A-1 TO PDR, RETAINING THE CH OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 761 DWELLING UNITS (449 SINGLE-FAMILY DETACHED DWELLINGS AND 312 MULTIFAMILY UNITS) AT A GROSS DENSITY OF 1.6 DWELLING UNITS PER ACRE AND A NET DENSITY OF 3.5 DWELLING UNITS PER ACRE, AN 18 HOLE GOLF COURSE WITH A CLUBHOUSE AND DRIVING RANGE, CONGREGATE DOCKING FACILITIES FOR 59 BOATS, AND THE CREATION OF INTERIOR CANALS DESIGNED FOR WATERCRAFT WITH ACCESS TO THE MANATEE RIVER VIA TWO BOAT LIFTS, GRANTING SPECIAL APPROVAL TO A PROJECT ON 622 ACRES ON THE SOUTH SIDE OF THE MANATEE RIVER, NORTH AND WEST OF UPPER MANATEE RIVER ROAD (INCLUDING 478.5 UPLAND ACRES ABOVE THE MANATEE RIVER SHORELINE). Planning Commission recommended APPROVAL with 8 Transportation Stipulations, 12 Environmental Stipulations, 14 Land Use and Design Stipulations;

GRANTING Special Approval to a project located (1) adjacent to a perennial stream, (2) partially within the coastal high hazard area, (3) to a project involving the siting of a marina type use, and (4) to a project exceeding 1 dwelling unit per acre in the UF-3 future land use category;

ADOPT the Findings for Specific Approval;

GRANT Specific Approval of alternatives to Sections 907.9.2.4, 907.9.4.2, 907.9.1.3 and alternatives to Table A of Section 710 of the Land Development Code (LDC); and a waiver of Section 742 of the LDC to allow the use of street names.

RECORD S46-674

Norm Luppino, Planning Department, outlined the request and referred to the following visuals: (1) general location map; (2) future land use map; (3) site plan; (4) open space exhibit; (5) 25-year floodplain; and (6) aerial photograph depicting future alignment of the Upper Manatee River Bridge. He discussed locational information, surrounding land uses, current zoning, and the proposed development plan.

Mr. Luppino reviewed environmental issues addressed in the stipulations for the applicant: wildlife management plan; compliance with all Manatee County Planned Development Waterfront District requirements for water dependent uses; manatee protection plan; limited height of multifamily dwellings in first tier lots; and logistics and protection of eagle nest north of the closest lot.

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(Continued)

Regarding the future alignment of the Upper Manatee River Bridge, he referred to an aerial photograph and stated **Post, Buckley, Schuh & Jernigan, Inc.** conducted an analysis determining alternative locations for the alignment. He indicated the final decision on the bridge alignment may result in a slight redesign of the proposed development.

He entered several letters into the record.

Sharon Phillips, Post, Buckley, Schuh & Jernigan, Inc., stated they conducted a conceptual design study to determine if alternative Upper Manatee River Road alignments could be developed that would not prevent federal funding. She stated they identified a western line corridor of 500-1,000 feet wide. She indicated a Project Development and Environment (PD&E) Study is scheduled for 2001-2002. The study also identified that the park area and eagle nest need to be avoided, as well as minimized impacts to the high quality wetland areas.

Discussion: Discussions with Metropolitan Planning Organization (MPO) or Florida Department of Transportation (FDOT) regarding alignment of road; PD&E study; zoning north of the river; future bridge plan; dedicated right-of-way; alternative corridors; input from MPO and FDOT needed prior to decision; right-of-way area must be defined; etc.

Larry Mau, Transportation Director, expressed his concern in designating a specific 120-foot corridor, as the MPO study could move the corridor and the County could lose the federal funding.

Bill Merrill, representing the applicant, discussed conditions at the site, historical conditions of the property, environmental issues, and the planned approach to enhance the property and the area. He stated portions of the property have been severely impacted and disturbed due to long-term agricultural use. Most of the wetlands will be saved, restored and enhanced. He referred to the site plan and discussed the density (1.22 dwelling units per acre), proposed broad range of residences, recreational amenities to include boating facilities, and indicated 62 percent of the site will be open space.

(Depart Mr. Stephens)

He presented visuals of the proposed development. He referred to a rendering of a three-story multifamily unit, and indicated all multifamily units on the outer portion of the development will be of the same design but limited to two-story. He noted letters of support from several adjacent property owners.

(Enter Mr. Stephens)

Mr. Merrill discussed the surrounding land use, the development trend in the area and the comparable lot size. He indicated they are dedicating right-of-way to Kay Road (the intended major thoroughfare) and southern project boundary. A right-of-way of 120 feet will also be dedicated to the western boundary of Upper Manatee River Road.

He submitted resumes for Dana West, Gary Altrogge and Robert Agrusa.

Dana West, Vice-President of Biological Research Associates, Inc., discussed the historical and environmental aspects of the site. The eagle nest has been extensively reviewed and a Bald Eagle Management Plan has been submitted to the federal government through the U.S. Fish and Wildlife Service.

He indicated the wetlands are in poor condition due to agricultural runoff, but stated there are high quality tidal systems adjacent to the river. He stated a management plan has been developed to put contributing watersheds back into the wetlands, remove nuisance species, and reestablish hydraulic connection back to the river. He discussed water quality and storm water retention, and the plans developed for a state-of-the-art storm water system.

He referred to the planned boat lifts, boat storage plans, and plans for a navigable channel. He stated a manatee protection plan has been developed and submitted to the Fish and Wildlife Service for review, and educational programs and signage will be provided relating to manatee protection.

Gary Altrogge, Kimley Horne & Associates, Inc., stated a drainage study of the site and surrounding areas has been conducted, and the Southwest Florida Water Management District (SWFWMD) permit has been filed. He referred to the site plan and pointed out areas with drainage problems and explained plans to correct same with ditch improvements and culvert replacements. He indicated the site is not in the Gates Creek drainage area, but some overflow in high storm events could affect the area.

Discussion: Radius of existing "S" curve; proposed "S" curve; estuary impact; alignment with less wetland impacts; corridor study; Fort Hamer Park impact; etc.

Walter Eppard, President of Florida Gulf Coast Development and applicant, discussed his background and development history.

Recess/Reconvene. All members present except Mr. McClash and Mrs. Harris.

Lawrence Barnett, resident of Mill Creek, submitted a photograph of a child fishing. He spoke in opposition to the project and discussed his concern with increased river traffic and manatee protection.

James Payne, representing River Springs Homeowners' Association, voiced his concern over school capacity at Haile Middle School, as well as traffic safety and flooding on Upper Manatee River Road.

Discussion: Letter from School Board; school impact from proposed developments; density of developments, etc.

Peggy Hill, representing residents from 133rd, 134th, and 135th Streets, voiced concern over quality of life, traffic safety, school capacity, emergency roadway/waterway congestion.

Betty Stedman, resident of 3rd Avenue N.E., spoke in opposition discussing drainage, traffic/public safety, and school capacity.

Discussion: Drainage problems; closing of major ditch on west side going toward river; installation of culverts; etc.

Jim Clendenon, adjacent property owner, submitted accident statistics, as well as a copy of a report by Larry Mau, Transportation Director. He spoke in opposition voicing his concern of the proposed "S" curve at Upper Manatee River Road due to accidents and safety issues.

Karen Ciemniecki, representing Upper Manatee River Road residents, submitted: (1) a petition in opposition signed by 289 residents; (2) list of residents' concerns; and (3) seven photographs depicting areas of concern. She discussed public hearing notice, and voiced residents' concerns regarding multifamily housing, density, school capacity, traffic safety, flooding, boat traffic, and animal protection.

Discussion: Letter from School Board; school portables; sales tax for school expansion; Section 904.4 of LDC requires addressing school board policy; zoning changes; requesting School Board representatives address school issues, etc.

(Depart Ms. Brown)

Bill Burger, archaeologist, spoke in opposition to the alignment of Upper Manatee River Road and the river crossing at Fort Hamer. He stated that research shows the area to the east houses the major portion of the archaeological site.

(Enter Ms. Brown)

Robert Pederson, Planning Department, reported that School Board representatives could not join in the meeting; however, Mike Pendley of the School Board asked him to convey that the School Board stands by its letter that there is adequate school capacity.

Kathleen Byczek spoke in opposition expressing concern for the overcrowding of Gene Witt Elementary School as developments occur, compatibility, as well as boat/road traffic.

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Patricia Barbu, Mill Creek resident, spoke regarding school capacity at Gene Witt Elementary School.

Discussion: School needs for next five years; school funding; work session regarding the one-cent sales tax with the School Board; prepare joint presentation; understanding of policy, etc.

(Depart Mr. Stephens)

Kathie Moon, owner of Ray's Canoe Hideaway, spoke in opposition regarding the project density. She mentioned road flooding and noted that both S.R. 64 and Upper Manatee River Road are evacuation routes. She voiced concern from storm surge or dam release water and the affect on water quality and wildlife.

David Bishop, adjacent resident, voiced his concern regarding density. He also addressed school capacity, traffic safety and flooding.

Mark Barnebey, Chief Assistant County Attorney, discussed the Land Development Code and Comprehensive Plan and how they govern the requirements for development as well as the application process. He explained that Planned Development Residential (PDR) provides an opportunity to review the overall plan design and development.

Discussion: Continue hearing until 6:00 p.m., June 23, 1998; continue discussion today, but leave public comment open, etc.

Mr. Merrill stated he would like to proceed with a portion of the rebuttal; but reserve time for final rebuttal on June 23, 1998.

Recess/Reconvene. All members present, except Mr. Bruce, Mr. McClash, and Mrs. Harris.

Duane Moore, adjacent resident, spoke in opposition addressing road safety, the sharpness and radius of the "S" curve and alternate alignment possibilities.

(Enter Mr. Bruce)

Carol Clarke, Planning Department Director, reviewed issues for staff response and consideration at the continued hearing:

1. **Road and Bridge Alignment** - PD&E process; coordination with FDOT and MPO; alternative alignment; impact on archaeology; design of intersection; radius of "S" curve; determination of alternative that will keep options open and not preclude future action.

Discussion: Road concerns; transportation report; future location of road; maintain a specific open area for a reasonable period of time as opposed to 120-foot dedicated right-of-way; 500-foot corridor until PD&E study is completed; set aside land on the east side of suggested road alignment; suggestion of Mr. Mau forwarded to the MPO, etc.

Mr. Mau referred to the aerial plan and stated consideration should be given to the placement and radius of the "S" curve.

2. **Stormwater** - Existing developments; Gates Creek; impact of water line installation; flooding S.R. 64.

Sia Mollanazar, Transportation Department, discussed the project approved for a road crossing on Gates Creek, stating that federal regulations require a permit from the Federal Emergency Management Agency (FEMA). In the interim, a temporary pipe was installed and due to the severe El Niño storms this caused water backup. Regarding the Upper Manatee River Road flooding, he stated undersized driveway and drainage pipes, as well as El Niño storms, contributed to this problem but he was not aware of any water in homes.

Discussion: Flooding has occurred prior to this year; 3rd Avenue flooding due to undersized pipes; 25-year storm event; 50 percent reduction rule; tidal water; water released from dam; analysis of draft report from SWFWMD to the developer; etc.

Jerome Gostkowski, Planning Department, discussed the history of flooding on S.R. 64. He stated this past year flooding was evident in the area of Haile Middle School due to ongoing construction which disturbed the natural drainage course. Regarding this project, Gates Creek drainage basin and Upper Manatee River Road, the developer proposed: (1) installation of larger pipes and improvement to drainage ditch at the southern boundary up to the slough; (2) improvement to the slough capacity by removal of all nuisance species; and (3) removal of nuisance species from several canals.

Mr. Gostkowski stated the development will have approximately 80 acres in retention, which would meet the 50 percent reduction rule. With regard to the sewer system, Mr. Gostkowski stated the developer has agreed to help prevent infiltration by providing all rim elevation of sewers, clean-outs, and lift station above the 100-year floodplain.

Discussion: Gates Creek basin; discharge from Gates Creek; correction of Gates Creek blockage; improve Gates Creek carrying capacity; historic flow of water; developer responsibility; development will improve roadside drainage system; role played by Gates Creek; etc.

3. Schools - Capacity numbers and methodology used for calculation; better sense of existing situation; anticipated school impact from characteristics of the proposed development; overall policy of response to school issues.

Ms. Clarke stated school board representatives will be requested to attend the next meeting and be prepared to respond to these issues.

4. Community Character - Location, scale and appearance of multi-family units.

Mr. Luppino stated staff has evaluated other waterfront developments with single-family detached residential lots and the type of dwelling units built. Staff will also be prepared with alternative stipulations, as well as lot sizes for comparison with other projects in the area.

5. Environment - Manatee protection; golf course; water depth; and number of boats.

Mr. Luppino referred to the twelve conditions listed in the Environmental Section of the staff report, specifically Conditions 3 and 11. He also referred to a requirement in the Comprehensive Plan which limits the maximum number of boat slips that could be approved in this project (1 boat slip for 100 feet of shoreline owned). He stated the applicant has submitted information that approximately 35,100 feet of shoreline is owned; therefore, the maximum number of boat slips that could be approved for this project is 351. The applicant is proposing (based on the congregate docking facility, slips along the Manatee River and the interior canals) 267 boat slips.

6. Notice to Public

Mr. Luppino stated the Land Development Code requires that projects be noticed 10 days in advance of the first public hearing. At the public (neighborhood) meeting people were asked to indicate if they wanted to be notified and it was noted that signs would be posted in visible locations. Several people indicated that they did not want to be notified, but were called. He stated signs were posted at the intersection of Upper Manatee River Road and S.R. 64. The sign posted on May 1st was destroyed; however, it was replaced.

Ms. Clarke suggested postcards be mailed to notify the public of the June 23rd continued hearing.

7. Infrastructure - Future alignment of Upper Manatee River Road; roads relating to proposed developments.

Mr. Gostkowski stated neither the Capital Improvement Program (CIP) or currently scheduled projects generate the need to four-lane the road.

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(Continued)

Discussion: Deficiencies on S.R. 64; order of project consideration; certificates of level of service; compliance with concurrency requirements; capacity issues; strategies to be pursued regarding S.R. 64; generated trips from new development; impact fees; etc.

(Depart Mrs. Stein)

Mr. Merrill addressed the density, character of the multifamily units, and buffering issues. He stated the overall development for the entire project of 622 acres is a gross density of 1.22 dwelling units per acre. He indicated this is less density than many surrounding developments and reviewed comparison densities and lot sizes.

(Enter Mrs. Stein)

Regarding the multifamily units, Mr. Merrill stated they are scaled back, limited to two-story on the outer edge of property with buffers, and will not be visible from the river.

(Depart Mr. Stephens)

Mr. Altrogge stated the flooding at 3rd Avenue and Upper Manatee River Road is due to a silted ditch and driveways with undersized pipes. He indicated the developer will replace the culverts and that ditches and canals will be improved directing the water flow to the river. He stated all streets, homes, and lots have been elevated above the 100-year floodplain.

(Enter Mr. Stephens)

Mr. West addressed the recreational vessel usage indicating the project includes a congregate dock facility for 59 vessels; single-family residential docks are limited to 18 lots; the design preserves the vista of the river, the ecosystem and shoreline; and a planned educational program is scheduled for residents. The Land Development Code requires maintaining the wetlands and he stated this project will actually improve the wetlands.

He referred to photographs depicting the current row crop production on the property which causes high levels of agriculture runoff. Regarding the proposed golf course and maintenance of same, a well designed water quality system will treat the runoff in the retention system prior to discharge to the river and insure good water quality.

Robert Agrusa, Traffic Engineer with Dames and Moore, addressed his review of the preliminary horizontal alignment of the extension recommended by Post Buckley, Schuh and Jernigan, Inc., and concluded it met the FDOT design guidelines, as well as ACOE guidelines (a Federal publication followed by DOT).

Discussion: Engineering design; entranceway to site is south of the curve; secondary entrance will be perpendicular to Upper Manatee River Road as it goes east, etc.

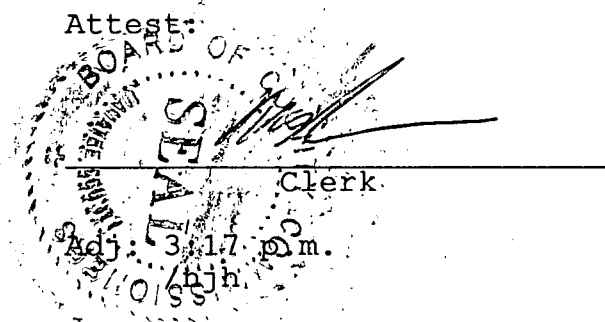
Mr. Stephens moved to continue PDR-97-12 (Z) (P) to June 23, 1998, at 6:00 p.m., or as soon thereafter as may be heard. Motion was seconded by Ms. Brown and carried 5 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Teri Ann Glass
Chairman 8/4/98