

JUNE 30, 1998

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 30, 1998, at 6:03 p.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Gwendolyn Y. Brown, First Vice-Chairman
Joe McClash, Second Vice-Chairman
Jonathan Bruce, Third Vice-Chairman
Stan Stephens (entered during meeting)
Lari Ann Harris
Amy Stein

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 (Notice in the Bradenton Herald 6/17/98, and continued from 5/28/98) was opened to consider

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

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 2.5 DWELLING UNITS PER ACRE, not in advertisement), 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 and 14 Land Use and Design Stipulations;

Staff recommended approval with 8 Transportation Stipulations; 14 Environmental Stipulations and 16 Land Use and Design Stipulations.

RECORD S46-806

GRANTING Special Approval to a project (1) located adjacent to a perennial stream, (2) partially within the coastal high hazard area, (3) involving the siting of a marina type use, and (4) 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 Section 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; and a waiver of Section 742 of the Land Development Code to allow the use of street names.

Norm Luppino, Planning Department, reviewed the project, and referred to the following exhibits: two Site Plans, Future Land Use Map, Open Space Exhibit, 25-year Floodplain Map, Elevation, and Vertical Single Family Elevation. He outlined surrounding zoning, density, and land use. The two-story, multifamily units are proposed around the perimeter, and the three-story units will be in the interior of the project. Maximum building widths above the first floor will be 60 feet.

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(Continued)

The applicant also proposed an 18-hole golf course and a 59-slip congregate boating facility near the clubhouse. There are 18 waterfront lots with the potential for private slips, and inland canals, with the potential for 190 docks, with access to the river at two locations via boat lifts.

The main entrance to the site will be on Upper Manatee River Road. There will be a second access on the Upper Manatee River/Fort Hamer Road extension and an access on the proposed Kay Road extension.

The site is partially within the 25-year floodplain; however, all residential development will be located outside the 100-year floodplain, except the 100-foot-wide lots adjacent to the river.

Mr. Luppino outlined the concerns raised at the May 28, 1998, public hearing: community character, bridge/road alignment, infrastructure, stormwater, schools, and environment.

He stated 323 units could be built under the current zoning. He compared the multifamily units (vertical single-family) to large single-family estate homes in surrounding areas and along the river.

Carol Clarke, Planning Director, stated that staff met with the Metropolitan Planning Organization (MPO) and the Florida Department of Transportation (FDOT) to try to determine the best option for the bridge between Fort Hamer Road and Upper Manatee River Road. A Project Development and Environment (PD&E) Study will determine the exact placement of the road/bridge. She stated that if a right-of-way is reserved, the PD&E study is deemed "tainted" and she expressed concern that federal funding may be endangered. She stated a "fatal flaw" analysis may be performed as soon as 2001-2002.

Discussion: High priority projects can be advanced; possible delay in development of the phase of the project along the eastern boundary; cost effect of delays; redesign golf course; reduce density, etc.

Jerome Gostkowski, Planning Department, referred to an aerial map of the proposed bridge/road alignment and stated that according to the Department of Historical Resources the archaeological sites are not eligible for placement on the historic registry.

He stated that Post, Buckley, Shuh and Jernigan researched the site and proposed four road/bridge alternatives. The PD&E study will attempt to avoid the area of the eagle's nest, environmental amenities, and the park on the north side of the river.

He outlined the proposed reverse curve on the Upper Manatee River Road extension with a 1,200-foot radius; a T-intersection associated with the curve and the project; improvements to the intersection of S.R. 64 and Upper Manatee River Road. This project will also participate in the signalization of S.R. 64 and Lena Road and S.R. 64 and I-75 west ramp.

Discussion: Upper Manatee River/Fort Hamer road/bridge; signalization at either end of the bridge; pitches of curves on Upper Manatee River Road; right-of-way reservation; speed limit signs; speed study; possible bridge height; develop phase adjacent to bridge last, etc.

Larry Mau, Transportation Director, reviewed an aerial map with four options for Upper Manatee River Road/Fort Hamer Road road/bridge, and stated that FDOT will make the final decision on placement.

Discussion: Moving curve affects other property; whether access to/from development is safe, etc.

(Depart Mrs. Stein)

Ms. Clarke referred to a letter from Rex Jenson of Schroeder Manatee Ranch that addressed concurrency.

(Enter Mrs. Stein and Mr. Stephens)

Discussion: Reserved capacity; requirements for incomplete projects affect subsequent projects; certificate of level of service, etc.

Mr. Gostkowski addressed stormwater issues and advised that drainage problems at Haile Middle School were caused by incomplete stormwater systems at the school and Greenfield Plantation (to the north of the school). The systems are now complete and performing adequately.

He stated all of the project improvements (i.e. manhole rims, clean-outs and lift stations) will be above the 100-year floodplain. He stated that Reynolds, Smith and Hill performed a study of the reservoir simulating a Class I hurricane storm surge. The storm surge ended west of the project site. In addition, the project has all the necessary Southwest Florida Water Management District (SWFWMD) permits.

(Depart Mr. McClash)

Sia Mollanazar, Transportation Department, addressed the Gates Creek (drainage) crossing, and stated that two, seven-by-ten-foot box culverts were installed, and two metal pipes under an existing crossing north of Gates Creek will be removed.

Discussion: Maintenance of creek, ditches and culverts; Florida Department of Environmental Protection is permitting authority for canals and dredging, etc.

(Enter Mr. McClash)

Diane Chadwick, representing the School Board, projected 298 students for the area with 160 in elementary school, 64 in middle school and 74 in high school. She submitted a packet with information regarding student population projections.

Dan Lundeen, School Board employee, submitted a chart illustrating the projected student population for Witt Elementary, Haile Middle School, and Lakewood Ranch High School.

Discussion: Projections show existing developments; Witt Elementary is near capacity; two elementary schools and a middle school are being planned; effect of busing on school capacity, etc.

Todd Henson, School Board employee, was available to answer questions.

Discussion: School Board's five-year plan; Department of Education determines when and where schools are built; capacity to accommodate Wading Bird, etc.

Bill O'Shea, Environmental Management Department, addressed impacts of boating to the manatees in the river, and stated that the applicant has contacted the U.S. Fish and Wildlife Service for wildlife management plans for the eagle's nest and the manatees. A pest management plan will require xeriscape plant materials. He pointed out that presently untreated agricultural run-off goes directly into the river. He stated that a berm in the river impacts a saltwater marsh and removal of the berm will have no effect on the river level.

Mr. Luppino submitted letters and newspaper articles in opposition.

Motion was made by Mr. Stephens, seconded by Mrs. Stein and carried unanimously, to incorporate the records from the May 26, 1998, and May 28, 1998, meetings into this hearing.

(Note: See Minute Book 46, pages 215, 216; and pages 225 through 230).

Alan Mayo, representing the applicant, submitted a handout entitled "Project Density and Surrounding Area Approved Density."

(Depart Mrs. Harris)

*Mooorage

Discussion: Mooorage's Landing is approved for PDR zoning but plan expired; surrounding areas have less than one dwelling unit per acre; Christian Retreat is multifamily with three-story buildings, etc.

(Enter Mrs. Harris; depart Mr. McClash)

Bill Merrill, representing the applicant, displayed an aerial map, photographs (13) of multistory and single-family homes at Christian Retreat, Carlton Arms Apartments, and an unnamed development west of I-75, comparing the size and style of the proposed multifamily units.

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(Continued)

Gary Altrogge, Kimley, Horn and Associates, reviewed a drainage improvements map and discussed the proposed improvements.
(Enter Mr. McClash)

Dana West, Biological Research Associates, displayed a Habitat Enhancement map and a Recreational Opportunities exhibit. The project is designed to conserve water and restore native habitats. He stated that fishing piers, canoe docks, nature trails, and bird observatories will be built.

He addressed the road/bridge extension and stated that the PD&E study may not allow an alignment west of the large salt marsh on the eastern portion of the project because of the wetland system and the eagle's nest. He recommended alternative four.

Discussion: Public safety along Upper Manatee River Road; two wetland areas to be restored along Upper Manatee River Road (already permitted); applicant dedicating nine acres for right-of-way; posted speed limits; secondary access above Upper Manatee River Road; recommended alternatives, etc.

Mr. Altrogge displayed a map and a road plat map of Lakewood Ranch Boulevard at University Parkway and Upper Manatee River Road to illustrate the types of curves recommended within the County.

Mr. West quoted the Upper Manatee River Road Feasibility Analysis by Post, Buckley, Shuh and Jernigan (County consultant):

"4.0 RECOMMENDATION

It is recommended that Manatee County (and the Sarasota/Manatee MPO) redefine the Upper Manatee River Road corridor for future transportation planning purposes as beginning at the western edge of Alternative 4 and extending 305 m. (1,000 ft.) east."

Mr. Merrill stated the width of the reserved right-of-way varies from 120 to 600 feet.

Recess/Reconvene. All members present.

Speaking in opposition to the project were: **John Shute**, **David Park**, **Peggy Hill**, **David Wampole**, **Lawrence Barnett**, **Betty Steadman**, **Karen Ciemniecki**, **Scott Sears**, and **Emily Shute**. They expressed concerns for the environment; density; small lots; multifamily units; height of bridge; compatibility; project amenities for residents, not the general public; public school concurrency; levels of service not met for other area projects; Upper Manatee River Road safety; danger to manatees; and taxpayer cost to enforce development regulations.

James Payne, River Springs resident, entered an article from the Florida Bar Journal entitled "Current Developments in Public School Concurrency." He requested that the School Board and the County Commission work together to develop a concurrency plan.

Discussion: Busing students; legislation has addressed concurrency; enforcing provisions of approved development order.

Mark Barnebey, Chief Assistant County Attorney, stated if developers fail to comply with requirements, permits are withheld, legal action or code enforcement action is taken.

Speaking for the project were **Don Light** and **Jim Clendenon**. Mr. Clendenon submitted a map of a fifth option for the road/bridge connection to Upper Manatee River Road, as proposed by Larry Mau, Transportation Director.

Mr. Luppino noted the gross density is 1.6 dwelling units per acre with a net density of 2.5 dwelling units per acre. He added that 140 units will be built on 54-foot-wide lots. The remainder of the lots vary in size up to 100 feet wide. Greenfield Plantation is being developed with smaller lots.

Ms. Clarke addressed compatibility of multifamily units and school capacity.

Sharon Phillips, Post, Buckley, Shuh and Jernigan, addressed the alignment of the road/bridge east of the Wading Bird property.

Discussion: Fifth alternative for road/bridge; environmental concern is primary factor for bridge placement; road stormwater retention; unresolved issues, etc.

(Depart Mrs. Stein)

Mr. Altrogge stated that a portion of the Upper Manatee River Road extension would be completed with the project. He noted proposed drainage improvements and stated that culverts under two driveways are blocked with weeds and debris.

Discussion: Sheet flooding; no water on site during November 1997, storm, etc.

(Enter Mrs. Stein; depart Mr. McClash)

Mr. Mayo entered a packet entitled "Office of School Accounting" with maps that show the location of homes of public school children in Rosedale, River Wilderness, Palm Aire, and University Park, and the numbers of children from each development who attend public schools.

He referred to a multifamily exhibit and stated that along the west side of the project the two-story, multifamily units will be 2,100 feet from Kay Road. In the center of the project, the multifamily units are over one-half mile from the proposed Kay Road extension and 800 feet from Upper Manatee River Road on the east.

(Enter Mr. McClash)

Mr. West stated that the golf course will use limited amounts of nutrients, herbicides, insecticides, etc. The applicant has proposed water treatment plans that exceed State, County and SWFWMD requirements.

He discussed boat traffic and wetland preservation. Deed restrictions would require maintenance and enforcement of manatee protection plans.

Discussion: Mitigation area on Upper Manatee River Road; road could be shifted; applicant does not own the necessary property to straighten the present curve along Upper Manatee River Road, etc.

Mr. Merrill reiterated the applicant agreed to all the stipulations.

Discussion: Criteria not met for special approval for density; recommendation to redesign and allow flexibility for road right-of-way; reduce density; school impacts; compatibility; bridge will be future entranceway area; multistory in entranceway; roadway retention areas; elimination of multifamily; tainting the PD&E study; future land use map; defer vote to allow applicant to redesign project; multifamily on Hagle Park Road, etc.

Motion was made by Mrs. Stein, seconded by Ms. Brown and carried unanimously, to continue this hearing until July 14, 1998, at 3:00 p.m.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED

BOARD OF COUNTY CLERK
Adj. 10:42 p.m.
/pat

Kevin M. Jones
Chairman 8/25/98