

JULY 14, 1998

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, July 14, 1998, 3:18 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  
 Lari Ann Harris  
 Amy Stein

Also present were:

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

The Special Meeting notice was distributed by the County Administrator.

All witnesses and staff giving testimony were duly sworn.

#### PROCLAMATION

Upon motion by Mr. McClash, and second by Mrs. Harris, a Proclamation designating July 23, 1998, as **Kay Johns Day**, was unanimously adopted in recognition of Ms. Johns' work with people afflicted or affected by AIDS/HIV in Manatee and Sarasota Counties. RECORD S46-859

#### DUETTE VOLUNTEER FIRE DEPARTMENT

Motion was made by Mr. Bruce and seconded by Mrs. Harris to execute an agreement with Mighty 4-Her's of Duette Volunteer Fire Department to provide financial support for fire suppression and medical emergency response services on County-owned watershed property (10/1/97-9/30/98), not to exceed \$12,800. Motion carried unanimously. RECORD S46-860

#### ZONING

Public hearing (continued from 6/30/98) was held to consider PDR-97-12 (Z) (P) - MCFARLAND AND BUTLER/WADING BIRD GOLF AND COUNTY CLUB

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 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) 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, 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; RECORD S46-861

Staff recommended APPROVAL with 8 Transportation Stipulations, 14 Environmental Stipulations and 16 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.

Norm Luppino, Planning Department, outlined the revised request and explained the following changes to the revised Preliminary Site Plan:

- **Reduction of 34 units** from 761 (1.6 du/acre gross residential density) to 727 (1.52 du/acre gross residential density).  
**Reconfiguration of Streets X and Y** modifying the multifamily buildings as follows: 21 three-unit buildings, 7 two-unit buildings, and 5 one-unit buildings, for a **24-unit decrease** (reduced to 82 multifamily units). He noted the one-story unit does not meet the definition of multifamily or single-family detached since it is not on a single lot; however, since it is part of the multifamily development and located in the same pod, for the purpose of this meeting, classify it as part of the multifamily development.
- **Setback of the closest three-story building** from the eastern property line has been **increased** from 520 to **580 feet**, however, some three-story buildings are no longer buffered from the eastern property line by two-story buildings.
- **Fairway for the 14th hole** has been **widened**, consequently, the buildings on the northern end of the cul-de-sac have been shifted approximately 150 feet further west from the eastern property line. The buildings near the 14th tee have been moved approximately 20 feet closer to the eastern property line (a one-story unit).
- **Lots on Street R** have been **changed** from 54-foot widths to **70-foot widths**, reducing the number of lots on this Street by **eight**.
- Number of **interior waterfront lots** with access to the Manatee River has been **reduced** from 190 to 177.
- **Radius of the proposed S-curve** has **increased** from 1,170 and 1,200 feet to **1,400 feet**.

Discussion: Line of site to multifamily building; net residential density; flooding; Gates Creek, Greenfield Plantation, and River Wilderness; radius of S-curve; cut and fill; development trends; gradual transitioning of multifamily units; Land Development Code 508.5.1.2.5, Transitions; one unit per acre single-family; landscaping and buffering stipulations; right-of-way language; access points on Upper Manatee River Road; placement of three-story units, etc.

Mr. Luppino referred to a Line of Site Diagram noting the distance of the closest three-story building to Upper Manatee River Road would be 900 feet. He referred to the Site Plan and explained the diagrams do not take into consideration any proposed vegetation, which may be located in the area and provide additional blockage. He submitted approximately 90 letters in opposition to the project.

Larry Mau, Transportation Director, reviewed options for the S-curve stating the proposed 1,400-foot radius is workable from the design standpoint.

Harry Mendenhall, Transportation Department, discussed future signalization of the intersections.

Mr. Luppino recommended the following Land Use and Design stipulation, if screening along Upper Manatee River/Ft. Hamer Road is required:

A hedge to achieve 80 percent opacity, between 2 to 6 feet in height within two years, shall be planted within the proposed 20-foot-wide landscape buffer along Upper Manatee River Road and Ft. Hamer Road extension.

Following discussion regarding density if the project was designed as single family on the eastern portion (closest to the proposed bridge), Mr. Luppino was directed to prepare options to reduce the density further than on the revised site plan.

Recess/Reconvene. All members present.

Mr. Luppino provided the following options for Land Use and Design stipulations:

1. **Single-family housing on the eastern portion (Street X and Y) with 70-foot minimum lots** - Development on Streets X and Y shall be limited to single-family detached lots not smaller than Type D lots. The maximum number of units for the project shall be 694, at a gross density of 1.45 du/acre. (This eliminates 33 units.)

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(Continued)

2. **Permitting two-story units on Streets X and Y** - Multifamily buildings on Streets X and Y shall not exceed two stories in height. The maximum number of units shall be 706, at a gross density of 1.48 du/acre. (This eliminates 21 units.)
3. **Single-family housing with greater density than one unit per acre** - Development is approved for single-family detached lots only. The areas currently designated for multifamily may be redesigned with single-family detached lots not to be smaller than Type E lots. The maximum number of units shall be 559, at a gross density of 1.16 du/acre. (This eliminates 156 units.)
4. **Single-family housing with one du/acre** - The development is approved for a maximum of 478 single-family detached lots, at a gross density of one du/acre. The areas currently designated for multifamily may be redesigned with single-family detached lots not to be smaller than Type E lots and the general configuration of the development shall generally remain the same. (This eliminates 249 lots.)

**Bill Merrill**, representing the applicant, reviewed the revised site plan, which reduced density and multifamily units; rearranged Street Y to a shorter, horizontal design; placed one-story units on the perimeter; and moved the closest two-story building to 450 feet from the eastern boundary.

Mr. Merrill addressed additional landscaping, and recommended the following Land Use and Design stipulations:

1. Prior to the first Certificate of Occupancy for any multifamily building, provide for a landscape berm below Street A (as shown on the Buffer Areas: Holes 12, 13, and 14 Exhibit). Two staggered rows of 4-inch dbh live oak trees, at least 20 feet in height, shall be planted with trees 40 feet apart in the buffer area south of Street A.
2. Prior to the first Certificate of Occupancy north of Street A, a single row of 4-inch dbh live oak trees, at least 20 feet in height, shall be planted with trees 40 feet apart along the buffer area at hole 14 and another single row along the backside of the multifamily units located on the Exhibit.
3. Prior to the first Certificate of Occupancy for any multifamily building on Street X or Y, one row of 4-inch dbh live oak trees, at least 20 feet in height, shall be planted with trees 40 feet apart in the buffer North of Street A as shown on the Exhibit.
4. Prior to the first Certificate of Occupancy for any multifamily building south of Street X or Y, two staggered rows of 4-inch dbh live oak trees, at least 20 feet in height, shall be planted with trees 40 feet apart as shown in the buffer south of Street A as shown on the Exhibit.

Mr. Merrill indicated golf hole 14 was moved to the west and hole 13 was reconfigured. Referring to the Buffer Area Exhibit, he pointed out wetlands that will be impacted by the Upper Manatee River Road extension. He noted with the additional land provided and adjustments, the area was to be used for the retention and mitigation of the road.

**Dana West**, Biological Research Associates, stated the project includes over 35,000 linear feet of the Manatee River shoreline. He indicated the Comprehensive Plan allows a single-family dock for each 100 feet, which would allow 351 docks.

Discussion: Docks allowed at congregate facility; River Wilderness docks; 50-foot buffer along river, etc.

(Depart Mrs. Harris)

In response to the Land Use and Design stipulations (options) presented by Mr. Luppino, Mr. Merrill suggested the following:

Multifamily buildings on Streets X and Y shall not exceed two stories in height. The maximum number of units shall be 706 at a gross density of 1.48 du/acre.

Discussion: Supporting findings of fact for more than one du/acre; density of other projects; impact fee credits pertaining to right-of-way dedication; landscaping opacity; 4- to 6-foot berm; secondary access; language in stipulations; aesthetics of dock area; tree preservation area is upland; specify timing for dedication of right-of-way, etc.

(Enter Mrs. Harris)

Mr. West indicated 40 percent of the open space requirement is being met by regulated native habitat issues. No regulatory requirements for preservation affect the remaining 60 percent of open space.

Recess/Reconvene. All members present.

Mark Barnebey, Chief Assistant County Attorney, outlined staff-recommended amendments and additions to stipulations:

Land Use and Design

3. The design for the multifamily buildings and the size of the palm trees shown to be planted prior to Certificate of Occupancy shall be substantially consistent with the rendering submitted with this application as Exhibit B, labeled "Wading Bird Vertical Single Family."
6. Supplemental Perimeter Landscaping shall be as follows:
  - A. Existing Stipulation 6.
  - B. Prior to the first Certificate of Occupancy for any multifamily building on Streets X or Y, one row of 4-inch dbh live oak trees, at least 20 feet in height, shall be planted with trees in each row 40 feet apart in the buffer north of the northern entrance of Street A as shown on the exhibit entitled "Wading Bird Golf and Country Club Buffer Areas: holes 12, 13, and 14 (hereinafter referred to as "Buffer Area Exhibit"). A berm 4 to 6 feet in height shall be included in this area as depicted on the exhibit. Existing live oak trees meeting these criteria may remain and may count to satisfy this condition.
  - C. Prior to the first Final Site Plan for any residential building east of Street S, two staggered rows of 4 inch dbh live oak trees, at least 20 feet in height, shall be planted with trees in each row 40 feet apart in the buffer south of the northern entrance of Street A as shown on the Buffer Area Exhibit. A berm 4 to 6 feet in height shall be included in this buffer area as depicted on the Buffer Area Exhibit. A 3-foot hedge shall also be planted within this buffer area. Existing live oak trees meeting these criteria may remain and may count to satisfy this condition.
17. Multifamily buildings on Streets X and Y shall not exceed two stories in height. The maximum number of units shall be 706, at a gross density of 1.48 du/acre.

Transportation

- 1.B. Prior to the first final residential plat approval, additional right-of-way adjacent to the existing Upper Manatee River Road, to achieve a 60-foot half right-of-way, shall be dedicated to the County.
2. (Indented portion) shall be revised as follows:  
Prior to the first final residential plat approval, right-of-way as shown on the preliminary site plan, shall be dedicated to the County for the future extension of Upper Manatee River/Fort Hamer Road to the Manatee River.

Environmental

15. Docks shall not be permitted with lots 320-337 as shown on the Site Plan.

Mr. Luppino stated at River Wilderness there are 36 estate lots (not platted) which abut the Manatee River and could have docks on the main channel of the river. He referred to the aerial map depicting lots in question for this project and indicated the lots are not located on the main channel of the Manatee River and will not be as visible.

Motion

Based upon staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, (including Policies 2.6.4.4 and 2.9.3.1 through 2.9.3.5), and the Manatee County Land Development Code, as conditioned herein, Mr. Stephens moved to ADOPT Manatee County Zoning Ordinance No. PDR-97-12 (Z) (P), to APPROVE the Preliminary Site Plan (11/97 site plan as revised through 5/7/98 with amendment to location of Ft. Hamer/Upper Manatee River Road extension and other changes as shown on 7/8/98 site plan) with Transportation Stipulations 1 through 8, Environmental Stipulations 1 through 14, and Land Use and Design Stipulations 1 through 3, and 7 through 16; as set forth in the 7/13/98 staff report; revising Land Use

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(Continued)

and Design Stipulation 6, Transportation Stipulations 1 and 2; adding Land Use and Design Stipulation 17 and amending Land Use and Design Stipulation 3; GRANT Special Approval to a project: (1) located adjacent to a perennial stream, (2) located 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; to ADOPT the Findings for Specific Approval; to 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; and a waiver of Section 742 of the Land Development Code; and a waiver of Section 742 of the Land Development Code to allow the use of street names. Motion was seconded by Ms. Brown.

Discussion: Original proposal of nearly 800 units; current zoning allows for 323 units; development as PDR at one unit per acre would allow 478; multifamily is not compatible; landscaping stipulation, etc.

**Motion - Amended (Failed)**

Mr. McClash moved to amend the motion by amending Land Use and Design Stipulation 17 to:

17. Development on Streets X and Y shall be limited to single-family detached lots, not smaller than Type D lots. The maximum number of units for the project shall be 694, at a gross density of 1.45 du/acre.

Motion was seconded by Mrs. Glass.

**Motion - Amended (Failed)**

Mrs. Stein moved to amend the motion by amending proposed Land Use and Design Stipulation 17 to:

17. The development is approved for a maximum of 478 single-family detached lots at a gross density of one unit per acre. The area currently designated for multifamily may be redesigned for single-family detached lots not to be smaller than Type E lots and the general configuration of the development shall generally remain the same.

Motion was seconded by Mr. Bruce.

**Vote - Amended Motion**

Amended motion by Mr. McClash, and seconded by Mrs. Glass, was defeated by a vote of 2 to 5. Voting nay were Mr. Stephens, Ms. Brown, Mrs. Stein, Mrs. Harris and Mr. Bruce.

**Vote - Amended Motion**

Amended motion by Mrs. Stein, and seconded by Mr. Bruce, was defeated by a vote of 3 to 4. Voting nay were Mrs. Harris, Ms. Brown, Mr. Stephens and Mrs. Glass.

**Vote - Original Motion**

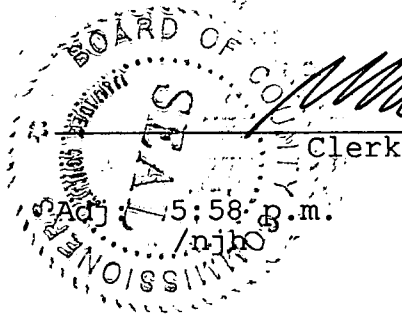
Motion by Mr. Stephens, and seconded by Ms. Brown, carried 4 to 3. Voting nay were Mrs. Stein, Mr. McClash and Mr. Bruce. RECORD S46-862  
(NOTE: See 7/28/98 for corrective document.)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk

*Richard H. Glass*  
Chairman 8/25/98