

AUGUST 26, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, August 26, 1998, at time 9:08 a.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:

Jeffrey N. Steinsnyder, Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

ZONING

Public hearing (continued from 8/25/98) was held to consider

Z-98-07 RICHARD D. AND LOIS DE VUYST, ET AL - A-1

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 TO A-1; PROVIDING AN EFFECTIVE DATE; ON 104.1 ACRES CONSISTING OF FOUR PARCELS LOCATED WITHIN 2,000 FEET OF THE INTERSECTION OF COUNTY ROAD 675 AND SPENCER-PARRISH ROAD (DeVuyst, 36.8 acres; Mary King, 30 acres; Jewell Brooks Estate, 30 acres; John and Suzanne Doerr, 7.3 acres).
Planning Commission recommended APPROVAL.

Aristotle Shinas, Planning Department, submitted a resume outlining his experience and educational background; letters from **Connor Chambers** (in favor) of the project, and **Larry Parrish** (in opposition if Best Management Practices for farming would be hindered).

Mr. Shinas outlined the request, zoning map, and an aerial depicting surrounding land uses of citrus groves. He stated concerns of smaller lots adjacent to large parcels; increased density near agricultural operations; and urban sprawl.

Mr. Shinas concluded the request appears to be consistent with the character of the area, which is located in the UF-3 Future Land Use Category, and is a logical expansion of the suburban environment.

Discussion: Disclosure to purchasers of the agricultural operations; impact of agriculture near residences with wells; lot splits; dry line requirements; pesticides; subdivision review process; traffic on Spencer-Parrish Road; flooding, etc.

Leo Mills, Jr., engineer representing the applicant, concurred with the stipulations and spoke about setbacks, subdivision requirements, and compatibility.

William Kipp, representing the King property, spoke in favor of the rezone and stated that County water is available to the properties.

Based upon the 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 and the Manatee County Land Development Code, Mrs. Stein moved to adopt Manatee County Zoning Ordinance **Z-98-07**, as recommended by the Planning Commission. Motion was seconded by Mr. Bruce and carried unanimously.

RECORD S46-1022

AUGUST 26, 1998

(Continued)

Public hearing (continued from 8/25/98) was held to consider

PDR-98-03(Z) (P) BENNETT AND ICARD/HAWKS HARBOR - PDR AND P/PLAN
 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA ...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR RETAINING THE CH AND AI OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 54 SINGLE-FAMILY DWELLING UNITS, AT A GROSS DENSITY OF 1.75 DWELLING UNITS PER ACRE, AND DOCKING FACILITIES; ON 30 ACRES LOCATED SOUTH OF 69TH AVENUE WEST (BAY DRIVE), NORTH OF BOWLEES CREEK AND 800 FEET WEST OF U.S. 41.

Planning Commission recommended APPROVAL with 26 stipulations; GRANTING Special Approval to a project: (1) located adjacent to a perennial stream; (2) located within the Coastal High Hazard Area, and (3) involving the siting of a marina type use; ADOPTION of the Findings for Specific Approval; GRANTING Specific Approval of alternatives to Sections 710.1.5.1.1 and 907.9.3, and a waiver of Section 742 of the LDC to allow the use of street names.

RECORD S46-1023

Norman Luppino, Planning Department, outlined the locational information and land use characteristics noting the site has future land use categories of RES-16 and RES-1 (the six-acre spoil area zoned A-1 and located in the CH and airport overlay districts).

He referred to the site plan, which depicts 32 boat slips on a manmade canal off Bowlees Creek, in addition to docking at single-family lots abutting Sarasota Bay, Bowlees Creek and its tributaries. He advised the applicant is requesting Specific Approval to allow vehicles to back into the street at the parking lot for the congregate docking facilities, and to allow a reduction in right-of-way for one street.

Mr. Luppino referred to concerns, i.e., noise, access to Lot 31, street elevation, environment, and animal habitat. He addressed stipulations regarding these concerns and submitted amended Stipulations 22 (grammatical corrections), 25 (DRI development review), 26 (osprey nest relocation), and new Stipulation 27 (maintenance dredging). RECORD S46-1024

Also submitted was a letter from the School Board advising of an anticipated deficiency of 52 spaces for Bayshore Elementary School.

Discussion: Density; velocity zone; parking adjacent to Lot 6; providing for school deficiencies; size of turning basin; stormwater retention/drainage; requiring a fire hydrant at boat docking facility.

Michael Bennett, applicant, referred to the proposed plan and responded regarding buffering on Sarasota Bay, gazebo location, osprey nest relocation, clustering units on 60-foot lots, and dredging.

Discussion: Shoreline/wetland buffers; requiring a stipulation to address school impact (from LDC Section 909.4); property development will increase tax base for schools; request report from School Board regarding school deficiency and remedies; setbacks from wetlands; mangrove protection and trimming; water flow in area of bridge, etc.

Recess/Reconvene. All members present.

Linda Francis, Sierra Club, and Arlene Flisik, Audubon Society, spoke in opposition.

Items addressed were flooding, airport noise, mangrove damage, docks, toxic dredge materials, environmental impact, animal habitat, schools, and granting a variance for the waterfront setbacks.

Ms. Francis recommended lower density and submitted an article advising that taxpayers supplement flood insurance for residences in coastal areas.

Gus and Ru-Ann Beierwaltes of Sarabay Coves spoke in favor, but commented on density, stormwater drainage and schools.

Mr. Bennett responded to concerns.

Mr. Luppino responded to concerns and recommended the following Stipulation should the developer relocate the recreational area:

28. The recreational area may be relocated to the area designated as Lot 40 on the site plan.

Discussion: Amending Stipulation 16 limiting mangrove trimming to no less than 6 feet and prohibiting removal; requiring homeowners documents, disclosure statements and final plan to advise of mangrove requirements, airport noise, dredging responsibility; encourage participation in the Florida Yards and Neighborhoods Program; amend Stipulation 23 to include a fire hydrant adjacent to dock area; stormwater outlets; environmental land acquisition, etc.

Based upon the 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 and the Manatee County Land Development Code, as conditioned herein, Mrs. Harris moved to adopt Manatee County Zoning Ordinance **PDR-98-03 (Z) (P)**; APPROVE the Preliminary Site Plan with Stipulations 1-4 (staff report), 5 (change exiting to **existing** mangroves; and adding language "The homeowners documents, disclosure statements, and Final Site Plans shall include language to inform homeowners in the project of these requirements," 6-7 (staff report), 8 (add "The homeowners documents..."), 9-15 (staff report), 16 (add "no mangroves shall be removed"; and "The homeowners documents..."), 17-19 (staff report), 20 (add "The homeowners documents..."), 21 (staff report), 22 (amended by staff), 23 (add "and adjacent to the docking facilities") 24 (staff report), 25 (replaced by staff), 26-27 (amended by staff), and 28 (added by staff); GRANT Special Approval to a project (1) located adjacent to a perennial stream, (2) located within the Coastal High Hazard Area, and (3) involving the siting of a marina type use; ADOPT the Findings for Specific Approval; GRANT Specific Approval of alternatives to Sections 710.1.5.1.1 and 907.9.3, and a waiver of Section 742 of the LDC to allow the use of street names. Motion was seconded by Mr. Bruce and carried 6 to 1, with Mrs. Stein voting nay.

RECORD s46-1025

ORDINANCE 98-33 - BEACH GROINS

Public hearing (continued from 8/25/98) was held to consider

ORDINANCE 98-33 AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR PUBLIC HEALTH AND SAFETY AT COUNTY BEACHES; DIRECTING THE POSTING OF NO TRESPASSING SIGNS AT EROSION CONTROL GROINS; PROHIBITING ENTERING UPON, DIVING FROM OR SWIMMING UNDER EROSION CONTROL GROINS; DESIGNATING COUNTY EMPLOYEES AS CODE ENFORCEMENT OFFICERS TO ENFORCE COUNTY ORDINANCES AT COUNTY BEACHES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

William Henry, Assistant County Attorney, recommended adoption of the Ordinance, which would address safety concerns regarding erosion control groins at the Manatee County Public Beach (1) and Cortez/Coquina Beaches (3).

(Depart Ms. Brown.)

Discussion: Status of proposal to repair Manatee Beach groin.

Mr. Bruce moved to adopt Ordinance 98-33. Motion was seconded by Mrs. Harris and carried 6 to 0.

RECORD s46-1026

COMMISSIONERS' COMMENTS

School Deficiencies

Mrs. Glass advised that a letter would be sent to the School Board requesting a work session to discuss school deficiencies and remedies as they relate to the Land Development Code and approvals for land development (letter to be presented at a later date).

Discussion: Using a facilitator; establishing policy for concurrency and fees; State funding for schools, etc.

AUGUST 26, 1998

(Continued)

Lakewood Ranch Boulevard at S.R. 70 and S.R. 64

Mr. Stephens reported that the traffic signal poles for S.R. 70 (at Lakewood Ranch Boulevard) are not the proper size and staff is searching for concrete poles to install temporarily. He also requested that staff review additional signals and flashing lights for S.R. 70.

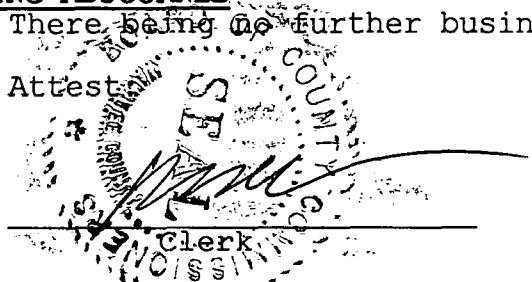
Mr. Stephens reported that the Florida Department of Transportation will do a traffic signal warrant study 30 days after Lakewood Ranch Boulevard is open to S.R. 64.

Discussion: Town meeting with residents (9/10/98) to discuss traffic issues; flashing lights at Haile Middle School, etc.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:


Clerk

APPROVED:


Chairman 11/17/98

Adj: 12:30 p.m.
/jr