

JANUARY 26, 1999

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 26, 1999, at 5:00 p.m.

Present were Commissioners:

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

Absent was Commissioner: Lari Ann Harris (illness)

Also present were:

Mark P. Barnebey, Chief Assistant County Attorney
 Evelyn Lloyd, Deputy Clerk
 representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

PLANNING

Public hearing (continued from 12/8/98) was opened to consider

PDR-98-19(Z)(P) - ERNEST S. MARSHALL/RIVER'S EDGE

ZONING 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 RDD-4.5 TO PDR, RETAINING THE WP-E/ST OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 124-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AT A GROSS DENSITY OF 3.1 DU/ACRE ON 38.97 ACRES LOCATED AT THE SOUTHWEST CORNER OF LINGER LODGE ROAD AND 65TH AVENUE EAST (BRADEN ROAD).

Planning Commission recommended APPROVAL;
 GRANTING Special Approval for a project located in the Watershed Overlay;
 ADOPTION of the Finding for Specific Approval; and
 GRANTING Specific Approval of an alternative to Section 604.1.2.13 of the Land Development Code.

(Advertised as 124 lots; plan revised to 122 lots.)

Robert Pederson, Planning Department, submitted three stipulations, a revised motion, and the standard notes included on the site plan that would otherwise be recommended as stipulations. RECORD 546-1694

He also submitted letters concerning drainage and flooding from James and Diane Griffin (12/7/98), City of Bradenton (12/3/98), and Patricia Petruff, attorney representing Manatee Sarasota Fish and Game Association, Inc. (1/22/99).

Mr. Pederson gave an overview of previous meetings indicating concerns regarding drainage, sidewalks, second means of access, and location of playground. He referred to the site plan.

William Merrill, representing the applicant, referred to the site plan and discussed the surrounding area, as well as the zoning. He stated the gross density of the project is 3.13 du/acre with a minimum lot size of 6,600 square feet, which is comparable with surrounding properties of Tara and Marineland. He noted the main access will be Linger Lodge Road. He advised stormwater treatment of 150 percent will be provided and stormwater runoff will be reduced by 50 percent from the predevelopment rate.

Mr. Merrill requested reducing open space requirement to 30 percent and noted an 18,000-square-foot recreational area will be provided. He discussed the removal and placement of trees. He stated the project provides a good transition from the surrounding development. He objected to the relocation of the recreational area, stating the current location will provide some type of use of the retention lake.

Peter Dailey, representing several Marineland homeowners, submitted his resume and the names of the homeowners. He referred to aerial maps comparing Tara and Marineland sites to the proposed development and discussed the homeowners' opposition with regard to open space; compatibility/character; reduced setbacks and small lot widths; and school capacity. He indicated that by meeting the 35 percent upland open space requirement and increasing lots widths, consistent with existing development patterns in the area, the development would be reduced to 70-75 lots and be more compatible with the existing character of development in the area.

Speaking in opposition were **Ken Kinzie**, **Michael Johnson** (who submitted a newspaper article of Planning Commission meeting 12/3/98), **Angela Dukeman** (who submitted an I-75 corridor map from S.R. 70 to University Parkway), **Anna Fraker**, **Diane Griffin**, and **Bill Johnson** (who submitted 8 photographs of the Braden River). They addressed concerns regarding flooding/drainage; buffers and/or walled development; capacity of the sewer lift station; relocation of playground/recreational area; safety hazards and liability issues related to playground proximity to water; quality of Braden River; wildlife and estuaries; compatibility; and traffic.

James Holmes, representing Marineland Homeowners to Save the River, referred to the aerial maps and submitted eight photographs depicting the areas of concern. He cited Section 603.4 of the Land Development Code (LDC) and discussed the issues of flooding, traffic, safety, sidewalks, school capacity, environmental concerns, playground location, and compatibility and lifestyle.

Dan Lobeck, attorney retained by a group of neighbors, expressed concern regarding compatibility, lot sizes, setbacks, density, buffering, flooding, traffic, noise, school capacity, and open space. He submitted provisions from the LDC. He discussed the notes on the site plan and stated that the upland open space is only 11.10 percent. He cited Section 603.3.2 of the LDC regarding Specific Approval for Planned Developments. He requested a continuance with direction for the developer to supply a plan that meets the 35 percent open space requirement, provides a focal point, relocates the recreational area, and complies with the LDC.

Patricia Petruff, representing the Manasota Sarasota Fish & Game Association, Inc., agreed with the stipulations.

Discussion: Compatibility; current zoning would allow 2-20 duplexes; density; Watershed Protection Overlay requirements; impact on plan if 35 percent open space is required; lift station capacity; relocation of recreational area; flooding; buffers; fence around playground, etc.

Mr. Pederson stated Planned Development zoning allows for a flexible lot size; therefore, increasing the percentage of open space does not automatically mean the number of lots would be reduced. He advised that individual lot area is not included in the open space calculation.

Mr. Pederson noted that the Planning Commission recommended approval based on 30 percent open space. He referenced the definition of open space in Section 201 of the LDC, and noted the staff report contains a written Finding for Specific Approval regarding open space. Regarding the recreational area, Mr. Pederson stated there is no set standard in the LDC regarding size and location of amenities.

Jerome Gostkowski, Planning Department, noted the developer is obligated to modify the lift station for capacity and to make it flood proof. Regarding traffic on Linger Lodge Road, he stated the problem is the transportation system at the school, not the roadway capacity.

He addressed flooding stating the imposition of a 50 percent reduction on this project is based on the knowledge of the current flooding conditions in Marineland. The maintenance offsite and the 50 percent reduction imposed are to reduce street flooding. He noted the new stipulations require an additional discharge point which will increase the roadside capacity.

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(Continued)

Carol Clarke, Planning Department Director, stated the Comprehensive Plan calls for more upland open space in the Watershed Protection District but does not specify an amount. It was her interpretation that to calculate upland open space in the Watershed Protection District, it is a requirement for 35 percent of the predevelopment uplands remain as open space, and then open space be calculated as elsewhere.

Mr. Merrill agreed with the interpretation of Ms. Clarke of the open space requirement. He stated this site is higher than Marineland, which is in the floodplain. He advised the applicant agreed to placement of fencing and landscaping around the playground area. Regarding traffic, he submitted a Transportation/Traffic Study revealing only two traffic accidents in the vicinity in 1998.

David McNabb, developer, referred to the site plan pointing out several surrounding developments and compared the proposed densities and lot sizes. He noted the density of Marineland is approximately 3.50 du/acre with no open space, and no stormwater runoff treatment or retention. He submitted photographs (12) of homes in Marineland.

Dana West, Biological Research Associates, stated the project has been designed to meet the State of Florida criteria for discharges into Class I potable waters and Outstanding Florida Waters. The lakes were designed up to three times the minimum size required to provide stormwater treatment and, therefore, reduced the remaining upland.

Discussion: Sidewalk will be provided on the east side of Linger Lodge Road to the school; retention ponds; elevation; subdivision is out of character; walled community; landscaping; aesthetics; site plan needs more work; relocate playground; larger lot sizes; flooding; 100-year event; internal streets with one access to Linger Lodge Road, etc.

Mark Barnebey, Chief Assistant County Attorney, advised that the Board could approve the site plan with stipulations or deny the request.

Discussion: Continuation; applicant should redesign the site plan; stormwater stipulations; deny or continue; issues to be addressed by the applicant include lot size, elimination of southern entrance, relocation of playground, 35 percent open space, and compatibility regarding buffering, walls and extensive landscaping.

Mr. Merrill noted the applicant would agree to fencing and extensive landscaping on 65th and Quonset Roads; however, he objected to a block wall due to cost. He noted they will explore an alternative location for the playground. He advised the Quonset entrance would require realignment of the subdivision.

Discussion: Adequate time should be given to applicant for redesign; continue to 5:00 p.m. to accommodate the public; public comment is closed; if there are significant changes in the plan, the public comment may be reopened to address those issues.

Mr. Lobeck submitted the staff case summary into record after quoting specific paragraphs pertaining to the 35 percent upland open space and the adoption of the finding for specific approval. He disagreed with the finding and indicated it does not meet the requirements of the LDC.

Mrs. Glass moved to **continue** the public hearing on **PDR-98-19(Z)(P) Ernest S. Marshall/River's Edge** to Tuesday, February 2, 1999, at 5:00 p.m. Motion was seconded by Mrs. Stein and carried 6 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:




Adj: 7:15 p.m./njh

Chairman 4/6/99