

MAY 23, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 23, 2000, at 5:10 p.m.

Present were Commissioners:

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

Absent was Commissioner: Stan Stephens, Chairman (previous engagement)

Also present were:

Carol Clarke, Planning Director
 Jeffrey N. Steinsnyder, 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 9:00 a.m.) was opened to consider

PDR-99-21(Z) (P) RALEIGH EDWARD TRUST/WATER OAK

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 **RDD-4.5/WP-E/ST** TO **PDR/WP-E/ST**; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 163-LOT SINGLE FAMILY DETACHED LOTS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE WATERSHED PROTECTION OVERLAY DISTRICT; ON 60.2 ACRES LOCATED AT THE NORTHWEST CORNER OF LINGER LODGE ROAD AND BRADEN ROAD (AKA 65TH AVENUE EAST).

Planning Commission recommended APPROVAL with 14 Stipulations; GRANT Special Approval for a project located in the Watershed Protection Overlay District; ADOPT the Findings for Specific Approval; and, GRANT Specific Approval for an alternative to Section 907.9.1.3 of the Land Development Code. RECORD S47-1566

It was announced that the public hearing would be held this evening; however, the vote would be continued to June 6, 2000, in order for a full Board to be present.

Misty Servia, Planning Department, submitted a letter from **Russell Owens**, stating his concerns with the watershed.

Ms. Servia gave a slide presentation of the surrounding area and reviewed the site plan. Staff concerns include: no interneighborhood ties; usable recreational open space for the residents; a tie to Lincoln Road off 65th Avenue East to access a County-owned park site at Tara to be developed within two years; and the width of the pedestrian connection from the development to the park. The developer has agreed to construct a 10-foot sidewalk to the park.

(Enter Ms. Stein during presentation)

Ms. Servia read revised **Stipulation 8**:

8. Prior to the first final site plan approval, the entire site shall be evaluated for potential hazardous material locations (i.e., historical cattle dipping vats, underground/aboveground storage tanks, or buried drums) by a qualified Environmental Consultant. Should evidence of contamination be discovered, further investigation will be required to determine the level of contamination and appropriate remediation/mitigative measures.

Bill Merrill, attorney for the applicant, displayed an aerial map from 1975. He stated this area was to be developed into a subdivision and the previous infrastructure still exists, including lakes and retention areas; however, these are grown over by exotic species.

Displaying a site plan, Mr. Merrill pointed out the area and the existing zoning. He stated the neighbors were concerned with secondary access and buffering and showed a map depicting that as few lots as possible would back up to Lincoln Road. He added that the stormwater retention was placed for buffering in addition to expanding the buffer to 30 feet. Mr. Merrill also showed a chart comparing the lot density of Water Oak to nearby River's Edge and Marineland subdivisions and displayed a chart comparing lot sizes.

Discussion: Finished floor elevations; stormwater treatment and runoff; open space exceeds requirements; good transition; etc.

Mr. Merrill showed a rendering of an entryway with a double boulevard and entry feature, which was designed due to area residents disapproving of a secondary access. Mr. Merrill also showed a map of the site under existing zoning and stated the current zoning would allow 90 units and 45 duplex lots.

Discussion: Planning Commission deleted requirement for interneighborhood tie; sidewalk provided; path to park dedicated to County via easement; duplexes; sewer hookups; etc.

John Henslick, environmentalist representing the applicant, advised that water quality would be monitored during construction; at buildout, there will be 150 percent of water quality treatment.

Discussion: Protect Braden River; analysis and monitoring; 25 percent reduction of stormwater runoff from pre-development rate; concern with wall; natural buffer better than a wall; staff to address City involvement.

James Holmes, area resident, stated concern that a vote would not be taken at this meeting. He stated concerns with drainage, compatibility, density, and flooding and reviewed a floodplain map.

Peter Dailey, land planner, presented 1965 and 1975 aerials of the area. He stated the lakes were dug for a mobile home park between 1965 and 1975. Mr. Dailey presented photographs of Lincoln Road from a two-day storm, which left 8 inches of rain. He advised the developer proposes to fill in an area located in the 100-year floodplain. Mr. Dailey submitted his open space calculations and advised he computed 32.21 percent open space; 35 percent is required in the watershed overlay district.

Mr. Dailey presented photographs showing a natural buffer and stated the residents on the south side of Lincoln Road would like to have a wall and supplemental landscaping.

Discussion: Density; runoff concerns; duplexes preferred over single-family homes; duplexes more compatible.

Dan Lobeck, attorney representing Marineland residents, stated the residents want a wall along Lincoln Road. Mr. Lobeck discussed compatibility and the need for greater buffering. He stated there is a need to reduce the number of lots, push the development out of the floodplain, and reduce density. He added that the Tara park property should not count as the required park for Water Oak.

(Depart Mr. Harris)

Anna Fraker, Marineland resident, stated concern with flooding. She showed photographs of her home and the surrounding area. A berm along Lincoln Road would prevent rising river water from flowing. She showed several photographs of the area when not flooded, including views of the river, north Lincoln Road, and street views. She stated homes in the area are elevated; however, the proposed subdivision will be bringing in fill and will only create more flooding. She also showed photographs of surrounding area buffering. Ms. Fraker suggested moving the project out of the floodplain to mitigate the problems.

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(Continued)

Michael Johnson, representing five Marineland residents, stated concern with digging of lakes on this property, as he has observed the flow of water on Lincoln Road. He stated his uncle leased this property in 1963 and there was a swamp on the property. In 1971 or 1972, lakes were dug and the swamp was filled in. Using an aerial, Mr. Johnson pointed to where the swamp used to be located. He also requested that proper ground testing be conducted.

Geoffrey Sugden, resident of Lincoln Road, presented photographs of the Lincoln Road area. He also showed a map of Quonset Road with an overlay. He presented photographs of trees, many of which will have to be removed to build the berm. He stated the area is a viable ecosystem and all the lakes will be filled in to make way for the subdivision. Mr. Sugden showed multiple photographs of homes and stated there is flooding in this area.

Angela Dukeman, area resident, asked for consideration of the natural habitat.

Kimberly Sugden, resident of Lincoln Road, stated concerns of incompatibility of the proposed development with the area.

Discussion: Australian Pines and Brazilian Pepper trees; must exotics always be removed; policy of Comprehensive Plan; exotics removed over time; stipulate use of native species in coastal planning; diversity in habitat; etc.

Bill O'Shea, Environmental Management Department, stated there is a possibility that exotics could be removed in a phased approach, which is usually reserved for sites where soil stabilization would be an issue. It could be addressed in the exotic species removal plan.

Discussion: Connection to 65th Avenue East or Lincoln Road would provide a second means of access; revise Stipulation 2 to address dedicating the park area to the County; pedestrian easements; park at Tara would provide ample recreational opportunities for the residents; provides transition from Marineland to multifamily development at Tara; clustering would be incompatible with the area; open space calculations provided by the applicant; difference of opinion as to whether wall is wanted by residents; etc.

Ms. Servia added **Stipulation 15**:

15. Construction traffic shall utilize Linger Lodge Road only to access this project.

Jerome Gostkowski, Planning Department, stated a review of construction plans for floodplain requirements reveal that the requirements have been met. He added that all reviewing agencies but the Planning Department have approved this project for drainage permits.

Discussion: Flooding on Lincoln Road; project will not aggravate 100-year floodplain; flow of water; berm higher than road; 36-inch pipe; site plan was provided to City of Bradenton; etc.

Mr. Henslick reviewed the wetlands and the cleared pasture lands on an aerial map. He stated the property contains extensive exotic species and removal of Australian Pines will not cause other species of trees to die. Flooding in this area is caused primarily by the rising river. He presented photographs of the trees and the pasture and submitted a Flood Insurance Rate Map (FIRM).

Ralph Rhodes, engineer for the project, advised the drainage system appears to be inadequate along the west side of Lincoln Road for the amount of stormwater runoff. He presented photographs of pipes and culverts in need of maintenance. The drainage system on the east side of Lincoln Road discharges into the Water Oak project and they will accept the discharge.

Mr. Merrill stated the applicant was willing to add a stipulation to address flooding, which exceeds the crest of the road. Regarding the open space calculation, Mr. Merrill stated the project meets the 35 percent requirement.

Mr. Merrill presented photographs of homes in Marineland on Lincoln Road while addressing finished floor elevations. He presented photographs of vegetation on the property and stated they will remove trees only to the extent that is required.

Mr. Merrill read an additional Stipulation:

- 16. Provisions shall be made in the drainage design to discharge water from the easterly right-of-way of Lincoln Road along the frontage of the project and to allow the "flowthrough" of surface water from the Braden River if it crosses Lincoln Road along the frontage of the project.

Motion to continue the public hearing to June 6, 2000, at 9:00 a.m., or as soon thereafter as may be heard, was made by Mr. Bruce, seconded by Ms. Glass and carried 5 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



[Handwritten Signature]

 Clerk

[Handwritten Signature: Sean Stephen]

 Chairman 9/5/00

7:37 p.m.
 /tm