

MAY 30, 2000

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Longboat Key Room at the Manatee Civic Center, One Haben Boulevard, Palmetto, Florida, Tuesday, May 30, 2000, at 1:44 p.m.

Present were Commissioners:

Stan Stephens, Chairman  
 Gwendolyn Y. Brown, First Vice-Chairman  
 Patricia M. Glass, Second Vice-Chairman  
 Jonathan Bruce, Third Vice-Chairman  
 George L. Harris  
 Joe McClash  
 Amy Stein

Also present were:

Ernie Padgett, County Administrator  
 Tedd N. Williams, Jr., County Attorney  
 Susan G. Romine, Board Records Supervisor,  
 representing R. B. Shore, Clerk of Circuit Court

PERICO ISLAND ARVIDA DEVELOPMENT

Norm Luppino, Planning Department, submitted: (1) a report of issues raised in a letter (4/18/00) to the City of Bradenton regarding the Arvida-Bradenton Project on Perico Island (approved by the City of Bradenton on 5/10/00); (2) zoning maps; and, (3) the 4/18/00 letter. He reviewed an analysis of the concerns regarding the project:

Strict Enforcement of Buffer Requirements for the Conservation Area

Concern: The site plan indicates that the 15-foot-wide bike/emergency access crosses the wetland and wetland buffer.

Response: City Planner stated the access would be brought into compliance on the construction drawings; however, this was not stipulated as part of the approval document.

Hurricane Evacuation and Traffic Impacts on State Road 64

Concern: City staff report states discussion with Tampa Bay Regional Planning Council (TBRPC) indicated traffic generation was determined to be well below the minimum threshold for evacuation procedures.

Response: County Planning staff conversation with TBRPC determined that the traffic issue was discussed, but no formal application had been submitted and no formal determination was made by TBRPC.

Carol Clarke, Planning Director, stated that only specific standards deal with a Development of Regional Impact (DRI) and this is below the DRI threshold.

Concern: A hurricane evacuation plan has not been submitted to the Public Safety Department.

Response: Public Safety Department verified that no plan has been submitted.

Promote Palma Sola Causeway from 75th Street West to the Western City Limits as a "Scenic Highway"

Response: City staff report states that this would not apply directly to this proposal - no explanation why it does not apply.

Building Height

Concern: County recommended that 1-, 2-, and 3-story buildings would be compatible with the surrounding area.

Response: No change was made to the plan and the staff report does not address compatibility relative to surrounding buildings.

Development in the Coastal Area

Concern: The proposed development was inconsistent with the State policy of directing population away from vulnerable coastal areas.

Response: City staff report does not address this topic.

Development at the Maximum Potential Density

Concern: Development at the maximum density (per the City's Comprehensive Plan) of 3 du/acre was inconsistent with development trends in the County and on the remainder of Perico Island.

Response: City staff report does not address this issue.

Access

Concern: One means of access serving 794 dwelling units.

Response: New stipulation introduced at the City Council meeting requires a boulevard median entranceway.

Traffic and Water

Jerome Gostkowski, Planning Department, stated the City of Bradenton retained Smith & Gillespie and their analysis has resolved some concerns. A Stipulation requires signalization at the entrance on Manatee Avenue when the traffic counts meet warrants. County review would require participation in financial obligations at off-site intersections if traffic contributes to deficient movement.

Referring to water concerns, Mr. Gostkowski stated the Development Order requires contacting the City Public Works Department to determine resolution of the water supply issue. He noted that the water pressure problem is solvable.

Manatee County Comprehensive Plan Requirements

Mr. Luppino stated the series of Comprehensive Plan policies that would have been used to evaluate the project, if it were not in the City, was not addressed in the City staff report.

Mr. Luppino reviewed a breakdown of the acreage totals and density calculations. Approval was given (5/10/00) for 794 units on the western portion of the property. The commercial portion of the request was deleted and residential units on the eastern portion did not receive approval. The actual density approved was 2.74 du/acre. Referring to a Preliminary Development Plan, he pointed out the boulevard entrance.

Discussion: Percentage of p.m., peak-hour traffic is 11.4; calculation of percentage of improvement; eastern portion was approved conceptually and 3 du/acre is more realistic; does City Comprehensive Plan provide for improvement to infrastructure; outstanding concerns not addressed; letter was not directly reviewed with City Planning staff; length of boulevard median; County has never approved a project with this amount of units without a second means of access; building height/compatibility; future land use element goal per City Comprehensive Plan; evacuation plan coordination with City and County; report does not reflect the true traffic impact; etc.

Tedd Williams, County Attorney, advised that eight citizens and the Cities of Anna Maria and Holmes Beach filed a challenge to the City of Bradenton Comprehensive Plan Amendment with the Department of Community Affairs (DCA). The time limit has expired for the County to file a petition with the DCA; therefore, the County may intervene in the existing challenge to the Comprehensive Plan Amendment. The challenge is against the City of Bradenton and DCA, and by intervening, the County would support the challenge.

He advised that an alternative to challenging the Comprehensive Plan Amendment is to challenge the City's approval of the Perico (Arvida) development. The basis for challenging the development order would be to argue that it is inconsistent with the City's Comprehensive Plan. It could be argued that the Manatee County Comprehensive Plan is applicable, but that argument would be open to challenge.

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(Continued)

Mr. Williams noted there is a question whether the property has been rezoned to PDR to allow the development. He advised that the City has approved the development, adopted the Comprehensive Plan Amendment, and scheduled the rezoning procedure.

He explained that the first step in challenging the development order is to file a "verified complaint" with the City of Bradenton in accordance with Section 163.3215, *Florida Statutes*. This is a precursor to a lawsuit. Assuming the City would deny the relief requested in the verified complaint, the County could begin an action in court for injunctive or other relief against the City.

Discussion: Expense of litigation; zoning issue; density is the first priority in a hurricane evacuation zone; future land use classification; valid reasons to pursue lawsuit; public safety; last day to challenge development was June 9th; establish dialogue with City to address issues; developer needs to be involved; verified complaint would allow City to make changes in the development approval; form a relationship with the City for future development; time constraint for litigation; City failed to address concerns at the public hearing; no height restrictions tied to the annexation (2/23/00, City of Bradenton Ordinance 2619); invite City and developer to June 6th meeting; long-term impacts of litigation; due to pending litigation, the City Council has been advised a joint meeting is not appropriate; etc.

The County Attorney stated a suit could be filed; however, in the long run, the development conforms to the Bradenton Comprehensive Plan.

Discussion: Joint meeting between the County and cities to discuss the uniformity of Comprehensive Plans; hold decision until the June 6th meeting; motion required to instruct County Attorney to prepare a verified complaint; DCA issued a notice of intent; etc.

**Motion - Died**

Mr. McClash moved to allow the County Attorney to prepare a draft of the verified complaint for the June 6th meeting. Motion **died** due to lack of a second.

Discussion: County staff should meet with City staff rather than requesting Council to attend a meeting; pursue any opportunity that may exist between now and the June 6th meeting; County Attorney requested to share research with the other cities; etc.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



  
Clerk

  
Chairman 4/19/00

Adj: 3:35 p.m.  
/njh