

**OCTOBER 29, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 29, 2002, at 9:05 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Commissioner von Hahmann.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of October 29, 2002.

[BC20021029DOC001](#)

**CITIZENS' COMMENTS**

**River Wilderness – PDR-98-17(P)**

**Paul Sayers** distributed a memorandum (10/28/02) and two photographs depicting the road conditions in River Wilderness. He stated that the interpretation of Stipulation A.4, which requires a second means of access (2/22/00), is scheduled for review on November 5, 2002. He suggested that the Board review tapes of the February 2000 Planning Commission hearing and not reconsider this stipulation.

[BC20021029DOC002](#)

(Enter Mr. McClash)

(Mary Frances Shultz, Court Reporter, present)

**ZONING**

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/18/02) was held to consider

**PDR-96-15(P) MANATEE RIVER LAND PARTNERSHIP/MANATEE RIVER PLANTATION**

Request: Reconsideration of a Preliminary Site Plan to allow 493 lots for single-family detached homes at a gross density of 1.50 dwelling units per acre on 351.8 acres located south of Mulholland Road, north of the Manatee River and Gamble Creek.

Planning Commission recommended APPROVAL with Stipulations;

GRANTING Special Approval for a project: (1) adjacent to a perennial stream; (2) within the Coastal Evacuation Area Overlay District; (3) within the Coastal Planning Area; (4) partially within the Coastal High Hazard Area; (5) partially in the Coastal Storm Vulnerability Area; and (6) partially in the 25-year floodplain;

ADOPTION of the Findings for Specific Approval; and

DENIAL of Specific Approval for an alternative to Section 907.9.4.1 of the Land Development Code (LDC).

If approved, staff recommended Stipulations A.1-A.16, B.1-B.9, C.1-C.8, D.1-D.5, and E.1-E.5. GRANTING Special Approval for a project: (1) adjacent to a perennial stream; (2) within the Coastal Evacuation Area Overlay District; (3) partially within the Coastal High Hazard Area; (4) partially within the Coastal Storm Vulnerability Area; (5) partially in the 25-year floodplain; and (6) exceeding one dwelling unit per acre within the UF-3 FLUC;

ADOPTION of the Findings for Specific Approval; and

GRANTING Specific Approval for alternatives to Section 907.9.4.1 and Section 722.3.2.3 of the Land Development Code and as modified at the September 10, 2002, BCC hearing.

Lisa Barrett, Planning Department, used a slide presentation to explain the history of the project (approved 9/10/02) and the request for reconsideration, which was granted on September 17, 2002. She submitted **(1)** a letter (10/18/02) of support from the applicant; and **(2)** a letter (10/28/02) from the applicant **revising Stipulations A.2 and A.6**, and adding **Stipulation E.6**.

**Caleb Grimes**, attorney for the applicant, stated that an agreement was reached with the Parrish Civic Association (PCA) to include an equestrian trail, and a vista and buffer design along Mulholland Road. Referring to the site plan, he reviewed proposed **Stipulation A.6** with additional language: "In addition, the perimeter lots in Phases I, II, III along Mulholland Road shall be restricted to single-family detached homes with only one story. Any pool cages, or other screened cages, shall not exceed the height of the home and shall utilize material of a dark color such as black or bronze." He requested 85 percent opacity for the buffer area to provide flexibility in plant variety, and submitted a rendering of the proposed buffer area, including the equestrian trail.

Mr. Grimes referred to the site plan and reviewed the proposed change in lot sizes for the phases in **Stipulation A.3**, noting perimeter lots will be 70 feet. He requested a 125-foot lot depth. Regarding **Stipulation A.4**, he requested the 20-foot minimum rear yard setback. Mr. Grimes recommended the addition of **Stipulation E.6** if there is any substantial change in the designed floodplain system through the permitting process. He clarified additional language for **Stipulations A.2, C.7, and C.8**.

(Enter Mr. Harris during presentation)

**Joe Gaynor**, property owner, advised that the real intent of a PDR zoning district is to provide a variety of lots, well designed with green space throughout the entire community.

**Brent Shackelford** of Manatee River Land Partnership, and **Bob Spencer** of McClure Farms, voiced support of the project and questioned whether the PCA represents all Parrish residents.

**Patricia Petruff**, attorney representing the PCA, stated that dialogue regarding the lot sizes, the look of the project, landscaping, a contribution to park and recreational facilities and the trail system in Parrish has been agreed upon. The PCA does not oppose the change in lot sizes and is especially interested in the inclusion of **Stipulation E.6**.

**James Keenen** suggested increased lot sizes as growth moves east. **Mary Sheppard** discussed the trail system and sidewalks in this project.

Ms. Barrett referred to the future land use map and reviewed the surrounding property. Regarding **Stipulation A.2**, she referred to the rendering shown by the developer and an elevation submitted at the September 10, 2002, meeting. She recommended **Stipulation A.3** as approved on September 10, 2002, regarding the lot sizes in order to provide proper transitioning. She did not object to 85 percent opacity in **Stipulation A.6** or to **Stipulations C.7, C.8** and the addition of **E.6** as proposed by the applicant.

Discussion: Include elevation and rendering with Stipulation A.2; compromise of lot sizes and reduced setback on Mulholland Road; buffering and single-story homes along Mulholland Road makes project aesthetically pleasing; maximum height of 22 feet for single-story homes in Stipulation A.6; 50 percent open space; applicant shall be in substantial conformance with the drawings/renderings; etc.

Mr. Grimes advised that the sidewalk and equestrian trail should be separated due to safety factors and noted the rear yard setback, 50 feet from the right-of-way line, is appropriate.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, reviewed changes to **Stipulations**:

- A.2.** In the second sentence replace "greenbelt easement" with "**roadway landscape buffer.**" Delete the last sentence.
- A.4.** Replace the last five words "as measured from the greenbelt" with "**not to include the 30-foot wide roadway landscape buffer.**"
- A.6.** In the third sentence replace "greenbelt" with "**roadway landscape buffer**". Seventh sentence following the words "elevation drawings" add "**and the rendering dated October 29, 2002, by Urban Resource Group entered into the record for this project.**" The remainder of Stipulation A.6 will become a new stipulation and renumbered.

**NEW STIPULATION** (Number to be determined)

The perimeter lots in Phases I, II, and III along Mulholland Road shall be restricted to single-family detached homes with only one story a maximum of 22 feet in height as building height is defined in the Land Development Code. Any pool cages, or other screened cages, shall not exceed the height of the home and shall utilize material of a dark color such as black or bronze. This condition shall be reflected in the Covenants and Restrictions for the project.

Recess/Reconvene. All members present.

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 condition herein, Mrs. Glass moved to APPROVE Preliminary Site Plan PDR-96-15(P) with Stipulations (per the handout dated October 28, 2002, from Mr. Grimes with the modifications previously read into the record) A.1-A.3, A.4 (New number moving the "perimeter lot language" from A.6), renumbering A.5 through A.17 (as renumbered changes were to the new A.5 and A.7, previously A.4 and A.6); B.1-B.9; C.1-C.8; D.1-D.5; and E.1-E.6 (as added); GRANTING Special Approval for a project: (1) adjacent to a perennial stream; (2) within the Coastal Evacuation Area Overlay District; (3) partially within the Coastal High Hazard Area; (4) partially in the Coastal Storm Vulnerability Area; (5) partially within the 25-year floodplain; and (6) exceeding 1 dwelling unit per acre within the UF-3 FLUC; ADOPTION of the findings for Specific Approval; and GRANTING Specific Approval for alternatives to Sections 722.3.2.3 and 907.9.4.1 of the Land Development Code, as recommended by the Planning Commission and as modified at today's hearing. The motion was seconded by Ms. Brown and carried 6 to 1, with Mrs. von Hahmann voting nay.

[BC20021029DOC003](#)

**COMMUNITY REDEVELOPMENT AREAS****14th Street West**

Leon Kotecki, Planning Department, reviewed a map and reported on the planning efforts relating to the 14th Street West Community Redevelopment Area (CRA) from the Bradenton city limits to Cortez Road. He submitted a summary of public comments from two neighborhood meetings, and the issues and problems in the area. He reviewed the CRA process, stated that tax increment financing will be used as a basis for funding the improvement, and submitted a list of taxing authorities.

Discussion: Structure of the CRA Authority; staff member to assist the Advisory Committee; 1,700 residents and 146 businesses; include representation from 14th Street and the City of Bradenton; committee should include alternates; notice requirements include all taxing authorities; Cedar Hammock Fire District; City Code Enforcement should be included; Quality Communities Team; streetscape policy; etc.

The consensus of the Board was to appoint an Advisory Committee of 13-15 persons. All taxing authorities must be included in the CRA for improvement; however, exemptions may be granted based on the Statute criteria. Staff was requested to evaluate and recommend exemptions.

**Pride Park**

John Osborne, Planning Department, referred to a map of the Pride Park CRA and noted that residents in the southern portion of the area (between 69th Avenue and 65th Avenue) are concerned regarding their inclusion. He submitted a list of taxing authorities.

Discussion: Exemptions carry a price tag and delay results; representation from law enforcement on the Advisory Board; crime study before and after the street lighting program; character of southern area; sentencing for prostitution convictions; CRA funds for community policing; etc.

[BC20021029DOC004](#)

**COMMISSIONERS' COMMENTS****Alcohol Consumption on Premises**

Mrs. Stein reported that there are options regarding an ordinance on alcohol consumption on premises within a certain distance from schools and churches. She suggested a work session to include municipalities, particularly the Cities of Bradenton and Palmetto.

**Trail Motel**

Ms. Brown requested a status report regarding the Trail Motel.

**Nuisance Abatement Board**

Mr. Harris requested a report regarding the Nuisance Abatement Board and reasons why the Board has not been successful.

[BC20021029DOC005](#)

**Recess/Reconvene.** All members present.

(Mary Frances Shultz, Court Reporter, present)

**ZONING**

Public hearings (continued from 10/22/02) were opened to consider

**Z-86-30(G)(R10) SCHROEDER-MANATEE RANCH, INC./CYPRESS BANKS**

Request: Revised General Development Plan and Zoning Ordinance to:

1. Add 106.0 acres to this DRI from the University Lakes DRI which is directly south of Cypress Banks;
2. Rezone 326.1 acres (known as the Taylor Ranch) located along the east side of Lakewood Ranch Boulevard, south of this project from **A/WP-E/ST** to **PDMU/WP-E/ST** and add to the General Development Plan;
3. Relocate an east/west connector roadway approximately 1.5 miles to the south in the internal roadway network, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change identified owners and developers of the project;
9. Amend the legal description to reflect the above changes; and
10. Amend the Zoning Ordinance definitions, conditions, and terminology to reflect the above changes;

on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.

Planning Commission made NO RECOMMENDATION.

and

**ORDINANCE 02-34/DRI 17 SCHROEDER-MANATEE RANCH, INC./  
CYPRESS BANKS NOPC**

Request: Amended Development Order for the Cypress Banks Development of Regional Impact making the following changes and a determination of whether the following changes constitute a Substantial Deviation to the Cypress Banks Development of Regional Impact Development Order pursuant to *Section 380.06(19), Florida Statutes*:

1. Add 106.0 acres to this DRI from the University Lakes DRI, which is directly south of Cypress Banks;
  2. Add 326.1 acres to this DRI (known as Taylor Ranch) which is along the east side of Lakewood Ranch Boulevard, south of this project;
  3. Modify the internal roadway network to relocate an east/west connector roadway approximately 1.5 miles to the south, and convert acreage from the previous roadway location to open space and recreation;
  4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
  5. Increase open space by 174.8 acres;
  6. Increase recreational acreage by 112.4 acres;
  7. Decrease right-of-way and easement acreage by 9.0 acres;
  8. Change authorized agent for the project;
  9. Change identified owners and developers of the project;
  10. Amend the Development Order definitions, conditions, and terminology to reflect the above changes;
  11. Amend the legal description to reflect the above referenced changes; and
  12. Amend Map H to reflect the above referenced changes;
- on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.

Planning Commission made NO RECOMMENDATION.

Larry Mau, Transportation Director, referred to an aerial map and reviewed options discussed with the applicant regarding the east/west connector road. He advised that staff has not been able to reach an agreement with the applicant regarding this (as directed 10/22/02). Regarding a gated roadway, staff is concerned with the time element involved when stopping traffic to access the gate, as well as traffic backing onto the north/south arterial. He recommended the exiting east/west roadway as the best solution for connectivity. Mr. Mau referred to the 2008 and 2025 Traffic Study maps and reviewed the number of decreased trips on S.R. 70 and University Parkway with the east/west roadway.

Jerome Gostowski, Planning Department, explained the model used for traffic studies. He used a future land use map to show the area east of Lorraine Road with the same Comprehensive Plan designation, which will require additional transportation system thoroughfares. He reviewed the 1986 Master Development Plan and the 1996 Revised Master Development Plan, which included the road.

Discussion: Existing development plan calls for a corridor linking Lakewood Ranch Boulevard and Lorraine Road; traffic study was requested in 1999; development east of Lorraine Road; road has been in the plan since 1986 and never planned to be gated; impact to current homeowners; no specific timeframe for the road construction; etc.

**Rex Jensen**, Schroeder-Manatee Ranch, referred to an aerial map and offered to reserve a 50-foot right-of-way, which would be a winding greenway between Lakewood Ranch Boulevard and Lorraine Road. He stated a road could be built on the right-of-way if the need is established.

Discussion: Community should have been built with the connector road shown on the Master Plan; concurrency analysis; delay until staff reviews the proposal; connectivity issue, not concurrency; discrepancy in trip numbers; no specifics on development potential east of Lorraine Road; etc.

(Depart Mr. Harris during discussion)

**Caleb Grimes**, attorney for the applicant, reserved the right to rebut evidence presented this date.

**Michael Dorweiler**, Post, Buckley, Schuh & Jernigan, stated that he was involved with the review of the road as a consultant for the County. He stated connectivity is the important issue, as the trip numbers are still in question.

Mr. McClash moved to continue these public hearings to November 12, 2002, at 1:30 p.m. or as soon thereafter as may be heard. The motion was seconded by Mrs. von Hahmann and carried 6 to 0.

[BC20021029DOC006](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 3:02 p.m.  
/njh

Minutes Approved: December 3, 2002