

APRIL 14, 1994

The Planning Commission, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, April 14, 1994, at 9:05 a.m.

Present were Commissioners:

Charles Hanson, First Vice-Chairman
Richard Bedford, Third Vice-Chairman
Rev. Paul E. Christ
Dickson Stauffer
John L. LoGalbo

Absent were Commissioners:

E. H. Williams, Chairman
Edward Cipriani, Jr., Second Vice-Chairman

Also present were:

Mark P. Barnebey, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

News media notified but not present.

The meeting was called to order by First Vice-Chairman Hanson.

All witnesses/staff giving testimony were duly sworn.

CONSENT AGENDA

Public hearing (Notice in The Bradenton Herald 3/29/94) was held to consider

PDR-89-05(G)(R) - VIRGINIA WATERS AT UNIVERSITY PARK COUNTRY CLUB

Request: Revised General Development Plan and modification of Sections 603.7.4.7 and 702.7 of the Land Development Code to allow bay windows to project into the side yard setback on 73.02 acres located in University Park Country Club 1.5 miles north of University Parkway, west of The Park Boulevard.

If approved, staff recommended the addition of Stipulation:

- Q.(10). That portion of the project which received final site plan approval on 7/9/93 and which is known as Virginia Waters shall have side lot setbacks of 7.5 feet, however, bay windows shall be allowed to encroach into this side yard setback a maximum of 16 inches, given the following:
- a. For adjacent dwellings, only one of the residences will be allowed a bay window which encroaches into the setback between the dwellings; and
 - b. Bay windows shall not be allowed to encroach into any drainage easement, including but not limited to, those drainage easements which are between Lots 12 and 13, 22 and 23, 55 and 56, 66 and 67, 79 and 80, 86 and 87, 91 and 92, 97 and 98, and 102 and 103; and
 - c. The total square footage of one or more bay windows encroaching into the setback shall be limited to 30 square feet.

and Modifications:

1. Section 603.7.4.7, which requires an eight-foot side-yard setback.
2. Section 702.7, which prohibits bay windows from extending closer to any side lot line than seven feet.

Based upon the staff report, evidence presented and comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Rev. Christ moved to recommend approval of revised General Development Plan PDR-89-05(G)(R), adding Stipulation Q(10), adoption of the findings for modification, and approval of the modification to Sections 603.7.4.7 and 702.7 of the Land Development Code. Motion was seconded by Mr. LoGalbo and carried 5 to 0.

(End Consent)

APRIL 14, 1994

(Cont'd)

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notice in The Bradenton Herald 3/25 & 4/8/94) was held to consider

ORDINANCE 94-12 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR TEXT AMENDMENTS TO THE MASS TRANSIT ELEMENT, AMENDING METHODS UPON WHICH LEVEL OF SERVICE FOR MASS TRANSIT IS CALCULATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-94-01; Mass Transit Element)

Peter Gajdjis, Manatee County Area Transit (MCAT), reviewed the staff report and changes to the Mass Transit Element of the Comprehensive Plan in order to recognize recent federal, state and local government revisions as mandated. He added that the actual Level of Service (LOS) formula is not being changed at this time.

Regarding level of service standards for the fixed route and the para-transit (handicapped) route, language is being removed referencing obsolete formulas for projecting operating and capital costs as those costs have been previously addressed. Language is also being removed referencing local funding as a percentage of the operating costs.

He reviewed additional amendments and submitted a MCAT map and fee chart effective March 1, 1994.

Discussion: Passenger miles and vehicle miles; ADA compliance; marketing; notice required for passenger pick-up; areas east of I-75 are not served; car pooling/commuting; availability of service; etc.

Mark Barnebey, Assistant County Attorney, submitted a copy of the Comprehensive Plan, Map 6A, Generalized Future Mass Transit Service Area.

Discussion: Budget; annual operating costs verses capital costs; level of service standard; goal is to increase service to the entire County.

Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Mr. Bedford moved to recommend adoption of County Ordinance 94-12 (Plan Amendment PA-94-01). Motion was seconded by Mr. Stauffer and carried 5 to 0.

Public hearing (Notice in The Bradenton Herald 3/25 & 4/8/94) was held to consider

ORDINANCE 94-15 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR A CHANGE TO THE FUTURE TRAFFIC CIRCULATION MAPS TO ADDRESS THE PROPOSED NUMBER OF LANES, PROPOSED FUNCTIONAL CLASSIFICATION AND PROPOSED RIGHT-OF-WAY NEEDS ON COUNTY THOROUGHFARE ROADS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-94-04; Future Traffic Circulation Maps)

Mike Register, Transportation/Concurrency Manager, reviewed the staff report and submitted revisions to the amendment (4/12/94 memo). The Plan amendment addresses Number of Lanes (Maps 5A-2 through 5A-5); Functional Classification (Maps 5A-6 through 5A-9); Right-of-Way Needs (Map 5A-10 through 5A-13); Existing Roadway Functional Classification (Maps 5B-1 through 5B-5); and Table 5-2, 20-year Roadway Requirements.

Betsy Benac, Planning, Permitting and Inspections, addressed revisions to the staff report.

Regarding Table 5-2, 20-year Roadway Requirements, under Tallevast Road Extension West, Nicholson Avenue to 301 Boulevard was changed to U.S. 41 to 301 Boulevard.

Discussion: Rights-of-way protection and reservation; deletion of language regarding Objective 5.1.3; future plans to include University Parkway as a State highway.

Steve Thompson questioned whether there will be any compensation (money or impact fee credits) granted to property owners affected by the reservation of right-of-way, landscaping, mitigation, etc.

Mr. Barnebey stated that there are no major changes to the procedures regarding right-of-way taking, etc. other than the width of the roads.

He recommended a change to Objective 5.1.3, Right-of-Way Protection and Reservation, as follows: To ensure the availability of structure-free rights-of-ways for roadways and other infrastructure needs and provide for the planning of transportation corridors necessary or desirable to accommodate projected future travel demand.

Discussion: Meeting State requirements; urban/rural right-of-way width needs; drainage; impact fee credits; etc.

Wayne Roberts, Public Works, addressed the increase in width for right-of-way regarding 2-lane, 4-lane, and 6-lane rural roads.

Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Rev. Christ moved to recommend adoption of Manatee County Ordinance 94-15 (Plan Amendment PA-94-04) including the revised language under Objective 5.1.3 read into the record by the County Attorney, also including the change to Table 5-2 for Tallevast Road Extension West, changing it to read U.S. 41 to 301 Boulevard instead of Nicholson Avenue (also includes the changes as submitted by staff in the revision handout). Motion was seconded by Mr. Bedford and carried 5 to 0.

Recess/Reconvene. All members present except Mr. Williams and Mr. Cipriani.

Public hearing (Notice in The Bradenton Herald 3/25 & 4/8/94) was held to consider

ORDINANCE 94-21 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR AMENDMENTS TO THE FUTURE LAND USE ELEMENT, OPERATIVE PROVISION, THE CAPITAL IMPROVEMENT ELEMENT, AND THE TRAFFIC CIRCULATION ELEMENT TO REVISE AND CLARIFY TABLES 5-1 AND 12-OA, PEAK HOUR LEVEL OF SERVICE STANDARDS FOR TRAFFIC, RECOGNIZING PROGRAMMED CAPACITY, AND ALLOWING FOR A PROVISION FOR DE MINIMIS IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-10; LOS Clarifications)

Mr. Register stated this amendment amends the Peak Hour Level of Service Table 5-1 and Table 12-OA; recognizes programmed capacity; and allows provision for de minimis impact.

He addressed special consideration for de minimum impact and stated this language was added for the purpose of issuing a development permit/certificate for level of service that will not be subject to concurrency requirements relating to the Transportation Component of the Concurrency Management System provided that certain criteria are met.

He pointed out a correction to page 7 of the staff report, paragraph (i), adding the word "density" prior to "of less than four dwelling units per acre...." He submitted revisions to the Plan Amendment (4/12/94 memo) correcting Table 5-1 and 12-OA road descriptions for Creekwood Boulevard and Tara Boulevard. These changes coincide with Table 5-2 of PA-94-04 (Ordinance 94-15).

Also, Table 5-1 and 12-OA, Tallevast Road Extension West, should be changed to read U.S. 41 to 301 Boulevard instead of Nicholson Avenue.

APRIL 14, 1994

(Cont'd)

Discussion: Raising LOS Standards for certain roadways; mitigation; Level of Service "F" verses "D"; upgraded road facilities; LOS on 301 Boulevard is currently at "F"; ELMS Committee review; Department of Community Affairs Rule 9.J.5; Capital Improvement Policy 12.1.4.2 regarding adding plus 2 years to language.

(Depart Rev. Christ during discussion)

Mr. Hanson reiterated changes to the plan amendment:

1. Page 7, paragraph (i), adding the word "density".
2. Include changes made in the memorandum (4/12/94) submitted by Mr. Register.
3. Table 5-1 and 12-OA, changing Nicholson Avenue to U.S. 41.
4. Any reference to Nicholson Avenue in Table 5-1 and 12-OA (also to be corrected in Ordinance 94-15, PA-94-04).

Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Mr. Bedford moved to recommend adoption of Manatee County Ordinance 94-21 (Plan Amendment PA-94-10) with the changes aforementioned. Motion was seconded by Mr. LoGalbo and carried 4 to 0.

Public hearing (Notice in The Bradenton Herald 3/25 & 4/8/94) was held to consider

ORDINANCE 94-18 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN MODIFYING THE POLICIES RELATING TO ACCESS TO COMMERCIAL USES TO ALLOW INDIRECT ACCESS UNDER SPECIFIC LIMITED CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-07; Commercial Access Requirements)

Janet Stewart, Planning, Permitting and Inspections, stated that this amendment is to allow access to ROR properties that may not have direct access to a functionally classified roadway. It also provides for the neo-traditional type development for small and medium commercial uses to be internal to planned mixed developments. The amendment also allows for small, non-profit office uses without direct access in developments.

Discussion: Neo-traditional development is defined as a commercial core surrounded by residential uses; size limit on commercial uses; amendment does not eliminate any locational criteria requirements; medium commercial uses would allow up to 150,000 square feet with planned development approval (30,000 without special approval); any future plans for neo-traditional type development; controlled access.

Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Mr. LoGalbo moved to recommend adoption of Manatee County Ordinance 94-18 (Plan Amendment PA-94-07). Motion was seconded by Mr. Stauffer and carried 4 to 0.

Public hearing (Notice in The Bradenton Herald 3/25 & 4/8/94) was held to consider

ORDINANCE 94-13 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TO CLARIFY POLICIES RELATING TO COMPATIBILITY AND TIMING OF LAND USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-02; Compatibility Guidelines)

Michael Wood, Planning, Permitting and Inspections, stated this amendment will strengthen language in the Comprehensive Plan concerning compatibility and timing. The information is similar to that which is in the LDC regarding buffers, screening, building and site design, limitation of type and sizes, duration of uses, innovative construction techniques, etc.

APRIL 14, 1994

(Cont'd)

Items A through G in the staff report are existing policies in the Comprehensive Plan that deal with compatibility. Items I and J are new policies regarding residential development in its proper location and non-residential development. He submitted an addendum to the staff report correcting Item F and J.

Discussion followed regarding compatibility and timing; litigation; etc.

Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Mr. Stauffer moved to recommend adoption of Manatee County Ordinance 94-13 (Plan Amendment PA-94-02) including changes made in the addendum. Motion was seconded by Mr. LoGalbo and carried 4 to 0.

Public hearing (Notice in The Bradenton Herald 3/25 & 4/8/94) was held to consider

ORDINANCE 94-14 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR TEXT ADDITIONS TO THE COASTAL ELEMENT, REFLECTING THE COUNTY'S PARTICIPATION AND SUPPORT OF THE TAMPA BAY NATIONAL ESTUARY PROGRAM, PROVIDING FOR AMENDMENTS TO CHANGE REFERENCES FROM MOBILE HOME TO MANUFACTURED HOME IN THE DEFINITIONS, COASTAL MANAGEMENT, AND HOUSING ELEMENTS, PROVIDING FOR THE DELETION OF THE PROVISIONS FOR AN INTERLOCAL AGREEMENT WITH THE MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL IN THE COASTAL MANAGEMENT ELEMENT, PROVIDING FOR THE DELETION OF THE REQUIREMENT FOR PLANNED DEVELOPMENT ZONING FOR CERTAIN PROJECTS WITHIN THE WO-E, WO-M, AND THE CHHA, TO PROVIDE CLARIFICATIONS AND REFLECT CHANGED CIRCUMSTANCES; PROVIDING FOR PLAN VARIANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-94-03; Inconsistencies/Changed Circumstances)

Mr. Wood reviewed the staff report and stated that this amendment provides certain clarifications and addresses changed circumstances. It involves adding language to the Coastal Management Element of the Comprehensive Plan to include reference to the Tampa Bay National Estuary Program (NEP) wherever mention is made of the Sarasota Bay NEP.

The amendment further changes reference of a mobile home to a manufactured home. Further, the requirement for an Interlocal Agreement with the Myakka River Management Coordinating Council is being deleted from the Conservation Element to reflect the County's exclusion from the Wild and Scenic river designation.

Regarding the Future Land Use Element and the Coastal Management Element, this amendment deletes the requirement for planned development zoning with special approval since development standards are contained within the Comprehensive Plan and further defined within the LDC. The amendment also makes provision for variances from certain Comprehensive Plan standards where a constitutional taking or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Plan occurs.

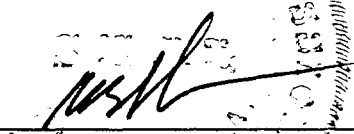
Based upon the evidence presented and comments made at the public hearing, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Mr. Bedford moved to recommend adoption of Manatee County Ordinance 94-14 (Plan Amendment PA-94-03). Motion was seconded by Mr. LoGalbo and carried 4 to 0.

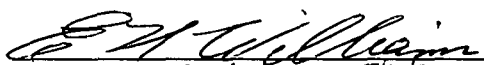
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 5/14/94

Adj: 12:25 p.m./gbh