

JULY 11, 1996

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, July 11, 1996, at 9:00 a.m.

**Present were Commissioners:**

Richard Bedford, Chairman  
E. H. Williams, Second Vice-Chairman, entered during the meeting.  
William B. Hile, Third Vice-Chairman  
Steve Belack  
Patrick McGinnis

**Absent were:**

Charles L. Hanson, First Vice-Chairman  
John J. LoGalbo

**Also present were:**

Jeffrey Steinsnyder, Assistant County Attorney  
Susan G. Romine, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

The meeting was called to order by Chairman Bedford.

All witnesses/staff giving testimony were duly sworn.

**MINUTES**

Motion was made by Mr. Belack, seconded by Mr. McGinnis and carried 4 to 0, to approve the minutes of June 13, 1996.

**CONSENT AGENDA**

**ZONING**

Public hearing (Notice in the Bradenton Herald 6/28/96) was held to consider

**Z-96-06 MONIQUE RANALLO - PR-M (APPROVED)**

Request: 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 RSF-4.5 to PR-M; providing an effective date; on 4.17 acres located on the north side of 26th Avenue East, 75 feet east of 15th Street East.

Public hearing (Notice in the Bradenton Herald 6/28/96) was held to consider

**Z-96-09 MICHAEL FOREMAN, AS TRUSTEE - GC (APPROVED)**

Request: Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land from A-1 to GC; providing an effective date; located on 1.7 acres between 19th Street East and 18th Street East, 330 feet west of 60th Avenue East, Ellenton.

Public hearing (Notice in the Bradenton Herald 6/28/96) was held to consider

**PDMU-96-03(Z)(G) JEANNIE AND JAMES SKINNER, ET AL - PDMU (APPROVAL OF REZONE ONLY)**

Request: Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land from LM and A-1 to PDMU; providing an effective date; and approval of a General Development Plan to allow 120-single family residences, 150 multi-family residential units, a 60-bed group care home, day-care center, 95,000 square feet of office/research and development, 29,000 square feet of institutional/educational facilities, 30,000 square feet of retail, a 20,000-square-foot cultural facility, 20-bed nursing home, 37,500-square-foot hotel and restaurant and accessory enclosed parking, on 76.8 acres located on the east side of Circus Road, 1,300 feet north of University Parkway.

If approved, staff recommended Stipulation:

1. No approval for a specific land use, density or intensity is being granted at this time. Land uses, density and intensity shall be approved, approved with conditions, or denied based on Section 603.4 of the Land Development Code (LDC) at time of General Development or Preliminary Site Plan review.

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(Cont'd)

Carol Clarke, Planning Director, advised that the general development plan will be re-advertised and brought back at a later date.

Mervyn Faris, representing Oak Grove Park Homeowners' Association, stated the proposal represents too high a density of development, and that the range of uses are too diversified for the adjoining properties.

Jeannie Skinner, applicant, stated the property has 150 feet contiguous with the southern boundary of Oak Grove Park. That portion of land is primarily a jurisdictional wetland area.

Margaret Slevin stated opposition to the project.

(Court reporter, Mary Frances Schultz, present)

Public hearing (Notice in the Bradenton Herald 6/28/96) was held to consider

PDPI-96-01(Z)(P) MANATEE COUNTY GUN AND ARCHERY CLUB/MANATEE COUNTY SHERIFF'S DEPARTMENT - PDPI AND PDPI/WP-M (APPROVED)

Request: Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land from A, A/WP-M, EX and EX/WP-M to PDPI and PDPI/WP-M; providing an effective date; and approval of a Preliminary Site Plan to allow a gun club consisting of 38,927 square feet of gross floor area and numerous outdoor firing ranges on 436.02 acres located on the west side of Logue Road, 1.5 miles north of S.R. 64.

If approved, staff recommended ten stipulations. RECORD PC1-132

Granting Special Approval for a rural recreational facility located in the AG/R Future Land Use Category which does not meet locational criteria; Granting Special Approval for a project partially located within the Manatee Watershed; and

Specific Approval of alternatives to:

Section 715.5.1 of the Land Development Code to eliminate the roadway buffer requirements; and

Section 710.1.5.5.5.1 of the Land Development Code to allow for an alternative shell surface, which is not smooth and dustless, for the non-handicapped parking spaces and all drive-aisles.

Staff submitted revised Stipulations 1 through 8.

RECORD PC1-133

Public hearing (Notice in the Bradenton Herald 6/28/96) was held to consider

LDA-96-01 MANATEE COUNTY GUN AND ARCHERY CLUB/MANATEE COUNTY SHERIFF'S OFFICE (APPROVED)

Request: Approval of a Local Development Agreement to secure development rights for ten years and to waive the requirements of Sections 710.1.5.5.5.1 and 715.5.1 of the Land Development Code for an outdoor firing range known as the Manatee County Gun and Archery Club on 436.02 acres located on the west side of Logue Road, 1.5 miles north of S.R. 64.

Jeffrey Steinsnyder, Assistant County Attorney, pointed out the advertisement indicated a request for a waiver of Sections 710.1.5.5.5.1 and 715.5.1 of the Land Development Code. Legal staff found the requests inappropriate for a Local Development Agreement, and reference to the waiver requests were removed. The waiver requests will be handled through the rezone process.

(Enter Mr. Williams)

Public hearing (Notice in the Bradenton Herald 6/28/96) was opened to consider

PDR-96-04(Z)(P)/96-S-07 SCHROEDER-MANATEE, INC. (ROSEDALE HIGHLANDS) (CONTINUED TO 7/17/96, AT 9:00 A.M.)

Request: Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land from A/WP-E to PDR/WPE; providing an effective date; and approval of a Preliminary Site Plan to allow 120 single-family lots and 118 single-family zero lot line lots on 104.6 acres located 3,300 feet north of S.R. 70 and 1.3 miles east of I-75.

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Public hearing (Notice in the Bradenton Herald 6/28/96) was opened to consider

PDR-89-07(G)(R<sup>2</sup>) NEWTON DEVELOPMENT, INC. (ROSEDALE) (CONTINUED TO 7/17/96, 9:00 A.M.)

Request: Amendment to an approved General Development Plan to: (1) Reduce the permitted units from 796 to 558 single-family detached and semi-detached units; (2) Add an additional access point to the east; and (3) Establish setbacks for undeveloped pods on 336.25 acres located 1,800 feet east of I-75, and on the north side of S.R. 70. The request also includes the vacation of Lots F-5 through F-10 for an interneighborhood tie to the property to the east.

Public hearing (Notice in the Bradenton Herald 6/28/96) was opened to consider

PDR-96-07(Z)(P) KING RANCH-MANATEE, INC., ET AL (RIVER FOREST) (CONTINUED TO 7/17/96, AT 9:00 A.M.)

Request: Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land consisting of .48 acre from A-1/CH to PDR/CH; providing an effective date; and approval of a Preliminary Site Plan to allow a 26-lot, single-family residential subdivision on 25.3 acres located on the west side of Caruso Road (60th Street East), 2,250 feet north of S.R. 70.

#### COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notice in the Bradenton Herald 6/28/96) was held to consider

ORDINANCE 96-10 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE COUNTY COMPREHENSIVE PLAN, ORDINANCE 89-01, AS AMENDED; PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 1996 AND APPLICABLE DATA, AND ADDING FISCAL YEAR 2001 AND APPLICABLE DATA TO TABLES 12-1, 12-2, 12-3 AND 12-4 OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AN AMENDMENT TO TABLE 12-1, SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS, FY 1996-2000, INVOLVING REVISIONS TO SCOPE, FORMAT, TIME FRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS; DRAINAGE PROJECTS, PARKS PROJECTS, SANITARY SEWER PROJECTS, SOLID WASTE PROJECTS, POTABLE WATER PROJECTS, AND MASS TRANSIT PROJECTS; PROVIDING FOR COUNTERPART AMENDMENTS TO TABLE 12-2, GENERAL GOVERNMENT FUNDING OF CAPITAL IMPROVEMENTS, FY 1996-2000; TABLE 12-3, ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS, FY 1996-2000; TABLE 12-4, SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS, FY 1996-2000; PROVIDING FOR THE AMENDMENT OF RELATED INFORMATION NECESSARY TO IMPLEMENT THE CHANGES TO THE CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-96-05: Text and Table Amendment - Capital Improvements Element)

Public hearing (continued from 6/13/96) was held to consider

ORDINANCE 96-07 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR TEXT AMENDMENTS TO ADD A DEFINITION FOR PUBLIC SCHOOLS, AMEND THE LAND USE ELEMENT TO ADD PUBLIC SCHOOLS AS AN ALLOWABLE USE IN APPROPRIATE FUTURE LAND USE CATEGORIES, CLARIFY THE ROLE OF THE SCHOOL BOARD DURING DEVELOPMENT REVIEW, AND ADD A GOAL RELATING TO THE SITING OF PUBLIC SCHOOLS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(PA-96-02: Text Amendment - Definition for Public Schools)

Motion was made by Mr. Belack, seconded by Mr. Hile and carried 5 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the staff reports.

(End Consent Agenda)

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(Cont'd)

**ZONING**

Public hearing (Notice in the Bradenton Herald 6/28/96) was opened to consider

**PDR-96-08(Z)(P) KEY FLORIDA BANK (CEDAR RUN) (CONTINUED)**

Request: Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land consisting of .48 acre from PR-8 to PDR; providing an effective date; and approval of a Preliminary Site Plan to allow 32 multi-family residential units at a density of 11.85 du/acre on 2.7 acres located on the west side of 26th Street West, 75 feet south of 49th Avenue West.

If approved, staff recommended stipulations:

1. The new interior landscaping islands, pursuant to Section 715.6.1 of the Land Development Code, shall be constructed and planted within the existing parking lot prior to issuance of any new Certificates of Occupancy.
2. Along the northern property line within the greenbelt, the required shade tree to be planted every 30 feet shall meet the requirements of a canopy tree and shall be a minimum dbh of 3 feet prior to issuance of any new Certificates of Occupancy.
3. The Right-of-Way Reservation shall be shown as a 21-foot Right-of-Way Easement on the Final Site Plan.

Granting Special Approval for a project exceeding 9 du/acre in the RES-16 Future Land Use Category; Adoption of the Findings for Specific Approval; and

Granting Specific Approval for an alternative to:

**Section 603.7.4.5** of the Land Development Code which requires that a 15-foot-wide greenbelt be provided around the perimeter of the project. Setbacks shall be measured from the greenbelt;

**Section 702.6.10** of the Land Development Code requiring building setbacks to be measured from the upland edge of the buffer;

**Section 710.1.6** of the Land Development Code, Parking Ratios, requiring two spaces/dwelling unit, plus one space per ten units for guest parking for multi-family lots.

Norm Luppino, Planning Department, displayed a final site plan and reviewed surrounding land uses. The westernmost building, parking lot and pool area were constructed pursuant to FSP-81-56, approved in 1981; however, this plan expired in 1986. The applicant plans to construct three, two-story buildings of eight units each at the same locations indicated on the 1981 plan, and construct landscaped islands within the existing parking lot.

Mr. Luppino reviewed the requests for specific approval (modifications) to the Land Development Code.

Staff has concern that the proposed, two-story building to the north will create a wall affect to adjacent, single-story duplexes. Mr. Luppino stated language could be added to extend the existing fence along the north property line, in addition to wax myrtle trees, to enhance mitigation.

Mr. Luppino submitted a letter in opposition from **Norris and Algia Green**. He also submitted a memorandum (7/10/96) from the Environmental Management Department containing revised comments and recommending three additional stipulations.

RECORD PC1-134

**Ron Larson**, Kimley-Horn and Associates, representing Key Florida Bank, displayed a site plan and stated the waivers were requested due to the physical constraints on site. He also showed a landscape plan and stated no objection to the additional stipulations.

**Ernest Marshall**, attorney representing residents of Cedar Run, Phase I Condominium (existing 8 units), stated the residents oppose the project, as Key Florida Bank is proposing to rezone and develop property it does not own. The property of Cedar Run, Phase I consists of the existing building, the pool, and the entrance and asphalt parking areas accessing 26th Street.

He stated Phases II, III and IV were not developed, and after seven years the development rights expired, based on the condominium document and Florida Statutes (F.S.) Chapter 718. He submitted sections of F.S. Chapter 718, Condominiums.

Jeffrey Steinsnyder, Assistant County Attorney, referred to a recorded Perpetual Easement and Maintenance Agreement (dated 7/7/92), granting Key Florida Bank the use of Phases II, III and IV, including the parking lot and entrance area. The maintenance agreement is dated prior to the required date of completion of the condominium phases (7/15/93).

Mr. Marshall disputed that the maintenance agreement was entered into after the expiration period, as it would have required the signature and approval of the eight property owners of Phase I.

Discussion: Phases II, III and IV cannot be incorporated into the condominium association; whether or not the Association would relinquish rights to use parking lot; maintenance agreement indicates Phases II, III and IV were incorporated, but does not reflect consent by the eight owners of Phase I; percentage of ownership of the common elements by the eight owners; question regarding ownership of the property; remove the portion of property to be rezoned from the project.

Dorothy Falzone, adjacent property owner, stated her building began to sink in 1987. The problem was resolved, but she has concern of future problems.

William R. Davis, Cedar Run resident, requested the project be denied.

Damian Ozark, attorney for the applicant, stated the property was acquired through foreclosure. He stated Key Florida Bank does not intend to dedicate property to the condominium association.

He gave a history on the ownership of the property and stated one reason for the maintenance agreement was to allow Key Florida Bank to contribute toward resurfacing the driveway and entranceway so as not to create a financial hardship on the condominium association.

It was the consensus of the Commission to defer action on this matter until an opinion is rendered regarding title to the property.

Motion was made by Mr. Hile to continue this public hearing to July 17, 1996, at 9:00 a.m., or as soon thereafter as may be heard. Motion was seconded by Mr. Williams and carried 5 to 0.

**Recess/Reconvene.** All members present except Mr. Hanson and Mr. LoGalbo.

Public hearings (Notices in the Bradenton Herald 6/25/96) were opened to consider

**PDR/PDC-96-03(Z)(G) TARA-MANATEE, INC. (DRI 11) (CONTINUED)**

Request: Ordinance of the County of Manatee, Florida....; providing for (1) the rezoning of certain land (15.55 acres) from A-1/WP-E/ST to PDR/WP-E/ST located on the north side of the east/west extension of Linger Lodge Road, 960 feet east of the north/south extension of Linger Lodge Road; and certain land (3.70 acres) from PDR/WP-E/ST to PDC/WP-E/ST located at the southeast corner of S.R. 70 and Braden River Road, for a total of 19.25 acres to be rezoned; providing an effective date; and (2) Approval of a Revised General Development Plan encompassing 1,124.21 total acres, located at the southwest quadrant of S.R. 70 and I-75, extending westward to Braden River Road.

If approved, staff recommended ten stipulations. RECORD PC1-135  
Granting Special Approval for a project located in the WP-E Overlay District and Granting Special Approval for an amendment to a Special Exception Project.

and

**ORDINANCE 96-31/DRI 11 (CONTINUED)**

Request: Determination of whether the following proposed modification to DRI 11 (Resolution adopted 11/13/80) constitute a substantial deviation pursuant to Chapter 380.06, Florida Statutes, to the Tara-Manatee DRI Development Order:

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(Cont'd)

1. Revise the legal description to decrease the overall acreage by 12.74 acres by incorporating various changes to the boundary of the original Tara DRI including land presently being acquired by the County along S.R. 70 for roadway improvements, lands exchanged for the Linger Lodge Road realignment, and the addition of a 15.55 acre parcel.
2. Change the approved land uses, amount of acreage devoted to each land use and location of the land uses.
3. Extend the buildout date by 6 years and 11 months to 10/13/2007.
4. Amend the Development Order as follows:
  - A. Various terminology changes
  - B. Eliminate programs and studies which have been completed.
  - C. Eliminate conditions which require the construction of facilities which have been built
  - D. Changes to the following Sections:
    - (1) Water quality and quantity
    - (2) Water supply and wastewater treatment facility
    - (3) Noise abatement
    - (4) School site
    - (5) Roadway improvements
    - (6) General conditions
    - (7) Additional language proposed by the developer
    - (8) Legal description
    - (9) General
    - (10) Restrictions on downzoning
    - (11) Binding order upon developer
    - (12) Rendition
    - (13) Notice of recording
    - (14) Severability
    - (15) Effective date
    - (16) Amendment of Development Order for DRI 11
    - (17) Termination

located on 1,124.21 acres at the southwest quadrant of S.R. 70 and I-75.

Misty Servia, Planning Department, submitted a letter (7/8/96) from Dolores Bailey requesting continuance. She also submitted an amended Stipulation 10.

RECORD PC1-136

Ms. Servia referred to a revised Map H, Master Development Plan and reviewed proposed changes to the DRI:

1. Amend the Legal Description -
  - Add 15.55 acres located south of the original DRI boundary and north of Linger Lodge Road. Of the 15.5 acres, 6.55 acres are jurisdictional wetlands and will not be developed.
  - Delete 1.18 acres from the DRI and add 0.15 acre to realign Linger Lodge Road.
  - Delete 5.13 acres that is part of the right-of-way for S.R. 70 improvements.
  - Delete two school sites (14.89 acres) conveyed to the School Board.
2. Reduce the dwelling units in Phase I from 1,346 units to 719 and in Phases II and III from 2,694 units to 2,000, as indicated on Revised Map H (3/20/96).
3. Add a second golf course in Phase III, resulting in an overall increase of open space.
4. Relocate 3,000 square feet of commercial uses to Parcel III-W located at the intersection of S.R. 70 and Braden River Road.
5. Add 49,500 square feet of commercial development to Phase III-R.
6. Flexibility to relocate either a portion or all commercial square footage from the west side of Tara Boulevard to the east side.
7. Extend completion date of Phase II from 1990 to 2003 and Phase III from 1995 to 2007.

Discussion: Traffic signal at Tara Boulevard and S.R. 70; traffic analysis; etc.

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(Cont'd)

Ms. Servia stated that the changes do not constitute a substantial deviation, with the exception of extending the build-out of Phases II and III. She reviewed the stipulations.

Patricia Petruff, attorney representing the applicant, displayed a wetland map (Map K) from the original DRI. The developer has redesigned the project to preserve the majority of wetlands. A rectangular portion of Parcel III-W has been condemned by the county for a stormwater pond for the S.R. 70 widening project.

An 8,000-square-foot office complex is proposed on Parcel III-T, and a 15,000-square-foot retail center is proposed for Parcel III-S. The applicant plans to relocate a majority of commercial square footage from the west side of Tara Boulevard to the east side onto Parcel III-R and a portion to Parcel III-Y, which is designated as unplanned land.

Ms. Petruff distributed photographs (6) of Parcel III-Y and the entrance into Tara. She stated concern of limiting the uses on Parcel III-Y to neighborhood-commercial because of its proximity to the interstate and fronting S.R. 70. Discussions with staff are underway as to the uses which may be allowed. Other requested changes include a reduction in setbacks and lot sizes specifically at the edge communities (phases adjacent to Tara, Phase I).

Discussion: Concerns of the time extension request to the phasing schedule; DRI statute; staff concern of adjacency and consistency of the new development to existing developed areas; etc.

Following discussion, motion was made by Mr. Williams, to continue PDR/PDC-96-03(Z)(G) Tara-Manatee, Inc. (DRI 11) and Ordinance 96-31 to July 17, 1996, at 9:00 a.m., or as soon thereafter as same may be heard. Motion was seconded by Mr. Hile and carried 5 to 0.

**EVALUATION AND APPRAISAL REPORT**

Ms. Clarke stated notification has been received from Department of Community Affairs that the Evaluation and Appraisal Report of the Comprehensive Plan has been found to be sufficient and was considered among the best they had reviewed.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

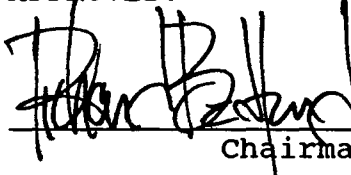
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Adj:

11:35 a.m.

/rll

APPROVED:



Chairman 10/10/96