

AUGUST 8, 1996

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, August 8, 1996, at 9:05 a.m.

Present were Commissioners:

Richard Bedford, Chairman
E. H. Williams, Second Vice-Chairman
William B. Hile, Third Vice-Chairman
Patrick McGinnis

Absent were Commissioners:

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

Also present were:

Mark P. Barnebey, 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.

ZONING

Public hearing (Notice in the Bradenton Herald 7/26/96) was opened to consider

PDC-96-04(Z)(G) ROBERT WALTON, ET AL (WINN DIXIE) - PDC (CONT'D)
Request: Zoning 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 PR-M, RSF-4.5 and CRV to PDC; providing an effective date; and approval of a General Development Plan to allow a 74,047 square foot grocery store; on 9 acres located at the southeast corner of 9th Street East and 53rd Avenue East.

Motion was made by Mr. Williams to **continue** PDC-96-04(Z)(G) to September 12, 1996, at 9:00 a.m. or as soon thereafter as may be heard. Motion was seconded by Mr. McGinnis and carried 4 to 0.

Public hearing (Notice in the Bradenton Herald 7/26/96) was held to consider

Z-96-10 JOHN M. MILLER TRUST - RSF-4.5 (RSF-3 APPROVED)
Request: Zoning Ordinance of the County of Manatee, Florida....; providing for the rezone of certain land from A-1 to RSF-4.5; on 2.5 acres located on the west side of 37th Street East, ½ mile north of 53rd Avenue East.

Darenda Marvin, Planning Department, reviewed the request and referred to a zoning map. The property is used as a wholesale plant nursery, it includes a single-family home and several greenhouses. If approved, a maximum of 10 homes would be allowed on this site.

John Lawrence, representing the applicant, stated the rezone was required in order to sell the home.

Speaking in opposition due to agricultural uses surrounding the property and compatibility issues were: **Idress Reese**, who submitted a petition; **Judy Davis**; and **Betsy Dennison**.

Mr. McGinnis declared a conflict of interest and stated he will abstain from voting inasmuch as he is handling the financing on this property.

Mrs. Marvin stated the minimum lot size for RSF-4.5 zoning is 7,000 square feet. When Manatee Oaks was developed (adjacent to the site), it was zoned R1-B, which is more in line with the RSF-3 zoning district, which has a minimum lot size of 10,000 square feet.

Mark Barnebey, Assistant County Attorney, stated that inasmuch as Mr. McGinnis will not be voting, Robert's Rules of Order provides that a quorum is present even if he abstains from voting, yet is necessary to maintain the quorum.

Mr. Lawrence stated no objection to a rezone to RSF-3.

Bob Pederson, Planning Department, reviewed the minimum lot size and the floor area ratio requirements for RSF-4.5 and RSF-3.

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, Mr. Williams moved to **recommend adoption** of Manatee County Zoning Ordinance **Z-96-10**, amending the staff report to change the proposed zoning to RSF-3. Motion was seconded by Mr. Hile and carried 3 to 0, with Mr. McGinnis abstaining.

Public hearing (Notice in the Bradenton Herald 7/26/96) was held to consider

PDPI-96-02(Z)(P) SCHROEDER-MANATEE, INC. (EAST COUNTY HIGH SCHOOL AND PARK) - PDPI/WP-E AND PDPI/WP-E/ST AND P/SITE PLAN (APPROVED)

Request: Zoning Ordinance of the County of Manatee, Florida....; providing for approval of a rezone from A/WP-E and A/WP-E/ST to PDPI/WP-E and PDPI/WP-E/ST; providing an effective date; and approval of a Preliminary Site Plan to allow a 363,378 square foot high school, 59,760 square feet of accessory buildings, and a county park with 10,600 square feet of accessory buildings; on 237.03 acres located 980 feet north of S.R. 70, 3.68 miles south of S.R. 64, and on the western alignment of the future Lakewood Ranch Boulevard.

If approved, staff recommended seven stipulations. **RECORD** PC1-145

Karin Murphy, Planning Department, reviewed a General Development Plan/Preliminary Site Plan. She referred to an aerial of the site and reviewed surrounding zoning and uses. An agreement exists (6/10/96) with the School Board, Manatee County and Schroeder Manatee, Inc., regarding the transfer and construction of the site and related facilities. She addressed timing and trends and noted that approximately 210.75 acres (89 percent) will be open space.

She reviewed the uses for the school and the park and addressed access from Lakewood Ranch Boulevard.

She addressed wetland mitigation, buffers, landscaping, parking, and setbacks to the residential developments. She addressed parking for the school and park. The school is scheduled to begin construction in September 1996 with completion by August 1998. She submitted comments from Braden Pines residents. She referred to an additional colored General Development Plan/Preliminary Site Plan depicting property ownership and responsibility of construction.

Tom Yarger, Project Management, addressed the possibility of a contaminated well head on the site and stated a determination has not been made, however, further testing will be done.

Ms. Murphy stated a chain link fence is proposed on the school property that may connect to the masonry wall which Rosedale (to the west) will be constructing. She submitted a letter (8/1/96) from Rex Jenson, Schroeder Manatee Ranch (SMR), commenting on the environmental audit on the site. She addressed setbacks relating to the ball fields.

Alan Prather, attorney representing the School Board, addressed the need for future school expansion.

AUGUST 8, 1996

(Cont'd)

Mike Pendley, representing the School Board, stated the school is designed for 1,936 students. He reviewed the construction responsibilities of all parties.

Bob Lombardo, representing the School Board, addressed the traffic study and inquired as to its completion.

Jerome Gostkowski, Growth Management, stated the traffic study was found to be acceptable.

Mr. Lombardo addressed feasibility of the site; the contaminated well head alluded to; traffic compatibility for the school only; and Lakewood Ranch Boulevard access.

He pointed out wetlands on the site and addressed drainage as he referred to an aerial. The 100-acre high school site drains west to east into agricultural ditches, which drain into Hickory Hammock Slough and then into the Braden River. He noted there are two drainage ditches that run parallel on the southern portion of the site, however, the ditch on the Schroeder Manatee property may be recontoured so as not to drain into Braden Pines.

Danny Hopkins, Parks and Recreation Director, addressed the location of the 75 parking spaces for the ball fields on the northern county park site. He stated the separate parking lot will aid in the flexibility of programming.

Discussion: Parking paid for by two different entities; proximity to soccer fields on the west; possible future road parallel to parking on the north; importance of separating student parking from public parking; walking distance for the public to ball fields; faculty parking; future needs; parks construction commencing; construction access.

Janet McAfee, Project Management, addressed funds for the program and stated the school will be completed prior to park construction.

Michael Connolly, attorney representing several residents of Braden Pines, addressed compatibility of the project. He expressed the need for a greater buffer area and referred to the response about facilities submitted earlier by staff. He referred to a black and white General Development Plan and addressed the slope of the property. Photographs (4) were submitted of vegetation regarding the fence along the southern property line. He proposed a new location for the fence and referred to an overlay depicting a modification to the fence.

Regarding the 4 fields at the southern boundary, he requested a 400 foot buffer and a 1,000-foot buffer for lighted areas. He submitted photographs (16) depicting flooding (6/20-21/96). He referred to the aerial submitted earlier and discussed the construction road. He addressed noise and requested no activity prior to 8:00 a.m. and no later than 9:00 p.m., i.e., loud speakers, band practice, etc.

Robert Dvoratchek, resident of Braden Pines, addressed issues, i.e., trees, wildlife, potential fires, fencing, 119 units in Braden Pines.

Pat Goux, resident of Braden Pines, addressed buffers, ditch, ball fields, drainage problems, 1,000-foot setback for construction near live wildlife nests, etc.

Mr. Dvoratchek requested the drainage from the wetlands not overflow into his property. He confirmed hawk's nest on the property.

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

Ms. Murphy addressed issues: Environmental assessment; no harm to wildlife; drainage stipulations; etc.

Sia Molanazar, Public Works/Stormwater Management, addressed drainage and stated some improvements are needed. He addressed historical drainage for the site and stated that no runoff will drain from the school property into Braden Pines drainage ditch.

Ms. Murphy noted a fugitive particle abatement plan, regarding the construction road, will be provided. She further addressed fencing and stated the maximum height allowed is 9 feet. She submitted an off-street parking study from Lombardo and Skipper (6/12/96).

Discussion: Future portables; sidewalks required on the internal road; parking is adequate; landscaping plan; etc.

Mr. Hopkins addressed issues: No objection to fence on the outside of the southwestern wetland; object to fence in front of wetland; concessions; signage indicating use of fields; maintenance established; different contractors for construction; southeast lake is only for retention; band practice; noise; fencing; southwestern portion of wetland would have no fence, etc.

Mr. Lombardo addressed issues: Adequate room for 50,000 square feet of portables; future educational site; SMR ditch will be eliminated; fence on southern property line from Lakewood Ranch Boulevard to the wetland; no plans for landscaping the main entrance road at this time; property line landscaping; perimeter buffering; etc.

Mr. Lombardo addressed issues: Environmental assessment; Stipulation 5 regarding 20-foot access easement; County access to clean ditch; fence moved from property line to sit on the berm north of the drainage easement; length of berm to wetland; parking; 3-foot berm contains runoff; lake where football field is proposed; pipe crossings.

Upon question, Mr. Hopkins stated no objection to fencing from the masonry wall past the wetland to the school property line. He stated the matter would be reviewed and brought back.

Mr. Barnebey recommended an additional stipulation stating the school would not use the four fields on the southern property line, but will use the football practice fields or other facilities acceptable to the School Board.

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, Mr. McGinnis moved to recommend adoption of Manatee County Zoning Ordinance PDPI-96-02(Z)(P); and approve the Preliminary Site Plan with Stipulations 1 through 7 adding Stipulation 8 to read: No band practice to take place on the four southernmost practice fields at any time. Amending Stipulation 5 to read: There shall be a minimum of 20 feet of drainage access easement along the southern property line measured from the south property line. Motion was seconded by Mr. Williams.

Stipulation 6 was replaced as follows:

6. A 3-foot berm with 6-foot fence shall be constructed to the south of the school practice fields.

Discussion: Continuing the fence from the School Board southern property line through to the county park property to meet the masonry wall proposed by Rosedale; leave at the discretion of the County; School Board bring back alternative proposal for band practice location.

The mover and seconder agreed to the replacement of Stipulation 6 and the motion carried 4 to 0.

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

AUGUST 8, 1996

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Public hearing (Notice in the Bradenton Herald 7/26/96) was held to consider

Z-96-11 DAN S. BLALOCK, ET AL - HM (APPROVED)

Request: Zoning Ordinance of the County of Manatee, Florida....; providing for the rezoning of certain land from LM to HM; providing an effective date; on 10 acres located on the east side of the Seaboard Air Line Railroad, north of 59th Avenue East, and west of 21st Street East, within Section 18, Township 35 South, Range 18 East.

Darenda Marvin, Planning Department, reviewed the request and referred to a zoning map and pointed out surrounding zoning. A Plan Amendment (Ordinance 96-06/PA-96-01[A]) was adopted (5/23/96) changing the Future Land Use (Sheet 19) from IL to IH. She reviewed permitted uses by right that would be allowed on this property if the rezone is approved.

She addressed trip traffic and capacity and stated the staff report has been updated to reflect adequate traffic capacity. She noted the closest residential development is located 900 feet to the northeast and is known as Meadow Lakes Subdivision. She read into the record a letter (8/8/96) from Ford Englerth, Railside Industrial Park Manager, regarding trash and debris on the property located to the south (Ramco).

Bill Blalock, representing the applicant, referred to map PA-96-01(A) and requested exhibits from the May 23, 1996, County Commission meeting be made a part of this hearing. He submitted a Warranty Deed (3/28/86) from Marshall DeSear conveying adjacent property to Manatee Mental Health Center (Manatee Glens) and copies of the 1995 paid property taxes. He referred to a sale agreement with Community Christian School (to the north) stating the school would not object to HM on this property in the future. He noted access is via 21st Street to 63rd Avenue, in which ample traffic capacity exists.

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, Mr. Hile moved to recommend adoption of Manatee County Zoning Ordinance Z-96-11. Motion was seconded by Mr. McGinnis and carried 3 to 1 with Mr. Williams voting nay.

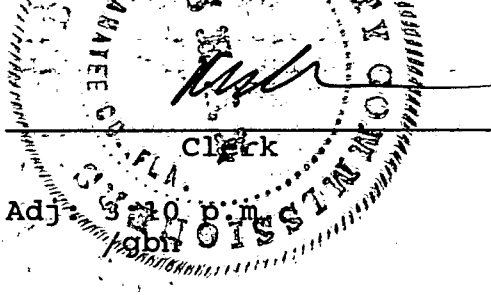
Mr. Williams stated there is not adequate buffering in relation to such an intense use adjacent to residential zoning.

Ms. Clarke stated the Ramco property is being reviewed with regard to illegal dumping and noted they are in the process of cleaning the site.


MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:


Clerk

APPROVED:


Chairman 10/10/96