

NOVEMBER 14, 1996

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, November 14, 1996, at 9:00 a.m.

Present were Commissioners:

Richard Bedford, Chairman
 Patrick McGinnis, First Vice-Chairman (entered during meeting)
 Steve Belack, Second Vice-Chairman
 Charles L. Hanson, Third Vice-Chairman
 John J. LoGalbo
 William B. Hile
 E. H. Williams

Also present were:

Jeffrey Steinsnyder, Assistant County Attorney
 Mark P. Barnebey, Assistant County Attorney
 Susan G. Romine, Board Records Supervisor, 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

Upon motion by Mr. Belack and second by LoGalbo, the minutes of September 12, 1996, were approved 6 to 0.
 (Enter Mr. McGinnis)

CONSENT AGENDA

ZONING

Public hearing (Notice in the Bradenton Herald 11/1/96) was opened to consider

Z-96-19 GLEN AND LYNNDEL SCAGGS - A-1 (CONTINUED TO 12/12/96)

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 A to A-1; providing an effective date; on 3.3 acres located on the east and west sides of O'Neil Road 1,650 feet south of Buckeye Road.

Public hearing (Notice in the Bradenton Herald 11/1/96) was held to consider

Z-96-21 WILLIS AND MARJORIE LAWSON - LM (APPROVED)

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from A-1 to LM; providing an effective date; on approximately 16.28 acres located on the south side of Whitfield Avenue, approximately 1,500 feet west of Prospect Street (36th Street East).

A letter in favor of the request was submitted from Charlene Lenger, adjacent property owner.

Motion was made by Mr. Belack and seconded by Mr. McGinnis to approve the Consent Agenda incorporating the language as stated in the recommended motions in the staff reports, after deletion of PDC-96-06(Z)(F) (separate action). Motion carried unanimously.

ZONING

Public hearing (Notice in the Bradenton Herald 11/1/96) was held to consider

PDC-96-06(Z)(F) MICHAEL FOREMAN, TRUSTEE, JOHN STENGLEIN/STOR MOR (APPROVED)

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 GC to PDC; providing for an effective date; and approval of a Final Site Plan to allow a mini-warehouse storage facility; on 3.27 acres located south of U.S. 301, north of 18th Street East, and 100 feet west of 60th Avenue East.

If approved, staff recommended four stipulations; RECORD PC1-155
 Granting Special Approval for a project exceeding the maximum floor area ratio in a GC district and for a project located in an Entranceway;
 Adoption of the Findings for Specific Approval; and
 Granting Specific Approval for an alternative to Section 603.11.4.3 of the Land Development Code (LDC).

Karin Murphy, Planning Department, reviewed the request and site plan for the project. She submitted two letters in opposition to the request from **Thomas J. Santoro** and **Victor Besso**.

Ms. Murphy stated the present building violates the 30-foot setback requirement; consequently, the applicant is requesting a setback reduction. She noted that the major access point be will off U.S. 301.

Peter Dailey, agent for the project, stated the southern access to the property is an emergency access, which will not be available to the general public. He stated there will be minimal open storage.

Based upon the staff report, evidence presented, 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. Hanson moved to recommend adoption of Manatee County Zoning Ordinance PDC-96-06(Z)(F); approval of the Final Site Plan with Stipulations 1 through 4; granting Special Approval for a project exceeding the maximum floor area ratio in a GC district and for a project located in an entranceway; adoption of the Findings for Specific Approval; and granting Specific Approval for an alternative to Section 603.11.4.3 of the Land Development Code. Motion was seconded by Mr. Belack and carried 6 to 1, with Mr. Williams voting nay.

Mr. Williams stated warehouses should be allowed only in industrial areas.

Public hearing (continued from October 10, 1996) was held to consider PDR-96-09(P) KRIZMANICH HOLDINGS/HARBOUR LANDINGS - P/PLAN (APPROVED)

Request: Approval of a Preliminary Site Plan to allow 59 single-family dwelling units at a density of 1.57 (advertised as 1.02) dwelling units per acre and accessory docking facilities on 57.67 acres zoned PDR located on the north side of 42nd Avenue West, east of 126th Street West.

If approved, staff recommended 13 stipulations; RECORD PC1-156
 Granting Special Approval for a project located in the Coastal High Hazard Area overlay;
 Adoption of the Findings for Specific Approval; and
 Granting the request for Specific Approval for an alternative to Section 702.6.10 to allow a 3-foot wetland buffer setback for Lot 24 to Section 702.6.8 to allow a 15-foot waterfront setback for Lots 46 and 52, and to Section 734.2.3 to allow a zero-foot side yard waterfront setback for Lots 20-23.

Norman Luppino, Planning Department, reviewed the request and referred to a sketch of the project. He submitted letters in favor from **Dan McCormick**; **Kathryn P. Kridel**; **David E. Law, M.D.**; **A. Samir Hassan, M.D.**; and **Darrell and Mary Ann Turner**.

He advised they have resolved many of the concerns expressed at the last hearing. Issues which have been resolved and encompassed in the stipulations include dock density, some of the wetland buffer impacts, parking for boat docking facility, and setbacks. He submitted a letter (11/7/96) from **Patricia Petruff**, attorney for the applicant, requesting revisions to certain stipulations.

Discussion: Whether Lot 25 must be eliminated; total lots sold; etc.

Ms. Petruff clarified that she represents Krizmanich Holdings, owner of a majority of the lots, but does not represent the individual lot owners. She advised the individual lot owners joined in the application process with Krizmanich Holdings, Inc.

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Len Najjar, Zoller and Najjar Engineering, Inc., advised that he represents the individual lot owners.

Ms. Petruff reviewed those stipulations with which they disagreed:

- = Second Number 5 (renumbered to Stipulation 14) - Should include Lot 19 because it is individually owned.
- = Stipulation 6 - Developer is requesting a reduction in waterfront setbacks to 15 feet for Lots 46, 48, 50, 52, 53, 54, which are around the stormwater lake, and to 18 feet for Lot 1.
- = Stipulation 8 - Developer objects to requiring parking between Lots 11 and 12 since the parking provided in common area across from Lot 5 is sufficient to provide access to the boat docks.
- = Stipulation 9 - Developer objects to dedication of 42nd Avenue West since it is privately owned, it is not on the County's Thoroughfare Plan, and the County does not have the authority to request this dedication.
- = Stipulation 13 - Developer objects to elimination of Lot 25 as it is a buildable lot, and is requesting a flexible wetland buffer and a reduction in wetland building setback on Lot 1.

She stated they are requesting relief from providing mitigation for an existing roadway and relief to individual property owners in terms of whatever encroachments they may have in the buffer. She requested clarification as to designation of the boat basin as a wetland.

Mr. Najjar requested a reduction of the wetland buffer from 50 to 25 feet for Lot 25; a reduction in waterfront buffer for specific lots around the lake; and a reduction in waterfront setback from 30 feet to 15 feet for Lots 48, 50, 53, and 54.

Doug Means, Environmental Management Department, stated he considers boat basins to be wetlands. He referred to an aerial of the site depicting recommended wetland buffers. He pointed out the area in question as a State jurisdictional area. He addressed water quality impacts and buffer setbacks.

Gary Montin, Environmental Affairs Consultants, Inc., addressed the definitions and requirements of wetlands. He displayed a chart consisting of photographs of the site depicting the seawall, walkway, etc. He submitted a handout which included excerpts from the Land Development Code and which addressed wetlands and surface waters, etc.

Following discussion, Mr. Means suggested that in lieu of wetland buffers, setbacks be required from impervious surfaces, i.e., pool decks, where impacts of runoff would have a detrimental effect on the water body.

Ms. Petruff addressed wetland buffer mitigation; what is allowed in first 6 feet and remainder of the waterfront setbacks; inclusion of a diverter swale; etc. Discussion followed.

Darrell Turner, property owner in Harbour Landings, requested approval of the project.

Recess/Reconvene. All members present.

Robert Pederson, Planning Department, read recommended stipulations which have been discussed between staff and the applicant:

- = Stipulations 1 through 5 - No change.
- = Second Stipulation 5 (Renumbered to Stipulation 14) - Add Lot 19.
- = Stipulation 6 - Concur that required waterfront setbacks shall be 30 feet. (Planning Commission to determine if any additional lots are to be reduced to 15 feet.)
- = Stipulations 8, 9, and 13 - No change.
- = Stipulation 15 - "Owner shall install and maintain diverter swales within the wetland buffer adjacent to Lots 25 through 40 and within the waterfront setback adjacent to the boat basin and canal, Lots 21 through 24. The diverter swale shall be six to eight feet wide and no more than one foot in depth."
- = Stipulation 16 - "The 40th Avenue West right-of-way shall be vacated prior to final site plan approval."

- = Stipulation 17 - "The owner shall submit an integrated Pest Management Plan for the development to be approved by the Environmental Management Department prior to final site plan approval."
- = Stipulation 18 - "Other than the seawall and sidewalk, no impervious surfaces shall be placed within the first 15 feet of the 30-foot waterfront setback as measured from the face of the seawall."

Discussion continued regarding recommended stipulations and those issues which remain in dispute.

Jerome Gostkowski, Planning Department, referred to an aerial map of the project and outlined sidewalks, roadways and interneighborhood ties affected by the project. He recommended deletion of Stipulation 16 as it would eliminate a possible neighborhood tie. He noted that there are impending infrastructure repairs that will close off 127th Street.

Regarding Stipulation 9, Jeffrey Steinsnyder, Assistant County Attorney, pointed out that 42nd Avenue has in the past been treated as a public road and is not within the project. He submitted memorandum (11/28/83) from Zoller and Najjar Engineering, Inc., addressing 42nd Avenue construction.

Ms. Petruff stated they are still in disagreement with Stipulations 6, 8, 9 and 13 as indicated earlier. She submitted memoranda (1/11/96 and 2/29/96) from Mitchell Palmer relating to a road easement within the project. Discussion followed.

Regarding dedication of 42nd Avenue, George Everhardt, Krizmanich Holdings, Inc., stated they gave a five-year road easement to the County and expected cooperation from the County during development.

Based upon the staff report, evidence presented, 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 approval of Preliminary Site Plan PDR-96-09(P) with Stipulations 1 through 5 as in the staff report; 6 modified to include those lots previously mentioned by Ms. Petruff; 7; 8 being eliminated; 9 to read, "Prior to expiration of the existing easement agreement, 42nd Avenue West shall be dedicated to the County from 119th Street West to 126th Street West, but not necessarily as presently configured"; 10, 11 and 12 as written; 13 being eliminated; adding Lot 19 to Stipulation 14; 15, 16, 17 and 18 as read by staff; granting special approval for project located in the Coastal High Hazard Area overlay, adoption of the Findings for Specific Approval and granting the request for Specific Approval for an alternative to Section 702.6.10 to allow a 3-foot wetland buffer setback for Lots 1, 2, 24 and 25; to Section 702.6.8 to allow a 15-foot waterfront setback for Lots 46, 48, 50, 52, 53 and 54; and to Section 734.2.3 to allow a zero-foot side yard waterfront setback for Lots 19 through 23. Motion was seconded by Mr. Hanson and carried 6 to 1, with Mr. McGinnis voting nay.

Mr. McGinnis stated he was in agreement with the motion with the exception of Stipulation 6 which included a reduction in waterfront setbacks for Lots 48, 50, 53 and 54, and Lot 1, due to the fact that they are buildable in their current state.

Recess/Reconvene. All members present except Mr. McGinnis.

Public hearing (Notice in the Bradenton Herald 11/1/96) was held to consider

PDR-96-16(G) ROBERT BERNE/BOLLETTIERI ACADEMY PARK - GENERAL DEVELOPMENT PLAN (APPROVED)

Request: Approval of a General Development Plan to allow a school of special education (including a sports complex and ice center), a private school, 68 single-family lots at a density of 2.03 dwelling units per acre, and a 2-COP alcoholic beverage license associated with the ice center, located on 116.17 acres zoned PDR located at the southeast intersection of 47th Street West and 53rd Avenue West.

If approved, staff recommended nine stipulations.

RECORD PC1-157

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Robert Pederson, Planning Department, reviewed the request, locational information and land use characteristics; he displayed a sketch and a colored map of the site.

(Enter Mr. McGinnis)

Discussion: Whether this should be considered mixed use; traffic impact on 34th Street and 53rd Avenue; etc.

Jerome Gostkowski, Planning Department, addressed construction of 47th Street West. He stated action plans have been developed to reduce the difficulties experienced by Morton Village residents and a report is forthcoming. He stated installation of traffic signals is not warranted at this time.

Tom McCollum, Zoller, Najjar and Shroyer, Inc., representing the applicant, advised that this project is designed to be an expansion of the existing complex fronting on 34th Street West. He pointed out there is a walkway system within the complex allowing students to attend classes and sports activities and return to their dormitory, without leaving the complex, eliminating additional traffic outside the complex.

Chip McCarthy, representing Bollettieri Academy, reviewed the overall project. He stated the purpose of the 2-COP license is for a cafe inside the ice center.

Jack McGuire, representing Lakebridge Association, expressed concern regarding liquor license, parking, traffic impact, effect on greenbelt. Mr. and Mrs. Louis Tatum, adjacent property owners, spoke in favor of the project except for the 2-COP license; and Martin Conlon, Lakebridge Condominium, questioned the impact on traffic, necessity for a COP license, etc.

Discussion: Required distance between schools and establishments selling alcohol; special permit will be required for COP license; whether ice rink is considered part of the school; etc.

Mark Barnebey, Assistant County Attorney, questioned whether the 2-COP is allowed in the PDR designation; he stated the issue will be investigated prior to submittal to the Board.

Mr. McCarthy addressed the temporary access road on the site and construction plans. He noted they are agreeable to others using the road. He advised they intend to open the ice rink to the public during the evenings and on the weekends.

Mr. Belack recommended that the sale of alcohol be allowed only during nonschool hours.

Mr. Williams declared a conflict of interest and abstained from voting.

Based upon the staff report, evidence presented 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. Belack moved to recommend approval of General Development Plan PDR-96-16(G) with Stipulations 1 through 9, and adding Stipulation 10 to read, "Beer and wine beverages will only be sold during nonschool hours." Motion was seconded by Mr. Hanson and carried 6 to 0, with Mr. Williams abstaining.

Recess/Reconvene. All members present.

Public hearing (Notice in the Bradenton Herald 11/1/96) was held to consider

PDR-96-15(Z) MANATEE RIVER LAND PARTNERSHIP - PDR AND PDR/CH
(APPROVED)

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from A and A/CH to PDR and PDR/CH; providing for an effective date; on 734.1 acres located south of Mulholland Road, north of the Manatee River, and east of Fort Hamer Road.

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 LDC at time of General Development or Preliminary Site Plan review.

Karin Murphy, Planning and Development Department, reviewed the request and displayed the site plan.

Mr. Hile submitted to staff an overlay of the wetlands in the immediate area for comparison purposes at the time the general development plan is considered.

Leo Mills, Jr., representing Manatee River Land Partnership, pointed out that the property owners are not developers and that they have requested an administrative permit to retain the agricultural use of the property. He stated their intent is to place the property into a more marketable position.

Carey Brooks, adjacent property owner, stated she was not opposed to the request but questioned how this would affect her property which is zoned agricultural.

Based upon the staff report, evidence presented, 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 PDR-96-15(Z) with Stipulation 1. Motion was seconded by Mr. LoGalbo and carried unanimously.

Public hearing (Notice in the Bradenton Herald 11/1/96) was held to consider

Z-96-14 JOHN JACKSON - HC (GC APPROVED)

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from PR-S to HC; providing an effective date; on approximately .45 acre located on the south side of 30th Avenue West approximately 105 feet west of 9th Street West.

Norm Luppino, Planning and Development, reviewed the request and showed a site plan. He stated the applicant is proposing Heavy Commercial; however, staff recommends General Commercial which would be more compatible and provide more transition to single-family residential which exists in the area.

John Jackson, applicant, advised that the property had been cited for a code violation during the time he rented the property out. He stated he intends to use the property to restore old cars. He stated he requested HC zoning to avoid the special permit process.

Mr. Luppino stated that if approved to GC, the applicant would be required to obtain a special permit and that the process would take approximately three months at a cost of approximately \$2,000.

Discussion: Whether a permit could be considered in conjunction with the GC process; whether the GC designation could be approved subject to certain stipulation(s); etc.

Mr. Jackson explained that the code violation occurred when the renter moved out and left old vehicles on the property. The vehicles have since been removed.

Discussion: If GC zoning is approved, the special permit could be denied; if approved to PDC, a plan for the property would be required at additional cost but there would be certainty regarding limits of use and how the property was arranged; etc.

Mr. Barnebey indicated there is a possibility that restoration of old cars may not be in violation of present zoning and the applicant may not need a rezoning.

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Upon question as to whether he wanted to continue the hearing in order to explore his options (rezone to PDC or GC, or determine whether a rezone is needed at all), Mr. Jackson requested approval of the GC designation.

At the request of the applicant and based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Development Code, Mr. Hanson moved to recommend adoption of Manatee County Zoning Ordinance Z-96-14 providing for a rezone to GC, as recommended by staff. Motion was seconded by Mr. McGinnis and carried unanimously.

Public hearing (Notice in the Bradenton Herald 11/1/96) was held to consider

**PDR-96-14(Z)(P) ROADMAN, ET AL (PALMETTO RETIREMENT VILLAGE) -
REZONE TO PDR; P/SITE PLAN (APPROVED)**

Request: (1) Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from A-1 to PDR; providing an effective date; and (2) Approval of a Preliminary Site Plan to allow 25 detached residences, 68 multi-family units, 17 group care home units, and accessory facilities at a density of 5.27 dwelling units per acre on 20.3 acres located on the north side of 49th Street East, approximately 370 feet east of U.S. 19. If approved, staff recommends 11 stipulations. RECORD PC1-158

Mr. Luppino reviewed the request and site plan. He submitted revised stipulations 1 through 14 provided by Caleb Grimes, attorney for the applicant, with which he concurred. RECORD PC1-159

Discussion: Shifting from multi-family to single-family; no proposal to subdivide the lots; etc.

Mr. Grimes displayed a site plan of the proposal highlighting the buildings, wetland areas, etc. He pointed out the purpose of the design is to avoid the necessity of uprooting from a familiar community when going from single family to a multi-family and, if necessary, into an adult living facility. He addressed shifting from multi-family to single; retaining trees; observation platform; and minimum unit size.

After discussion, the applicant suggested Stipulation 14 be reworded to read: "The E.F.G.H. building may include an observation platform of no greater than 600 square feet and not higher than 50 feet above finished floor."

Based upon the staff report, evidence presented, 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 PDR-96-14(Z)(P) with Stipulations 1 through 14 as revised by the applicant and with Stipulation 14 to read, "The E.F.G.H. building may include an observation platform of no greater than 600 square feet and no higher than 50 feet above finished grade level. All other buildings will have a maximum height of 35 feet above grade"; adoption of the Findings for Specific Approval for an alternative to Sections 603.7.4.5 and 740.2.6.11 of the Land Development Code. Motion was seconded by Mr. Belack and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

[Circular stamp: MANATEE COUNTY CLERK, NOV 14 1996]
Clerk

APPROVED:

[Signature]
Chairman 11/9/97

Adj: 3:55 p.m.
/eml