

JUNE 11, 1998

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, June 11, 1998, at 9:02 a.m.

Present were Commissioners:

Patrick McGinnis, Chairman
Mary Sheppard, Second Vice-Chairman
Richard Bedford
Paul G. Sayers
E. H. Williams

Absent were Commissioners:

Steve Belack, First Vice-Chairman
Stanley K. Herbets, Third Vice-Chairman

Also present were:

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

All witnesses and staff giving testimony were duly sworn.

ZONING

Public hearing (Notice in the Bradenton Herald 5/29/98) was opened to consider

Z-98-05 WILLIAM L. MANFILL - RSF-6

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 HC to **RSF-6**; and providing for an effective date; on 7.73 acres located on the south side of 45th Street East, between U.S. 41 and U.S. 19.

Robert Pederson, Planning Department, reported there was an advertising error in the notice to adjacent property owners, and the applicant will readvertise. He requested the hearing be continued.

Carroll Brown, 315 45th Street East, stated he would advise his neighbors of the rescheduled hearing.

Motion was made by Mr. Williams to continue the public hearing for Z-98-05 to July 9, 1998, 9:00 a.m., or as soon thereafter as same may be heard. Motion was seconded by Mr. Sayers and carried 5 to 0.

Public hearing (Notice in the Bradenton Herald 5/29/98) was held to consider

PDC-97-07(Z) (P) LOU E., LETA S., AND MARTIN LOUISO/VERNA TRADING POST - PDC AND P/PLAN

Request: Zoning Ordinance of the County of Manatee, Florida..., providing for the rezoning of certain land from NC-S to **PDC**; providing an effective date; and approval of a Preliminary Site Plan to allow a convenience store with gas pumps and a commercial retail store on 4.4 acres located on the northeast corner of Verna-Bethany Road and State Road 70.

If approved, staff recommended 12 stipulations; RECORD PC2-28
ADOPTION of the Finding for Special Approval; and
GRANTING Special Approval for a nonresidential project exceeding 3,000 square feet.

John Osborne, Planning Department, reviewed the request. He displayed maps depicting the location of the site and adjacent property, the site plan, and an aerial map.

He stated the primary issue with this request is that the underground petroleum storage tanks could be located within 1,000 feet (the secondary exclusion zone per Land Development Code [LDC] 738.2.4.2) of the Verna Wellfields (wellhead for the City of Sarasota) in Sarasota County. He pointed out that Stipulation 1 requires a Wellhead Impact Report by the applicant, which will be submitted to the Environmental Management Department, the City of Sarasota, and Sarasota County prior to Final Site Plan approval.

He stated a secondary issue is the design. Staff has proposed stipulations which address site design, buffer and screening requirements, and design implications of rural-type commercial use. He stated they are attempting to maintain rural aesthetics.

Discussion: Eastern driveway access; whether part of the access is on adjoining property; if right-of-way should be dedicated; applicant will be discussing access with Florida Department of Transportation (FDOT); definition of Florida "Cracker" architectural style; insert or other "Florida" architectural style in Stipulation 3, etc.

Bill O'Shea, Environmental Management Department, reported that the engineer for the project has indicated he may be able to demonstrate the wells in Sarasota County are in excess of 1,000 feet from the proposed location of the storage tanks. In the event they are located within 1,000 feet, protection of the wellfields can be incorporated in the Wellhead Impact Report.

Lou Louiso, applicant, addressed the location of the wellheads, objected to certain stipulations, including Stipulation 3, which dictated the style of the building.

Mark Privette, Project Engineer, stated the applicant objected to the following Stipulations:

1. It requires a Wellhead Impact Report even if the wellheads are located in excess of 1,000 feet from the tanks.
2. This is unnecessary as it will be required by the State.
3. Dictates a Florida "Cracker" architectural style.
5. Dictates that signs shall utilize the architectural design (required in Stipulation 3), elements, materials, and colors consistent with the buildings.
7. This is unnecessary since the community will not be coming to the facility to socialize.
8. The applicant is using a spreader swale for the drainage which is the low point of the property. There is no positive outfall for the drainage area other than that corner and they have a South West Florida Water Management District permit. Further, they object to access from State Road 70, and negotiations with FDOT indicate the access will be further to the east, resulting in a frontage road.

Robert Pederson, Planning and Development, pointed out if access is moved, as suggested by the applicant, it will result in an access road that is not part of this site plan and would require readvertising.

Discussion: Stipulating "other Florida" architectural style is ambiguous; lack of a stipulation regarding architecture could result in shack-type structure, etc.

Mr. Louiso responded it is his preference to maintain the old native Florida motif; however, he does not want the design of the structure mandated.

Discussion: Facility will accommodate truck traffic safely; overnight parking of trucks will be prohibited, etc.

Mr. Pederson recommended **Stipulation 1** be amended to add at the end of the first sentence, "if the proposed development is within the exclusionary zone."

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(Continued)

He recommended **Stipulation 8** be amended to read:

8. The eastern access driveway on State Road 70 shall be located entirely within the legal description advertised for this project or State Road 70 right-of-way. Access to State Road 70 shall be approved by FDOT and may be located to the east of the present site with the proper County permits.

Jerome Gostkowski, Planning Department, stated an alternative for access from another zoning district (adjacent property is zoned A) would be dedication of additional right-of-way for a frontage road, which would require an access and drainage permit.

Mr. Privette stated the applicant will provide a signed, sealed certification that the storage tanks will be located more than 1,000 feet from the wellheads. He reviewed the Stipulations that remain in contention, which include 3, 4, 5, 7, and 8.

Discussion: Necessity of Stipulations 3 and 5 to insure that the project has a pleasant/attractive appearance as a gateway into urban Manatee County; require review of design elements by staff at final site plan approval in Stipulation 5; Sarasota County provide written agreement with the project, etc.

Mr. Osborne referenced a memorandum from Sarasota County (3/23/98) expressing concern regarding location of the wellheads. He stated the City and County have since verbally agreed with the staff report.

Discussion continued regarding: the driveway location; whether it is included in the area advertised; and alternatives available.

Mark Barnebey, Chief Assistant County Attorney, stated Stipulation 8 as amended is adequate to address the access issue. Mr. Privette expressed agreement with the amendment.

Mr. Pederson recommended **Stipulation 3** read as follows:

3. The development shall incorporate a Florida rural architectural style. Design elements shall be reviewed by staff at Final Site Plan approval.

Motion

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, as conditioned herein, Mr. Sayers moved to recommend adoption of Manatee County Zoning Ordinance PDC-97-07(Z)(P); and approval of the Preliminary Site Plan with Stipulations 1 as amended by staff; 2; 3 as read by Mr. Pederson; 4; 5 to read, "Signs for the development shall be uniform in design and utilize architectural design elements similar to those required for and approved by staff in Stipulation 3"; 6; deletion of 7; 8 as amended by staff; 9; 10, 11, and 12; adoption of the Finding for Special Approval; and granting Special Approval for a nonresidential project exceeding 3,000 square feet. Motion was seconded by Mr. Bedford.

Amended Motion

Mr. Sayers amended his motion to reword **Stipulation 5** as follows: Change first sentence to read, "Signs for the development shall be uniform with the architectural design." Sentences 2 and 3 remain as written. Add to the end, "Design elements shall be reviewed by staff at Final Site Plan approval." Mr. Bedford agreed.

Motion carried 5 to 0.

LAND DEVELOPMENT CODE AMENDMENTS - SPECIAL MEETING

Mr. Pederson announced that a special session of the Planning Commission is scheduled for June 25, 1998, at 9:00 a.m., regarding discussion of LDC Amendments, a portion of which will be continued to the regular meeting of July 9, 1998.

Recess/Reconvene. All members present except Mr. Belack and Mr. Herbets.

COMPREHENSIVE PLAN AMENDMENTSORDINANCE 98-03: PORT MANATEE MASTER PLAN

Public hearing (Notice in the Bradenton Herald 5/29/98) was held to consider

ORDINANCE 98-03 AN 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 PORT MASTER PLAN IN CHAPTER 4, COASTAL ELEMENT, TO UPDATE OBSOLETE INFORMATION REGARDING FACILITIES, SHIPPING, AND DREDGING, ELIMINATING UNNECESSARY CARGO INFORMATION, AND ADDING MORE INFORMATION REGARDING THE HENDRY TRACT ADDITION TO THE PORT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-98-02 - Port Manatee)

Laurie Suess, Planning Department, highlighted the proposed amendments. She noted they provide for deleting unnecessary information which is nonregulatory, updating information, streamlining existing language for clarity, and adding information, specifically regarding an intermodal study and expansion of the Hendry Tract.

She stated one concern was deleting adoption of a plan to manage the use of Port facilities while protecting the natural habitat. She advised the Port will continue that protection through the local, state and federal environmental permitting process (Policy 2.4.1.2). Another concern was incomplete information as to how many acres of seagrass beds were going to be destroyed and/or replaced.

E. N. Fay, Jr., Port Authority Attorney, responded to questions. He noted the master plan is general regarding protection of the natural habitat, due to uncertainty of state requirements in the future.

Discussion: Monitoring channel dredging/maintenance; Cockroach Bay Aquatic Preserve Management Team is specified as an authorized agency in referencing protection of aquatic preserves; the Port coordinates with authorized agencies/advisory groups; approval of this matter does not indicate support of Port operations; viability of Port, etc.

Based upon the evidence presented, 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 98-02 (Plan Amendment PA-98-03). Motion was seconded by Mr. Williams and carried 5 to 0.

ORDINANCE 98-23: CAPITAL IMPROVEMENTS ELEMENT

Public hearing (Notice in the Bradenton Herald 5/29/98) was held to consider

ORDINANCE 98-23 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN, ORDINANCE 89-01, AS AMENDED, PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 1998 AND APPLICABLE DATA, AND ADDING FISCAL YEAR 2003 AND APPLICABLE DATA TO TABLES 12-1, 12-2, 12-3 AND 12-4 OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR AMENDMENT TO TABLE 12-1: SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS, FY 1998-2002, 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 1998-2002; TABLE 12-3: ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS, FY 1998-2002; TABLE 12-4: SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS, FY 1998-2002; TO REFLECT AMENDMENTS TO SCOPE, FORMAT, TIMEFRAME, COST, FUNDING SOURCES, AND CONTENT OF SAID TABLE 12-1; 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-98-06 - Capital Improvements Element).

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Leon Kotecki, Planning Department, reviewed the proposed amendment. He explained the Capital Improvements Element incorporates a five-year schedule and this amendment deletes the current fiscal year and adds Fiscal Year 2003.

Discussion: Whether landfill space is being depleted due to use by other counties; whether transit users were polled as to needs, etc.

He explained that the Capital Improvements Program (CIP) is a separate document than the Capital Improvements Element. The CIP is a budgetary item which is presented to the Board of County Commissioners. The Capital Improvements Element relates to level of service compliance.

Sia Mollanazar, Transportation Department, identified projects the County has completed in the last six years in order to solve flooding problems. Some of the projects are Glen Creek, Cedar Hammock South Branch Stabilization and Airport Drainage. He noted that maintenance has become a key issue in flooding prevention.

Mr. Bedford noted that flooding is usually a significant issue in matters coming before the Planning Commission. He requested a list of projects completed in the last 10 years to solve flooding problems.

Discussion: How projects are budgeted; financial report is available from Financial Management Department, 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. Williams moved to recommend adoption of Manatee County Ordinance 98-23 (Plan Amendment PA-98-06). Motion was seconded by Ms. Sheppard and carried 5 to 0.

ADOPTED COMPREHENSIVE PLAN AMENDMENTS


Discussion of Coastal Maps relating to adopted Comprehensive Plan Amendments was held during a work session immediately following the meeting.

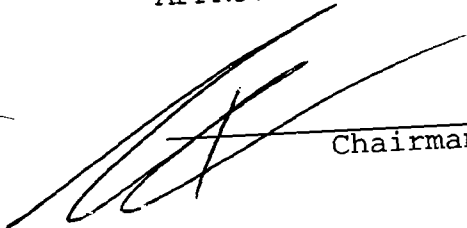
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman

8/13/98

Adj: 12:15 p.m.
/eml