

JULY 9, 1998

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, July 9, 1998, at 9:06 a.m.

Present were Commissioners:

Patrick McGinnis, Chairman  
Steve Belack, First Vice-Chairman  
Mary Sheppard, Second Vice-Chairman  
Richard Bedford  
Paul G. Sayers

Absent were Commissioners:

Stanley K. Herbets, Third Vice-Chairman  
E. H. Williams

Also present were:

Mark P. Barnebey, Chief 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 6/26/98) was held to consider

##### PDC-98-04(Z) (P) OASIS HOTEL INC./HOLIDAY INN EXPRESS - PDC AND P/PLAN

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 the rezoning of certain land from GC to PD-C; providing an effective date; and approval of a Preliminary Site Plan for a 37,737.74 square-foot, 72-room, 3-story hotel on 2.25 acres located at the northwest intersection of I-75 and State Road 64 off 67th Circle East in the Traveler's Oasis (648 & 652 67th Circle East).

If approved, staff recommended four stipulations; RECORD PC2-29 ADOPTION of the Findings for Special Approval; and GRANTING Special Approval for a project in the Entranceway; for a project above 0.25 F.A.R. for non-residential projects in the R/O/R FLUC; and for a Medium Commercial Use with a gross building square footage greater than 30,000 square feet.

Based on 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 Adoption of Manatee County Zoning Ordinance PDC-98-04(Z) (P); and Approval of the Preliminary Site Plan with Stipulations 1 through 4; Adoption of the Findings for Special Approval; Granting Special Approval for (1) a project in the Entranceway; (2) for a project above 0.25 F.A.R. for non-residential projects in the R/O/R FLUC; and (3) for a Medium Commercial Use with a gross building square footage greater than 30,000 square feet. Motion was seconded by Mr. Sayers and carried 5 to 0.

Public hearing (Notice in the Bradenton Herald 6/26/98) was held to consider

##### Z-98-05 WILLIAM L. MANFULL - RSF-6

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from HC to RSF-6; 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.

Erika Barrett, Planning Department, referred to a site plan and reviewed the surrounding zoning. She reviewed the case summary.

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(Continued)

She advised the only access onto the property is from 45th Street East from U.S. 41. She stated the adjacent arterial roadways could negatively impact any future residential development. She also stated centralized sewer is available at the developer's cost.

**Jim Farr**, George F. Young, Inc., stated the road network leading to the property, in his opinion, is one reason the property was not zoned or used for heavy commercial.

**George Lammlein**, adjacent homeowner, addressed the following concerns: drainage, road widening, low-income homes, septic tank or sanitary sewer, flooding, and adjacent property owners' notification.

Al Wallace, Planning Department, responded to questions regarding stormwater drainage, access to U.S. 41, sanitary sewer and water, and road width for RSF-6, etc.

Discussion: Natural drainage basin, etc.

Jeffrey Steinsnyder, Assistant County Attorney, directed questions to the applicant regarding subdividing the property and a newly built house on the property.

**William Manfull**, applicant, stated the newly built house on the property is on County sewer and a private water supply.

Discussion: Home owned by another party; parcel is included in rezone; property owner needs to be part of the rezone, etc.

Mr. Steinsnyder stated the Zoning Disclosure Affidavit must be amended before going to the Board of County Commissioners.

Mr. Farr advised that when the original application was submitted, Mr. Manfull was the property owner.

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. Bedford moved to recommend adoption of Manatee County Zoning Ordinance **Z-98-05**. Motion was seconded by Mr. Belack and carried 4 to 1, with Mr. Sayers voting nay.

Mr. Sayers stated there are too many unresolved questions.

Public hearing (Notice in the Bradenton Herald 6/26/98) was held to consider

**PDR-98-04(Z) (P) MANNA VISTA, INC./SHADY GROVE - PDR AND P/PLAN**

Request: 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 approval of a Preliminary Site Plan to allow a 120-lot residential subdivision on 39.31 acres located at the northwest corner of 63rd Avenue East and 39th Street East.

If approved, staff recommended eleven stipulations. **RECORD** PC2-30  
ADOPTION of the Finding for Specific Approval; and  
GRANTING Specific Approval of an alternative to Section 603.7.4.1 of the Land Development Code, as recommended by staff in this report.

Misty Servia, Planning Department, referred to a site plan and reviewed the surrounding zoning. She outlined the case summary.

She addressed staff concerns: traffic calming measures for 39th Street and 61st Avenue; proposed side and rear setbacks; site heavily wooded; removal of existing vegetation; lack of open space; area prone to flooding; A-1 zoning contiguous to three sides of project. She submitted revised Stipulations 5 and 9. **RECORD** PC2-31

**Bo Medred**, Genesis Planning and Development, Inc., commented on issues raised about proposed sidewalks. He referenced an aerial map and depicted the surrounding the property.

He advised of certain changes to the request and site plan: Church structure will be removed; west access; public rights-of-way; eliminate west entranceway; wetland buffer; dedicated open space; recreational area; stormwater, etc. He submitted alternate language for Stipulations 4 and 6. RECORD PC2-32

(Depart Mr. Belack for portion of presentation.)

Robert Pederson, Planning Department, questioned the commitment to submit revised plans before the Board of County Commission public hearing. He expressed concerns regarding changes to circulation, buffer, recreational areas, and interneighborhood tie.

Jerome Gostkowski, Planning Department, addressed drainage concerns.

Motion was made by Mr. Bedford, seconded by Mr. Belack and carried 5 to 0, to continue **PDR-98-04 (Z)(P)** until August 13, 1998, at 9:00 a.m., or as soon thereafter as may be heard.

**Recess/Reconvene.** All members present except Mr. Herbets and Mr. Williams.

**ORDINANCE 98-18: LAND DEVELOPMENT CODE**

Public hearing (continued from 6/25/98) was held to consider

**ORDINANCE 98-18** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01), AS AMENDED, INCLUDING: (1) ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS; (2) AMENDING CERTAIN STANDARDS RELATING TO THE CODE ENFORCEMENT BOARD; (3) AMENDING CERTAIN YARD DIMENSIONAL REQUIREMENTS; (4) AMENDING CERTAIN REQUIREMENTS REGARDING THE SALE OF ALCOHOLIC BEVERAGES; (5) AMENDING CERTAIN TREE PROTECTION STANDARDS; (6) AMENDING CERTAIN PLANNED DEVELOPMENT STANDARDS (not included on the proof of publication); (7) AMENDING CERTAIN LANDSCAPING REQUIREMENTS; (8) AMENDING CERTAIN STORMWATER MANAGEMENT STANDARDS; (9) ADDING AND AMENDING CERTAIN FLOODPLAIN MANAGEMENT STANDARDS AND MAPS; (10) AMENDING CERTAIN WATERSHED PROTECTION STANDARDS; (11) AMENDING CERTAIN IMPACT FEE STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECORD PC2-33

Joaquin Servia, Planning Department, noted additional changes to Ordinance 98-18:

**Section 714.8.6** - Change last sentence to: "The funds may be used for required landscaping in affordable housing projects (meeting the criteria of Chapter 13 and the Department of Community Affairs and Intergovernmental Coordination), county park projects, roadway and entranceway, beautification programs, and other public projects within the same funding district."

**Section 714.8.7** - Under Existing Trees column, Delete Caliper and leave in D.B.H.

**Section 714.13** - Fourth sentence - Delete "or Certificate of Occupancy".

**Section 715.4** - Add "Dalbergia sissoo (commonly known as the Indian rosewood) and Cupaniopsis anacardioides (commonly known as the carrotwood tree)"

Discussion: Tree protection during construction; replacement trees; shrub height; maintenance of fencing, etc.

Mr. Servia suggested adding to **Section 715.7**, second asterisk sentence "and screening" after the word "landscaping."

Laurie Suess, Planning Department, reviewed three options for **Section 714.8.7 - Tree Replacement Alternatives.** RECORD PC2-34

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She advised of the following changes:

**Option 1** - Add the sentence, "This alternative has to be approved by the Planning Director."

**Option 2** - Change Required Replacement from **D.B.H.** to **Caliper**.

**Option 3** - Change "Ratio of Replacement" to read "Ratio of Replacement Trees to Removed Trees."

Discussion: Option 3; canopy requirement benefit; post construction stress; approving Option 3 with Option 1 as an alternative, etc.

Mark Barnebey, Chief Assistant County Attorney, suggested adding a paragraph below the table of Option 3, "If the characteristics of the site would better protect the public welfare by providing additional replacement trees with a smaller caliber, the Planning Director may approve an alternative tree replacement plan assuring the replacement with the same number of total caliber inches for replaced trees as required above."

Based upon the staff report, evidence presented, any written and oral comments received before or at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan, and consistent with the general purpose and standards of Section 503 of the Manatee County Land Development Code, Mr. Belack moved to recommend adoption of Manatee County Ordinance 98-18, amending certain provisions of the text of the Manatee County Land Development Code, also known as Ordinance 90-01, as amended, with **Option 3 - Tree Replacement (Section 714.8.7)**, as amended, **Sections 714.8.6, 715.7, 714.13, and 715.4**. Motion was seconded by Ms. Sheppard, and carried 5 to 0.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

Clerk

Chairman 8/13/98

Adj: 12:00 P  
/ag