

JULY 8, 2004

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, July 8, 2004, at 9:05 a.m.

Present were Commissioners:

Richard Bedford, Chairman
Marie Hastings, Second Vice-Chairman
Paul Sayers, Third Vice-Chairman
Thomas Burke
Mary Sheppard
David Wernicke

Absent were Commissioners:

Steve Belack, First Vice-Chairman
Michael Pendley (non-voting member representing the School Board)

Also present were:

William Clague, 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.

AGENDA

Agenda of July 8, 2004, agenda update, and sign-in sheet.

[PC20040708DOC001](#)

MINUTES

Upon motion by Mr. Wernicke and second by Mr. Sayers, the minutes of May 13, 2004, were approved 6 to 0.

[PC20040708DOC002](#)

ZONING

Public hearing (continued from 6/10/04) was held to consider

PDC-03-44(Z)(P) FREDERICK SOBR/MANATEE FURNITURE EXPANSION

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** and **RMF-6** to **PDC**; providing an effective date; and a Preliminary Site Plan to recognize the existing buildings (7,800 square feet) and use of the site for a furniture store and to construct a new 3,000-square-foot storage building; on 1.01 acres located at the northeast corner of 1st Street East and 31st Avenue East at 119 31st Avenue East.

If approved, staff recommended 13 Stipulations.

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-03-44(Z)(P)**; and APPROVAL of the Preliminary Site Plan with Stipulations 1 through 13, as recommended by staff. The motion was seconded by Mr. Burke and carried 6 to 0.

[PC20040708DOC003](#)

Public hearing (Notices published) was held to consider

PDMU-01-04(Z)(P) HARRISON RANCH

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land consisting of 65.52 acres from **A** to **PDMU**; and providing an effective date; and Approval of a Revised Zoning Ordinance and Preliminary Site Plan to allow:

- A. The addition of the 65.62-acre rezone parcel to the previously approved Harrison Ranch Preliminary Site Plan;
- B. 992 lots for single-family detached residences;
- C. 176 single-family attached units; and
- D. Accessory recreational facilities.

The project is located on the north side of U.S. 301, approximately 1/3 mile west of Chin Road, and extending northward to Erie Road (955.01 acres). The 65.52-acre rezone parcel is located at the northwestern portion of the development, south of Erie Road and east of Ancient Oaks.

If approved, staff recommended Stipulations 1.A-B, 2.A-D, 3.A-D, 4.A-N, 5.A-I, 6.A-E, 7.A-G, 8.A-D, 9.A-E, 10.A-C, and 11.A-D; GRANTING Special Approval for a project: (1) exceeding a gross density of one dwelling unit per acre and a net density of three dwelling units per acre in the UF-3 FLUC; (2) which is partially within the 25-year floodplain; and (3) which is adjacent to a perennial stream; ADOPTION of Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code (LDC).

Norm Luppino, Planning Department, displayed a zoning map, preliminary landscape plan, and pedestrian plan to give a history of the project as well as describe the present request.

Discussion: Length of the boulevard entrance; turnaround area for local bus service; design concept to alleviate the potential traffic problem; etc.

Cliff Walters, attorney representing the applicant, summarized the previous approval while displaying a site plan. In **Stipulation 4.M**, the applicant would like to reduce the six-foot-wide bike lanes to four feet.

Tom McCollum, representing the applicant, discussed Harrison Ranch Boulevard and, while presenting a colored rendering, described the features of the proposed entranceway.

Mr. Walters read new **Stipulation 4.O**:

Developer agrees to reserve 20 feet along the western side of Harrison Ranch Boulevard from U.S. Highway 301, north to the entrance of the community park, as designated on the preliminary site plan, as proposed by developer, for future right-of-way. If the County classifies Harrison Ranch Boulevard as a collector road, the developer shall dedicate the above referenced reserved property to the County. Developer further agrees to construct Harrison Ranch Boulevard with asphalt base and sub base to collector road standards.

Dorothy Reese requested additional trees near her property to enhance privacy. **William Abraham** agreed with the deletion of the pedestrian connection to the Gardens Manufactured Home Park (Stipulation 4.B.1.). **Kenneth Andersen** requested the portion of Harrison Ranch Boulevard near Erie Road be relocated and additional buffering be provided near his property to filter out noise. **Debbie Massey** and **Valrie Massey** requested the vegetation and landscaping remain near their properties.

Mr. Luppino submitted revised **Stipulation 11.C.**, objection letters and displayed a map of 100th Avenue East (Exhibit A).

Robert Pederson, Planning Department, read proposed **Stipulation 8.E**:

The perimeter and roadway buffer along the west property line running south from Erie Road for 1,500 feet, shall be 20 feet in width and contain two offset rows of canopy and understory trees planted 25 feet on center, together with the required hedge. A six-foot-high solid decorative fence or wall shall be placed within this buffer with all required landscaping on the west side of the fence.

Discussion: What is allowed under the electrical lines (Florida Power and Light easement); street lighting; number of tot lots; parking in the focal area; buffer around the eagle's nest; traffic and capacity on U.S. 301; etc.

While reviewing transportation improvements for the area, Mr. Luppino exhibited a chart (result of an approved traffic study).

Mr. Pederson read suggested **Stipulation 4.P**:

There shall be no street lighting along Harrison Ranch Boulevard between Erie Road and the first intersecting roadway south of Erie Road.

Mike Tenney, Planning Department, discussed traffic volumes and the plans for U.S. 301.

Discussion: Concurrency; school bus traffic; retention ponds; construction entrance; etc.

Mr. Walters confirmed there will be no street lighting, but the applicant would like to reserve the right for low-level lighting. He addressed several other concerns including: vegetation in the conservation area, traffic, retention ponds, and the construction entrance.

Mr. Pederson read additional language to **Stipulation 4.P**:

There shall be no street lighting along Harrison Ranch Boulevard between Erie Road and the first intersecting roadway south of Erie Road. The use of decorative street lights may be authorized by the Planning Director at the time of final site plan approval provided any such lights produce no glare or light trespass on adjoining property.

Discussion: Did Mr. Pendley submit any comments; impact fees; suggest the applicant meet with the School Board before the County Commission meeting; stipulation to increase the density; etc.

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 **PDMU-01-04(Z)(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1.A-B, 2.A-D, 3.A-D, 4.A-P (4.M as amended by the applicant; 4.O as read by the applicant; 4.P as read by staff), 5.A-I, 6.A-E, 7.A-G, 8.A-E (8.E as added by staff), 9.A-E, 10.A-C, and 11.A-D (11.C as revised by staff); GRANTING Special Approval for a project: (1) exceeding a gross density of one dwelling unit per acre and a net density of three dwelling units per acre in the UF-3 FLUC; (2) which is partially within the 25-year floodplain; and (3) which is adjacent to a perennial stream; ADOPTION of Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code. The motion was seconded by Mr. Burke and carried 5 to 1, with Ms. Sheppard voting nay due to the lack of a cul-de-sac and safety concerns for the Harrison Ranch Boulevard entrance.

[PC20040708DOC004](#)

Public hearing (Notices published) was held to consider

LDA-01-03(R) HARRISON RANCH

Approval of an amended Local Development Agreement to secure development rights and mitigate transportation and infrastructure (water and sewer) impacts for a mixed-use development consisting of:

1. 992 single-family detached units; and
2. 176 single-family attached units.

The project is on 955.01 acres located on the north side of U.S. 301, approximately 1/3 mile west of Chin Road, and extending northward to Erie Road.

Mr. Luppino stated the revision is to address the legal description and development and timing issues.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Land Development Code, Mr. Wernicke moved to recommend APPROVAL of the Local Government Development Agreement **LDA-01-03(R)** with the amendment to Section 7. The motion was seconded by Mr. Sayers and carried 6 to 0.

[PC20040708DOC005](#)

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

Public hearing (Notices published) was held to consider

PDR-97-12(P)(R3) WATERLEFE GOLF AND RIVER CLUB

Request: Revised Zoning Ordinance and a Preliminary Site Plan to:

1. Allow 14 residential dwelling units (4 single-family detached and 10 multifamily units) and a 14 slip congregate docking facility as part of Waterlefe Golf and River Club. These units and boat slips were part of the previous Waterlefe approval, which has subsequently expired; and
2. Make various other changes to the Zoning Ordinance including terminology, formatting, clarification changes, and to denote stipulations that have been complied with or requirements that have been completed.

Waterlefe Golf and River Club is located on the south side of the Manatee River, north and west of Upper Manatee River Road, and contains 622 acres, including 478.5 upland acres above the Manatee River shoreline. The proposed 14 residential dwelling units are on the north side of Fish Hook Cove, adjacent to the River Club, and the 14 boat slips are on the east side of Fish Hook Cove, north of Winding Stream Way. The total Waterlefe development will consist of 623 dwelling units, 198 boat slips, and an 18-hole golf course with ancillary facilities.

If approved, staff recommended 43 Stipulations; GRANTING Special Approval to a project: (1) located adjacent to a perennial stream; (2) located partially within the Coastal High Hazard Area; (3) involving the siting of a marina type use; and (4) exceeding one dwelling unit per acre in the UF-3 Future Land Use Category; for a project that was previously GRANTED Specific Approval for Table A of Section 710; and Sections 907.9.2.4; 907.9.4.2; and 907.9.1.3 of the LDC.

Mr. Luppino referred to slides, a zoning map, an aerial map, a site plan, and three elevations (accompanying the staff report) to review the history and major aspects of the project.

Discussion: Buffers and the building setbacks; reducing the five units to four; planting trees in the wetland buffer; etc.

Bill Merrill, representing the applicant, reviewed an aerial site plan, a unit comparison map, and colored renderings (introduced as Exhibit B). He submitted revised stipulations and requested the minimum separation between buildings be reduced to 25 feet (Stipulation 4.B.).

Mr. Luppino submitted a copy of the original stipulation that addresses the separation between buildings (approved 7/14/98) and recommended Stipulation 4.B remain as presented.

Discussion: Revised stipulations; how close are the other homes; Country Club will control the color of the homes; footprints of the homes; setbacks; etc.

Mr. Merrill reported the clubhouse is taller than the proposed homes and displayed photographs of the property, as it exists today and with the future homes, as well as a colored elevation.

Gary Nelson, Bay Colony-Gateway, Inc. (owner), was available to answer questions.

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 APPROVAL of Preliminary Site Plan **PDR-97-12(P)(R3)** with Transportation Stipulations 1 through 10; Environmental Stipulations 1 through 13; and Land Use and Design Stipulations 1 through 20 (2, 3.B, 3.D, 4.B, 19, 19.C, 19.D., and 20 as submitted by the applicant); GRANTING Special Approval to a project: (1) located adjacent to a perennial stream, (2) located partially within the Coastal High Hazard Area, (3) involving the siting of a marina type use, and (4) exceeding one dwelling unit per acre in the UF-3 Future Land Use Category; for a project that was previously GRANTED Specific Approval to Table A of Section 710; and Sections 907.9.2.4; 907.9.4.2; and 907.9.1.3 of the Land Development Code, as recommended by staff. The motion was seconded by Mr. Burke.

Following further discussion, the motion carried 6 to 0.

[PC20040708DOC006](#)

Public hearing (Notices published) was opened to consider

PDR-03-62(Z)(P) MANATEE RIVER RESORTS, INC.

Request: Zoning Ordinance of the County of Manatee, Florida...; providing for the rezoning of certain land from **PDMU** and **PDMU/CH** to **PDR** and **PDR/CH**; providing an effective date; and Approval of a Preliminary Site Plan to allow four lots for single-family detached residences, community docking facilities for four boat slips, and a boat ramp for the project; on 4.71 acres located at 1220 Mill Creek Road.

If approved, staff recommended 18 Stipulations; GRANTING Special Approval for a project: (1) adjacent to a perennial stream; (2) partially within the Coastal High Hazard Area Overlay; and (3) to waive the mandatory connection to the Manatee County public wastewater system; ADOPTION of Findings for Specific Approval; and GRANTING Specific Approval for an alternative to Section 740.3 of the LDC.

Dorothy Rainey, Planning Department, submitted **Stipulation 14** as revised by the applicant. Ms. Rainey used a Residential Distribution and Future Land Use Map, a future land use map, a zoning map, an aerial map, and slides to review the request.

(Mr. Wernicke absent for portion of the presentation)

Craig Colburn, attorney representing the applicant, presented reports from: **Thomas Shoopman** regarding the hydraulic conveyance (dated 7/8/04); and **Dr. Jill Rooth** discussing septic usage (dated 7/7/04). He noted the applicant will request Specific Approval from the Board of County Commissioners for a Private Street Affidavit and Maintenance Agreement for Mill Creek Road. While displaying an aerial map and site plan, he stated the project is consistent with the Comprehensive Plan and compatible with the surrounding uses. He discussed the wetland buffer, buffer restoration enhancement, and the greenbelt buffers.

Joe Samnic, arborist, discussed the condition of the trees on the property while displaying several photographs. **Thomas Shoopman** was available for questions.

Discussion: Compensation in the floodway; infill; how will residents access the boat slips; need a boardwalk to protect the buffer from foot traffic; notice to buyers; etc.

Dr. Jill Rooth spoke on the history of the septic system for the property.

James Hopewell presented a video of flooding in the area (1992). He stated concern with the magnitude of the project and requested it be scaled down to be more compatible.

Discussion: Water quality; homeowners association in the LDC; access to the boat ramp; etc.

Ms. Rainey displayed a site plan map to point out the boat ramp.

Jean Hopewell, who submitted a warranty deed (dated 10/19/93) and a letter, **Dennis Puckett**, who presented a Private Street Affidavit and Maintenance Agreement, **Kathy Puckett**, who submitted two handouts, and **Karen Ciemniecki**, who displayed a chart, spoke in opposition to this request due to: construction; trees; access to the boat ramp; flooding on the property; water quality in the Manatee River (specifically Gamble Creek); and the private roadway.

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

Mr. Pederson recommended amending the applicant's **Stipulation 14** to read:

The project is limited to four boat slips with each lot owner entitled to one boat slip only. The boat launch shall be limited to the use of the residents of the four lots only, except to the extent that documented use rights to the boat launch and boat launch area have been granted to third parties and recorded in the public records of Manatee County prior to May 1, 2001. These restrictions limiting the dock and boat launch facilities shall be included within the declarations, covenants, and restrictions for the project, a notice to buyers, and a separate addendum to any sales contract.

He also amended/added the following stipulations:

Stipulation 17:

The notice to buyers, disclosure statements, and Final Site Plan, and a separate addendum to any sales contract shall include language to inform homeowners in the project that:

- a. There is a hurricane evacuation plan approved by the Public Safety Department for this project.
- b. Only maintenance and minor repair of vessels in water shall be allowed.
- c. The presence of wetland buffers on the individual lots and the Manatee County Land Development Code restricts certain activities within wetland buffers.
- d. That they are purchasing property subject to flooding and on a site partially within the coastal high hazard area.

Stipulation 19 (new):

Any buffer along Mill Creek Road or the boundaries of this project shall not contain a solid fence or wall.

Ms. Rainey spoke on the size of the homes, length of construction, and barricades. Mr. Clague stated the responsibility of maintaining the road is the developer's.

Discussion: The road is not up to County standards; financial responsibility does not allow them to prevent access by all parties; the County had the opportunity to buy the property; etc.

Ms. Rainey reviewed **Stipulation 9**. She submitted a list of those who attended the neighborhood meeting on June 8, 2004, and an e-mail in support of the project.

Mr. Colburn rebutted the following concerns: compatibility; height of the homes; driveways; drip line; attendance at the neighborhood meeting. He tendered resident response cards in support.

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. Burke moved to recommend ADOPTION of Manatee Zoning Ordinance **PDR-03-62(Z)(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1 through 19 (14, 17, and 19 as read by staff); GRANTING Special Approval for a project: (1) adjacent to a perennial stream; (2) partially within the Coastal High Hazard Area Overlay; and (3) to waive the mandatory connection to the Manatee County public wastewater system; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for an alternative to Section 740.3 of the Land Development Code, as recommended by staff. The motion was seconded by Mr. Sayers.

Ms. Sheppard moved to amend the motion for the project to utilize a toilet system that does not have discharge. The motion was seconded by Mr. Wernicke and failed 2 to 4, with Mr. Bedford, Mr. Sayers, Mr. Burke, and Ms. Hastings voting nay.

The original motion carried 5 to 1, with Ms. Sheppard voting nay due to Manatee County Comprehensive Plan Policy 2.1.2.7 (adequate centralized water and sewer). [PC20040708DOC007](#)

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

COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notices published) was opened to consider

ORDINANCE 04-09

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED (THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM **RES-9** TO **OL** FOR CERTAIN LAND LOCATED AT 3030 U.S. 301 NORTH, CONSISTING OF 0.58 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(**PA-04-09** – Property Owner: Richard W. Steinberg and North River Properties Land Trust, North River Dental)

John Osborne, Planning Department, while using a future land use category map in the staff report, stated the amendment was County initiated to correct an erroneously classified future land use category.

Based upon the evidence presented, comments made at the public hearing, the technical support documents, and finding the request to be CONSISTENT with the provisions of *Chapter 163, Florida Statutes, Chapter 9J-5, Florida Administrative Code*, and the 2020 Manatee County Comprehensive Plan, Ms. Hastings moved to recommend ADOPTION of Plan Amendment **PA-04-09 (Ordinance 04-09)**. The motion was seconded by Mr. Wernicke and carried 6 to 0. [PC20040708DOC008](#)

DRAFT EVALUATION AND APPRAISAL REPORT (EAR)

Public hearing (Notices published) was held for the Evaluation and Appraisal of the 2020 Manatee County Comprehensive Plan.

Michael Wood, Planning Department, noted the EAR is slated to be reviewed by the Planning Commission on August 12, 2004.

Jeffrey Steinsnyder, Chief Assistant County Attorney, addressed payment of Impact Fees.

Discussion ensued regarding the upcoming joint work session on housing with the Board of County Commissioners scheduled for August 8, 2004, at the Manatee County Civic Center.

Mr. Wernicke moved to continue the public hearing for the EAR to August 12, 2004, at 9:00 a.m. or as soon thereafter as same may be heard. The motion was seconded by Mr. Burke and carried 6 to 0. [PC20040708DOC009](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 3:46 p.m.
/qa

Minutes Approved: September 9, 2004