

MAY 25, 2006

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, May 26, 2006, at 9:03 a.m.

Present were Commissioners:

Richard Bedford, Chairman
Marie Hastings, First Vice-Chairman
Marilyn Stasica, Second Vice-Chairman
Steve Belack
Joseph Guyton
Mary Sheppard (entered during meeting)

Absent were:

David Wick
Michael Pendley (non-voting member representing the School Board)

Also present were:

William Clague, Assistant County Attorney
Susan Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of May 25, 2006, with update memorandum and sign-in sheet.

[PC20060525DOC001](#)

CONSENT AGENDA

ZONING

Public hearing (Notices published) was held to consider

Z-05-20 PARTNERS 64 (APPROVED)

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Official Zoning Atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone from **A-1** to **GC**; providing an effective date, setting forth findings, providing for severability, and providing a legal description; on 2.01 acres located at 912 S.R. 64 East, Bradenton.

[PC20060525DOC002](#)

(Enter Ms. Sheppard)

Public hearing (Notices published) was held to consider

Z-05-15 ANGEL QUEST LLC (APPROVED)

Request: An Ordinance of the Board of County Commissioners of Manatee County, Florida...; providing for a rezone from **RSF-4.5** to **PR-S**; providing an effective date; providing a legal description; setting forth findings; and providing for severability on .30 acres located on the south side of 53rd Avenue; approximately 130 feet west of 20th Street Court East, Bradenton.

[PC20060525DOC003](#)

Motion was made by Mr. Belack, seconded by Mr. Guyton, and carried 6 to 0, to APPROVE the Consent Agenda incorporating the language as stated in the recommended motions in the staff reports with the deletion of **LDA-06-04 SBC Developments LLLP/Longbar Pointe Development Agreement** (separate action).

(End Consent Agenda)

Longbar Pointe

Public hearing (Notices published) was held to consider

LDA-06-04 SBC DEVELOPMENTS LLLP/LONGBAR POINTE

Request: A Local Development Agreement providing for the reservation of transportation capacity on El Conquistador Parkway; providing for dedication of right-of-way; providing for design and permitting of El Conquistador Parkway; providing for construction of El Conquistador Parkway; providing for performance security; providing for establishment of milestones; providing for payment for design, permitting, and construction of El Conquistador Parkway; providing for indemnification; providing for notice; providing for severability, and providing for an effective date on 524 acres. The Local Development Agreement is for Longbar Pointe, Phase 1 and other properties south and west of the extension of El Conquistador Parkway.

Moses Lane questioned when the connection of El Conquistador Parkway to 53rd Avenue West and 75th Street West will be complete.

Carol Clarke, Planning Director, stated the Local Development Agreement is for construction of the El Conquistador Parkway extension to 53rd Avenue West and 75th Street West, and the dedication of right-of-way. Construction is slated to be complete by December 31, 2008. There are no impact fee credits given to the developer, and the developer is responsible for design permitting, and construction. A Reservation of Capacity is being given as a development right, which will be used to satisfy concurrency requirements and support issuance of a Certificate of Level of Service Compliance for transportation purposed for development on the overall property, upon application.

William Clague, Assistant County Attorney, clarified the LDA is before the Planning Commission due to the Reservation of Capacity, which requires one public hearing before the Planning Commission.

Ms. Clarke clarified that this includes the Longbar Pointe project and other properties adjacent, but does not guarantee approval of other projects.

Discussion: Property owner to the north; providing right-of-way on both sides; etc.

Ms. Clarke stated all right-of-way could be obtained from SBC Developments LLLP. When construction begins she preferred the outside two lanes of the four lane configuration be built first, so when construction of the remaining two lanes begins, there would be less impact on residents.

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 and Comprehensive Plan, Mr. Belack moved to recommend APPROVAL of Local Development Agreement **LDA-06-04** as recommended by staff. The motion was seconded by Mr. Guyton, and carried 6 to 0. [PC20060525DOC004](#)

ZONING

Public hearing (Notices published) was held to consider

PDR-04-14(P) AEGIS REALTY INC./RIVA TRACE (APPROVED)

Request: A Preliminary Site Plan for 86 lots for single-family residences on 41.2 acres located west of I-75, east of the future road and bridge connection between Honore Avenue and Tara Boulevard, and south of the Braden River, Bradenton, providing a legal description, and providing an effective date.

If approved, staff recommended Stipulations A.1-10, B.1-4, C.1-10, D.1-5, and E.1-3 GRANTING Special Approval for a project: 1) adjacent to a perennial stream; 2) partially within the Coastal High Hazard Overlay; 3) within the 25-year floodplain; 4) within the Watershed Protection–Evers Overlay District; 5) within the Special Treatment Overlay District; and 6) in the Entranceway; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for alternatives to Sections 907.9.1.3, 907.9.3.1, and 907.9.4.2 of the Land Development Code.

Richard Millian, representing the applicant, reviewed changes to the preliminary site plans since the County Commission hearings of July 26, and September 22, 2005, including changing the project from multifamily to single-family detached. Mr. Millian requested changes to **Stipulations A.2, A.3, and A.5.c.i**:

- A.2. Prior to ~~Final site Plan~~ **Construction Plan** approval a noise analysis shall be done based on the ~~potential 10 land configuration of I-75 and anticipated traffic in 2025~~ **current conditions on I-75**.
- A.3. The landscape buffer along the east perimeter, adjacent to I-75, shall include a 50-foot-wide buffer, ~~noise barrier wall~~ **sound attenuation as required by the LDC....** The buffer, including the wall and landscaping, shall be installed (not bonded) prior to the first ~~Final Plat~~ **Certificate of Occupancy being issued for the development**.
- A.5.c.i. ~~The buffer shall include a six-foot high fence or wall~~ **The buffer shall be as set forth in the LDC.**

Lisa Barrett, Planning Department, used the original preliminary site plan, a Future Land Use map, the new preliminary site plan, and a slide presentation to review the request. She explained that the south access is for emergency use only. She also displayed two photographs typical of the type of wall that would be used as a noise barrier.

Discussion: Noise barrier wall sufficient; difference in timing between “Final Site Plan” and “Construction Plan”; cul-de-sac and emergency vehicles; distance to the Tara Boulevard bridge intersection; right turn out only; distance to U-turn location; Meeting Street in University Place is a public road; stipulations regarding noise attenuation inside the houses; etc.

Joaquin Servia, Planning Department, addressed noise attenuation and the noise consultant developed design. A second step could be taken after the barriers and buffers are in place to evaluate noise on a particular lot.

Discussion: Add to Homeowners Association documents there may be noise from I-75; stipulation to have the property protected when I-75 is widened; noise travels up and over; etc.

Craig Cerreta used a handout to express his concerns regarding a sidewalk connecting Riva Trace and University Place, open burning during construction, and a proposed swale or berm that would affect the existing landscape buffer. He also voiced concerns regarding the emergency gate at Meeting Street, construction traffic, and a green fence along the southern border of Riva Trace.

Neal Slater used a map to discuss issues such as a fence along the southern border, and a buffer. He also expressed concern regarding the gate at Meeting Street.

Donna Mulig, Elkan Reis, and Ronni Loundy, all expressed concern regarding traffic and noise abatement.

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

Ms. Barrett used a final site plan to discuss the placement of the sidewalk and the motorized gate at Meeting Street. Stipulation A.10. addressed construction traffic.

Mr. Servia requested the following changes and additions to **Stipulations**:

- A.3. ...The buffer, including the wall and landscaping, shall be installed (not bonded) prior to the first Final Site Plat **and tested by the design noise consultant to ensure compliance with Stipulation 2.**
- A.11. Homeowner Association Declarations shall include a Notice to Buyers concerning the proximity of the project to I-75 and anticipated noise levels.
- A.12. Open burning shall be prohibited during land clearing associated with the development of the site.

Discussion: Trail system and wheel chair accessibility; Lot 32 encroaches on the floodway; any fill within the floodway would require a "no rise certification"; 800-foot distance cul-de-sac and turn around; ways of developing and handling water differently without using the pond system; impacts of traffic on University Parkway are minimal so not a part of traffic analysis; etc.

Mr. Millian clarified there is no desire to have cross access to Meeting Street. He agreed to the additional stipulations, and noted the applicant is requesting the opportunity to explore different types of sound attenuation other than a wall. He agreed to the wording "Final Site Plan approval" in place of "Construction Plan" in the Stipulations, but requested his other amendments.

Discussion: Zoning and Future Land Use Category; trail will be six feet wide and meet ADA requirements; concerns regarding the cul-de-sacs and emergency access; etc.

Mike Raiser, traffic engineer for the applicant, clarified that the traffic study did not include University Parkway, because the size and scope of the project will not impact University Parkway.

Discussion: Left U-turn lane; crossing traffic; maximum traffic expected during peak hours is 50 cars per hour; not all vehicles will go north; signalization at Tara Boulevard bridge; right-of-way requirements are in the Comprehensive Plan, but noise issues from I-75 are stipulations; 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, Ms. Hastings moved to recommend APPROVAL of Preliminary Site Plan **PDR-04-14(P)** with Stipulations A.1-10 with the addition of A.11 and 12, B.1-4, C.1-10, D.1-5, and E.1-3 as amended by staff; GRANTING Special Approval for a project: 1) adjacent to a perennial stream; 2) partially within the Coastal High Hazard Overlay; 3) within the 25-year floodplain; 4) within the Watershed Protection–Evers Overlay District; 5) within the Special Treatment Overlay District; and 6) in the Entranceway; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for alternatives to Sections 907.9.1.3, 907.9.3.1, and 907.9.4.2 of the Land Development Code, as recommended by staff. The motion was seconded by Mr. Belack, and carried 6 to 0. [PC200 60525DOC005](#)

Public hearing (Notices published) was held to consider

PDW-05-31(Z)(P) BRADENTON BOAT CLUB LLC (APPROVED)

Request: An Ordinance of the Board of County Commissioners, Florida, amending the Official Zoning Atlas (Ordinance 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for a rezone from **GC/CH** and **RDD-6/CH** to **PDW/CH**; providing an effective date; and a Preliminary Site Plan for 22 wet slips, dry storage for 272 boats, and an office for the marina on 4.78 acres located on the north side of Cortez Road at 12123 Cortez Road West (0.05 acre rezone, 4.78 acres site plan approval).

If approved, staff recommended 20 Stipulations; GRANTING Special Approval for a project: 1) within the CH (Coastal High Hazard Area Overlay); 2) in the CEA (Coastal Evacuation Area); 3) in the CSVA (Coastal Storm Vulnerability Area); ADOPTION of Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 603.14.8.3 of the Land Development Code.

Jeffrey Steinsnyder, representing the applicant, used a map, a site plan, and submitted an article to review the project. He discussed the properties surrounding the project and stated the proposed use will be for a marina offering dry storage and some wet docks. The drive to 123rd Street West will be for emergency purposes only. He reviewed the number of dry storage and wet boat slips and a proposed building height of 42.75 feet above flood protection elevation or 49 feet above finished grade.

Mike Burton, Environmental Affairs Consultants, assessed the area for ecological features. The site has been used as a marina and already has an excavated boat basin. No submerged resources are in the basin other than mangroves that have grown into the basin. The only seagrass near the project is located at the mouth of the canal. A water quality analysis was done in the area, as well as a flushing study; findings conclude that the basin flushes properly, and the result is a net benefit to water quality in the area. A pump out will be located in the uplands, and no waste will be put into the water.

Discussion: Will pump out be open to the public; etc.

Mr. Steinsnyder submitted four drawings of the project, and discussed the design of the buildings.

Norm Burke, applicant, stated studies of similar marinas in the state show 15 percent of the boats are being used during peak holiday periods. This would average seven boats per hour traveling the canal. He stated the pump out will be used only by owners of the "boataminium" per the condominium documents.

Mr. Steinsnyder requested a change to **Stipulation 2** that would increase the height from grade to 49 feet. He stated there will be no parking on 123rd Street.

Discussion: Parcel to the north does not have waterfront access; 61 parking spaces; fuel pumps only for use by members; fish cleaning station will operate through a grinder and empty into the sanitary sewer system; size of boats accessing the canal; etc.

Aristotle Shinas, Planning Department, used a slide presentation to review the request. He stated the lagoon will be filled in. He pointed out that manatees go into the canal. Mr. Shinas recommended amending **Stipulation 2**:

2. All buildings shall be a maximum height of 49 feet from grade, consistent with architectural building renderings entered into the record for this case.

Bill O'Shea, Environmental Management, explained they do not know why the manatees are entering the canal, but the canal system is slow speed, minimum wake, and in this area of Sarasota Bay it is slow speed or idle speed zones adjacent to the marina.

Discussion: No other buildings in the vicinity are 50 feet high; etc.

Rose Smith expressed concerns regarding the height of the buildings, the use of wet slips and the environmental impact the project will have on manatees, as well as noise and water pollution.

Kevin Button, representing Holiday Cove RV Park, stated the park is in favor of the project and it will be an enhancement to the area.

Mr. Shinas reiterated that the driveway at 123rd Street West will be for emergency use only and there will be no access from 42nd Avenue West. He reviewed Stipulations 3 and 10 addressing landscape buffers and hours of operation respectively.

Mr. Steinsnyder clarified that the buildings will meet hurricane standards. The applicant would be willing to vacate the property next to the Smith's to shorten the drive back to 123rd Street West. Mr. Steinsnyder explained the environmental benefits of storing boats on land as opposed to in the water. Public restrooms will be in the same area as the office in Building C, and the eaves are 43.73 feet from grade.

Discussion: Boats taken off site for repair; designated service area in the building for simple maintenance and repair.

William Clague, Assistant County Attorney, noted that wording will be added regarding major or significant repair before the project goes before the Board of County Commissioners.

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. Belack moved to recommend ADOPTION of Manatee County Zoning Ordinance **PDW-05-31 (Z)(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1 through 20; with the change to Stipulation 2; GRANTING Special Approval for a project: 1) within the CH; 2) in the CEA and 3) in the CSVA; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 603.14.8.3 of the Land Development Code. The motion was seconded by Mr. Guyton, and carried 5 to 1, with Mrs. Stasica voting nay due to concerns regarding the buildings heights.

[PC20060525DOC006](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 12:02 p.m.
/vbt

Minutes Approved: July 13, 2006