

JULY 13, 2006

The Planning Commission, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, July 13 2006, at 9:01 a.m.

Present were Commissioners:

Richard Bedford, Chairman
Marie Hastings, First Vice-Chairman
Steve Belack
Joseph Guyton
Mary Sheppard
David Wick

Absent were Commissioners:

Marilyn Stasica, Second Vice-Chairman (vacation)
Michael Pendley (non-voting member representing the School Board)

Also present were:

Sarah Schenk, Assistant County Attorney
Susan Romine, Board Records Manager,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of July 13, 2006, an agenda update memorandum, and sign-in sheets.

[PC20060713DOC001](#)

MINUTES

Upon motion by Mr. Wick and second by Mr. Belack, the minutes of May 11, 2006, May 25, 2006, June 8, 2006, and June 27, 2006, were approved by a vote of 6 to 0.

[PC20060713DOC002](#)

CONSENT AGENDA

ZONING

Public hearing (Notices published) was held to consider

Z-05-21 WORLEY REZONE (APPROVED)

Request: A Zoning Ordinance 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 **RSF-2**; and providing an effective date. The site is at 5111 37th Street East, Bradenton, setting forth findings; providing a legal description; and providing for severability (.43 acres).

Thomas J. Beimborn, representing the petitioner, requested approval.

[PC20060713DOC003](#)

Public hearing (Notices published) was held to consider

PDPI-05-120(P) MANATEE COUNTY FLEET BUILDING (APPROVED)

Request: A Preliminary Site Plan for an 11,956-square-foot office and motor pool facility. The site is at 4700 66th Street West, Bradenton, setting forth findings; providing a legal description; providing for severability; and providing an effective date (4.84 acres).

If approved, staff recommended 13 Stipulations; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 703.2.20.1 of the Land Development Code (LDC).

[PC20060713DOC004](#)

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notices published) was held to consider

ORDINANCE 06-14 (APPROVED)

Request: Approval of an Ordinance of Manatee County, Florida, amending Manatee County Ordinance 89-01, as amended, (The 2020 Manatee County Comprehensive Plan); providing for an amendment to the existing Port Manatee Master Plan in Chapter 4, the Coastal Element, of the Comprehensive Plan; providing for severability; and providing for an effective date.

(**PA-06-14** – Property Owner: Port Authority)

[PC20060713DOC005](#)

Public hearing (Notices published) was held to consider

ORDINANCE 06-15 (APPROVED)

Request: Approval of an Ordinance of Manatee County, Florida, amending Manatee County Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan) providing for the approval of a large scale amendment to the Future Land Use Map of the Future Land Use Element of the Comprehensive Plan from **RES-1/CSVA** to **AG/R/CSVA** (Agriculture/Rural/Coastal Storm Vulnerability Area) for county-owned property located at 1401 99th Street N.W. and associated parcels (20.8 acres) and from **UF-3/CEA/CSVA** to **R/OS/CEA/CSVA** for county-owned property located approximately 2,350 feet south of Mulholland Road, 1,600 feet east of Ft. Hamer Road and north of the Manatee River (107.9 acres), as assigned, and retaining all overlays as appropriate; providing for severability; and providing for an effective date (128.7 acres).

(**PA-06-15** – Property Owner: Port Authority)

Discussion: Fort Hamer site; schools are allowed in all zoning districts; etc.

[PC20060713DOC006](#)

The Planning Commissioners each advised that they drove by the properties on the Consent Agenda.

Motion was made by Mr. Belack, seconded by Mr. Wick, and carried 6 to 0, to APPROVE the Consent Agenda incorporating the language as stated in the recommended motions in the staff reports (as amended in the agenda update memorandum).

(End Consent Agenda)

NEWPORT ISLES

Public hearing (continued from 6/8/06) was opened to consider

PDMU-06-21(Z)(P) CC MANATEE DEVELOPMENT LLC/NEWPORT ISLES

(CONTINUED TO AUGUST 10, 2006, AT 9:00 A.M.)

Request: An Ordinance of the Board County Commissioners of Manatee County, Florida...; providing for the rezoning of approximately 734.2 acres north of Buckeye Road, east of Grass Farm Road, and extending north to the Hillsborough County line, Palmetto, from **A** to **PDMU**; providing an effective date; and a Preliminary Site Plan for 1,208 lots for single-family detached residences, 450 lots for single-family attached residences, and an elementary school site; setting forth findings; providing a legal description, and providing for severability.

and

LDA-06-05 – CC MANATEE DEVELOPMENT LLC/NEWPORT ISLES

(CONTINUED TO AUGUST 10, 2006, AT 9:00 A.M.)

Request for Approval of Local Development Agreement LDA 06-05: to provide for dedication of land for future transportation facilities to meet concurrency requirements for the following Project (aka Newport Isles) so as to enable approval of a Certificate of Level of Service limited to transportation not to exceed a period of ten years; said Project being described in Zoning Application PDMU-06-21(Z)(P): to amend the Official Zoning Atlas (Ordinance 90-01, the Manatee County Land Development Code), to rezone approximately 734.2 acres north of Buckeye Road, east of Grass Farm Road, and extending north to the Hillsborough County line, from **A** to **PDMU**; and a Preliminary Site Plan for 1,663 lots for single-family detached residences, 454 single-family attached units, a 5.8 acre commercial site, recreational amenities, and a school site. The above applications request a maximum height of 35 feet, a gross density of 2.27 dwelling units per acre, and a net density of 2.39 units per acre.

Robert Pederson, Planning Department, noted PDMU-06-21(Z)(P) is being continued for readvertisement.

Mr. Bedford requested at the August meeting that staff briefly review Buckeye Road development.

Motion was made by Mr. Belack, seconded by Mr. Wick, and carried 6 to 0, to continue **PDMU-06-21(Z)(P)** to August 10, 2006, at 9:00 a.m. or as soon thereafter as same may be heard. [PC20060713DOC007](#)

Motion was made by Mr. Belack, seconded by Mr. Wick, and carried 6 to 0, to continue **LDA-06-05** to August 10, 2006, at 9:00 a.m. or as soon thereafter as same may be heard. [PC20060713DOC008](#)

ZONING

Public hearing (Notices published) was held to consider

PDR-05-69(Z)(P) CRYSTAL LAKES II

Request: A Zoning Ordinance 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 **PDR**; providing an effective date; and a Preliminary Site Plan for 50 lots for single-family detached residences. The site is east of the existing Crystal Lakes project and at the northwest corner of 70th Street East and 60th Avenue East, Palmetto, setting forth findings; providing a legal description; and providing for severability (20.84 acres).

If approved, staff recommended 19 Stipulations; GRANTING of Special Approval for a project: (1) adjacent to a Perennial Stream; (2) exceeding a gross density of 1 dwelling unit per acre in the UF-3 Future Land Use Category (FLUC); and (3) exceeding a net density of 3 dwelling units per acre in the UF-3 FLUC.

Bill Merrill, attorney representing project developer David McNabb, described the request while using an aerial map, density bar graph, a site plan, two handouts (history of proposed widening of Buffalo Canal/Frog Creek and Crystal Lakes II drainage information), and photographs of the improved canal. He submitted proposed stipulations and noted new **Stipulation 20** was requested by adjacent property owner, **Earlene Harber** (see letter dated 7/12/06).

Discussion: Staff Stipulation 12 (fill dirt) is acceptable; where to relocate Lot 16; flood control will be by the County or by a Homeowners' Association; Frog Creek is public; will moving Lot 16 change the minimum lot size; stipulate that owners be notified of road connections; applicant's Stipulation 10; in Phase I sidewalks are on both sides of the streets (applicant wants to delete Stipulation 9); all the roadways in the development are dead end (longer than 800 feet) until the future connection is complete, a Specific Approval (Section 907.9.4) is needed; etc.

Barney Salmon, Planning Department, used a slide presentation and a site plan to review the request.

David McNabb, contract purchaser, in regard to Stipulation 13, stated that Lot 16 is the best choice due to the quality of trees.

Mr. Merrill agreed with language regarding the Notice to Buyer for the interneighborhood tie to the east, and Specific Approval for dead end streets. He stated Stormwater Management Division staff agreed with proposed Stipulation 10. He pointed out the location of the erosion to the south of the property line. He displayed a cross-section and explained the improvements made to Frog Creek.

Mr. Pederson revised **Stipulation 7** to read:

7. The Notice to Buyers and Final Site Plan shall include a notice to inform homeowners of: (1) the presence of neighboring agricultural uses, which may possibly include pesticides and herbicides and may have odors and noises associated with such uses; and (2) the interneighborhood tie to the east in the future development on that site may use the roads to Crystal Lakes.

Discussion: In Stipulation 13 replace "eliminated" with "relocated"; work out language before the Commission meeting; applicant agreed to "no burning of trees shall be permitted" in **Stipulation 4**; Environmental Management Department is revising open burn permits; 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. Wick moved to recommend ADOPTION of Manatee County Zoning Ordinance **PDR-05-69(Z)(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1 through 20 (4 and 7 as revised by staff; 10, 13, 16 (deleted), and 20 by applicant); and GRANTING of Special Approval for a project: (1) adjacent to a Perennial Stream; (2) exceeding a gross density of 1 dwelling unit (d.u.) per acre in the UF-3 FLUC; and (3) exceeding a net density of 3 d.u. per acre in the UF-3 FLUC; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 907.9.4 of the LDC, as recommended by staff. The motion was seconded by Mr. Belack, and carried 6 to 0.

[PC20060713DOC009](#)

Recess/Reconvene. All members present except Mrs. Stasica and Mr. Pendley.

Public hearing (Notices published) was held to consider

PDC-05-32(P) JRG DEVELOPMENT LLC/NEW HOPE SHOPPING PLAZA

Request: A Preliminary Site Plan for a 38,090-square-foot shopping center. The site is at the southeast corner of Amsterdam (a private driveway) and U.S. 301 North at 7215 U.S. 301 North, Ellenton, setting forth findings; providing a legal description; providing for severability; and providing an effective date (4.72 acres).

If approved, staff recommended 21 Stipulations; GRANTING Special Approval for a project exceeding 30,000 square feet in the RES-9 FLUC.

Leonard Garner, property owner, agreed with all the stipulations.

Erika Barrett, Planning Department, reviewed the request while using a slide presentation and a site plan.

Discussion: Why will the residents have to travel U.S. 301 to access the plaza; staff recommended a gate (Stipulation 12); golf cart friendly; golf cart parking; buffering and parking spaces; etc.

Matt Hoag, Colony Cove General Manager, reported although golf cart usage is high in the area there are very few accidents. He stated concern with the following: the fence in Stipulation 11 should be 10 feet high and constructed with brick or concrete; the pedestrian gate (Stipulation 12) should be deleted to prevent unwanted visitors to the mobile home park; no burning of trees (Stipulation 16); the source of the water for irrigation (Stipulation 17); and the mobile home park cannot accommodate more runoff (Stipulation 21).

Ms. Barrett discussed the concerns of Mr. Hoag: **Stipulation 11** a fence over 8 feet would create construction issues; the pedestrian gate in **Stipulation 12** would be a service to the residents; she agreed with his **Stipulation 16**; and, **Stipulation 17** is a standard condition for irrigation.

Mr. Garner explained at the neighborhood meeting the residents were against the pedestrian gate.

Ms. Barrett displayed an elevation to point out the parapet walls.

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 APPROVAL of Preliminary Site Plan **PDC-05-32(P)** with Stipulations 1 through 21 (12 as deleted); and GRANTING Special Approval for a project exceeding 30,000 square feet in the RES-9 FLUC, as recommended by staff. The motion was seconded by Mr. Wick.

Mr. Pederson read revised **Stipulation 16**: No burning of trees or branches is allowed.

Following discussion, Mr. Belack and Mr. Wick amended the motion to include **Stipulation 16** as read, and deleted "PVC" from **Stipulation 11**. The motion carried 5 to 1, with Ms. Sheppard voting nay due to her agreement with the staff stipulations.

[PC20060713DOC010](#)

COMPREHENSIVE PLAN AMENDMENT

Public hearing (continued from 6/27/06) was opened to consider

ORDINANCE 06-13

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED (THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING FOR THE EVALUATION AND APPRAISAL (EAR) BASED TEXT AMENDMENTS TO ALL ELEMENTS OF THE COMPREHENSIVE PLAN (AVIATION, CAPITAL IMPROVEMENTS, COASTAL, CONSERVATION, DEFINITIONS, DRAINAGE, FUTURE LAND USE, GENERAL INTRODUCTION, HISTORIC/CULTURAL, HOUSING, INTERGOVERNMENTAL COORDINATION, LAND USE OPERATIVE, TRANSIT, MONITORING, PORT, RECREATION-OPEN SPACE, SOLID WASTE, TRAFFIC, TRANSPORTATION, WASTEWATER, AND WATER SUPPLY); PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(PA-06-13 - Text Amendments)

Kathleen Thompson, Planning Department, displayed two maps to discuss the Future Development Area Boundary (FDAB) and Utilities (wastewater and potable water) Service Area Boundaries. She also discussed amendments to the Wastewater Sub-element.

Discussion: The line (FDAB) as drawn forces higher land values for the west side; the line follows Future Land Uses; this amendment is to make the two lines conform and to be consistent with the each other and how the policy structure of the comprehensive plan pertains to development and zoning of the properties; the line has been around since 1989, we are just modifying it; etc.

Wastewater Sub-Element

Michael Wood, Planning Department, addressed the amendments and issues raised for this section.

Discussion: Explanation of the different Level of Service in gallons per capita/day; etc.

Coastal Element

Mr. Wood highlighted the language changes.

Discussion: Policy 4.1.2.2, Section (3); Policy 4.1.4.1, Section (b), will this be a source of drinking water in the future; Policy 4.3.1.4, why allow any hazardous waste; etc.

Housing Element

Mr. Wood reviewed the recommended changes.

Discussion: Fort Myers Beach incentive; character study; Comprehensive Plan goals; special needs log; definition of accessory in Policy 6.1.3.2; Policy 6.1.3.6; Policy 6.1.3.8; etc.

Cheri Coryea, Community Services Department, was available for questions.

Intergovernmental Coordination Element

Mr. Wood pointed out the addition of Policy 11.1.7.5 and reviewed minor revisions.

Motion was made by Mr. Wick, seconded by Mr. Guyton, and carried 6 to 0, to continue the public hearing regarding **PA-06-13 (Ordinance 06-13) County-Initiated EAR Text Amendment** to August 10, 2006, at 9:00 a.m. or as soon thereafter as may be heard. [PC20060713DOC011](#)

LAND DEVELOPMENT CODE

Public hearing (Notices published) was held to consider

ORDINANCE 06-49

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING SUBSECTION 1204.3 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE PROVIDING FOR CITATIONS FOR VIOLATIONS OF THE LAND DEVELOPMENT CODE; REPEALING SUB-SUBSECTION 1204.3.1 AND SUB-SUBSECTION 1204.3.2 OF THE LAND DEVELOPMENT CODE; RENUMBERING AND AMENDING SUB-SUBSECTION 1204.3.3 OF THE LAND DEVELOPMENT CODE TO PROVIDE SCHEDULE OF VIOLATIONS AND PENALTIES; REPEALING SUB-SUBSECTION 1204.3.5 AND SUB-SUBSECTION 1204.3.6 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Maureen Sikora, Senior Assistant County Attorney, requested a recommendation of adoption to the Board of County Commissioners.

Discussion: The violator will be given a citation; this process is an alternative to the Code Enforcement Board; the citations would be handled in the same manner as traffic citations; 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 CONSISTENT with general purpose and standards of Section 1204 of the Manatee County Land Development Code, Mr. Belack moved to recommend ADOPTION of Manatee County Ordinance **06-49**, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by staff. The motion was seconded by Ms. Sheppard, and carried 6 to 0.

[PC20060713DOC012](#)

Recess/Reconvene. All members **absent** except Mr. Bedford.

COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notice published) was opened to consider

ORDINANCE 06-46

Request: Approval of an Ordinance of Manatee County, Florida, amending Manatee County Ordinance 89-01, as amended (The 2020 Manatee County Comprehensive Plan): providing for the amendment of the Future Land Use Map from **R/OS** to **RES-6**. The site is located at 101 Cortez Road West, Bradenton, providing for severability, and providing an effective date (46.6 acres).

(**PA-06-17** – Property Owner: Heather Hills Golf Course)

Due to the lack of a quorum, Mr. Bedford continued the public hearing for Ordinance **06-46** to August 10, 2006, at 9:00 a.m., or as soon thereafter as same may be heard. [PC20060713DOC013](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 1:32 p.m.
/qa

Minutes Approved: August 10, 2006