

Meeting Summary: January 3, 2018, Meeting with Manatee County Staff

Attendees

For Harrison Ranch – Vinette Godelia, Charles Parker, Jeb Mulock

For the Applicant – Douglas Weiland, as a principal of JES Properties, Inc. (“**Developer**”)

For the County – Brian Martineau, Barney Salmon, Karla Ripley, Michael Harrison, Sia Mollanazar, Ken LaBarr, Rob Wenzel, Bill Clague (by phone)

Meeting Notes

The meeting was attended by public works, planning department staff and Assistant County Attorney Clague. The project applicant, Douglas Weiland on behalf of the Developer, also attended at Manatee County staff’s request.

At the outset of the meeting Harrison Ranch attorney, Vinette Godelia, requested an update on the status of the pending Willow Bend application. Staff indicated the Developer had submitted an updated final site plan (FSP) on December 20th. The updated plans removed the previously approved construction access north to Erie Road and instead propose moving construction traffic entirely through the Harrison Ranch residential neighborhood and along a route that includes parked cars, a playground, walking paths, etc. – specifically, along a route from 58th Street Circle East to 58th Street East to 106th Avenue East to 55th Lane East to Harrison Ranch Boulevard. The County will be required to issue two approvals, the FSP as well as a right of way permit to allow use of the aforementioned route for construction traffic. Significantly, the County had directed the Developer to remove the construction access north to Erie Road from the plans because the Developer had allowed his easement rights to lapse – this was done despite the fact that the County’s approved development order from 2008 (“**2008 Development Order**”) only allows for construction access along that route.

Ms. Godelia explained Harrison Ranch’s opposition to allowing Willow Bend construction access through Harrison Ranch in light of the commitments that were made as part of the 2008 Development Order, as well as the safety, financial and other issues for the community. She explained that where there were self-imposed restrictions agreed to as part of the original 2008 Development Order, and in order to get Planning Commission and Board of County Commission approval of hundreds of units for a landlocked parcel, the Developer should not be allowed to avoid those commitments. She gave staff a copy of the signed petitions from over 900 Harrison Ranch residents who oppose the Developer’s latest construction traffic plan that is contrary to the legally approved 2008 Development Order.

She asked whether staff would attend a meeting with residents to be held at Harrison Ranch. Assistant Attorney Clague advised that staff should not make themselves available for such a meeting. Public Works director Sia Mollanazar indicated that his staff was available to talk with residents on the phone or in person at the Public Works Department but reiterated that they would not make themselves available for a larger meeting.

Based on the discussion with staff, it appears the Developer has addressed all outstanding issues from the County's staff and an approval will be issued. The County expects to issue an approval on or about January 24th. Issuance of the approval will trigger a 21-day time period within which Harrison Ranch or any other interested party must file a notice of appeal. Staff will provide a copy of any issued approval to counsel for Harrison Ranch as soon as it is issued. Attorney Clague noted that, if challenged, the FSP and right of way permit would not be issued until after any appeal before the BOCC is completed.

Staff indicated the Developer would be required to mill and resurface certain portions of the construction traffic route prior to utilizing the route. The areas at issue are portions of 55th Lane East, 106th Avenue, 58th Street East, and 500 feet of 58th Street Circle East. The Developer must post a bond for post construction.

Staff explained that while infrastructure related construction traffic would be routed through Harrison Ranch roadways, construction traffic for actual home site development could proceed through both Harrison Ranch and through Lexington. They reiterated that because Lexington's roadways were public, there would likewise be no limitation on use of those roadways for construction traffic post the initial construction related traffic. This is despite the fact that the Development Order expressly prohibits such traffic.

The Developer's principal, Douglas Weiland, asked Harrison Ranch representatives to stay behind to discuss possible resolution of the issues. He indicated his willingness to meet with the relevant Harrison Ranch representatives to discuss a resolution of the access issues that would avoid any challenge of the approvals. He indicated a total of 180 trucks were expected to access the site over a 1-year period to complete infrastructure construction and that he expected those trucks would access the site in two phases, approx. 90 trucks per phase. (Note that these figures do NOT include additional trucks for home construction, which would occur over a period of many years.) He indicated he would commit that no dump trucks would use the roadway as there was sufficient dirt on site for construction purposes. He indicated he was working to revive the easement through the northern property and the issue appeared to be reaching acceptable financial terms. He asked whether Harrison Ranch would be willing to contribute an amount to his acquisition of the easement.

Recommendations/Next Steps:

- A. Meet with the Developer and its counsel to further discuss possible solutions.
- B. Contact Lexington Representatives to advise them the County does not intend to stop construction traffic from accessing roadways through the community once lot development commences.
- C. Prepare the notice of appeal to be filed upon issuance of the FSP approval.