

NOVEMBER 16, 1989

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, November 16, 1989, at 9:00 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Maxine M. Hooper
Kathy A. Snell, Chairman Pro Tem, entered during the meeting

Also present were:

August V. Ellis, County Administrator
H. Hamilton Rice, Jr., County Attorney
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Glass.

All witnesses/staff giving testimony were duly sworn.

JAIL SITES

Regarding location of the proposed jail facility, Claude McGavic, Port Director, recommended consideration of three sites at or around the Port for soil testing. He submitted a map depicting the sites.

(Enter Ms. Snell)

Discussion: Appraised value of sites; purchasing property; proximity to stockade; 83 acre site; move entire stockade to 83 acre site; use existing stockade for state/federal prisoners; permitting in jurisdictional areas; mitigation areas; transfer of ownership of Port property; bond covenants; worksession after results of soil tests.

Motion was made by Mr. Chance, seconded by Mrs. Hooper and carried unanimously, to proceed with soil testing on the three sites and return with results and environmental concerns.

ZONING

Public hearing (Notice in The Bradenton Herald 10/26/89) was held for the purpose of considering

SP-89-52 MANATEE COUNTY STOCKADE - EXPANSION (APPROVED)

Request: Special Permit to allow an expansion of the Manatee County Stockade, including a 36,000 square-foot expansion and 192 additional beds with a waiver of parking lot landscaping requirements on 30 acres located on the southeast corner of Harllee Road and County Line Road at Port Manatee.

Planning Commission recommended APPROVAL with the waiver and stipulations:

1. Prior to receiving Certificate of Occupancy for use of the expansion, the stockade facility shall be hooked up to County sewer.
2. Prior to submittal of Final Site Plan, a Hurricane Evacuation Plan shall be submitted and approved.
3. A thirty-foot jurisdictional buffer shall be shown on the Final Site Plan along the eastern property line adjacent to the ditch.

Laurie Suess, Planning and Zoning, stated Harllee Road is scheduled to be paved by the end of the year.

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Based upon the evidence presented, comments made at the public hearing, upon the findings set forth in the staff report and the action of the Planning Commission and finding the request to be consistent with the Manatee County Comprehensive Zoning and Land Development Code and the Manatee County Comprehensive Plan, Mr. Chetlain moved to adopt the findings as recommended by the Planning and Zoning Department and to approve Special Permit No SP-89-52, including the Preliminary Site Plan, subject to Stipulations 1, 2, and 3; and approve the waiver of parking lot landscaping requirements.

RECORD S39-640

Z-89-40 JFS ENTERPRISES - C-2 (APPROVED)

Request: Reconsideration of a request for rezone from R-1 to C-2 on .94 acre located at the northwest corner of the intersection of 21st Avenue East and 13th Street Court East.
Planning Commission gave NO RECOMMENDATION.

Public hearing (continued from 10/24/89) was held to consider

Z-89-40 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1 TO C-2; PROVIDING AN EFFECTIVE DATE.

Ms. Suess stated staff is concerned with land use compatibility and traffic.

Alan Prather, representing Tropicana, stated the subject property is part of the urban industrial area on the Future Land Use Map and C-2 is the least intensive zoning which could be requested.

Discussion: Timing; court case; Comprehensive Plan; Tropicana cannot sell land to another industry; traffic addressed under Special Permit.

Steven Gold, general counsel for Tropicana, stated Tropicana is willing to make future plans for development available to the public.

Richard Bittner, neighborhood resident, opposed the request due to pollution.

Having considered the staff report, evidence submitted and comments made at the public hearing, the action of the Planning Commission and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Comprehensive Zoning and Land Development Code, Mrs. Hooper moved to adopt Manatee County Ordinance No. Z-89-40. Motion was seconded by Mr. Chance and carried unanimously.

RECORD S39-644

Public hearing (Notice in The Bradenton Herald 10/26/89) was held to consider

SP-89-53 JFS ENTERPRISES/TROPICANA - ORANGE JUICE FREEZER (APPR)

Request: Special Permit for an orange juice freezer as a light industrial use on 2.76 acres located at the northwest corner of 21st Avenue East and 13th Street Court East.

Planning Commission recommended APPROVAL with stipulations:

1. A solid six-foot fence or wall shall be provided along the property lines fronting on 13th Street Court East and 21st Avenue East, along with a five-foot wide buffer strip between the fence and the sidewalk on 21st Avenue East and between the back of the curb and the fence on 13th Street Court East with shrubbery 24 inches high at planting and the trees 12 feet high, nursery grade or better, planted every fifty feet on center, with grassed areas in between.

2. The freezer structure shall be placed on the site in such a manner that any motor driven machinery or engines that create noise shall not be located on the south and east sides of the building. Any motor driven machinery placed on the roof shall be muffled.
3. Operation of the freezer on this site shall not increase the ambient noise levels of the existing plant operation. Prior to any development on the site, the County shall obtain 24-hour baseline data for current noise levels at the east and south property lines of this site. This data shall be obtained at the developer's expense.
4. All lighting provided on site shall be so designed and arranged that no source of such lighting is visible from any adjoining property.
5. Adequate parking for this site must be maintained on adjacent sites to accommodate uses proposed on this site.

If approved, staff recommended stipulations:

- = Building setbacks shall be forty-five feet from both the south and east property lines.
(Planning Commission recommended deleting this Stipulation, previously numbered 5).
- = The developer shall provide an outdoor warning system for this freezer that will warn adjacent residents of a hazardous materials accident on site.

Ms. Suess stated staff recommended adding a sentence to Stipulation 3:

"A quarterly report which gives operational noise levels shall be provided by the developer."

She stated the stipulation proposed by staff was to mitigate the appearance of the building. There is a dispute as to ownership of the right-of-way of the street, which was paved by Tropicana.

Mr. Prather objected to the stipulation addressing setbacks inasmuch as Tropicana can only provide a 29-foot setback based on design of the building and surrounding buildings.

Ken Dively, Vice-President of Tropicana, stated if a forty-five foot setback was required, it would block an entrance to the freezer and the building would have to be redesigned.

Mr. Gold stated Tropicana has a Hazmat team and did not object to the stipulation for an outside alarm system.

Discussion followed regarding **maintenance** of required landscaping (Stipulation 1).

Based upon the evidence presented, comments made at the public hearing, upon the finding set forth in the staff report and the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Zoning and Land Development Code and the Manatee County Comprehensive Plan, Mrs. Hooper moved to adopt the finding as recommended by the Planning Commission and to approve Special Permit No. SP-89-53 including the Preliminary Site Plan and subject to Stipulations 1, including the word "maintained", Stipulation 2, as recommended by the Planning Commission, Stipulation 3 as amended by staff, Stipulation 4 and Stipulation 5, as recommended by the Planning Commission and Stipulation 6 as added by staff regarding the warning system. Motion was seconded by Ms. Snell and carried unanimously.

RECORD S39-645

GAS LEAKS - 63RD AVENUE EAST

Michael Latessa, Public Safety Director, reported on a gas line break which occurred during construction of 63rd Avenue East. He stated employees of surrounding businesses were evacuated. The accident was a result of a construction accident, not faulty pipes, as in the past. Discussion: Safety of people in the area; placement/depth of lines.

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Jerome Gostkowski, Public Works, stated there is a staff member to coordinate utility locations.

It was suggested the Public Information Officer and Mr. Gostkowski prepare an informational letter for the press explaining the role of the County in such matters.

Mr. Gostkowski stated that gas lines are placed 30-36 inches below the surface.

Recess/Reconvene. All members present.

ZONING

Z-86-30(R) SCHROEDER MANATEE, INC (CYPRESS BANKS) (APPROVED)

Request: Amend Stipulations A.(1), A.(5), 35 and 36, and revise Exhibit C of an approved zoning ordinance on 1790 acres, located in the watershed of the Braden River, south of State Route 70, 2 miles east of I-75 containing 5622 dwelling units, a 300 room hotel and 230,000 square feet of commercial space.

(Note: Revisions appended to the Settlement Agreement recorded below).

Public hearing (Notices in The Bradenton Herald 10/25/89 and 10/26/89) was held to consider

Z-86-30(R) AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING AN APPROVED ZONING ORDINANCE (Z-86-30) RELATING TO PROPERTY WITHIN THE UNINCORPORATED AREAS OF MANATEE COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Norm Luppino stated the Development Order approved August 8, 1989, was challenged by the Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA) citing failure to provide adequate provisions to mitigate traffic impacts from the development. Stipulation 35 allowed the developer to pay a proportionate share to mitigate transportation impacts for all four phases of the development.

Amended Stipulation 35 allows the developer to mitigate transportation impacts of Phase I through payment of its proportionate share of transportation impacts. The developer's proportionate share payment shall be utilized to construct or obtain the construction of one or more improvements to State Route 70 between U.S. 301 and I-75. For all development after Phase I, the developer shall comply with the requirements of concurrency pursuant to the Comprehensive Plan.

Stipulation 36 is being changed in response to the changes in Stipulation 35.

Mark Barnebey, Assistant County Attorney, stated the changes are consistent with the Settlement Agreement entered into among TBRPC, DCA and SMR-1 Development Corporation.

RECORD S39-646

Caleb Grimes, representing the applicant, stated the amendments are based on policy of the DCA and TBRPC and upon adoption, the appeal will be dismissed.

Having considered the staff report, comments made at the public hearing and the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Comprehensive Zoning and Land Development Code, Ms. Snell moved to amend the Special Approval and adopt Manatee County Ordinance No. Z-86-30(R) which amends Manatee County Ordinance Z-86-30 its definitions and stipulations for the Cypress Banks Development, as recommended by staff. Motion was seconded by Mr. Chance. Voting "Aye" were Ms. Snell, Mr. Chance, Mrs. Hooper and Mrs. Glass. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD S39-647

Public hearing (Notice in The Bradenton Herald 10/25/89) was held to consider

DRI 17 CYPRESS BANKS (APPROVED)

Request: Approval of an application for Development Approval pursuant to Section 380.06, FS on 26.2 acres zoned PDC and 1,763.8 acres zoned PDR located in the watershed of the Braden River south of State Road 70 two miles east of I-75 containing 5,622 dwelling units at a density of 3.19 du/acre, a 300-room hotel and 230,000 square feet of commercial space.

(Note: Stipulations and definitions recorded in the Settlement Agreement above.)

and

** Replaced by R97-63, 1/6/98*

Resubmitted 1/10/98
***R-89-161(R)** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDMENT TO THE APPROVED MANATEE COUNTY RESOLUTION NO. R-89-161 AND A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI 17; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Luppino stated the purpose of the request was to amend definitions A(1) and A(5), Stipulation C-3, add new Stipulation C-4 and renumber Stipulations C-4 and C-5 and revise Exhibit C of the Development Order. The reasons are the same as the previous request.

Mr. Grimes stated his comments were the same as the previous request.

Having considered the staff report, the final report from the Tampa Bay Regional Planning Council, comments made at the public hearing, and the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Comprehensive Zoning and Land Development Code and Section 380.06 FS, Mrs. Hooper moved to adopt Manatee County Resolution R-89-161(R) which approves amendments to Section 5 in Exhibit C of DRI 17 Cypress Banks, Resolution R-89-161, as recommended by the Planning staff. Motion was seconded by Ms. Snell. Voting "Aye" were Ms. Snell, Mr. Chance, Mrs. Hooper and Mrs. Glass. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD S39-648

Z-88-64 MANATEE JOINT VENTURE/RIVER CLUB GOLF COURSE INC (CONT'D)

Request: Rezone from A-1/WP/ST to PDR/WP/ST and the approval of a Conceptual Development Plan for 613 residential units on 612 acres located on the south side of State Road 70, 1 mile east of Interstate 75 and south of River Club North.

Public hearing (not properly advertised) was opened to consider

Z-88-64 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,.... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST TO PDR/WP/ST; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mrs. Hooper, seconded by Mr. Chance and carried unanimously, to continue Z-88-64 to November 30, 1989 at 9:00 a.m. or as soon thereafter as may be heard.

Public hearing (continued from 11/2/89) was opened to consider

RIVER CLUB - DEVELOPMENT OF REGIONAL IMPACT 18

Request: Application for Development Approval pursuant to Chapter 380.66, Florida Statutes, located in the Braden River watershed, south of State Road 70, 1.5 miles east of I-75; on 964 acres containing a four-acre parcel for future development of 35,000 square feet of professional office space; a golf course

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and associated amenities; 759 single-family residential lots and five multi-family parcels for 241 cluster homes and/or villas, at an ultimate net residential density of 1.5 units per acre. Also included is the 575-acre Braden Woods development which was initiated in 1981 and contains 492 single-family lots.

Motion was made by Mrs. Hooper, seconded by Ms. Snell and carried unanimously, to continue DRI 18 to November 30, 1989 at 9:00 a.m. or as soon thereafter as may be heard.

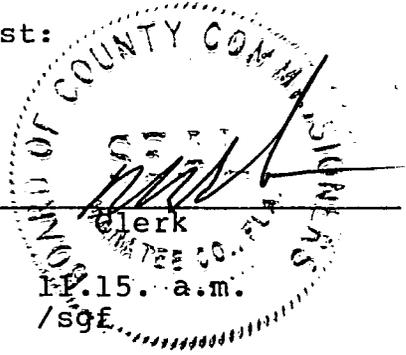
PARTICIPATION PROJECTS - NON-AD VALOREM ASSESSMENTS ON TAX BILLS

Motion was made by Mr. Chance, seconded by Mrs. Hooper and carried unanimously, to authorize setting a public hearing date of December 19, 1989 to consider adoption of Resolution R-89-233 declaring an intent to place road paving and sewer collection system assessments on the tax bills as a non-ad valorem assessment commencing in 1990.

MEETING ADJOURNED

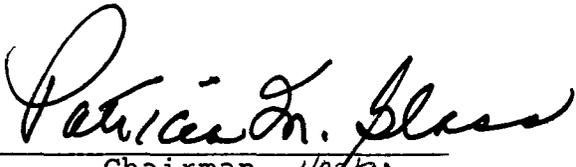
There being no further business, the meeting was adjourned.

Attest:



Adj: 11:15 a.m.
/sqE

APPROVED:


Chairman 1/23/90