

MARCH 24, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, March 24, 1994, at 9:00 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Joe McClash, First Vice-Chairman, entered during meeting
 Kent G. Chetlain, Second Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Also present were:

Jeffrey N. Steinsnyder, Assistant County Attorney
 Susan G. Romine, Clerk of Circuit Court, representing
 R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend Neal Long, Manatee United Methodist Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

AGENDA DELETIONS

Carol Clarke, Planning, Permitting and Inspections, Director, reviewed the changes to the agenda as follows:

1. Defer to March 29, 1994: Amendment to Interlocal Agreement for University Parkway (with Sarasota County).
2. Delete from agenda: Wilt v. Bonnie Perry and Manatee County Board of County Commissioners.

She also noted that the public hearing (continued from 1/27/94) will be continued (no motion required) to no date certain for:

PDMU-93-05 (P) SARASOTA MANATEE AIRPORT AUTHORITY - P/SITE PLAN (CONTINUED-TO NO DATE CERTAIN)

Request: Preliminary Site Plan to allow 265 T-hangars and five corporate hangars totalling 109,750 square feet on 760.34 acres located on the south side of Tallevast Road between U.S. 41 and Old U.S. 301.

CONSENT AGENDA

Motion was made by Mrs. Harris, seconded by Mr. Gause and carried 6 to 0, to approve the Consent Agenda dated March 24, 1994. Items APPROVED/CONTINUED:

Public hearing (Notice in The Bradenton Herald 3/6/94) was opened to consider

PDC-93-10 (Z) (P) U-HAUL INTERNATIONAL WEST COAST - PDC/WR/AI (CONTINUED TO 5/26/94)

AN 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/WR/AI TO PDC/WR/AI; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW THE ESTABLISHMENT OF A MINI-WAREHOUSE AND THE EXPANSION OF AN EXISTING FACILITY THAT IS UTILIZED AS A VEHICLE SALES, RENTAL LEASING ESTABLISHMENT, ALSO GRANTING SPECIAL APPROVAL OF AN EXPANSION OF A NON-RESIDENTIAL PROJECT IN THE R/O/R FUTURE LAND USE CATEGORY, SPECIAL APPROVAL FOR A PROJECT LOCATED WITHIN AN ENTRANCEWAY, AND SPECIAL CONSIDERATION FOR THE PROPOSED LAND USES IN THE AI OVERLAY DISTRICT ON 2.22 ACRES LOCATED AT THE SOUTHWEST CORNER OF BERNARD AVENUE AND U.S. 41; PROVIDING AN EFFECTIVE DATE.

Public hearings (Notices in The Bradenton 3/6/94) were held to consider

Z-88-64(R²) MANATEE JOINT VENTURE (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE Z-88-64(R), AMENDING ORDINANCE Z-88-64, TO AMEND CONDITIONS B.(1)B, B.(1)C, B.(1)D, AND I.(17) TO EXTEND THE EXPIRATION DATE OF THE RIVER CLUB DEVELOPMENT ORDER AND THE REQUIREMENT TO COMPLETE THE CONSTRUCTION OF INFRASTRUCTURE BY 4 YEARS, 364 DAYS AND TO EXTEND THE DEADLINES TO SUBMIT DEVELOPMENT PLANS BY 5 YEARS, AND DETERMINATION OF WHETHER SUCH AMENDMENT CONSTITUTES A SUBSTANTIAL DEVIATION PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR THE RIVER CLUB DEVELOPMENT OF REGIONAL IMPACT ON 612 ACRES LOCATED ON THE SOUTH SIDE OF THE BRADEN RIVER, 3/4 MILE EAST OF I-75; PROVIDING AN EFFECTIVE DATE.
 Planning Commission recommended ADOPTION.

RECORD S43-1430

R-93-238 - MANATEE JOINT VENTURE

Request: Approval of an amendment to Resolution 92-27, amending Resolution 89-243, to amend conditions B.(1)b, B.(1)c, B.(1)d, and I.(17) to extend the expiration date of the River Club Development Order and the requirement to complete the construction of infrastructure by 4 years, 364 days and to extend the deadlines to submit development plans by 5 years, and determination of whether such amendment constitutes a substantial deviation pursuant to Section 380.06, Florida Statutes, for the River Club Development of Regional Impact on 964.22 acres located on the south side of State Route 70, 3/4 mile east of I-75.
 Planning Commission recommended ADOPTION.

R-93-238 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY GRANTING AMENDMENTS TO R-92-27, AMENDING R-89-243, THE DEVELOPMENT ORDER FOR THE RIVER CLUB DEVELOPMENT OF REGIONAL IMPACT.

RECORD S43-1431

LDA-93-03 - MANATEE JOINT VENTURE (APPROVED)

Request: Local Development Agreement/Impact Fee Agreement with Manatee Joint Venture to secure development rights and mitigate the transportation impacts for a 1,000 dwelling unit development known as River Club on 964.2 acres located on the south side of S.R. 70 3/4 mile east of I-75.
 Planning Commission recommended ADOPTION.

RECORD S43-1432

WRITE OFF OF UNCOLLECTIBLE CHECKS

Authorization for the Planning, Permitting and Inspections Department to write off uncollectible checks for the following: James D. Roberts, \$25.00 and James D. Roberts, \$10.36.

TRAVEL AUTHORIZATION

Authorization for travel expenses in the total amount of \$186.40 for Keith Booth, Chairman of the HARV Examining Board, to attend the Construction Licensing Officials Association of Florida meeting in Jacksonville, Florida, on April 1, 1994.

REZONE INITIATION (DAN CALLAGHAN)

Staff to initiate rezones from LM and HC to HM for properties located at 1511 38th Avenue East and 1301 44th Avenue East (Dan Callaghan, owner).

HEARING OFFICERS - APPOINTMENTS

Appoint Louis F. Schneider and Ann Marie O'Neil as Hearing Officers, and authorize execution of the agreements with the top ranked candidates for Hearing Officer.

RECORD S43-1433

LAKWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1

Execution of Interlocal Agreement with Lakewood Ranch Community Development District 1, in accordance with Ordinance 94-07 and Charter.

RECORD S43-1435

CLERK OF CIRCUIT COURT

BONDS

West Glenn, Phase I (89-S-11)

Accept:

1. Agreement with Centex Real Estate Corp. Guaranteeing Completion of Required Improvements (Sidewalks), \$2,925.00

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(Cont'd)

2. Performance Bond: \$2,925.00 (Cashier's Check No. 1396001, NationsBank)

Release:

1. Agreement with Centex Real Estate Corp. Guaranteeing Completion of Required Improvements (Sidewalks), \$13,260.00
2. Performance Bond: \$13,260.00 (Letter of Credit No. 00313985, NationsBank)

West Glenn, Phase III (89-S-11)**Accept:**

1. Public Improvements for County Maintenance.

Vintage Creek (87-S-33), Lot 43**Release:**

1. Agreement with Vintage Creek Development Corp. Guaranteeing Completion of Required Improvements (Sidewalks), \$390.00
2. Performance Bond: \$390.00 (Cashier's Check No. 00452462, Barnett Bank)

CORRECTION TO BILL FOR PAYMENT (Approved 3/15/94; scrivener's error)

Centex-Rooney/National Development - Construction in accordance

w/Guaranteed Maximum Price (PO 99117), Pymt 12

\$ 252,729.90

(Amount read \$252,729.00)

BILLS FOR PAYMENT

McFarlain, Sternstein et al - Legis Liaison Svcs (3/94)	3,074.65
McFarlain, Sternstein et al - Legis Liaison Svcs (2/94)	3,071.50
Fl Groundwater Svcs - Courthouse Underground Storage Tank Contamination Assmt Report	4,725.00
Central Fl Contractors - Various Sidewalk Constr; Req 3	25,446.25
Glace & Radcliffe - Wauchula Rd Bridge Design/Construction	458.50
Manson Roofing - Public Health Bldg Roof Replacement	92,274.23
Tom Quinn d/b/a Bay Machine - Bunker Hill Rd Bridge Rplcmnt	39,586.57
Mayo Contracting - Taylor Creek Bridge Replacement	42,592.00
Infrastructure Mgmt Svcs - Computerized Pavement Mgmt Sys	19,072.20
Roose Contracting - 60th Ave W Reclaimed Water Main Sys	123,498.79
Woodruff & Sons - 60th Ave W/Pittsburgh Drain Reclaimed Wtr	17,662.37
Woodruff & Sons - 71st St W Reclaimed Water Main System	362,073.01
Woodruff & Sons - 34th St W @ 60th Ave Reclaimed Wtr Main	7,794.09
Sutter Roofing - EMS/Crime Prevention/Sheriff's Substation Bldgs Roof Replacement	68,978.33
Sutter Roofing - Public Safety Complex Roof Replacement	145,824.30
Links Design - Buffalo Creek Golf Course Mitigation Svcs	1,264.90
Insituform Southeast - Bay Colony/Palmetto Pnt Stormwater	89,976.90
APAC-Florida - Singletary/Betts Road Paving; Req 3	210,298.96
Zoller, Najjar & Shroyer - Magellan Dr to Bay Dr Wtr Main	18,362.09
Larson Engineering - Moccasin Wallow Rd Reclaimed Wtr Main	9,730.50
Larson Engineering - 9th St E, SR 64 - US 301 Rd Imprvmts	10,894.00
Larson Engineering - Lockwood Ridge Rd (Murray Lane to Tallevast) Conceptual Design	910.00
Jerry Zoller - Courthouse, Floors 1 & 2, Renovations	220.00
Lombardo & Skipper - 53rd Ave W (34th - 75th St W) Design	639.40
Lombardo & Skipper - 75th St W (Cortez-Manatee Ave) Imprvmts	49,011.55

WARRANT LIST

Approve: March 15, 1994 through March 23, 1994

Authorize: March 24, 1994 through March 28, 1994

MINUTES FOR APPROVAL

February 1 and 8, 1994 - Regular meetings

AUTHORIZE CHAIRMAN TO SIGN**Satisfaction of Judgment:**

Sylvester Johnson, Case No. 85-1474M (\$90)

John M. Varner, Case No. 77-48F (\$150)

Authorization for Payment of Taxable Costs:

Steven G. Lavelly, Esq. - State of Florida vs. Priscilla Cormier, Case No. 93-4373M (\$33)

Partial Release of Special Improvement Assessment Liens:

Projects 2502; 2502A; 5147

APPROVE, RATIFY & CONFIRM**P & R Special Interest Classes Instructor's Agreements:**

Maribeth Wendt - Group Music Lessons

Connie S. Hughes - Group Music Lessons

Kenneth Jason Floyd - Group Music Lessons

S43-1436

RECORD S43-1437

S43-1438

ACCEPT

State of Florida Department of Community Affairs Notice of Intent to Find the following Manatee County Comprehensive Plan Amendments in Compliance: Ordinance 93-46 (appr 10/28/93); Ordinance 93-14(A) and Ordinance 93-18 (appr 12/16/93); effective 2/28/94

Braden River Fire Control & Rescue District Financial Report for year ending September 30, 1993

Letter dated March 8, 1994, from Lescher & Mahoney, DLR Group, addressing Retainage Areas A-P for the Manatee County Detention Facility; and Letter dated March 7, 1994, from Centex-Rooney/National Development regarding retainage requirements

Contract with MCS Construction, Inc. for Lift Station 4-D Land Reclamation (Bid No. 411534DC) (executed/approved by the Purchasing Director on March 10, 1994) RECORD S43-1439

Letter (3/23/94) from Fred Loveland, Community Services Director, correcting scrivener's errors to the names of Non-Profit Agencies with Funding Agreements that were executed by the Board under names other than those listed in their Articles of Incorporation. The following lists the legal names of the agencies (executed on 11/2/93 and 2/3/94):

Boys & Girls Club of Manatee County, Inc.
 Police Athletic League of Manatee County, Inc. (Athletic Program)
 Police Athletic League of Manatee County, Inc. (S.O.S. Program)
 Manatee Day Care Service, Inc. (Rubonia Day Care Center)
 13th Avenue Community Center, Inc.
 Boys & Girls Club of Manatee County, Inc.
 Deaf Service Center of Manatee-Sarasota Counties, Inc.
 Longboat Key Community Center, Inc.
 Manatee Children's Services, Inc.
 Manatee County Council on Aging, Inc. (executed 2/3/94)
 Mote Marine Laboratory, Inc.
 Myakka City Community Center, Inc.
 Manatee Day Care Service, Inc. (Rubonia Day Care Center)
 Rubonia Community Center, Inc.
 Tallevast Community Center, Inc.

Scrip Card Enterprises, Inc. Prescription Services Agreement with Acordia Benefits of Florida, Inc. (insurance policy) for Manatee County RECORD S43-1440

(End Consent Agenda)

ZONING

Public hearing (Continued from 2/24/94) was held to consider

PDC-93-13(Z)(P)/93-S-26 DAVID DEITRICH, ET AL (MARKETPLACE WEST)
 (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC AND PDC TO PDC; APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 106,894 SQUARE FOOT SHOPPING CENTER INCLUDING SPECIAL APPROVAL FOR INCREASED SQUARE FOOTAGE; APPROVAL OF A PRELIMINARY SUBDIVISION PLAT TO ALLOW 4 LOTS; AND APPROVAL OF A MITIGATION RATIO OF 1.15:1 FOR 600 SQUARE FEET OF WETLAND BEING REMOVED; LOCATED AT THE SOUTHWEST INTERSECTION OF 53RD AVENUE WEST AND 34TH STREET WEST ON 16.28 ACRES; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION with 17 Stipulations and a Modification to Section 710.1.5.3.1 of the LDC regarding pedestrian safety zones. RECORD S43-1441

Darenda Marvin, Planning, Permitting and Inspections, stated the site is located at the southwest intersection of 34th Street West and 53rd Avenue West. Bayshore High School is located to the east. Vacant and multi-family residences are located west and south of the site. She referred to a site plan of the area.

The intersection of 34th Street West and 53rd Avenue West provides a node appropriate for commercial uses. Morton Village is located to the south of the proposed project. Timing and compatibility were concerns in reviewing this request.

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She addressed the proposed entrances to the project and stated there will be a shared drive isle with the proposed new Bayshore High School to be constructed to the west of this site. The project includes a grocery store, five individual stores, and three outparcels.

The applicant has agreed to reduce the rear drive aisle from 30 feet to 25 feet and to provide 5 feet of additional landscaping.

Mrs. Marvin submitted a letter (3/18/94) from Morton Village Condominium Association requesting an amendment to Stipulation 3:

3. The masonry screening wall shall be shown as 8 feet in height, above the elevation of the drive aisle located to the rear of the grocery store, for the entire length of the southern property line and shall be located 12 feet north of the property line. The Final Site Plan shall indicate landscaping within the three foot buffer interior to the shopping center.

Discussion: Morton Village objected to a pedestrian access gate to the shopping center; add language to provide for administrative approval of a pedestrian access gate if desired at a later time; fast food or retail option on the outparcels; traffic analysis.

Al Wallace, Growth Management, addressed the traffic trip generation regarding a fast food restaurant compared to a retail store.

Tom McCollum, representing the applicant, stated the applicant agreed to the 17 stipulations including the amendment to Stipulation 3.

Ms. Clarke recommended the addition of Stipulation 18:

18. A gate for pedestrian access may be provided for administratively, after notification to and concurrence of the adjacent property owners for which access is proposed.

Ron Bamberger, President of the Morton Village Condominium Association, spoke with concern as to the proposed entrances on 34th Street West. He requested assistance be given to the residents of Morton Village with regard to entering and exiting Morton Village.

Harry Mendenhall, Public Works, stated that a full access on 34th Street would not alleviate the traffic situation for Morton Village. Traffic signalization would not be appropriate at the Morton Village entrance.

Based upon the staff report, evidence presented 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 Land Development Code, Mrs. Harris moved to adopt Manatee County Zoning Ordinance No. PDC-93-13(Z)(P)/93-S-26; approve the Preliminary Site Plan and Preliminary Subdivision Plat with Stipulations 1 through 17, with the modification made to Stipulation 3 as presented by staff, and adding a new Stipulation 18 as read by staff, including special approval for increased square footage; adopt the Findings for Modifications; approve the Modification to the LDC, Section 710.1.5.3.1 regarding pedestrian safety zones; and approve a mitigation ratio of 1.15:1 for 600 square feet of wetland being removed, as recommended by the Planning Commission. Motion was seconded by Mr. Gause and carried 6 to 0. RECORD S43-1442

Public hearing (Notice in The Bradenton Herald 3/6/94) was held to consider

PDR-93-10(Z)(G) DB ASSOCIATES - PDR (DENIED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, ... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A MAXIMUM OF 425 SINGLE-FAMILY DWELLING UNITS WITH AN OVERALL DENSITY OF 1.63 DU/ACRE; LOCATED AT THE SOUTHEAST INTERSECTION OF ERIE ROAD AND 69TH STREET EAST ON 260.84 ACRES; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION with 17 Stipulations.

RECORD S43-1443

Mrs. Marvin stated that the Planning Commission and the Board of County Commissioners reviewed this request in November and December of 1993. No action was taken inasmuch as the applicant decided to submit a General Development Plan with the rezone request due to concerns regarding density.

She referred to a site plan of the area and the proposed General Development Plan. The surrounding zoning to the north, east, and south is Agricultural and zoning to the west is RSF-3 and PDR. She distributed a copy of a map depicting the site and reviewed the surrounding residential developments.

The site is divided into two areas with one portion in the RES-3 Future Land Use Category and one in the UF-3. The site plan on the western portion of the property indicates 156 acres with 320 single-family units at a density of 2.05 du/acre. The eastern and southern areas of the site are proposed for development at a density of 1.0 du/acre with a minimum lot size of one acre. The entire request is for 425 single-family dwelling units with an overall density of 1.63 du/acre.

Mrs. Marvin reviewed the recommended stipulations. Staff objects to the applicants proposal to maintain 7,500 square foot lots for the portion of the site proposed to be developed at 2.05 dwelling units per acre. Staff recommends the lots be 10,000 square feet (Stipulation 15).

Chris Mowbry, Growth Management, submitted an amended Stipulation 10: 10. The post development flow rate shall be reduced to 50 percent of the pre-development flow rate or shall be designed to meet the 100-year, 24-hour storm event, whichever is more stringent.

Mrs. Marvin submitted a list of names of residents who are in opposition to this request and who were unable to attend the hearing today.

Tom McCollum, representing the applicant, submitted a book containing a Supporting Memorandum (3/24/94) from Cliff Walters, Attorney representing the applicant. He referred to an aerial map of the site as well as other graphics of the proposal.

Steve Shroyer, representing the applicant, addressed the drainage on the site and referred to a map indicating the drainage flow. He addressed various points, i.e, existing wetlands will be preserved and incorporated into the stormwater design; additional upland lakes will be constructed above the existing wetland areas; homes will be clustered by reducing the lot size; soil testing will be done; flow rate will be reduced by 50 percent, etc. He added that two-thirds of the flow drains to Buffalo Creek.

David Hawn referred to charts and large photographs of an existing community development with 7,500 square foot lots. He addressed matters such as population, income of residents, housing trends, financing, etc.

Mr. McCollum requested Stipulation 15 be removed. He referred to a graphic with an overlay of surrounding zoning and a colored chart. He addressed compatibility and stated the project is compatible with surrounding zoning.

Jeffrey Steinsnyder, Assistant County Attorney, submitted a memorandum (12/28/93) from Mark Barnebey, Assistant County Attorney, regarding the discussions of economics and finances in a land use hearing.

(Mrs. Harris absent for a portion of discussion)

Discussion: Open space; LDC requirements; impervious surface; drainage system; ManaSota Basin Board funding; borrow pits; convert 114 acres east of U.S. 41 and north of I-275 into a stormwater pond for holding.

Speaking in favor of 7,500 square foot lots were:

Diane Scully; Deneen Murphy; Howard Fullerton; Don Greico; Kemp Riechmann; Kim Kessinger; Kelly Abercrombie; Murlene Conrad; Joan Eason;

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Bridget Mylott; Nick Banko; Ian MacRae; Liz Crapet; Bob Tiffany; Debbie Sykes; Matt Bailey; Dan Larson; Clifton Colyan; Steven Kenyan; Robert Koopman; Ed Quattlebaum; Bret Hill; Robert Flanagan; Arthur Scott; Glenn Westberry; Stan Brown; Kevin Hartman; Roger Pillsbury; Mark Haddock; Darrell Gerken; Keith Wood; Randall Hand; Rose Braszalla; Batt Bretoi;

(Enter Mr. McClash)

David Rekow; Ves Bruggeman; Todd Kolbe; Bill Swanson; Bill Snyder; Evangeline LaLonde; Darin Smouse; Mary DeFrank; Pat Bruggeman; Myra Buscaino; Victor Buscaino; Erik Thompson; Pat LeGault; Dan Snyder; Larry Thompson; Jeannette Thompson; Jean Ryan; and Bill Swanson.

Speaking in opposition to the request were:

Robert Topp; Tonya Byerley; Rebecca Roberts; Dennis Stinson; Debra Massey; Philip Massey; Pat Martin; Lisa McElhiney; Patricia Petruff, representing Valrie and Philip Massey; Jim Greenhaw; and Karen Greenhaw.

Topics of opposition included: Damage to wetlands; flooding; endangered species; traffic; lots too small; open space; impervious runoff; timing.

The Chairman entered a letter (3/23/94) from Michael Armstrong in opposition to the request and a faxed letter (3/22/94) from Valrie Massey in opposition.

(Depart Mrs. Harris)

Ms. Clarke stated the stormwater issue had been addressed and staff feels that amended Stipulation 10 will aid in the improvement to the drainage on the property. Staff also feels this property is appropriate for development, but with 10,000 square foot lots due to transition reasons and surrounding uses.

Discussion: Buffering; additional 15-foot greenbelt setback; canopy tree required every 30 feet; total setbacks; boundaries of wetlands; environmental impact; traffic concerns.

Recess/Reconvene. All members present.

Clifford L. Walters, Attorney representing the applicant, stated this project proposes the lowest density than any other development in the area with the exception of River Wilderness. He requested the 7,500 square foot lots be approved and that Stipulation 15 be removed.

Mrs. Marvin recommended an additional Stipulation:

18. The Final Site Plan/Landscape Plan shall indicate a screening buffer which will measure 20 feet in width adjacent to Erie Road. This buffer shall include a combination of evergreen hedge and earthen berms. The berms shall have a minimum average height of 2.5 feet and have a maximum side slope of 3 feet horizontal for each one foot vertical. The total height shall be a minimum of 6 feet from the finished grade. The screening shall achieve 80 percent opacity between 2 and 6 feet above grade at maturity. Canopy trees shall be provided 30 feet on center within the buffer.

Discussion: Compatibility; percolation; retention; sheet flow; organized path for water to drain; capacity of drainage basin; a proposed project has been prepared which will be reviewed by the ManaSota Basin Board to improve the drainage in this area.

Jerome Gostkowski, Planning, Permitting and Inspections, addressed the offsite drainage canals that serve this site. To the north is a County-maintained canal that runs west to the Cedar Drain. On the east side of the County complex north of this site, there is a County-maintained drain that has been improved and runs to the Buffalo Canal. In addition, for a 25-year storm, the offsite facilities are adequate to handle the drainage for this development within the criteria of the LDC. When a storm is in excess of the 25-year storm, flooding occurs.

Based upon the staff report, evidence presented 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 Land Development Code, Mr. Gause moved to adopt Manatee County Zoning Ordinance No. PDR-93-10(Z)(G) and approve the General Development Plan with Stipulations 1 through 18, Stipulation 10 as replaced, Stipulation 4 as amended by the Planning Commission, and deleting Stipulation 15. Mr. Stephens seconded the motion.

Mrs. Hooper declared a conflict of interest and abstained from voting.

Voting "Aye" were Mr. Gause and Mr. Stephens. Voting "Nay" were Mrs. Harris, Mr. McClash, Mrs. Glass and Mr. Chetlain. Motion failed.

Motion was made by Mr. McClash, and seconded by Mrs. Harris, to introduce the previous motion with the 10,000 square foot lot option as recommended by staff (including Stipulation 15). Voting "Aye" were Mr. McClash, Mrs. Harris, and Mr. Stephens. Voting "Nay" were Mrs. Glass, Mr. Chetlain and Mr. Gause. Motion failed to carry.

(NOTE: Further action later in meeting)

TEMPORARY AGRICULTURAL PERMITS - PRODUCE STANDS

Ms. Clarke requested direction as to Administrative Permits not being issued for Portable Agricultural Stands for a period greater than four months.

Staff recommends that the LDC requirements for an Administrative Permit be amended to allow a Temporary Permit with a maximum time frame of six months with one renewal. Sanitary facilities are to be made available within walking distance of the portable stand or as may be approved by the Public Health Unit.

In the interim, prior to the LDC amendment, applications for portable agricultural stands shall be limited to a period of 4 to 6 months.

Motion was made by Mr. McClash, seconded by Mrs. Glass and carried unanimously, for the Board to review and reconsider the temporary use permit at the next LDC plan amendment public hearing.

Discussion: Look at similar permits in other counties as a comparison.

SPECIAL MASTER - APPOINTMENT

Ms. Clarke recommended the appointment of one person to serve as Code Enforcement Special Master.

Nominations:

Thomas O'Brien - by Mr. Gause
Burton Thomas - by Mr. Chetlain
Remonia Lewis - by Mrs. Harris

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to close the nominations.

Thomas O'Brien received the majority votes (4 votes).

Motion was made by Mr. McClash, seconded by Mr. Gause and carried unanimously, to cast a unanimous ballot for Thomas O'Brien to serve as Code Enforcement Special Master (term expires 10/14/97).

CODE ENFORCEMENT BOARD - APPOINTMENT

Ms. Clarke recommended the appointment of one person to fill a vacant position on the Code Enforcement Board.

Nominations:

Remonia Lewis - by Mrs. Harris
Joseph Formella - by Mrs. Hooper
Virginia Smith - by Mr. Chetlain

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Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to close the nominations.

Joseph Formella received the majority votes (4 votes).

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to cast a unanimous ballot for Joseph Formella to serve on the Code Enforcement Board (term expires 10/15/96).

LAND DEVELOPMENT CODE - BUFFER MODIFICATIONS

Ms. Clarke requested an interpretation of the LDC to permit utilization by the Planning Director of buffer flexibility for redevelopment in entranceways.

Mr. Chetlain so moved. Motion was seconded by Mrs. Harris and carried unanimously.

VARIANCE FEE WAIVER

Ms. Clarke presented a request for a waiver of the \$1,112 variance application fee and advertising fees in the approximate amount of \$100 for Mr. and Mrs. Raymond Leonhard.

The Leonhard's were cited by Code Enforcement regarding their pool cage extending into the required setback area. The Special Master found them in violation and gave them time to apply for a variance or bring the pool into compliance.

Irene Leonhard, 4915 Palmetto Point Drive, Palmetto, stated that she applied for and received the appropriate building permits. She referred to a letter from Southeast Aluminum, Inc. stating that a final inspection was done by the County. She read Section 703.2.23.1, LDC, regarding an 8-foot masonry wall. She requested a waiver of the variance fee application.

Mrs. Glass moved approval of the request (waive fee). Motion was seconded by Mr. Chetlain and carried unanimously.

ZONING

PDR-93-10(Z)(G) - DB ASSOCIATES (Cont'd)

Motion was made by Mr. Gause, to reconsider the action taken on PDR-93-10(Z)(G), DB Associates. Motion was seconded by Mr. Stephens.

Mrs. Hooper declared a conflict of interest and abstained from voting.

Voting "Aye" were Mrs. Harris, Mr. Stephens, Mrs. Glass, and Mr. Gause. Voting "Nay" were Mr. McClash and Mr. Chetlain. Motion carried.

Ms. Clarke stated that this item could possibly be advertised to be reconsidered in April.

HILL BUILDING EVALUATION

Mrs. Harris requested reconsideration of action taken on March 15, 1994, regarding execution of Work Assignment 5 for Architectural/Engineering Services for evaluation of the Hill Building with Woodroffe Corporation Architects, not to exceed \$12,978. She was not present when the vote was taken, and consequently, the motion failed by a vote of 3 to 3.

Motion was made by Mrs. Harris, and seconded by Mrs. Glass, to reconsider action taken regarding the Hill Building evaluation.

Discussion: Work session has been scheduled for April 7, 1994, with the City, staff, and constitutional officers; Woodroffe could bring forward a comparison within two weeks.

Voting "Aye" were Mrs. Harris, Mrs. Hooper, Mrs. Glass, Mr. Chetlain and Mr. Gause. Voting "Nay" were Mr. McClash and Mr. Stephens. Motion to reconsider carried.

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Motion was made by Mrs. Harris, and seconded by Mr. Gause, to authorize Mr. Estabrook to take forward a work authorization with the same scope of work to be performed on the Hill Building by our consultant with a time frame of two weeks for a report to come back to this Board, at a cost not to exceed \$10,000.

Discussion: DeSoto Center; location of constitutional officers; cost of evaluation; future expansion of government; look at all options; go to work session prior to approving this expenditure.

David Rothfuss, Assistant County Administrator, stated the work authorization is estimated to cost \$12,978.

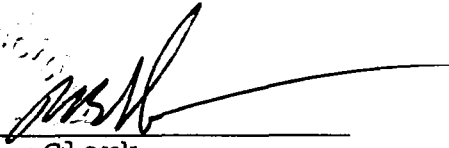
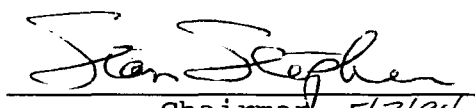
Voting "Aye" were Mrs. Harris, Mr. Gause, and Mrs. Hooper. Voting "Nay" were Mrs. Glass, Mr. Stephens, Mr. McClash, and Mr. Chetlain. Motion failed.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk
Chairman 5/3/94

Adj: 2:53 p.m.
/gbh