

MAY 26, 1994

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, May 26, 1994, at 9:05 a.m.

Present were Commissioners:

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

Absent was: Stan Stephens, Chairman (out of town)

Also present were:

William J. Estabrook, County Administrator
 Jeffrey Steinsnyder, Assistant County Attorney
 Susan G. Romine, Deputy Clerk, representing
 R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend John Henry, Church of the Cross.

The Presentation of Colors was performed by Veterans of Foreign Wars 10141 Honor Guard, and Howard Elliott, Manatee Veterans Council, led in the Pledge of Allegiance.

The meeting was called to order by Vice-Chairman McClash.

All witnesses/staff giving testimony were duly sworn.

PROCLAMATION

Upon motion by Mr. Gause and second by Mrs. Harris, a Proclamation was adopted 6 to 0, acknowledging May 30, 1994, as "Memorial Day."

Howard Elliott, Manatee Veterans Council, invited the Board and the public to attend Memorial Day services at the Veterans Monument Park.

RECORD S43-1728

AGENDA CHANGES/DELETIONS

Carol Clarke, Director of Planning, Permitting and Inspections, noted agenda changes and deletions as follows:

The following item was advertised for this date (Notice in The Bradenton Herald 5/6/94), but has since been withdrawn by the applicant.

PDR-94-06 (Z) (G) RICHARD AND SHARON PLOUGHE - PDR (WITHDRAWN)
 ZONING 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 RSF-4.5 TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW TWO BUILDABLE LOTS ON 0.3 ACRE LOCATED ON THE SOUTH SIDE OF 11TH AVENUE WEST, 84 FEET EAST OF 44TH STREET WEST AND ON THE EAST SIDE OF 44TH STREET WEST, 103 FEET SOUTH OF 11TH AVENUE WEST.

Public hearing (continued from 4/28/94) was held to consider

VRD-90-03 BROOME PARK VESTED RIGHTS DETERMINATION (WITHDRAWN)
 Request: Vested Rights Determination from certain provisions of the Manatee County Comprehensive Plan as authorized by Section 4.b.1.(d), as applied to the development of Broome Park Subdivision on 25.40 acres located between 75th Street West and Palma Sola Road, immediately south of Palma Sola Creek.

This item has been withdrawn by the applicant.

CONSENT AGENDA

Motion was made by Mr. Gause, seconded by Mrs. Hooper and carried 6 to 0, to approve the Consent Agenda for May 26, 1994, with deletion of the following items (all separate action):

1. DRI 17, Cypress Banks - To be heard with Z-86-30(R²).
2. Mailed Notice for Public Hearings - Procedural change.
3. Street Designation/The Fairways at Palm Aire - Resolution R-94-152.
4. Pickup Trucks - Purchase from Prestige Ford and Duval Ford.

Items APPROVED:

ZONING

Public hearing (Notice in The Bradenton Herald 5/6/94) was held to consider

PDI-94-01(Z)(G) MIXON FRUIT FARMS, INC. - PDI & PDI/CH (APPROVED)
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND A-1/CH TO PDI AND PDI/CH; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW AN EXPANSION TO THE AGRICULTURAL PRODUCTS PROCESSING PLANT AND RETAIL SALES AND THE ADDITION OF AN EATING ESTABLISHMENT ON 12.07 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF 26TH AVENUE EAST AND 27TH STREET EAST; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION with Stipulations:

1. The project shall obtain a Certificate of Level of Service Compliance prior to Final Site Plan approval.
2. Citrus trees shall only be utilized in the parking area in addition to required plantings.
3. Prior to Final Site Plan approval, the applicant shall furnish evidence that the proposed development meets all regulations specified by State Law and all other County regulations.
4. No outside storage of equipment or materials shall be located in the front yard setback of the principal structure.
5. All signage shall undergo separate permitting pursuant to Section 724 of the Land Development Code. RECORD S43-1729

Public hearing (Notice in The Bradenton Herald 5/6/94) was held to consider

PDC-87-04(F)(R) WAL-MART AT UNIVERSITY PARKWAY (APPROVED)

Request: Revised General Development Plan, prepared to Final Site Plan standards, for the Wal-Mart Store at the Centre at University Parkway to allow a 23,887 square foot expansion on 9.54 acres located on the west side of Lockwood Ridge Road, 560 feet north of University Parkway.

Planning Commission recommended APPROVAL with Stipulations:

1. A thirty foot variable width buffer shall be provided around the DEP post development wetland located northeast of the proposed addition. The buffer shall be enhanced with additional plantings of native plant species and approved by the Director of EAC prior to C.O. of the addition.
2. Screening pursuant to Section 715 shall be installed along the north property line prior to issuance of a Certificate of Occupancy for the addition.
3. Prior to the issuance of a building permit for the proposed addition, a Public Safety Agreement to determine University Commons' pro rata share contribution for land acquisition, construction and equipping a public safety facility for Emergency Medical Services shall be approved by the Board of County Commissioners.
4. Signalization at the intersections of Tallevast Road and Tuttle Avenue, and Lockwood Ridge and Country Oaks Boulevard shall be funded by the developer prior to Certificate of Occupancy.
5. Prior to the issuance of a Building Permit for the proposed addition, water quality samples and flow measurements shall be collected at least four times pursuant to condition C.(3)(b) of the Development Order. RECORD S43-1730

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(Cont'd)

Public hearing (continued from 3/24/94) was held to consider

PDC-93-10(Z)(P) U-HAUL INTERNATIONAL WEST COAST - PDC/WR/AI

(CONTINUED TO DATE UNCERTAIN AND TO BE READVERTISED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; 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 hearing (Notice in The Bradenton Herald 5/6/94) was held to consider

VRD-89-08 PALMA SOLA BAY CLUB VESTED RIGHTS DETERMINATION

(CONTINUED TO 8/25/94)

Request: Vested Rights Determination from certain provisions of the Manatee County Comprehensive Plan, as authorized by Section 4.b.1.(d), as applied to the development of Palma Sola Bay Club on 10.0 acres located on Palma Sola Road, 1,300 feet south of Palma Sola Creek Bridge, or .5 mile north of Cortez Road West.

Ms. Clarke advised this item is continued to August 25, 1994, and it is the last continuance recommended by staff.

Jeffrey Steinsnyder, Assistant County Attorney, advised that the first of two public hearings for this item will be held August 25, 1994.

CREDIT AUTHORIZATION

Credit Authorization CA-94-06(T) for Northern Capital Group, Kabara Corporation, and Island Investment Properties, Ltd. RECORD S43-1731

LAND DEDICATION CREDIT - LARK INVESTMENTS, N.V./WEST LAKE PLAZA

Land dedication credit in the amount of \$120,000 to Lark Investments, N.V., for eligible right-of-way per Credit Authorization CA-94-05(T). RECORD S43-1732

AUTHORIZATION TO INITIATE REZONES

Estate of Louis Ferrara V

Staff to initiate rezone from RSF-3/HA/WR/AI to PR-M/HA/WR/AI for the property located at 201 Magellan Drive, Whitfield.

Skyway Village Estates, Inc.

Staff to initiate a rezone from RSMH-6 to PDMH for the property located at 420 49th Street, Palmetto.

MARK FINGERET AWARD NOMINATION

Chairman to sign a letter to the Florida Association of County Emergency Medical Services (FACEMS) recommending Ed Straight, Chief of Manatee County Emergency Communications Center, as nominee for the Mark Fingeret Award.

CLERK OF CIRCUIT COURT

BONDS

Release:

Four Corners Mine

1. Reclamation Surety Bond with IMC Fertilizer, Inc., \$5,829,296 (Bond No. 5533651; Safeco Insurance Company of America, surety).
2. General Surety Bond with IMC Fertilizer, Inc., \$479,250 (Bond No. 5533652; Safeco Insurance Company of America, surety).

Whitfield Manor Subdivision (85-S-14)

1. Bond/Cashier's Check No. 612588 drawn on NCNB National Bank of Florida, \$2,739.39 (sidewalks).

Fresh Meadows, Phase II (88-S-30)

1. Agreement with Daniel Development warranting required improvements, \$35,736.70.
2. Defect Security: \$35,736.70 (Letter of Credit S187523, Northern Trust Bank of Florida/Sarasota).

Creekwood, Phase I, Subphase I, Unit A-1 (Lots 76-85 and 150-157)

1. Agreement with Wilma Creekwood (West) Joint Venture warranting required improvements, \$7,009.70.
2. Defect Security: \$7,009.70 (Surety Bond X03458, Preferred National Insurance Company, surety).

BILLS FOR PAYMENT

APAC-Florida - Singletary/Betts Road paving (Req 5)	\$ 214,635.67
Woodruff & Sons - 6, 7, 8 Ave rd/wtr distribution imprvmts	91,336.25
HRS MC Public Health Unit - Hepatitis Vaccine Program	8,496.00
Zoller Najjar & Shroyer - Reclaimed Watermain, Magellan to Bay Drive (Inv 32315, 3/30-4/26/94)	4,998.63
Stevenson Architects - Urban Forestry Master Plan (Inv 14)	3,150.00
Jerry Zoller - Daughtrey Pk, Ph 1 (Inv 587, 3/25-4/21/94)	2,168.30
Jerry Zoller - Braden River/SR 70 Pk (Inv 589, 3/25-4/21/94)	7,397.47
MGI Inc - Buffalo Creek Golf Course Irrigation System (Req 2/Final)	43,935.00
Lombardo & Skipper - 75 St W imprvmts, Cortez Rd to Manatee Ave (Inv 19703, 4/94)	27,782.60
Lombardo & Skipper - 57 Ave E design, US 41 to 15 St E (Inv 19705, 4/94)	13,708.72
Briley Wild & Assoc - Lychee Acres Sanitary Sewer Coll Sys design (Inv 40752, 3/5-4/1/94)	2,907.11
Briley Wild & Assoc - Reclaimed Watermain, Bay Drive/Canada Blvd to 34 St W (Inv 40753 & 40754, 4/94)	11,235.20
Municipal Code - Suppl 27, Code of Ordinances (Inv 039672)	2,288.72
Mayer Electric Supply - Detention Facility, lighting fixtures (PO 100235, Inv 60-0414139)	51,219.00
Chief Industries, Inc. - Detention Facility, furniture (PO 101235, Inv 0001971)	36,877.96
Centex-Rooney/National Dev - Detention Facility, construction (PO 99117, Pmt 14A)	16,515.00

REFUNDS

Ily Conley - Variance application withdrawn	745.04
Richard & Sharon Ploughe - Rezone request withdrawn	1,100.00
Frank Homes - Impact Fee refund	148.00
F.K. & Joann Parks - Impact Fee refund	1,548.37

WARRANT LIST

Approve: May 17, 1994, through May 25, 1994
 Authorize: May 26, 1994, through June 6, 1994

AUTHORIZE CHAIRMAN TO SIGN

Application for Revenue Sharing 1994-95 to the Florida Department of Revenue

Concrete Office Building/Public Works' Foremen's Building - Contract with O'Dell, Hall & Associates, Inc., d/b/a Walrus Construction, \$182,700 (approved 5/17/94); date Performance and Payment bonds and accept Certificate of Insurance. **RECORD S43-1733**

Partial Release of Special Improvement Assessment Liens:

Projects 301-5147 (2); 5043

Satisfaction of Judgment - Gary S. Cornthwait, Case 90-4598-T (\$20)

ACCEPT**Peace River/Manasota Regional Water Supply Authority:**

1. FY94-95 Tentative Budget;
2. Resolution 1994-01 setting forth preliminary schedule(s) fixing and classifying rates, fees, and charges for treated water

Lakewood Ranch Community Development District 1 - Minutes of meetings of the Board of Supervisors, 3/8/94 and 4/7/94; and minutes of the Landowners meeting, 4/7/94

(End Consent Agenda)

Recess/Reconvene. All members present except Mr. Stephens.

ZONING

Public hearing (continued from 5/10/94) was opened to consider

DRI 6 - HARBOR VENTURES DRI ABANDONMENT (CONTINUED TO 6/14/94)
 Request: Abandonment, pursuant to Rule 9J-2.0251, Florida Administrative Code, of the Harbor Ventures Development of Regional Impact on 505.4 acres located on the south side of 53rd Avenue West, 1,300 feet west of 34th Street West.

Ms. Clarke advised due to an advertising problem associated with this request, the matter will be continued.

Motion was made by Mrs. Harris, seconded by Mr. Gause and carried 6 to 0, to continue DRI 6, Harbor Ventures DRI Abandonment, to June 14, 1994, at 2:00 p.m. or as soon thereafter as same may be heard.

Public hearing (Notice in The Bradenton Herald 5/6/94) was opened to consider

PDR-94-05(Z)(G) JANICE N. ROSENTHAL, AS PERSONAL REPRESENTATIVE
(CONTINUED TO 6/23/94)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF (A) CERTAIN LANDS CONSISTING OF .76 ACRE FROM PDC TO PDR LOCATED ON THE SOUTH SIDE OF 53RD AVENUE WEST, 1,300 FEET WEST OF 34TH STREET WEST; AND (B) CERTAIN LANDS CONSISTING OF 1.93 ACRES FROM RMF-9 TO PDR LOCATED NORTH OF AVENIDA MADERA DRIVE, 250 FEET EAST OF 43RD STREET WEST; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 447 RESIDENTIAL UNITS AT A GROSS RESIDENTIAL DENSITY OF 5.97 DU/ACRE AND A 297,235 SQUARE-FOOT SCHOOL ON 124.6 ACRES LOCATED ON THE SOUTH SIDE OF 53RD AVENUE WEST, 1,300 FEET WEST OF 34TH STREET WEST.

Planning Commission recommended APPROVAL with 6 Stipulations and staff recommended Stipulation 7.

RECORD S43-1734

Ms. Clarke stated this item also has an advertising problem and should be continued to June 23, 1994.

Due to the development requirements of the School Board, Alan Prather, representing the School Board, stated it is imperative the item be heard on that date.

Joe Vamera stated he lives in an area that may be impacted by new roads as a result of the DRI abandonment and PDR-94-05(Z)(G).

Mr. Steinsnyder advised that the notices of public hearing for this item were mailed indicating the June 14th date. He stated that the correct date of June 23rd will be announced in the June 14th meeting.

Motion was made by Mr. Gause, seconded by Mrs. Glass and carried 6 to 0, to continue the public hearing to June 23, 1994, at 9:00 a.m.

Public hearings (continued from 4/28/94 and advertised in The Bradenton Herald 5/6/94) were held to consider

R-94-133 - DRI 17, CYPRESS BANKS (APPROVED)

Request: An amendment to Resolution R-92-170, amending Resolution 89-161(R), to amend conditions B.(3) to delete the deadline dates for submitting preliminary site plans for phases 2 through 4; C.(2) to modify the timing requirement to provide updated traffic studies; C.(3).b.2 to modify the amount of payment required to mitigate transportation impacts for Phase 1; H.(19) to extend the expiration date of the Development Order, and Exhibit D to extend the timing for development of each phase, and determination of whether such amendments constitute a substantial deviation pursuant to Section 380.06, Florida Statutes, for the Cypress Banks Development of Regional Impact on 1,790 acres located on the south side of State Route 70, two miles east of I-75.

Planning Commission recommended ADOPTION with amended conditions B.(3), C.(2), C.(3).b.2, H.(19) and Exhibit D. Staff recommended further changes to C.(3)b.1 and C.(3)b.2.

RECORD S43-1735

* Replaced by R95-220.

* **R-94-133** A RESOLUTION GRANTING AMENDMENTS TO R-89-161(R) AS AMENDED BY R-92-170, FOR THE CYPRESS BANKS DEVELOPMENT ORDER.

and

Z-86-30(R²) CYPRESS BANKS (APPROVED)

Request: An amendment to Ordinance Z-86-30(R) to amend conditions B.(3) to delete the deadline dates for submitting preliminary site plans for phases 2 through 4; C.(2) to modify the timing requirement to provide updated traffic studies; C.(3).b.2 to modify the amount of payment required to mitigate transportation impacts for phase 1; H.(19) to extend the expiration date of the

Development Order; Exhibit D to extend the timing for development of each phase and add a general condition to establish minimum lot dimensional requirements and building setbacks including reducing the minimums established in the Land Development Code, on 1,790 acres located on the south side of State Route 70, two miles east of I-75.

Planning Commission recommended ADOPTION with amended conditions B.(3), C.(2), C.(3).b.2, H.(19), and Exhibit D and added new Condition No. 65 as amended by staff; APPROVAL of modifications to Sections 603.7.4.7 and 603.7.4.9 to allow a reduction in the front and side yard setbacks and minimum lot width requirements for certain lots in the development.

RECORD S43-1736

Norm Luppino, Planning, Permitting and Inspections, stated the Cypress Banks DRI was approved in November 1989 for four phases; the first phase consisting of 1,405 residential units, a 300-room hotel, 18-hole golf course, and commercial uses to be completed by 1994. To date, only a church has been constructed.

The request is to extend completion of infrastructure improvements by 4 years, 364 days, delete deadlines for submittal of preliminary site plans for Phases 2 through 4, modify the timing requirement to provide updated traffic studies, and modify transportation requirements for Phase I. The Development Order is consistent with all provisions of the Comprehensive Plan with exception of concurrency, in which a "pipelining" option for Phase I only was approved prior to the implementation date for concurrency.

In compliance with the pipelining requirement, the applicant will pay the County \$913,469 to mitigate transportation impacts of Phase I in exchange for an extended Certificate of Level of Service (CLOS) for traffic. The County will use the funds for improvements to State Road 70 between U.S. 301 and I-75. The applicant will be required to make payment by January 31, 1995; the CLOS will expire November 15, 2000.

Mr. Luppino stated that a revised traffic study was submitted with this request verifying that there is adequate capacity on all affected roadways to accommodate the traffic impacts of the residential units in Phase I. The study is based on the four-laning of State Road 70 and takes into consideration that 32 percent of the p.m. peak hour trips are projected south to University Parkway via River Club and the proposed Upper Manatee River Road. Inasmuch as the construction of Upper Manatee River Road will not be done by this developer, staff is conditioning approval of the CLOS prior to final plat approval of the 795th residential unit in Phase I.

The rezone includes Stipulation 65, which establishes dimensional requirements for residential lot and building setbacks, including reducing the minimum standard lot width and building setbacks for specific subphases. The applicant is requesting the minimum lot size of the zero lot line development be reduced from 5,000 square feet to 4,950 square feet. Staff concurs with the request.

The applicant is proposing a width of 50 feet for the single-family small lots and 45 feet for the zero lot line development. The applicant also requests a reduction in the minimum 25-foot front yard setback to 15 and 20 feet for residential units designed with side entry garages, and a modification to reduce side yard setbacks to 5 feet measured from the building for the smaller lots.

Staff does not object to the 15-foot front yard setback for side entry garages, but does object to 20-foot front yard setbacks for front entry garages for the zero lot line development and the two smallest lot developments, and recommends 25-foot front yard setbacks remain. Staff concurs with the recommendations of the Planning Commission with exception of the dimensional requirements for single-family residential development.

Mr. Luppino stated that condition C.(3)b.2 as worded in the recommended motion should read C.(3).

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Discussion: Concern of eliminating requirements to prevent degradation of Acceptable Level of Service; concern of the determination that there is adequate traffic capacity based on the use of a proposed road; project should be developed with infrastructure in place to accommodate traffic capacity.

Mr. Luppino stated the rezone approval contains a condition requiring the roadway through River Club to be constructed prior to the approval of the final plat for the 795th unit.

Jerome Gostkowski, Planning, Permitting and Inspections, advised that a portion of the roadway is currently under construction. In the interim, he stated that an alternative route will be used on a temporary basis. He answered questions regarding the four-laning of State Road 70.

Caleb Grimes, representing Schroeder-Manatee Ranch (SMR), stated the request is to extend the deadline of the Development Order to complete each phase and final buildout. Phase I, as well as the Upper Manatee River Road extension, is under way.

Rex Jensen, Vice-President of SMR, addressed proposed front and side yard setback dimensions, and stated there is mutual concern to maintain unobstructed sidewalks within the development. The project offers a variety of homes oriented towards affordable housing by reducing front setbacks, which in turn, reduces the cost of driveways, water/sewer connections and other utilities. Approximately 25-35 percent of the residential development will be affected by the reduced setbacks.

Photographs (7) from the Planning Commission meeting (5/4/94) depicting 20-foot setbacks on residential lots in the FarmRidge Subdivision located in Hillsborough County were distributed.

Based upon discussion and comments received from DCA, Mr. Luppino outlined changes to conditions of the DRI portion (R-94-133) of the request (additions in underline; deletions in strikethrough):

C.(3)b.2 - For all development after the first 1,405 residential units in Phase I...

C.(3)b.1 - All of the Warranted* improvements to prevent degradation of Accepted Level of Service* within the Traffic Impact Area* are scheduled for construction commensurate with the buildout schedule for ~~Phase I~~ the applicable phase...

* Replaced by
897-63,
1/10/98

Motion - DRI 17 (R-94-133)

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, and finding the changes not to constitute a substantial deviation to the Cypress Banks DRI, as amended by the Board of County Commissioners on September 8, 1992, Mrs. Harris moved to adopt Manatee County Resolution No. R-94-133 as amended at today's hearing, amending Resolution R-92-170 and Resolution R-89-161(R), to amend conditions B.(3), C.(2), C.(3), H.(19), and Exhibit D as recommended by the Planning Commission. Motion was seconded by Mrs. Glass and carried 6 to 0. RECORD S43-1737

Mr. Grimes requested approval of the rezone as recommended by staff, but requested approval of reduced front yard setbacks for the single-family and zero lot line development as recommended by the Planning Commission.

Discussion: Staff recommends maintaining 25-foot front setbacks; setting precedent for future requests to reduce setbacks.

Motion - Z-86-30(R²)

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. Z-86-30(R²), amending conditions B.(3), C.(2), C.(3), H.(19), and Exhibit D, and adding new condition

No. 65 as recommended by the Planning Commission, adopt the Findings for Modifications and Approval of the Modifications to Sections 603.7.4.7 and 603.7.4.9 of the Land Development Code to allow a reduction in the front and side yard setbacks and minimum lot width requirements for certain lots in the development, as recommended by the Planning Commission. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mrs. Harris, Mrs. Glass, Mrs. Hooper, and Mr. Gause. Voting "Nay" were Mr. Chetlain and Mr. McClash. Motion carried. RECORD S43-1738

(Depart Mrs. Glass)

TAX COLLECTOR - LEASE OF FPL BUILDING

David Rothfuss, Assistant County Administrator, stated that Ken Burton, Tax Collector, has agreed to allow the County to execute a lease with FPL (Florida Power & Light) for office space for the Tax Collector (discussed 5/17/94). FPL has agreed to change the lessee from the Tax Collector to the County, however, no other changes will be allowed by FPL.

Mr. Rothfuss referenced a memorandum (5/23/94) from the County Attorney indicating preliminary legal concerns of the lease as structured and a fiscal analysis of the lease from the Office of Financial Management.

As a result of not being able to renegotiate the lease, staff and the County Attorney recommend adoption of

R-94-176 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONFIRMING THE ESTABLISHMENT OF BRANCH OR AUXILIARY OFFICES OF THE TAX COLLECTOR OF MANATEE COUNTY; AND ASSERTING THAT SUCH CONFIRMATION OF BRANCH OR AUXILIARY OFFICE OF THE TAX COLLECTOR DOES NOT CONSTITUTE APPROVAL, RATIFICATION OR CONFIRMATION BY THE BOARD OF COUNTY COMMISSIONERS OF ANY ASSOCIATED LEASE INSTRUMENT OR PROVISIONS THEREIN ENTERED INTO BY THE TAX COLLECTOR.

Mr. Rothfuss advised that Resolution R-94-176 is an alternative to Resolution R-94-166 presented by the Tax Collector on May 17, 1994. Resolution R-94-176 provides for the collection of taxes and fees at the FPL building, but assures that the Board of County Commissioners is in no manner expressly subject to or obligated by the terms of the lease.

H. Hamilton Rice, Jr., County Attorney, advised against the endorsement of the lease.

(Enter Mrs. Glass)

Mr. Chetlain moved adoption of Resolution R-94-176. Motion was seconded by Mrs. Glass.

Discussion: Indemnity requirements by the County; Tax Collector will be required to carry insurance.

R.B. Shore, Clerk of the Circuit Court, commented on the need to expand the membership of the Space Utilization Committee.

Discussion: Previous discussion of Space Utilization Committee; review of Self Insurance Ordinance; etc.

Motion carried 6 to 0.

RECORD S43-1739

THE FAIRWAYS AT PALM AIRE - STREET NAMES

Ms. Clarke advised that the Homeowner's Association at Fairway Lakes Subdivision in Palm Aire submitted a petition requesting that the numbered streets within the development be changed to named streets. Inasmuch as the area is surrounded by named streets, the Address Review Committee recommended adoption of

R-94-152 A RESOLUTION RENAMING THE STREETS WITHIN THE BOUNDARIES OF FAIRWAY LAKES AT PALM AIRE SUBDIVISION FROM NUMBERED DESIGNATIONS TO NAMED DESIGNATIONS.

(58th Court East, 74th Terrace East, 74th Place East, and 75th Terrace East to Fairlinks Drive, and renumber the homes; 73rd Drive East to Fairway Lakes Lane; and 73rd Avenue Circle East to Fairwoods Circle)

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Albert Lerman, resident, stated that the three cul-de-sacs branch off 58th Court East. Each home in the cul-de-sac has the same number as the homes in the other cul-de-sacs, making it difficult for the Post Office and Emergency Medical Services. He displayed a colored street map.

Peter Hickman, Chairman of the Homeowner's Association, stated that approval of the request will eliminate confusion.

Mr. Gause moved approval (adoption). Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. Gause, Mrs. Glass, Mrs. Hooper, Mr. Chetlain, and Mr. McClash. Voting "Nay" was Mrs. Harris. Motion carried. RECORD S43-1740

Staff was directed to bring back address requirements and street name designations for discussion during the hearings on the Land Development Code scheduled for June 2 and 16, 1994.

(Depart Mr. Chetlain)

MAILED NOTICE FOR PUBLIC HEARINGS

Ms. Clarke requested authorization to amend procedures regarding obtaining address labels of contiguous property owners from the Property Appraiser for public hearings. She recommended the applicants be required to obtain and verify contiguous property owner information for their cases. This new procedure will become effective June 1, 1994. The Property Appraiser's Office concurs with the new procedures.

Mr. Gause moved approval. Motion was seconded by Mrs. Glass and carried 5 to 0.

STATE CONTRACT VEHICLE PURCHASE - PICKUP TRUCKS

Discussion followed regarding the requests to purchase, via State Contract 070-001-94-1, five, 1/2 ton 4x2 Long Cab Pickup Trucks from Prestige Ford at \$11,527 each, for a total not to exceed \$57,635 (to replace Asset Nos. 23232, 31084, 31083, 31082, 31081) and five, 1/2 ton 4x2 Pickup Trucks from Duval Ford at \$11,086 each (to replace Asset Nos. 23439, 24826, 24831, 24040, 31080), total not to exceed \$55,430, to be used by the Planning, Permitting and Inspections Department.

Discussion: Accountability on how vehicles are maintained; getting the most life out of vehicles; vehicle replacement and the concept of a centralized motor pool to be addressed during budget work sessions.

(Enter Mr. Chetlain)

A request was made for the County Administrator to examine and bring back a report on the policy and procedures of vehicle maintenance and replacement.

Walter Piff, Manager of Fleet Services Division, outlined the procedures used to examine vehicles slated for disposal.

Ms. Clarke stated the long cab models were selected because of the capability to accommodate additional passengers and the flexibility to haul/store under cover additional equipment used by inspection staff.

Motion was made by Mrs. Glass, and seconded by Mrs. Harris, to approve the purchase of the pickup trucks as requested. Voting "Aye" were Mrs. Glass, Mrs. Harris, Mrs. Hooper, Mr. Chetlain, and Mr. McClash. Mr. Gause voted "Nay". Motion carried.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991 - TRANSPORTATION FUNDS

Leon Kotecki, Planning, Permitting and Inspections, stated that the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) makes funds available annually through the Department of Transportation (FDOT) for various transportation enhancement projects and activities.

Staff proposes eight projects for consideration to submit to FDOT for funding eligibility in the fifth year (1999-2000) of the FDOT Work Program. He recommended adoption of

R-94-178 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF APPLICATIONS (8) TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ENHANCEMENT PROJECTS.

- U.S. 41 South - Sidewalks/Bike Paths/Street Lights
- 53rd Avenue West and 75th Street West - Street Lights
- 34th Street West - Street Lights
- S.R. 64 - Rural Bike/Hiking Paths
- S.R. 70 - Rural Bike/Hiking Paths
- U.S. 301 North (Erie Road to CR 675) - Rural Bike/Hiking Paths
- U.S. 301 South (SR 70 to University Parkway) - Bike Path
- U.S. 19 North - Bike Path

A map showing the general locations of the projects was displayed. Total cost for the eight projects is \$3,478,000 with Federal (\$2,008,000), State (\$347,700), and Local Match (\$1,122,300) funding.

Mrs. Glass moved adoption of Resolution R-94-178. Motion was seconded by Mr. Chetlain and carried 6 to 0. RECORD S43-1741

NOTICE OF PENDING LITIGATION MEETING

Mr. Steinsnyder announced that a Pending Litigation meeting is scheduled for 1:15 p.m. in private session in the Commissioners' Conference Room. The County Attorney will advise the Board on litigated matters regarding American Cast Iron Pipe vs. Manatee County.

STAFF RESUMES

Ms. Clarke submitted the resumes of staff from the Planning, Permitting and Inspections Department. Resumes were submitted from: Carol B. Clarke, Elizabeth O. Benac, Michael A. Pendley, Leon Kotecki, Michael R. Wood, Norman M. Luppino, Janet Stewart, Misty C. Martin, Darendra D. Marvin, Jerome L. Gostkowski, Christopher L. Mowbray, Alfred R. Wallace, Thomas E. Yarger, Deborah E. Perron, Erik F. Gourd, Kathy G. Simonet, Michael B. Register, Kathleen L. Thompson, Joaquin A. Servia, Laurie E. Suess, Jon A. Prettyman, M. Victoria Warner, and George Devenport, Jr.

Recess/Reconvene. All members present except Mr. Stephens and Mrs. Hooper.

LARGE DIAMETER PIPELINE MATERIALS

Rob Cuthbert, Purchasing Director, requested authorization to issue Change Order No. 1 to Blanket Purchase Order 97027 for additional pipeline materials required for potable water transmission main construction (from East County Wellfield to University Parkway) to American Cast Iron Pipe Company for an increase of \$1,500,000, and a not to exceed total Purchase Order amount of \$6,349,366.50.

Mr. Gause moved approval. Motion was seconded by Mrs. Harris and carried 5 to 0.

MEETING ADJOURNED

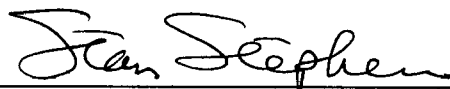
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 7/12/94

Adj: 2:14 p.m.
/rll