

MARCH 28, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, March 28, 1996, at 9:05 a.m.

**Present were Commissioners:**

Stan Stephens, Chairman  
Patricia M. Glass, First Vice-Chairman  
Lari Ann Harris, Third Vice-Chairman  
John R. Gause  
Maxine M. Hooper  
Joe McClash

**Absent was Commissioner:**

Gwendolyn Y. Brown, Second Vice-Chairman (out of town)

**Also present were:**

Mark P. Barnebey, Assistant County Attorney  
Susan G. Romine, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Larry Pritchett, Palm View First Baptist Church.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

**CONSENT AGENDA**

Upon motion by Mr. McClash and second by Mrs. Glass, the Consent Agenda was approved 6 to 0. Items APPROVED included:

**CLERK OF CIRCUIT COURT**

**BONDS**

**Release**

**Copperfield Subdivision (87-S-30)**

1. Agreement with Copperfield Development Corporation Guaranteeing Completion of Required Improvements (sidewalks), \$317
2. Performance Bond: \$317 (Cashier's Check No. 334381, Barnett Bank of Manatee County, N.A., surety)

**J. O. Subdivision (92-S-08)**

1. Agreement with Joseph E. Jones Guaranteeing Completion of Required Improvements (sidewalks), \$298.12
2. Performance Bond: \$298.12 (Money Order No. 204636, Key Savings Bank, surety)

**BILLS FOR PAYMENT**

Municipal Code Corporation - Supplement 33 \$ 549.28

**REFUNDS**

Cumbey & Fair, Inc. - Plan Amendment Withdrawn 1,668.83

**WARRANT LIST**

Approve: March 19, 1996 through March 27, 1996

Authorize: March 28, 1996 through April 1, 1996

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfactions of Judgment:**

Christopher M. Foley, Case 95-1006M (Judgment of Acquittal)

Gary Seeley, Case 93-1502M (\$50)

Vallis Nicole Johnson, Case 93-2926F (\$250)

**Authorization for Payment of Taxable Costs:**

Matthew McMillan, Esq., State vs Hickey Case 95-1337T (\$269.35)

**Partial Release of Special Improvement Assessment Liens:**

Projects 5147 (2); 3009 (3); 3106

**APPROVE, RATIFY & CONFIRM**

**Parks and Recreation Department Instructor's Classes Agreement:**

Jim Clark - Tennis

RECORD S44-2733

**ACCEPT**

**Lakewood Ranch Community Development District 1 - Minutes of meetings of the Board of Supervisors held 1/18/96 and 2/1/96**

**Lakewood Ranch Community Development District 2 - Minutes of meetings of the Board of Supervisors held 1/18/96 and 2/1/96**

**Hy Kom Property (Emerson Point) - Sheriff's Bill of Sale to Manatee County dated/recorded March 13, 1996; \$364,000**

MARCH 28, 1996

(Cont'd)

**COUNTY ADMINISTRATOR****TRAVEL**

1. Keith Booth, Construction Trades Board Chairman, to attend the Construction Licensing Officials Association of Florida meeting in Orlando, Florida, April 11-12, 1996.
2. County Commissioners, County Administrator and County Attorney to Tallahassee, Florida, during the 1996 Legislative Session.

**HOUSING PRESERVATION GRANT**

**R-96-72** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A PRE-APPLICATION TO RURAL ECONOMIC AND COMMUNITY DEVELOPMENT (RECD) SERVICES FOR A HOUSING PRESERVATION GRANT.

(Authorizing execution of all appropriate documents; \$360,000 [RECD/\$200,000; County/\$160,000 SHIP Funds].) **RECORD** S44-2734

**URBAN AND COMMUNITY FORESTRY GRANT**

Execute Certification of Acceptance for Florida Department of Agriculture and Consumer Services Urban and Community Forestry grant (Master Plan presented 1/30/96).

**SHERIFF - RADAR EQUIPMENT**

**R-96-63** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A CONCEPT PAPER TO THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UNDER THE SECTION 402 FUNDING FOR RADAR EQUIPMENT.

(Authorizing staff to submit a grant application at a future date and authorizing execution of related documents; \$74,332.)

**RECORD** S44-2735**HY KOM PROPERTY (EMERSON POINT)**

**R-96-76** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING AND PROVIDING FOR THE CANCELLATION OF ALL LIENS FOR TAXES, DELINQUENT OR CURRENT, ON PROPERTY KNOWN AS THE HY KOM PARCELS LOCATED ON EMERSON POINT IN MANATEE COUNTY, FLORIDA.

**RECORD** S44-2736**INDUSTRIAL DEVELOPMENT REVENUE BONDS: APPLIED OPTICS CENTER CORPORATION**

Execute Satisfaction of Mortgage and Release of Trust Indenture dated September 1, 1982.

**CROSLY ESTATE SHOWHOUSE**

Authorize the American Society of Interior Designers (ASID) to extend the event from March 31, 1996, to April 7, 1996; and extend the estate clean-up period from April 11, 1996, to April 30, 1996.

**WATER SCHOOL**

Approve payment for Patrick McGinnis and John LoGalbo, Manatee County Planning Commissioners, to attend the water school sponsored by the University of Florida Extension Service, \$100.

**WARD ESTATES SUBDIVISION**

1. Final Plat.
2. Agreement with Theresa E. Hough to Defer Completion of Required Sidewalks.

**RECORD** S44-2737

(End Consent Agenda)

(Depart Mrs. Harris)

**ORDINANCE 96-19: LAND DEVELOPMENT CODE AMENDMENT**

Public hearing (Notice in the Bradenton Herald 3/20/96) was held to consider

**ORDINANCE 96-19** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); AMENDING CERTAIN ACCESSORY USE STANDARDS REGARDING NON-RESIDENTIAL OUTDOOR STORAGE; AND AMENDING CERTAIN PROVISIONS REGARDING MINI-WAREHOUSES, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION with amendments.

Laurie Suess, Planning, Permitting and Inspections, stated the applicant submitted the text amendment to cure an existing Code Enforcement situation and to help eliminate other such violations due to increasing use of existing mini-warehouse facilities for storage of boats and recreational vehicles. Staff has proposed additional language.

(Enter Mrs. Harris)

The second public hearing is scheduled for April 25, 1996, at 9:00 a.m., or as soon thereafter as same may be heard.

Discussion: Hotel/motel abutting a mini-storage facility; buffering; visual impact; outdoor storage will not be allowed within 50 feet of property line; solid fence/wall and trees required.

**ZONING**

Public hearing (Notice in the Bradenton Herald 3/15/96) was held to consider

**PDRV-96-01(F) TIMBERLANE, INC. - R.V. PARK F/PLAN (APPROVED)**

Request: Final Site Plan to allow a recreational vehicle park with 50 lots on 7.6 acres located on the south side of State Road 64, 2,000 feet east of I-75 and 1,800 feet west of Lena Road.

Planning Commission recommended APPROVAL with Stipulations:

- 1. All landscaped areas shall be irrigated with a 100 percent automatic irrigation system which adequately covers all landscaped areas. Landscaping shall be considered a part of the required improvements which shall be certified by the Planning, Permitting and Inspections Department prior to operation of the park.
- 2. The emergency storm shelter shall receive a Certificate of Occupancy before construction begins on Phase 3 (25th lot);

ADOPT Findings for Specific Approval; and  
GRANT Specific Approval for:

- 1. Alternative to Section 603.9.4.3(3) of the Land Development Code (LDC) to allow a reduction in the required width of lots for park trailers from 35 feet to 32 feet; and
- 2. Alternative to Section 603.9.6.1(1) of the LDC to allow a reduction in the pavement width from 18 feet to 16 feet for one-way travel lanes.

Darenda Marvin, Planning, Permitting and Inspections, reviewed the staff report and referred to a final site plan. The project was originally approved (PDRV-92-01[F]) prior to adoption of the LDC and Comprehensive Plan and has expired. Some infrastructure was constructed, but not completed. The project is consistent with the current LDC and Comprehensive Plan with approval of the modifications.

Albert F. Thomas, applicant, was available to answer questions.

Rick Yeck spoke in opposition due to increased traffic.

Husham Abdulsattar, Planning, Permitting and Inspections, stated the developer has agreed to install right and left-turn lanes in the future.

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. Hooper moved to approve Final Site Plan PDRV-96-01(F) with Stipulations 1 and 2; adopt the Findings for Specific Approval and Grant Specific Approval for alternatives to the requirements of Sections 603.9.4.3(3) and 603.9.6.1(1) of the Land Development Code, as recommended by the Planning Commission. Motion was seconded by Mrs. Harris and carried 6 to 0.

RECORD S44-2738

(Mary Frances Schultz, Court Reporter, present)

Public hearing (continued from 2/22/96) was opened to consider

**PDR-95-11(P) PALMA SOLA BAY ASSOCIATES (PALMA SOLA BAY CLUB)**  
(CONTINUED TO 4/16/96 AT 9:00 A.M.)

Request: Preliminary Site Plan to allow 212 multi-family units at a density of 10.1 du/acre on 21 acres located at the terminus of 40th Avenue West, 1,250 feet west of 75th Street West and bounded on the west by Palma Sola Boulevard.

Planning Commission recommended APPROVAL with five stipulations;

RECORD S44-2739

MARCH 28, 1996

(Cont'd)

ADOPT Findings for Specific Approval; and GRANT Specific Approval of an alternative to the requirements of Section 603.7.4.5 of the LDC (greenbelts within the PDR district); and GRANT Special Approval for a project exceeding nine du/acre in the RES-16 Future Land Use Category.

Caleb Grimes, attorney representing the applicant, requested the hearing be continued due to the absence of a full Board.

The consensus was to hear the matter today and those Commissioners not present may view the video tape. Any questions by those Commissioners not present may be addressed at a later meeting.  
(Note: Further action later in meeting.)

(Depart Mrs. Glass)

Public hearing (Notice in the Bradenton Herald 3/15/96) was opened to consider

PDC-96-01(Z)(P) AMSOUTH BANK/PICK KWIK - PDC AND P/PLAN (CONT'D)  
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 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 PR-M TO PDC; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 4,580 SQUARE-FOOT CONVENIENCE STORE WITH 8 GAS PUMPS UNDER AN 8,740 SQUARE-FOOT CANOPY ON 2.2 ACRES LOCATED AT THE SOUTHEAST CORNER OF 53RD AVENUE WEST AND 26TH STREET WEST.

Planning Commission recommended DENIAL.

Ms. Marvin submitted a letter (3/25/96) from the applicant requesting a continuance to April 25, 1996.

Motion was made by Mr. McClash, seconded by Mrs. Hooper and carried 5 to 0, to continue PDC-96-01(Z)(P), Amsouth Bank/Pick Kwik, to April 25, 1996, at 9:00 a.m. or as soon thereafter as may be heard.

(Enter Mrs. Glass)

PDR-95-11(P) PALMA SOLA BAY ASSOCIATES (PALMA SOLA BAY CLUB) (Cont'd)

Mrs. Marvin reviewed the surrounding uses and zoning. She referred to a zoning map and a site plan. She noted that staff recommended approval of the request with significant concerns.

The northern parcel (10 acres) received previous development approval and some construction exists (perimeter roadway and a lake in the center). The proposal for this portion is two-story buildings over parking, a club house, pool and tennis facility. The height of the buildings is limited to 35 feet.

The southern parcel (11 acres) has a similar design with a lake in the center. These buildings are proposed to be three-story with outside parking and a playground. The property is located in the RES-16 Future Land Use Category. The Comprehensive Plan states that a density over nine dwelling units per acre may be allowed if the area is substantially developed at more than nine dwelling unit per acre.

Mrs. Marvin stated that 40th Avenue West is the main access road from 75th Street and would dead end into this property. The road does not meet County standards (18 feet wide without curb and gutter), which raised traffic concerns. She reviewed the stipulations and recommendation of the Planning Commission. She also entered letters from 126 residents in opposition and the resume of James G. Schrader.

Discussion: Substantial development over nine dwelling units per acre; portion of old Broome Park (Heather Run) was originally 12 units per acre; JMC proposal (Reserves at Palma Sola Bay PDR-93-06) was 6.9 units per acre and approved at 1.3 (single-family homes); development trends; PDR zoning does not reflect density; access to Broome Park or right-of-way; documentation regarding substantial development; Heron Harbor is 11.6 units per acre and Pelican Point is 14; 10 units per acre is the maximum staff could support on this site; etc.

(Depart Mrs. Hooper)

Mr. Grimes referred to Section 2.2.1.14, Comprehensive Plan, regarding RES-16 Future Land Use Category. Subsection .4(d) references developments greater than nine units per acre requiring special approval.

He submitted a copy of the Preliminary Site Plan. He noted the northern parcel was rezoned to R-3B in 1984. In 1985, the northern parcel received preliminary and final site plan approval for construction of five-story buildings at a density of 12.4 units per acre. He submitted an aerial of the northern portion of the site depicting existing infrastructure.

Upon adoption of the 1989 Comprehensive Plan, there was confusion as to whether the original site plan was still valid. A vested rights determination is pending (VRD-89-08).

Traffic issues were addressed. Regarding the southern 11 acres, Mr. Grimes submitted a copy of the Conceptual Site Plan approved under Z-83-61 (10/13/83), which depicted 112 units with two-, three- and four-story buildings. He reviewed surrounding uses. The building height has been limited to 35 feet above grade. The current plan is proposed at a density of 10.1.

Gerald Russell, real estate appraiser, addressed the need for additional multi-family units in the area. He reviewed the 69 percent open space and the density of surrounding projects. He reviewed the economic aspects of the proposal.

The qualifications of David Haley and Gerald Russell were submitted.

Mr. Grimes submitted three character elevation drawings. He noted the owners opted to not construct the chimney as shown on two of the designs. The buildings are proposed to be two-story over parking and three-story (maximum).

Jeffrey Steinsnyder, Assistant County Attorney, referenced issues that should not be considered in this hearing. He recommended the elevation be stipulated to requiring the design as submitted (without the chimney). He addressed trends and timing needs.

Speaking in opposition were:

Leonard Waters; Mike Pendley, of the Manatee County School Board; Susan Swanson; Patricia Petruff, representing adjacent property owners; Roger Conley, representing Homestead Homes Inc., (submitted a map); Paul Winder; Charles Seefeldt (submitted a letter dated 3/96 stating opposition position); Charlotte Bell, Palma Sola Park Association; Vern Thudium, Coral Shores; Sherry Pies; and Robert Lippiat.

(Mr. Stephens absent for portion of discussion; Mrs. Glass, presiding)

Issues addressed were:

Traffic; Palma Sola Boulevard; safety of children; sidewalks; school impacts; density; flooding; project design; compatibility; consistency; surrounding zoning; access; hurricane evacuation plan; stipulations; single-family homes recently approved to the north; welfare of community; vested rights; mitigation of impacts; number of units; speeding; remove Building A, reorient Building B in east/west direction; require fence/buffer adjacent to Tiffany Place lots; bicycles.

A motion by Mrs. Glass, and second by Mr. McClash, to continue the hearing to April 16, 1996, at 2:00 p.m., was withdrawn

Motion was made by Mr. McClash, and seconded by Mrs. Harris, to continue the hearing to April 16, 1996, at 9:00 a.m. Motion carried 4 to 1, with Mr. Gause voting nay.

Recess/Reconvene. All members present except Ms. Brown.

Issues to be brought back: net density; relationship to Comprehensive Plan regarding Future Land Use Category of RES-16 recognizing development exceeding nine dwelling units per acre being developed as affordable housing projects.

MARCH 28, 1996

(Cont'd)

Public hearing (Notice in the Bradenton Herald 3/15/96) was opened to consider

**PDR-96-02(Z)(G) D.B. ASSOCIATES - PDR AND GENERAL DEVELOPMENT PLAN**  
(CONTINUED TO 4/16/96 AT 2:00 P.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR ON 200 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF THE NORTH/SOUTH EXTENSION AND THE EAST/WEST EXTENSION OF ERIE ROAD; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN FOR 240 SINGLE-FAMILY HOMES AT A DENSITY OF 1.2 DU/ACRE; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL with nine Stipulations.

RECORD S44-2740

**Caleb Grimes**, attorney representing applicant, requested a continuance due to the absence of a full Board.

**David Bailey** addressed flooding in the area and spoke in opposition to the request due to drainage problems.

Motion was made by Mrs. Glass, seconded by Mr. McClash and carried 6 to 0, to continue the hearing to April 16, 1996, at 2:00 p.m.

**STREET NUMBERING WAIVER - COURT OF PALMS SUBDIVISION**

Vickie Warner, Planning, Permitting and Inspections, relayed a request by developers of Court of Palms Subdivision for a waiver of street numbering requirements. The area is predominately numbered streets and there are several new subdivisions in this area which utilize numbered streets. The street within this development is circular in design and enters and exits via Tallevast Road.

The Address Review Committee recommended the request be denied inasmuch as it is not consistent with the LDC.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to support the recommendation of denial.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman 5/14/96

Adj: 2:30 p.m.  
/ghk