

AUGUST 22, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, August 22, 1996, at 9:01 a.m.

**Present were Commissioners:**

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

**Absent was:**

Gwendolyn Y. Brown, Second Vice-Chairman (attending mediation)

**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. Doug Hallman, Manatee United Methodist Church.

The meeting was called to order by First Vice-Chairman Glass.

All witnesses/staff giving testimony were duly sworn.

**FOUR CORNERS MINE/LAND EXCHANGE - MANATEE HEADWATER AT DUETTE**

Mark Barnebey, Assistant County Attorney, requested approval and confirmation of execution of the Option Agreement for Sale and Purchase among Dorothy L. Polk and Durham L. Altman as Personal Representatives of the Estate of Ethel Altman, Florida Communities Trust (FCT), and Manatee County for property within the Lake Manatee Watershed for the Manatee Headwaters at Duette Project, subject to the final review of the County Attorney's office (total purchase price \$855,883.50; \$607,934.05 from FCT and \$247,949.45 from Manatee County). He also requested approval and confirmation of Option Agreement for Sale and Purchase among IMC-Agrico Co., FCT, and Manatee County for property within the Lake Manatee Watershed for the Manatee Headwaters at Duette Project, subject to the final review of the County Attorney's office (total purchase price \$1,269,076.50; \$901,425.04 from FCT and \$367,651.46 from Manatee County).

He referred to the question regarding the position of the FCT on the possible use of the outstanding one-half mineral interests which will be retained by George and Jean Mullins (discussed 4/25/96). He noted that the economic value of the Mullins' mineral interest appears to be low and the County's ability to acquire the remainder of the property, which will reduce the potential for mining in the watershed, may result in positive benefits outweighing the risks.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 5 to 0, to approve the request.

RECORD S45-509  
 S45-510

Discussion: Condemnation options exercised at a later date.  
 (Enter Mr. Stephens; presiding)

**CONSENT AGENDA**

Upon motion by Mr. McClash and second by Mr. Gause, the Consent Agenda dated August 22, 1996, was approved 6 to 0. Items APPROVED/CONTINUED:

**ZONING**

Public hearing (continued from 7/25/96) was opened to consider

**Z-95-13 COUNTY-INITIATED/DURHAM L. ALTMAN TRUST - EX** (CONTINUED)  
 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE (LDC), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO EX; PROVIDING AN EFFECTIVE DATE; LOCATED ON 310 ACRES ON THE EAST OF S.R. 37 AT THE INTERSECTION OF MANATEE, HILLSBOROUGH, HARDEE AND POLK COUNTIES.

Planning Commission recommended Adoption.

*could be 7/26/96 @ 9:00 a.m.*

Public hearing (continued from 7/25/96) was opened to consider *to 9:00*  
Z-95-12 COUNTY INITIATED/IMC-AGRICO COMPANY - A/WP-M/ST (CONTINUED)  
 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE  
 REZONING OF CERTAIN LAND FROM EX/WP-M/ST TO A/WP-M/ST; PROVIDING AN  
 EFFECTIVE DATE; LOCATED ON 316 ACRES SOUTHEAST OF S.R. 37 AND NORTH  
 OF S.R. 62 AT THE INTERSECTION OF SAID ROADS.  
 Planning Commission recommended Adoption.

Public hearing (Notice in the Bradenton Herald 8/9/96) was opened to  
 consider *cont'd 9:00*

PDC-96-04(Z)(G) ROBERT WALTON, ET AL (WINN DIXIE) - PDC (CONTINUED)  
 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE  
 REZONING OF CERTAIN LAND FROM PR-M, RSF-4.5 AND CRV TO PDC;  
 PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT  
PLAN TO ALLOW A 74,047-SQUARE-FOOT GROCERY STORE; ON 9 ACRES  
 LOCATED AT THE SOUTHEAST CORNER OF 9TH STREET EAST AND 53RD AVENUE  
 EAST.

Public hearing (continued from 7/25/96) was opened to consider *9:00*  
PDR-96-08(Z)(P) KEY FLORIDA BANK (CEDAR RUN) (CONTINUED)  
 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE  
 REZONING OF CERTAIN LAND CONSISTING OF .48 ACRE FROM PR-S TO PDR;  
 PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE  
PLAN TO ALLOW 32 MULTI-FAMILY RESIDENTIAL UNITS AT A DENSITY OF  
 11.85 DU/ACRE ON 2.7 ACRES LOCATED ON THE WEST SIDE OF 26TH STREET  
 WEST, 75 FEET SOUTH OF 49TH AVENUE WEST.  
 Planning Commission recommended Approval with 9 Stipulations;  
 GRANTING Special Approval and GRANTING Specific Approval (See  
 Minute Book 45 Page 101).

#### FINAL PLATS

##### Edgewater Village, Subphase B, Unit 2

1. Final Plat.
2. Mortgagee's Joinder from Northern Trust Bank of Florida, N.A.
3. Mortgagee's Joinder from Lakewood Ranch Community Development District 2.
4. Interlocal Agreement with Lakewood Ranch Community Development District 2. RECORD S45-511
5. Required Improvement Agreement with SMR Communities Joint Venture, \$318,523.40.
6. Performance Bond: \$318,523.40 (Subdivider's Completion Bond 08020090, Fidelity & Deposit Company of Maryland, surety).
7. Required Improvements Agreement with SMR Communities Joint Venture (Sidewalks and Bikeways), \$40,550.64.
8. Performance Bond: \$40,550.64 (Sidewalk Bond 08020091, Fidelity & Deposit Company of Maryland, surety).
9. Agreement with SMR Communities Joint Venture for Installation of Private Improvements. RECORD S45-512
10. Supplemental Declaration.
11. Conservation Easement from Schroeder-Manatee Ranch, Inc.

##### Edgewater Village, Subphase A, Unit 3

1. Final Plat.
2. Mortgagee's Joinder from Northern Trust Bank of Florida, N.A.
3. Mortgagee's Joinder from Lakewood Ranch Community Development District 2.
4. Interlocal Agreement with Lakewood Ranch Community Development District 2. RECORD S45-513
5. Required Improvements Agreement with SMR Communities Joint Venture (Sidewalks and Bikeways), \$50,528.40.
6. Performance Bond: \$50,528.40 (Sidewalk Bond 08020089, Fidelity & Deposit Company of Maryland, surety).
7. Required Improvements Agreement with SMR Communities Joint Venture, \$350,421.02.
8. Performance Bond: \$350,421.02 (Subdivider's Completion Bond 08020088, Fidelity & Deposit Company of Maryland, surety).
9. Agreement with SMR Communities Joint Venture for Installation of Private Improvements. RECORD S45-514
10. Supplemental Declaration.

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(Cont'd)

**Rosedale 9, A Golf and Tennis Community**

1. Final Plat.
2. Consent to Plat from Canadian Imperial Bank of Commerce.
3. Declaration of Covenants, Conditions and Restrictions.
4. List of Holdings.
5. Fiscal and Budgetary Information.
6. Notice to Buyers.
7. Right of Entry and Compliance with Manatee County Land Development Code.
8. Supplemental Master Declaration to Master Declaration of Covenants, Conditions, and Restrictions. (*NEWSPIN DEVELOPMENT*)
9. Agreement with Patrick Hogan, Trustee to Defer Completion of Required Sidewalks for Private Subdivisions. RECORD S45-515

**MANATEE EDUCATIONAL TELEVISION CONSORTIUM**

Modify and re-execute the Fiscal Year 1996 Funding Agreement (5/14/96) with Manatee Educational Television Consortium to correct scrivener's error in paragraph 6A regarding disbursement of payment (dividing \$55,000 into five payments of \$11,000). RECORD S45-516

**TOURIST DEVELOPMENT COUNCIL APPOINTMENT**

Appoint Bradenton Councilman Steve Bernthal to the Tourist Development Council (replacing Fred Runnells, retired).

**800 MHZ SYSTEM - DISPATCH SWITCH AND CONSOLE UPGRADE**

Execute agreement with Ericsson, Inc., not to exceed \$312,000 to provide a dispatch switch and console upgrades for the 800 Megahertz Communications System. RECORD S45-517

**BUFFALO CREEK GOLF COURSE - CONSENT ORDER**

Authorize payment of \$350 to the Department of Environmental Protection to reimburse costs and expenses incurred for preparation and tracking of Consent Order OGC, Case 96-1668, relating to mitigation shortages during construction of the course.

**CLERK OF CIRCUIT COURT****BONDS****Release:****Quality Aggregates, Inc., University Parkway Pit (EM-94-1)**

1. Agreement with Quality Aggregates, Inc., and Schroeder-Manatee, Inc., Guaranteeing Performance and Compliance with an Earthmoving-Reclamation Site Plan, \$102,000.
2. Performance Bond: \$102,000 (Surety Bond No. 6064132-A, Fidelity and Deposit Company of Maryland).

**Peridia Isle [PDR-86-10(F)/93-S-09(P)]**

1. Agreement with Land Resource Capital Associates Guaranteeing Completion of Required Improvements, \$199,982.90.
2. Performance Bond: \$199,982.90 (Letter of Credit T511449, Barnett Bank of Manatee County, N.A.).

**Accept:****Peridia Isle [PDR-86-10(F)/93-S-09(P)]**

1. Agreement with Land Resource Capital Associates Warranting Required Improvements, \$23,553.50.
2. Defect Security: \$23,553.50 (Letter of Credit T514123, Barnett Bank of Manatee County, N.A.).

**BILLS FOR PAYMENT**

Bradenton Herald - Unclaimed Monies	\$ 203.40
J. P. Construction, Inc. - Home Rehabilitation (Mitchell)	1,521.41
Tri-Tech Construction and Design, Inc. - Home Rehab (Romes)	2,151.00

**REFUNDS**

West Central Florida Area Agency on Aging, Inc. - Unearned FY 1996 Advances (Community Care for Elderly)	2,846.03
SMR 1 Development Corp. - Impact Fees	9,982.00
SMR 1 Development Corp. - Impact Fees	570.00
SMR 1 Development Corp. - Impact Fees	7,195.00
SMR 1 Development Corp. - Impact Fees	7,031.00
SMR 1 Development Corp. - Impact Fees	9,217.00
SMR 1 Development Corp. - Impact Fees	8,543.00
Faith Christian Church of Manatee - Rezone Request Withdrawn	726.00
Neal Communities - PDR-94-05(P)(R)/94-S-10(P)(R) Withdrawn	1,024.00
PrimeCo Personal Communications, L.P. - SP-96-12 Withdrawn	1,610.08

**WARRANT LIST**

Approve: August 6, 1996, through August 21, 1996  
 Authorize: August 22, 1996, through August 26, 1996

**MINUTES FOR APPROVAL**

June 4, 1996 - Regular  
 June 4, 1996 - Joint w/Port  
 June 10, 1996 - Joint w/School Board  
 June 20 & 25, 1996 - Regular  
 July 2, 1996 - Regular  
 July 8, 1996 - Special

**AUTHORIZE CHAIRMAN TO SIGN**

**Partial Release of Special Improvement Assessment Liens: Projects**  
 3010-5148; 3009-5147 (5); 5147 (3); 5144; 3106-5144; 5064; 5054;  
 4102-3904 (2); 5031; 3102-2502; 5150

**Satisfactions of Judgment:**

Jesus Alcantar, 94-3105M (\$50)  
 Ernestine Connors, 95-139JD (\$50)

**Recorded in Error:**

Robert Pick, 92-311JD (\$84)  
 Charlene Alday, 93-1879JD (\$254)  
 Abram Davis, 93-2302JD (\$330)  
 Sheryl Conner, 93-3011JD (\$514.80)  
 Dennis Yack, 94-181JD (\$507.50)  
 Patricia Duff, 94-321JD (\$697.60)  
 Donna Boggs, 94-904JD (\$895.80)  
 Joyse Thomas, 94-1030JD (\$510)  
 Joyse Thomas, 94-0309JD (\$75)  
 Debbie Heath, 94-1331JD (\$462); (\$60)  
 Eugene Smith, 94-1631JD (\$897.50)  
 Carolyn Jones, 93-1633JD (\$175)

**Names not Provided:**

94-800JP (\$2,689.20)  
 93-3056JP (\$469.80)  
 92-1425JD (\$137.89)  
 92-3083JD (\$229.27)  
 93-78JD (\$180.15)  
 91-56JD (\$209.02)

**Bayshore Yacht Basin Force Main Relocation** - Contract with DeLesline Construction, Inc., \$62,977.15 (approved 7/30/96) **RECORD** S45-518  
**East Bradenton Park Restroom Facility** - Contract with Fredericks Construction Co., Inc., \$73,000; date Performance/Payment Bond and accept Insurance Certificate (approved 7/30/96) **RECORD** S45-519  
**Myakka City-Wauchula Road Bridge** - Contract with Zep Construction, Inc., \$1,383,845.43; date Performance/Payment Bond and accept Insurance Certificate (approved 7/30/96) **RECORD** S45-520

**APPROVE, RATIFY & CONFIRM****P & R Department Instructor's Classes Agreement:**

John Purdon - Tennis

**RECORD** S45-521

**ACCEPT**

**Lakewood Ranch Community Development District 1** - Minutes of the Board of Supervisors meeting held June 6, 1996

**Anna Maria Fire District** - FY 1996-97 Budget

**Transcript of Pending Litigation Assessment Meeting (6/4/96)** regarding Settlement of Worker's Compensation Claim in the case of Arlene Walls v. Manatee County, Claim No. 263-53-6797

**D.B. Associates [PDR-96-02(Z)(G)]** - Letter of Agreement with Steven M. Seibert, Special Master, Manatee County, and Caleb Grimes, attorney for D.B. Associates, for the Retention of a Special Master for Dispute Resolution Hearing (lawsuit) (County Attorney authorized to negotiate 5/23/96). **RECORD** S45-522

**Palma Sola Bay Associates [PDR-95-22(P)]** - Letter of Agreement with Steven M. Seibert, Special Master, Manatee County, and Caleb Grimes, attorney for ~~D.B. Associates~~, for the Retention of a Special Master for Dispute Resolution Hearing (lawsuit) (County Attorney authorized to negotiate 5/23/96). *PALMA SOLA BAY ASSOC.* **RECORD** S45-523

**G.T. Bray Park Softball Complex Food Concessions** - Addendum 1 to License Agreement (executed 8/8/96) with Paul and Loretta Spenceley extending agreement for one year (8/8/96-8/7/97). **RECORD** S45-524

**Blackstone Park Softball Complex Food Concessions** - Addendum 1 to License Agreement (executed 8/8/96) with Paul and Loretta Spenceley extending agreement for one year (8/8/96-8/7/97). **RECORD** S45-525

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(Cont'd)

Southwest Florida Water Management District - Fiscal Year 1997 Tentative Budget dated August 5, 1996.

State of Florida Office of the Auditor General - Audit of the State Attorney (1/1/95-12/31/95) (Report Number 12793).

**ACCEPT/AUTHORIZE**

Accept: Declaration of Loss from Barnett Bank of Tallahassee; Lost Securities Bond (The Aetna Casualty and Surety Company)

Authorize: State Street Bank and Trust Company to reissue Manatee County Water & Sewer Revenue Refunding Improvement Bonds Series 1983, dated 2/1/83, 9.3% due 10/1/08, Coupon 26 dated 4/1/96, detached from Bond 2256-2260 @ \$5,000, Total Loss \$465

(End Consent Agenda)

**ZONING**

Public hearing (Notice in the Bradenton Herald 8/9/96) was held to consider

**Z-96-11 DAN S. BLALOCK, ET AL - HM (APPROVED)**

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM LM TO HM; PROVIDING AN EFFECTIVE DATE; ON 10 ACRES LOCATED ON THE EAST SIDE OF THE SEABOARD AIR LINE RAILROAD, NORTH OF 59TH AVENUE EAST, AND WEST OF 21ST STREET EAST, WITHIN SECTION 18, TOWNSHIP 35 SOUTH, RANGE 18 EAST.

Planning Commission recommended ADOPTION.

Darenda Marvin, Planning Department, reviewed the request and referred to a zoning map with surrounding uses. A Plan Amendment (Ordinance 96-06/PA-96-01[A]) was adopted (5/23/96) changing the Future Land Use (Sheet 19) from IL to IH. She reviewed permitted uses that would be allowed on this property if the rezone is approved.

She addressed trip traffic and capacity and stated the staff report has been updated to reflect adequate traffic capacity. She noted the closest residential development is located 900 feet to the northeast (Meadow Lakes Subdivision). She referred to a letter (8/8/96) submitted to the Planning Commission (8/8/96) from Ford Englerth, Railside Industrial Park Manager, regarding trash and debris on the property located to the south (Ramco).

Bill Blalock, representing the applicant, was available for questions.

Ms. Marvin addressed the definition of LM and HM in the Land Development Code, Section 723, with regard to noise levels and adverse impacts.

Discussion: Adverse impacts cannot exceed property line; property surrounded by industrial land uses; adverse impacts are only measured adjacent to residential property.

Based upon the staff report, evidence presented, 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 adopt Manatee County Zoning Ordinance Z-96-11, as recommended by the Planning Commission. Motion was seconded by Mrs. Harris and carried 6 to 0.

RECORD S45-526

Public hearing (Notice in the Bradenton Herald 8/9/96) was held to consider

**Z-96-10 JOHN M. MILLER TRUST - RSF-4.5 (RSF-3 APPROVED)**

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONE OF CERTAIN LAND FROM A-1 TO RSF-4.5; ON 2.5 ACRES LOCATED ON THE WEST SIDE OF 37TH STREET EAST, ½ MILE NORTH OF 53RD AVENUE EAST.

Planning Commission recommended ADOPTION changing the zoning to RSF-3.

Ms. Marvin reviewed the request and referred to a zoning map. The property is used as a wholesale plant nursery. It includes a single-family home and several greenhouses. If approved, a maximum of 10 homes would be allowed on this site. The Planning Commission recommended a rezone to RSF-3 and staff and the applicant concurred.

**John Lawrence**, representing the applicant, stated that the rezone request came forward in an effort to "less out" the house on the property.

**Gerald and Iddress Reese**, adjacent property owner, spoke in opposition to the request and referred to a petition that was submitted to the Planning Commission (8/8/96).

Based upon the staff report, evidence presented, 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. McClash moved to adopt Manatee County Zoning Ordinance Z-96-10, providing for the rezoning of this request to RSF-3, as recommended by the Planning Commission. Motion was seconded by Mrs. Harris and carried 6 to 0. RECORD S45-527

Public hearing (continued from 6/20/96) was opened to consider

PDR-96-05(Z)(P) DIOCESE OF VENICE, ET AL/TURNBURY PARK (CONTINUED)  
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP-E AND PDC/WP-E TO PDR/WP-E; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 286 MULTI-FAMILY DWELLING UNITS AT A DENSITY OF 9 DU/ACRE; LOCATED ON 31.8 ACRES ON THE NORTH SIDE OF UNIVERSITY PARKWAY, 900 FEET EAST OF WHITFIELD AVENUE, AND EXTENDING NORTHWARD TO TIMBERLAKE DRIVE.

Planning Commission recommended ADOPTION with two stipulations.

(Note: See 6/20/96 County Commission meeting).

and Granting Special Approval for a project exceeding 6 du/acre in the RES-9 Future Land Use Category and for a project located in the watershed.

Staff recommended amended Stipulations 1 and 2 and added Stipulation 3. RECORD S45-528

**Hugh McGuire**, attorney representing the applicant, requested the matter be continued within the next 30 days for a full Board.

**Andy Anderson**, President of Palm Aire Community Action Council (PACAC), presented a petition (604 signatures) in opposition. He addressed impacts on property values and compatibility issues.

**Albert Briggs**, President of the Links at Palm Aire Community Association, requested the continuance date be agreed upon mutually with the developer and the residents of Palm Aire. He noted the residents have obtained legal counsel.

Mrs. Hooper clarified issues discussed at a meeting she attended with the homeowners, i.e., existing drainage problems, traffic, density, etc.

Mr. McGuire addressed ex-parte communications regarding Mrs. Hooper attending a meeting with the homeowners without his knowledge.

Discussion: Interpretation of Jennings v. Dade County, a decision rendered by the Third District Court of Appeals; Master Stormwater Drainage Plan; long-range planning for stormwater utilities; etc.

**Patricia Petruff**, attorney representing PACAC, stated no objection to continuing the hearing to September 26, 1996.

**Jack Cox**, representing Treetops of North Forty Homeowners Association, concurred with the position of the PACAC.

Motion was made by Mrs. Glass to **continue** PDR-96-05(Z)(P) to September 26, 1996. Motion was seconded by Mr. Gause and carried 5 to 1, with Mr. McClash voting.

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(Cont'd)

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

Public hearings (continued from 7/25/96) were held to consider

PDR/PDC-96-03(Z)(G) TARA-MANATEE, INC. (DRI 11) (APPROVED)  
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND (15.55 ACRES) FROM A-1/WP-E/ST TO PDR/WP-E/ST LOCATED ON THE NORTH SIDE OF THE EAST/WEST EXTENSION OF LINGER LODGE ROAD, 960 FEET EAST OF THE NORTH/SOUTH EXTENSION OF LINGER LODGE ROAD; AND CERTAIN LAND (3.70 ACRES) FROM PDR/WP-E/ST TO PDC/WP-E/ST LOCATED AT THE SOUTHEAST CORNER OF S.R. 70 AND BRADEN RIVER ROAD, FOR A TOTAL OF 19.25 ACRES TO BE REZONED; PROVIDING AN EFFECTIVE DATE; AND (2) APPROVAL OF A REVISED GENERAL DEVELOPMENT PLAN ENCOMPASSING 1,124.21 TOTAL ACRES, LOCATED AT THE SOUTHWEST QUADRANT OF S.R. 70 AND I-75, EXTENDING WESTWARD TO BRADEN RIVER ROAD.

Planning Commission recommended APPROVAL with eight stipulations. (Note: See July 25, 1996, County Commission meeting).

GRANT Special Approval for a project located in the WP-E Overlay District, and GRANT Special Approval for an amendment to a Special Exception Project.

AND

ORDINANCE 96-31/DRI II (ADOPTED)

Request: Determination of whether the following proposed modification to DRI 11 (Resolution adopted 11/13/80) constitutes a substantial deviation pursuant to Chapter 380.06, Florida Statutes, to the Tara-Manatee DRI Development Order:

1. Revise the legal description to decrease the overall acreage by 12.74 acres by incorporating various changes to the boundary of the original Tara DRI including land presently being acquired by the County along S.R. 70 for roadway improvements, lands exchanged for the Linger Lodge Road realignment, and the addition of a 15.55-acre parcel.
2. Change the approved land uses, amount of acreage devoted to each land use and location of the land uses.
3. Extend the buildout date by 6 years and 11 months to 10/13/2007.
4. Amend the Development Order as follows:
  - A. Various terminology changes
  - B. Eliminate programs and studies which have been completed.
  - C. Eliminate conditions which require the construction of facilities which have been built
  - D. Changes to the following Sections:
    - (1) Water quality and quantity
    - (2) Water supply and wastewater treatment facility
    - (3) Noise abatement
    - (4) School site
    - (5) Roadway improvements
    - (6) General conditions
    - (7) Additional language proposed by the developer
    - (8) Legal description
    - (9) General
    - (10) Restrictions on downzoning
    - (11) Binding order upon developer
    - (12) Rendition
    - (13) Notice of recording
    - (14) Severability
    - (15) Effective date
    - (16) Amendment of Development Order for DRI 11
    - (17) Termination

located on 1,124.21 acres at the southwest quadrant of S.R. 70 and I-75.

Planning Commission recommended ADOPTION with six stipulations.

(Note: See July 25, 1996, County Commission meeting.)

ORDINANCE 96-31 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES FOR THE TARA DEVELOPMENT OR REGIONAL IMPACT, WHICH AMENDS, REPLACES AND SUPERSEDES RESOLUTION NO. DRI 11, AS AMENDED; FINDING THAT THE PROPOSED CHANGES DO NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Carol Clarke, Planning Director, submitted amended Ordinance PDR/PDC-96-03(Z)(G) and amended Ordinance 96-31 reflecting changes made prior to the meeting. She reviewed the changes made to the staff reports, stipulations of the rezone, and various conditions and limitations of the Development Order. A revised Map H was presented.

She submitted correspondence from Jayne Kench (8/16/96) regarding drainage concerns and Diane Holstein (8/20/96) regarding the completion of Tara Boulevard. She pointed out a scrivener's error on page 7 of the Development Order deleting 2007 from paragraph 4. She noted receipt of telephone calls regarding the commercial for Parcel III-Y being added to Parcel III-R.

**Patricia Petruff**, attorney representing the applicant, agreed to all the changes made by staff.

**Jim McCloy**, representing residents of Tara, addressed time extension, traffic, wetland preservation, date certain for traffic light, etc.

Ms. Clarke responded to concerns addressed, i.e., wetlands in Phase III, buffering, stormwater management system, traffic analysis in compliance, reduction of units, etc.

**Joseph Mazza**, resident of Tara, addressed commercial development.

**Dee Holstein** referred to her letter submitted earlier and referenced the attached map. She requested a date certain for the road to be extended to the school.

Janet McAfee, Project Management, addressed plans for the traffic signal at the entrance to Tara.

Jerome Gostkowski, Growth Management, addressed drainage problems and proposed improvements to the golf course in Tara.

**Motion - PDR/PDC-96-03(Z)(G)**

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. McClash moved to adopt Manatee County Zoning Ordinance PDR/PDC-96-03(Z)(G); approve the General Development Plan with Stipulations as shown in the ordinance and as amended at this meeting; grant special approval for a project located in the WP-E Overlay District and grant special approval for an amendment to a Special Exception Project, as recommended by staff at this meeting. Motion was seconded by Mrs. Hooper and carried 6 to 0. RECORD S45-529

**Motion - Ordinance 96-31**

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, Section 380.06, Florida Statutes, and Rule 9J-2.0251(2)(c), Florida Administrative Code, Mrs. Glass moved to adopt the findings that the Notice of Proposed Change (NOPC) modifying the Tara-Manatee DRI as approved herein does not constitute a substantial deviation and adopt Manatee County Ordinance 96-31, amending Resolution DRI 11, as presented by staff at this meeting. Motion was seconded by Mr. McClash and carried 6 to 0. RECORD S45-530

Public hearing (continued from 6/20/96) was held to consider

**Z-96-08 LILA STEPHENS, TR./MCKENZIE - RSF-4.5** (RSF-3 APPROVED)  
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO RSF-4.5; PROVIDING AN EFFECTIVE DATE; LOCATED ON 27 ACRES AT THE SOUTHWEST CORNER OF PALM VIEW ROAD AND ELLENTON-GILLETTE ROAD.  
Planning Commission recommended ADOPTION.



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(Cont'd)

Karin Murphy, Planning Department, referred to a zoning map and reviewed the request. Staff recommended denial due to development trends, overall densities in the area, timing and compatibility. No significant development pattern changes have taken place on this site for a decade. She referred to an aerial and noted that a PDR, RSF-2 or RSF-3 zoning would be more appropriate. She submitted a petition from Deer Run Homeowner's Association in opposition to the request.

**Diane Chadwick**, representing the applicant, referred to a large aerial of the site and reviewed surrounding zoning and land uses. County water and sewer are available to the site; traffic capacity is available; and an interneighborhood tie exists to Palm View Gardens Subdivision. A 1.9-acre wetland is on the site. She addressed requirements for PDR and RSF zoning, open space, major thoroughfares, landscaping buffers, clear transition, and consistency with surrounding zoning, etc.

Speaking in opposition were: **James Burgess**, Chairman of Shadow Brook Condominium Association; **Diane Popovice**, representing adjacent property owners, submitted photographs (15); **Renee Varnadore**; **Brenda Fenimore**; **Bob Davidson**; and **Pat Robertson**.

Issues addressed were: Increased density; traffic; site plan will not be required; area is agricultural; property values; sewer problems; school capacity; flooding on Jackson Road; protection of animals, etc.

Speaking in favor were: **Robert Peck**, President of Peck Plant property; and **John Stephens**, representing Lila Stephens.

Ms. Murphy referred to two aerials and addressed setbacks, roadway buffering, greenbelt status, etc.

Ms. Chadwick addressed issues of Standards for subdivision developments; open space and recreation facilities; traffic operating at LOS C; site is at intersection of two major thoroughfares; sewer and water; developer pay impact fees; transitional land uses; units per acre, etc.

Ms. Clarke reviewed the recommendation of the Planning Commission. She recommended an option of changing the zoning to RSF-2 or RSF-3.

#### **Motion - Failed**

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. McClash moved to deny Manatee County Zoning Ordinance Z-96-08, as recommended by staff. Motion was seconded by Mr. Gause and failed 2 to 4, with Mr. Stephens, Mrs. Harris, Mrs. Hooper and Mrs. Glass voting nay.

#### **Motion - No Action**

Based upon the staff report, evidence presented, 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 approve Manatee County Zoning Ordinance Z-96-08. Motion was seconded by Mrs. Hooper. Voting nay were Mr. McClash, Mr. Gause, and Mrs. Glass. Due to a tie vote of 3 to 3, no action was taken.

#### **Motion - RSF-3**

Based upon the staff report, evidence presented, 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. Glass moved to approve Manatee County Zoning Ordinance Z-96-08 with a rezone to RSF-3. Motion was seconded by Mrs. Hooper.

Ms. Chadwick requested time to speak with the applicant. The public hearing was continued to later in the meeting.

PENDING LITIGATION ASSESSMENT MEETING

Mr. Barnebey announced pending litigation meetings to be continued to 1:15 p.m. this date in private session in the Board conference room regarding Hilliard, et al v. Manatee County, Case 95-729-CIV-T-17C, U.S. District Court, Middle District of Florida. He noted those to be in attendance.

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

ZONING (Cont'd)Z-96-08 LILA STEPHENS, TR./MCKENZIE

Ms. Chadwick stated that the applicant would agree to a rezone to RSF-3.

Vote on Motion - RSF-3

Motion carried 5 to 1, with Mr. McClash voting nay.

RECORD S45-531

Public hearing (Notice in the Bradenton Herald 8/9/96) was held to consider

PDPI-96-02(Z)(P) SCHROEDER-MANATEE, INC. (EAST COUNTY HIGH SCHOOL AND PARK) - PDPI/WP-E AND PDPI/WP-E/ST AND P/SITE PLAN (APPROVED) ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR APPROVAL OF A REZONE FROM A/WP-E AND A/WP-E/ST TO PDPI/WP-E AND PDPI/WP-E/ST; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 363,378-SQUARE-FOOT HIGH SCHOOL, 59,760 SQUARE FEET OF ACCESSORY BUILDINGS, AND A COUNTY PARK WITH 10,600 SQUARE FEET OF ACCESSORY BUILDINGS; ON 237.03 ACRES LOCATED 980 FEET NORTH OF S.R. 70, 3.68 MILES SOUTH OF S.R. 64, AND ON THE WESTERN ALIGNMENT OF THE FUTURE LAKEWOOD RANCH BOULEVARD.

Planning Commission recommended ADOPTION with eight stipulations.

RECORD S45-532

Ms. Murphy reviewed a General Development Plan/Preliminary Site Plan. She referred to an aerial and reviewed surrounding zoning and uses. An agreement was executed (6/10/96) among the School Board, Manatee County and Schroeder Manatee, Inc., regarding the transfer and construction of the site and related facilities. She addressed timing and trends and noted that approximately 210.75 acres (89 percent) will be open space.

She addressed floor area ratio, building height, future educational site, wetland mitigation, buffers, enhanced landscaping, lighting and setbacks to residential developments, and parking for the school and park. The school is scheduled to begin construction in September 1996 with completion by August 1999. She referred to an additional colored General Development Plan/Preliminary Site Plan depicting property ownership and responsibility of construction.

Janet McAfee, Project Management, stated that Lakewood Ranch Boulevard construction is the responsibility of the County and it is being expedited. An environmental assessment indicated that a Level 2 assessment is required; however, no delay is anticipated. She addressed construction of the County park and reviewed the time frame and funding.

**Alan Prather**, attorney representing the School Board, addressed the need for future school expansion.

**Mike Pendley**, representing the School Board, stated the school is designed for 1,936 students. He reviewed the construction responsibilities of all parties.

**Bob Lombardo**, representing the School Board, addressed the traffic study; feasibility of the site; traffic compatibility for the school only; and Lakewood Ranch Boulevard access.

He referred to an aerial to point out wetlands on the site and addressed drainage. The 100-acre high school site drains west to east into agricultural ditches, which drain into Hickory Hammock Slough and then into the Braden River. He noted that there are two drainage ditches that run parallel on the southern portion of the site; however, the ditch on the Schroeder-Manatee property may be recontoured so as not to drain into Braden Pines. He addressed the 20-foot drainage access easement (Stipulation 5) and noted the 3-foot berm needs to be relocated to the north of the easement.

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Regarding the proposed chain link fence on the school's southern property line, Ms. McAfee stated the fence will be connected to the masonry wall, which Rosedale (to the west) will be constructing subject to environmental permitting.

Discussion: Consider Mr. Lombardo to design park as well; open park at same time school opens; alternatives regarding southern fencing; the southwestern area is heavily wooded; etc.

Danny Hopkins, Parks and Recreation Director, advised that the wooded area could be used for passive recreation.

Ms. Murphy distributed alternative Stipulations A or B regarding the fence on the southern property line.

Discussion: Control wooded area; residents of Braden Pines are concerned regarding security; design of soccer field; come back with an agreement for the fence; Joint Use Facilities Agreement approved June 10, 1996; easement for power lines and utility poles; etc.

**Rex Jensen**, representing Schroeder-Manatee Ranch (SMR), addressed the design for the soccer fields and the easements for the power lines and utility poles. The intent is to have an easement along the southern portion of the school site for utilities. The easement will be compatible with the County's drainage easement and with landscape buffering requirements.

Ms. Clarke recommended an additional stipulation:

9. The School Board and County shall develop an agreement regarding the fencing of the southwestern portion of the site and the siting of utility easements on the property as appropriate.

**Robert Dvoratchek**, representing the residents of Braden Pines, submitted a map depicting the proposed locations for fencing and power poles. He submitted a crime comparison by grid information sheet provided by the Sheriff. He requested the fencing encompass the southern wetland and made recommendations regarding the power poles. He requested no loud activity before 8:00 a.m. and no later than 9:00 p.m.

**Larry Manning**, adjacent property owner, requested information regarding the retention pond and the proposed traffic light.

**Ellen Dvoratchek**, adjacent property owner, addressed concerns regarding fencing, power lines, health, safety and welfare of neighborhood.

Mr. Gostkowski stated a traffic light would not be warranted at Braden Woods due to a light being installed at Braden Woods Plaza Shopping Center and the entrance to Rosedale.

Mr. Barnebey amended Stipulation 9 to read:

9. The School Board and County shall develop an agreement regarding the fencing of the southwestern portion of the site as appropriate.

Based upon the staff report, evidence presented, 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. McClash moved to adopt Manatee County Zoning Ordinance PDPI-96-02(Z)(P); and approve the Preliminary Site Plan with Stipulations 1 through 8 (as recommended by the Planning Commission) and Stipulation 9 as added (and amended) at this meeting. Motion was seconded by Mrs. Hooper.

Following discussion regarding power line placement and underground utilities, motion carried 6 to 0.

RECORD S45-533

Public hearing (Notice in the Bradenton Herald 8/9/96) was held to consider

**PDC-95-05(P) (R) R.I. WATERMAN PROPERTIES, INC. (WAL-MART) (APPR)**  
 Request: Approval of an amendment to a previously approved Preliminary Site Plan to 1) increase the building area from 199,288 square feet to 205,184 square feet; 2) modify Stipulation 4 which addresses screening between the proposed loading/service area and 51st Avenue East and 30th Street East; 3) modify Stipulation 7 which addresses roadway improvements to S.R. 70; 4) modify Stipulation 8 which addresses truck deliveries; and 5) delete Stipulation 12 which requires tree plantings adjacent to the northern property line of 51st Avenue East on 31.2 acres located at the northeast quadrant of S.R. 70 and U.S. 301.  
 If approved, staff recommended Stipulations 4, 7, and 8 as modified, 12 as replaced, and 14, 15 and 16 as added. RECORD S45-534  
 (Note: For original stipulations see 8/24/95; S44-1723.)  
 And grant specific approval for alternatives to Sections 714.8, tree replacement; 715.6.1, location of interior landscape islands; and 715.5.1, roadway buffer, of the LDC.

Norm Luppino, Planning Department, referred to a proposed modified site plan and the site plan originally approved on August 24, 1995. He submitted and reviewed a handout outlining the currently approved Stipulation 4, including the applicant's proposed language, and staff's proposed alternative language; Stipulation 7 as revised by staff and the applicant; applicant's proposed language and staff's alternative language to Stipulation 8; deletion of Stipulation 12; and new Stipulations 15 and 16. RECORD S45-535

He addressed issues of: Improvements to be made to S.R. 70; trip traffic; hours of operation; turning off refrigeration units on trucks before driving to loading docks; noise; preservation of trees, etc.

Of the four specific approvals (modifications) being requested, staff recommended denial of the reduction in the number of trees (1) per parking spaces (5) due to there being no justification for any additional relief (Section 715.6.1). He submitted a letter (8/19/96) from Candlewood Homeowners' Association, Inc., addressing concerns.

Regarding Stipulation 4 as proposed by staff, Mr. Barnebey pointed out that the second to the last sentence in the last paragraph should be deleted regarding emergency access on 51st Avenue East.

**Bob Stoker**, representing Wal-Mart, discussed operational concerns of the store, i.e., hours for truck deliveries.  
 (Depart Mr. McClash)

**Bob Chain**, representing Wal-Mart, spoke regarding the number of persons Wal-Mart employs.

**Gary Wallace**, representing Wal-Mart, noted that wetland impacts have been decreased, layout has been changed, two acres of upland preservation have been left undisturbed, buffering has been increased, effective system for mitigation is in place, and transportation needs have been addressed. He requested approval of a modification to Section 715.6.1, location of interior landscape islands.

**Ron Larson**, representing Wal-Mart, addressed Stipulation 7 and referred to a drawing of the site depicting the area of S.R. 70 to be constructed by Wal-Mart and the area to be constructed by the Florida Department of Transportation (FDOT).

**Roger Wayson**, representing Wal-Mart, addressed noise impacts in relation to the delivery trucks and time of deliveries. He addressed impacts to adjacent residences and decibel levels in relation to noise.

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**Ed Vogler**, attorney representing Wal-Mart, stated they concur with staff's recommendation with few exceptions. He pointed out other grocery stores that do not have similar stipulations that are being required. He distributed a handout entitled Land Use Summary and a Summary of Wal-Mart's Requests.

He stated they agree to Stipulations 4, 7, 12, 14, 15 and 16. He submitted a handout entitled Hours of Delivery with Proposals A, B and C. He requested the Board approve Wal-Mart's Proposal A (C on handout) with the five points that the semi-trailer truck deliveries shall be limited to. He addressed the tree preservation modification (Section 715.6.1) and foundation landscaping modification (Section 715.7) and requested approval.

(Enter Mr. McClash)

**Jim Dye**, attorney representing Candlewood Homeowners' Association, stated that Candlewood does not agree to the 9-foot wall (Stipulation 4.b. in the revised staff report). They oppose changing the hours of operation due to noise impacts. He submitted a petition from residents of Candlewood and Manatee Oaks (250 names) supporting stipulations as originally approved.

**Andy Reasoner**, representing Reasoner's Nursery, submitted a copy of the plans for improvements to S.R. 70 and addressed the impact improvements will have on adjacent residential units. He questioned if there would be adequate right-of-way for an acceleration lane for any future developments to the south in relation to the Reasoner's property.

**Ken Lackmann**, resident of Candlewood, addressed hours of operation and noise impacts and requested the original stipulations be maintained.

Mr. Vogler stated that the semi-trailer trucks will turn off their refrigeration unit as soon as they reach the Wal-Mart property line. He submitted photographs (2) depicting the refrigerated unit seal.

Ms. Clarke addressed existing grocery stores (Food Lion and Winn Dixie) and noted they are scaled smaller than this proposal. She addressed the issue of hours of delivery and number of delivery trucks per day and stated staff is opposed to the changes requested by the applicant.

(Depart Mr. Gause)

Mr. Gostkowski noted the owners of the property to the south (Royal Palm) have stated they will be providing a temporary retention area. Also, this proposal will provide left-turn storage for the project on the south side at 30th Avenue. Inasmuch as there will be two means of exit onto S.R. 70, the need for an acceleration lane is minimized in relation to Mr. Reasoner's concerns.

(Enter Mr. Gause)

(Mr. Stephens passed the gavel; Mrs. Glass presiding)

**Motion - Failed**

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Stephens moved to approve PDC-95-05(P)(R) with Stipulations 1 through 16 (4, 7, and 8 as modified by the applicants Proposal A, 12 as replaced, and 14, 15, and 16 as added); and grant specific approval for alternatives to Sections 714.8, tree replacement; 715.6.1, location of interior landscape islands; and 715.5.1, roadway buffer, of the Land Development Code, together with limited waivers of 715.6.1 and 715.7, as requested by the applicant. Motion was seconded by Mrs. Glass and failed 2 to 4, with Mrs. Harris, Mrs. Hooper, Mr. McClash and Mrs. Glass voting nay.

Discussion: Stipulation 8, hours of delivery; waiver of canopy trees and foundation landscaping.

**Motion - Carried**

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Stephens moved to approve PDC-95-05(P)(R) with Stipulations 1 through 16, with Stipulations 4, 7, and 8 pursuant to staff's recommendation, 12 as replaced, and 14, 15, and 16 as recommended by staff; and grant specific approval for alternatives to Sections 714.8, tree replacement; 715.6.1, location of interior landscape islands; and 715.5.1, roadway buffer, of the Land Development Code. Motion was seconded by Mr. Gause.

Discussion: Hours of operation are from 7:00 a.m. and 10:00 p.m. with six deliveries per day.

Motion carried 4 to 2, with Mrs. Harris and Mr. McClash voting nay.

Mr. Vogler requested modifications to Section 715.7 and 715.6.1.

Motion was made by Mrs. Hooper, seconded by Mr. Stephens and carried 6 to 0, to reconsider action on PDC-95-05(P)(R).

**Recess/Reconvene.** All members present except Mrs. Brown.

Mr. Barnebey stated that staff recommends the following relating to the canopy tree and the foundation landscaping issue:

- Waiver of Section 715.6.1 to require 1, 4-inch dbh canopy tree per 10 parking spaces with a minimum of 1 tree per interior island; and
- Waiver of Section 715.7 to require 12 square feet of foundation landscaping per 1,000 square feet of building to be located on the southern and eastern sides of the building.

He read the following stipulations as amended and recommended by staff. Stipulations 1, 2, 3, 5, 6, 9, 10, 11, 13 remain as originally approved:

4. Prior to Certificate of Occupancy, the applicant shall erect an eight-foot-high masonry wall north of the loading/service areas for the western pavement of the loading area west of the TBO facility to the northeast corner of the paved loading area nearest the intersection of 30th Street East and 51st Avenue East and then a hedge, six-foot-high at maturity, shall continue to 30th Street East. In addition, the loading areas shall be completely screened from 51st Avenue East and 30th Street East. This shall be completed prior to issuance of a Certificate of Occupancy.
7. As outlined in the staff report (a through e).
8. Semi-trailer trucks involved in deliveries to the project shall not utilize 51st Avenue East and shall be restricted to the hours between 7:00 a.m. and 10:00 p.m. Upon entry to the site from 30th Street East, the refrigeration units on any truck servicing the project shall be turned off immediately upon entry to the designated area of the project site (as identified on the plan) and shall remain off until such time as the truck leaves the designated area.
12. In addition to the 233 trees proposed to be transplanted on site, which range in size from 2.5 dbh to 4 inches caliper, the applicant shall be responsible for mitigating the removal of 372 of the 867 trees proposed for removal from this site, pursuant to Section 714.5 of the LDC. Any additional trees removed from this site shall be mitigated at a one to one ratio.
14. Prior to Certificate of Occupancy, the applicant shall demonstrate that the existing landscaping located within the required roadway buffer is sufficient to maintain a continuous hedge, a minimum of 36 inches in height.
15. If approved by the Fire District, the proposed emergency access to 51st Avenue East shall be relocated to 30th Street East. The vacated 29th Street East ROW shall be landscaped with trees to effectively screen the Wal-Mart store from the residences to the north.
16. Unless specifically granted "special approval" with this Preliminary Site Plan, the Final Site Plan shall comply with all requirements of the LDC.

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(Cont'd)

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Stephens moved to approve PDC-95-05(P)(R) with Stipulations 1 through 16, with Stipulations 4, 7, 8 and 12 as modified by staff, and new Stipulations 14, 15, and 16 as recommended by staff; and grant Specific Approval for alternatives to Sections 714.8, tree replacement; 715.6.1, location of interior landscape islands and number of trees within landscaped islands with adjustment of tree size; and 715.5.1, roadway buffer; and 715.7 regarding the amount of foundation landscaping; all within the LDC and as recommended by staff. Motion was seconded by Mr. Gause and carried 4 to 2, with Mrs. Harris and Mr. McClash voting nay.

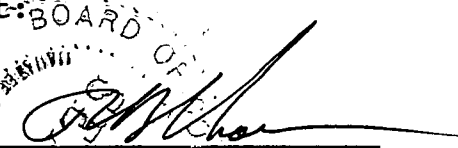
RECORD S45-536

MEETING ADJOURNED


There being no further business, the meeting was adjourned.

Attest:

BOARD OF  
 COUNTY COMMISSIONERS  
 Manatee County  
 Clerk



APPROVED:

  
 Chairman 10/15/96

Adj: 05:50 p.m.

cbh