

OCTOBER 24, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, October 24, 1996, at 9:03 a.m.

Present were Commissioners:

Gwendolyn Y. Brown, Second Vice-Chairman
Lari Ann Harris, Third Vice-Chairman
John R. Gause
Maxine M. Hooper
Joe McClash

Absent were Commissioners:

Stan Stephens, Chairman (attending a conference)
Patricia M. Glass, First Vice-Chairman (vacation)

Also present were:

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

Invocation by Rev. Don Carter, Trinity Assembly of God.

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

All witnesses/staff giving testimony were duly sworn.

CONSENT AGENDA

ZONING

Public hearing (continued from 9/26/96) was opened to consider

Z-95-13 COUNTY-INITIATED/DURHAM L. ALTMAN TRUST - EX

(CONTINUED TO NOVEMBER 21, 1996, AT 1:00 P.M.)

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 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.

Public hearing (continued from 9/26/96) was opened to consider

Z-95-12 COUNTY INITIATED/IMC-AGRICO COMPANY - A/WP-M/ST

(CONTINUED TO NOVEMBER 21, 1996, AT 1:00 P.M.)

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 10/11/96) was held to consider

Z-96-15 ROGER ROBSON - RSF-4.5 (APPROVED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO RSF-4.5; PROVIDING AN EFFECTIVE DATE; LOCATED ON 3 ACRES, 150 FEET WEST OF 95TH DRIVE EAST, AND 150 FEET EAST OF 92ND DRIVE EAST.

Planning Commission recommended ADOPTION.

RECORD S45-1011

Public hearing (Notice in the Bradenton Herald 10/11/96) was held to consider

Z-96-17 COUNTY INITIATED/LESTER AND FLORA SCHOTT, ET AL - GC (APPR)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDMU TO GC; PROVIDING AN EFFECTIVE DATE; ON 6.4 ACRES LOCATED ON THE EAST SIDE OF U.S. 41, 350 FEET NORTH OF THE MANATEE AND SARASOTA COUNTY LINE.

Planning Commission recommended ADOPTION.

RECORD S45-1012

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(Cont'd)

Public hearing (Notice in the Bradenton Herald 10/11/96) was opened to consider

PDR-96-09(P) KRIZMANICH HOLDINGS/HARBOUR LANDINGS - P/PLAN

(CONTINUED TO NOVEMBER 21, 1996, AT 1:00 P.M.)

Request: Preliminary Site Plan to allow 59 single-family dwelling units at a density of 1.57 dwelling units per acre and accessory docking facilities; on 57.67 acres located on the north side of 42nd Avenue West, east of 126th Street West.

Public hearing (Notice in the Bradenton Herald 10/11/96) was held to consider

PDC-96-05(P) GEYER AND DICKINSON (FKA THE FOUNTAINS GARDEN CENTER)

Request: Amend a Preliminary Site Plan to allow a 25,673 square foot major motor vehicle repair establishment on 4.4 acres located south of the Fraternal Order of Eagles, ½ mile north of 53rd Avenue West and 700 feet west of 14th Street West.

Planning Commission recommended APPROVAL with 9 Stipulations; (Stipulation 7 amended by staff during the meeting). RECORD S45-1013

Adoption of the Findings for Specific Approval; and Grant Specific Approval of an alternative to Section 704.50.2 of the LDC regarding setbacks. RECORD S45-1014

Public hearing (Notice in the Bradenton Herald 10/11/96) was opened to consider

PDR-96-11(Z)(P) ESTATE OF MARY GLENN GOEBEL/WHITFIELD MANOR

(CONTINUED TO NOVEMBER 21, 1996, AT 1:00 P.M.)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-2/WR TO PDR/WR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A LARGE GROUP CARE HOME FOR 176 RESIDENTS; ON 9.8 ACRES LOCATED ON THE WEST SIDE OF 9TH STREET EAST, 140 FEET NORTH OF WEE BURN STREET.

Planning Commission recommended APPROVAL with 6 Stipulations; and, Granting Special Approval for a project exceeding 2 du/acre in the RES-3 FLUC. RECORD S45-1015

LAKWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 3

Execute Interlocal Agreement with Lakewood Ranch Community Development District 3 establishing and clarifying duties, powers, responsibilities, liabilities and obligations. RECORD S45-1016

BICYCLE/PEDESTRIAN PROGRAM

Execute Memorandum of Agreement with Sarasota/Manatee Metropolitan Planning Organization defining the role of the County in the planning activities to receive Federal Highway Administration (PL) Section 112 funds and authorize staff to transmit; \$11,000.

RECORD S45-1017

CROSLEY ESTATE

Crosley Estate Foundation, Inc., to use the Crosley Estate fund to lease a climate controlled storage facility to store donated furniture and memorabilia, not to exceed one year (estimated cost \$1,200).

HISTORIC PRESERVATION - ARCHITECTURAL/ENGINEERING CONSULTANT SERVICES

Execute contract with Stevenson Architects, Inc., on an as required basis for a period of two years with two one-year options.

RECORD S45-1018

CLERK OF CIRCUIT COURT - CONSENT CALENDAR

BONDS

Arbor Lakes (Mote Ranch, Phase II)

Accept:

1. Agreement with Lennar Mote Ranch, LTD., warranting required improvements, \$90,883.20 (Note: Listed as Arbor Lakes "B")
2. Defect Security: \$90,883.20 (Letter of Credit M516326, Barnett Bank, N.A.)

Release:

1. Agreement with Lennar Mote Ranch, LTD., guaranteeing completion of required improvements, \$1,235,947.60 (Note: Listed as Arbor Lakes Estates)
2. Performance Bond: \$1,235,947.60 (Letter of Credit M514294, Barnett Bank of South Florida, N.A.)

BILLS FOR PAYMENT

Municipal Code Corporation - Copies of Supplement 35 \$ 1,516.49

REFUNDS

Prime Retail, L.P. - Building Permit Overpayment 922.50
 Manatee Joint Venture - Impact Fee 614.70
 Medallion Homes-Gulf Coast, Inc. - Impact Fee 666.00
 Discount Auto Parts - Withdraw Variance (VA-96-08) 741.37

WARRANT LIST

Approve: October 15, 1996, through October 23, 1996

Authorize: October 24, 1996, through October 28, 1996

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgment: Carol Frey, 94-3575T (\$20)

Emergency Medical Services/Nonplaintiff Settlements - Settlement

Agreement and Release from Jerome Ruffing, James Larsen, and Diane

Betts (approved 8/27/96)

RECORD S45-1019

Partial Release of Special Improvement Assessment Liens:

Projects 713; 5024

S45-1020

S45-1021

ACCEPT

Manatee Community College District Board of Trustees - State of Florida
 Office of the Auditor General Report 12815 on the Audit of the
 Financial Statements for FY ended June 30, 1996 (dated 10/10/96)

Town of Longboat Key - Resolution 96-24 supporting the existing
 Metropolitan Planning Organization process to achieve Regional
 Transportation Planning Coordination (dated 10/8/96)

Transportation Revenue Refunding and Improvement Bonds, Series 1996 -
 Closing Documents (Bound Volume), \$13,985,000, dated August 14, 1996
 (NOTE: Clerk's Consent to be approved/ratified/confirmed on October
 29, 1996, due to being inadvertently omitted from the agenda).

Upon motion by Mrs. Harris and second by Mr. Gause, the Consent Agenda dated October 24, 1996, was approved unanimously (including an amendment to Stipulation 7 for PDC-96-05(P) Geyer and Dickinson as noted by staff), incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda.

(End Consent Agenda)

ZONING

Public hearing (continued from 9/26/96) was opened to consider

PDR-96-08(Z)(P) KEY FLORIDA BANK (CEDAR RUN) - PDR & P/PLAN (CONT)
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;

RECORD S45-1022

Grant Special Approval for a project exceeding 9 du/acre in the
 RES-16 Future Land Use Category;

Adopt the Finding for Specific Approval; and

Grant Specific Approval for an alternative to Sections 603.7.4.5,
 702.6.10, and 710.1.6 of the LDC.

Carol Clarke, Planning Department Director, recommended that the hearing be continued to November 21, 1996, at 1:00 p.m.

Ernest Marshall, representing residents of Cedar Run Condominium Association, stated that he could not be present on November 21, 1996.

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 5 to 0, to continue PDR-96-08(Z)(F) to November 26, 1996, at 2:00 p.m., or soon thereafter as may be heard.

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(Cont'd)

Public hearing (Notice in the Bradenton Herald 10/11/96) was held to consider

PDMU-96-07(Z)(P)(F) STANLEY TSIGOUNIS

(FISHERMAN'S COVE VILLAS) - PDMU AND P & F/PLAN (APPROVED)
ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM PDR TO PDMU; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY AND FINAL SITE PLAN TO ALLOW 11 DETACHED RESIDENCES AND 38 MANUFACTURED HOMES; ON 7.96 ACRES LOCATED ON THE EAST AND WEST SIDES OF PALM VIEW ROAD, 300 FEET NORTH OF U.S. 19.

Planning Commission recommended ADOPTION with 7 Stipulations.

RECORD S45-1023

Grant Special Approval for a project located in the Coastal High Hazard Area;

Adopt the Findings for Specific Approval; and

Grant Specific Approval for alternatives to Section 603.8.4.3.2 and 603.8.4.3.3 of the LDC.

Norm Luppino, Planning Department, referred to a site plan and reviewed the request. He reviewed the specific approvals requested for alternatives to Section 603.8.4.3.2 and 603.8.4.3.3 of the LDC. Staff recommended deletion of lots 11 and 48 so they may serve as a buffer.

Leslie Gladfelter, attorney representing the applicant, noted that three homes have been constructed, two are in the process of being constructed and the infrastructure is in place. She referred to a site plan and a map depicting surrounding uses. She requested Stipulation 7 be removed. If Stipulation 7 is approved, she requested they only be required to record an amendment to the covenants already in place.

(Depart Mr. Gause)

Discussion: Park is for residents 55 or older; need for the buffer; compatibility with surrounding residents; square footage of a mobile home.

Wayne Mead, adjacent neighbor, spoke in favor of the request.

Walter Legg, representing residents of Terra Ceia Manor Mobil Home Park, addressed concern regarding traffic, insufficient parking, pets, etc.

Mr. Luppino addressed circulation of the development regarding traffic. There are no carports or driveways. Front-yard setbacks are 5 feet. He noted screening is being recommended.

Jeffrey Steinsnyder, Assistant County Attorney, submitted an amended Stipulation 7:

Prior to the issuance of any building permits for manufactured homes, the developer shall record an easement for the use and benefit of the subdivision lot owners designating existing lots 11 and 48 as common open space. These lots shall remain as open space for so long as the project contains both single-family and manufactured home. Screening within this easement shall comply with the requirements of Section 715.5.2.

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 PDMU-96-07(Z)(P)(F) with Stipulations 1 through 6; grant Special Approval for a project located in the Coastal High Hazard Area; adopt the Findings for Specific Approval, and grant Specific Approval for alternatives to Section 603.8.4.3.2 and 603.8.4.3.3 of the LDC, as recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried 3 to 1, with Mrs. Harris voting nay.

RECORD S45-1024

LAWSUIT: SIEMIONKO V. MANATEE COUNTY

H. Hamilton Rice, Jr., County Attorney, requested the Board authorize the County Attorney's Office to extend offers of judgment to Karen Siemionko in the amount of \$23,000 and to Anthony Siemionko in the amount of \$4,000, in Case No. CA-95-1203.

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(Cont'd)

Motion was made by Mrs. Harris, second by Mr. McClash and carried 4 to 0, to approve the request.

JOINT WORK SESSION

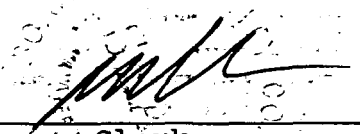
Ms. Clarke advised that plans are under way to schedule a joint work session with the Manatee County Commission, the Planning Commission and Sarasota County Commission to discuss issues relating to new development plans and trends.

MEETING ADJOURNED

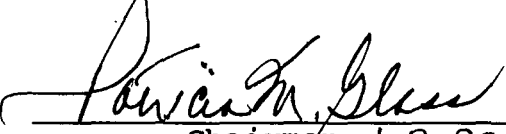
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 1-7-97

Adj: 10:00 a.m.
/gbh