

MARCH 24, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, March 24, 1998, at 9:06 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Gwendolyn Y. Brown, First Vice-Chairman
Joe McClash, Second Vice-Chairman
Jonathan Bruce, Third Vice-Chairman
Stan Stephens
Lari Ann Harris
Amy Stein

Also present were:

Mark Barnebey, Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Father William E. Gerhart, St. Phillip's Anglican Church

PROCLAMATIONS

Motion was made by Mrs. Harris, seconded by Mr. Stephens, and carried unanimously, to adopt a Proclamation designating April 2 and 3, 1998, as **Eddie Mulock Heart Days** in Manatee County.

(Depart Mrs. Stein)

Accepting the Proclamation were Mr. Mulock, who received a heart transplant in April 1995, and R. B. "Chips" Shore, Clerk of Circuit Court, who will chair a two-day blood drive and organ donation commitment drive April 2 and 3, 1998, honoring Mr. Mulock. RECORD S46-390

(Enter Mrs. Stein)

CONSENT AGENDA

COMPREHENSIVE PLAN AMENDMENT

Public hearing (continued from 2/24/98 and Notice in the Bradenton Herald 3/13/98) was held to consider

ORDINANCE 98-02 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 19) FROM **RES-9** TO **R/O/R** FOR CERTAIN LAND CONSISTING OF 1.0 ACRE LOCATED AT 5103 53RD AVENUE EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(**PA-98-01 - County Initiated/Ronald R. Baker/Burt K. Rogers**)

Planning Commission recommended APPROVAL.

RECORD S46-391

ZONING

Public hearing (Notice in the Bradenton Herald 3/13/98) was held to consider

PDPI-97-03(P) SPCA OF MANATEE COUNTY, INC. - P/PLAN (APPROVED)

Request: Preliminary Site Plan to allow a 3,553-square-foot expansion of the existing SPCA animal shelter on 36.6 acres located at 5718 21st Avenue West.

Planning Commission recommended APPROVAL with Stipulations

1. Access for emergency purposes shall be provided to at least two sides of each building. The parking spaces shall be modified as required by the fire district, if necessary, to prevent the impeding of emergency access.
2. All wetland buffers shall be identified as conservation easements on all future plan submittals.
3. The proposed expansion shall comply with Manatee County Noise Ordinance 81-3; and

ADOPTION of the Findings for Specific Approval, and GRANTING Specific Approval of an alternative to Sections 710.1.5.5.1 and 722.1.4 of the Land Development Code.

RECORD S46-392
S46-393

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(Continued)

Public hearing (Notice in the Bradenton Herald 3/13/98) was held to consider

Z-98-01 ALLAN AND PATRICIA SWEENEY - RSF-3 (APPROVED)
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-2** TO **RSF-3** ON .987 ACRE LOCATED AT 1801 51ST STREET WEST; PROVIDING AN EFFECTIVE DATE.
Planning Commission recommended APPROVAL.

(NOTE: Reconsidered later in meeting and readopted.)

Public hearing (Notice in the Bradenton Herald 3/13/98) was held to consider

Z-98-02 LESTER AND JEANETTE SMITH - LM (APPROVED)
ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA ...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** to **LM** ON 5 ACRES LOCATED ON THE WEST SIDE OF 33RD STREET EAST, 960 FEET NORTH OF 63RD AVENUE EAST AT 6108 33RD STREET EAST; PROVIDING AN EFFECTIVE DATE.
Planning Commission recommended APPROVAL.

William R. Wheeler spoke in favor of the request.

RECORD S46-394

Public hearing (Notice in the Bradenton Herald 3/13/98) was opened to consider

PDR/PDC-97-09 (G) (R) MICHA LAND, LTD/ROYAL PALM
(CONTINUED TO APRIL 28, 1998 AT 9:00 A.M.)
Request: Revised General Development Plan to increase the shopping center site by 43,000 square feet and to allow a second access for the shopping center site on 30th Street East. The revised project will contain a 168,000-square-foot shopping center, 51,800 square feet of mini-warehouses, 11,400 square feet of personal service and daycare center, 374 multi-family units, a group care home for 206 residents, and 40 single-family residences on 94.34 acres located southeast of the intersection of State Road 70 and U.S. 301.

Carol Clarke, Planning Department Director, stated the applicant requested a continuance to April 28, 1998.

STREET VACATIONS

Elwood Park Subdivision

Public hearing (Notice in the Bradenton Herald 2/20/98) was held to consider

R-98-17-V RESOLUTION VACATING A NON-CONSTRUCTED PLATTED RIGHT-OF-WAY BETWEEN LOTS R AND Q OF ELWOOD PARK SUBDIVISION BY APPLICATION OF LUKE N. AND WILLA ULRICH. RECORD S46-395

Public hearing (Notice in the Bradenton Herald 2/25 and 3/4/98) was held to consider

R-98-53-V RESOLUTION VACATING A PORTION OF THE PLAT OF ELWOOD PARK SUBDIVISION (NORTH ½ OF LOTS 53 AND 54, BLOCK 7) BY APPLICATION OF RICKY R. AND BETTY J. NOBLE. RECORD S46-396

Country Palms Subdivision

R-98-62-V RESOLUTION DECLARING A PUBLIC HEARING ON APRIL 7, 1998, AT 9:00 A.M. OR AS SOON THEREAFTER AS POSSIBLE ON APPLICATION BY R. L. KOONTZ CONSTRUCTION, INC., TO VACATE A PORTION OF A RIGHT-OF-WAY ON 37TH STREET EAST. RECORD S46-397

CLERK'S CONSENT CALENDAR

BONDS

Accept:

Summerfield Village, Suphase C, Unit 2

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (for final lift of asphalt), \$19,281.37.
2. Performance Bond: \$19,281.37 (Surety Bond No. 118306, Frontier Insurance Company)
3. Agreement with SMR Communities Joint Venture warranting required improvements (excluding second lift of asphalt), \$29,171.43.

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(Continued)

4. Defect Security: \$29,171.43 (Surety Bond No. 118305, Frontier Insurance Company)
5. Agreement with SMR Communities Joint Venture for Final Wearing Course of Asphalt on Roadways RECORD S46-398

BILLS FOR PAYMENT

Municipal Code Corp. - Supplement 39 (Code of Laws) \$1,064.29

REFUNDS

Curtis Petzoldt - Rezone Application withdrawn 652.86

WARRANT LIST

Approve: March 17, 1998, through March 23, 1998

Authorize: March 24, 1998, through April 6, 1998

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 3009-5147; 5066; 5147; 5254; 5056(corrective)

Satisfactions of Judgment:

Mark Ragauckas, Case 97-2506M (\$141)

Kenneth C. Waters, Case 97-2993F (\$261)

ACCEPT

1. Transcript of litigation assessment meeting (5/20/97) regarding Hilliard, et al vs. Manatee County, Case No. 95-729-CIV-T-17C.
2. Transcript of litigation assessment meeting (5/20/97) regarding Sarasota-Manatee Professional Fire Fighters and Paramedics, Local 2546, IAFF vs. Manatee County, Case No. CA-96-098.
3. Intragovernmental Cooperative Agreements (2) with Affidavits of Authenticity, for the purpose of providing insurance through Public Risk Management of Florida, executed by the Town of Longboat Key and Sarasota-Manatee Airport Authority as bound signatory members of the Southwest Florida Intergovernmental Risk Management Association, pursuant to F.S. 163.01.

COUNTY ADMINISTRATOR

FINAL PLAT - HARBOUR LANDINGS ESTATES

1. Final Plat
2. Conservation Easement from Krizmanich Manatee Holdings, Inc.
3. Conservation Easement from Krizmanich Manatee Holdings, Inc.
4. Off-site Wetland Buffer Conservation Easement from Krizmanich Manatee Holdings, Inc.
5. Off-site Wetland Drainage Easement from Krizmanich Manatee Holdings, Inc.
6. Agreement with Krizmanich, Manatee Holdings, Inc., guaranteeing performance of a wetland mitigation system (\$5,945.50) RECORD S46-399
7. Performance Bond: \$5,945.50 (Liberty National Bank Cashiers Check 4816394886)
8. Declaration of Covenants, Conditions and Restrictions.

GATES CREEK BUSINESS PARK

Execute Maintenance Agreement with SMR Communities Joint Venture for right-of-way island and landscaping and irrigation within the right-of-way (Lakewood Ranch Blvd. south of S.R. 64). RECORD S46-400

SARASOTA BRADENTON AIRPORT - DRI 15

Set public hearings for June 11, 1998, Planning Commission, and June 23, 1998, Board of County Commissioners regularly scheduled meeting, to consider whether expansions (terminal, parking structure, runway 1432 and development of four outparcels to commercial and industrial uses) are a substantial deviation of the development of regional impact.

PALMETTO/NORTH MANATEE COUNTY ENTERPRIZE ZONE DEVELOPMENT AGENCY

1. R-98-69 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CORRECTING RESOLUTIONS R-95-223 AND R-96-287 DUE TO SCRIVENER'S ERRORS (correcting Seats 9, 10, 11 and 12 to Seats 10, 11, 12 and 13 consecutively; and correcting Seat 12 to 13). RECORD S46-401
2. R-98-76 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-95-223, PROVIDING FOR THE APPOINTMENT OF SEAT 6; RESCINDING RESOLUTION R-96-262 PROVIDING FOR THE APPOINTMENT OF SEAT 3; AND RESCINDING RESOLUTION R-96-287 PROVIDING FOR THE APPOINTMENT OF SEAT 13 OF THE PALMETTO/NORTH MANATEE COUNTY ENTERPRISE ZONG DEVELOPMENT AGENCY (appointing Lawrence Major to Seat 6; Margie G. Mays to Seat 3 and Inez Ware to Seat 13). RECORD S46-402

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(Continued)

HIGHWAY BEAUTIFICATION GRANT

Modification of the grant application (approved 1/20/98) as stipulated by Florida Department of Transportation for the beautification of medians within the Enterprise Zone on U.S. 41 from 14th Street to 21st Street East, Palmetto. RECORD S46-403

ALCOHOL AND DRUG EDUCATION

Execute Memorandum of Agreement with Manatee Community College for the Institute of Alcohol and Drug Education DUI (driving under the influence) program. RECORD S46-404

MANATEE OPPORTUNITY COUNCIL, INC. - PROJECT CHILD CARE

1. Agreement with Manatee Opportunity Council, Inc., for FY 1997-98 General Revenue to subsidize the simplified system for child day care programs, \$22,515 (2/1/98-9/30/98). RECORD S46-405
2. Agreement with Manatee Opportunity Council, Inc., for FY 1997-98 Children's Services Funding for the subsidized simplified system for child day care programs, \$411,907 (2/1-9/30/98). RECORD S46-406

LAWSUITS - S.R. 70 EMINENT DOMAIN

Extend a formal Offer of Judgment to Ebonite Recreation Centers, Inc., for taking of parcels 101, 701A and 701B up to \$300,000, including statutory interest, but **excluding** attorney's fees, costs and expenses, in eminent domain Case CA 95-1753, Manatee County vs. Ebonite recreation Centers, Inc., et al.

INSURANCE

R-98-82 RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, TO EXECUTE AMENDMENTS TO INSURANCE AGREEMENTS REQUIRED TO CONFORM TO FEDERAL LAW AND STATE STATUTES OR PLAN DESIGN CHANGES AND PREMIUMS WHICH HAVE PREVIOUS APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS. RECORD S46-407

LAWSUITS

Reject offer to settle (\$2,398) in the case of Stanley A. and Dawn A. Worley vs. Manatee County, appeals 94-6AP and 94-7AP, requested in letter of February 10, 1998; and authorize settlement offer to refund fines and recording fee paid, \$2,148, in exchange for a voluntary dismissal of appeals and execution of a settlement agreement and release as provided by the County Attorney.

Upon motion by Mr. Stephens and second by Mrs. Harris, the Consent Agenda dated March 23, 1998, was unanimously approved incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda.

(End Consent Agenda)

CITIZENS' COMMENTS

Fee Waiver - Reverend S. D. Pollard, Mount Raymond Full Gospel Baptist Church, requested that building impact fees totaling \$12,300, be waived for the new church sanctuary and life center.

Discussion: Board unable to waive most fees; setting precedence; facility an improvement to the drug infested neighborhood; look to State Housing Initiative Program (SHIP) funds to help with Facility Investment Fees; contacting Drug Free Communities, etc.

Disposition: Referred to County Administrator and staff.

Happy Gospel Center Expansion - Pastor Bill Bailey and Stan Faneca, representing the Happy Gospel Center at 1915 53rd Avenue East, reported the County Transportation Department is refusing to sign off on their building permit due to an unrelated issue of a 20-foot right-of-way dedication on 18th Street Court East.

Disposition: Referred to staff.

ZONING/Z-98-01 ALLAN AND PATRICIA SWEENEY

William Kern, 5007 18th Avenue West, stated opposition to rezoning the site at 1801 51st Street West, to RES-3 due to increase of residents permitted in the residence (adopted earlier in the meeting).

Discussion: Request is compatible; permit, license, required for group care home; retaining residential character; bring back policy regarding density calculation/uses under residential zoning; reconsider approval.

Motion was made by Mrs. Stein and seconded by Mr. Bruce to reconsider approval of Z-98-01.

Discussion: Staff disclosure of potential uses; applicant not required to disclose use for rezone; applicant has contract to purchase site.

Motion carried 4 to 3, with Mrs. Harris, Mr. Stephens, and Ms. Brown voting nay.

Mark Barnebey, Assistant County Attorney, recommended the discussion be incorporated into the Z-98-01 public hearing; and that the applicant be consulted as to continuing the hearing today or to a future date.

(Depart Ms. Brown)

CITIZENS' COMMENTS (Continued)

Homeowner's Associations - William R. Wheeler recommended the County establish a system to monitor homeowner's associations to assure compliance with certain County required obligations, etc.

Disposition: Set a work session to discuss responsibilities, etc.

Cortez School House Grant - Karen Bell, requested consideration for grant funds to purchase the historic site be placed on the next agenda.

Disposition: Place on agenda for April 7, 1998.

ZONING (Continued)

Public hearing (continued from 2/24/98) was opened to consider

PDR-97-10(P) GUSTAVE BERNE FOUNDATION/BERNE NORTH - P/PLAN

Request: Preliminary Site Plan to allow 370 multi-family units in two phases (Phase V and Phase VI) located on the eastern and western boundaries of the Glenn Lakes Subdivision. Phase V (the eastern parcel) is located at the northeast corner of 53rd Avenue West and 43rd Street, consisting of 21.24 acres. Phase VI (the western parcel) is located at the northwest corner of 53rd Avenue West and 54th Street and consists of 23.79 acres.

Planning Commission recommended APPROVAL with 16 stipulations; GRANTING Special Approval for a project exceeding 6 dwelling units per gross acre in the RES-9 FLUC, finding that the project is substantially in compliance with Policies 2.9.3.1 through 2.9.3.5 of the Comprehensive Plan;

ADOPTION of Findings for Specific Approval; and GRANTING Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code (LDC) to allow a cul-de-sac exceeding 800 feet in length.

RECORD S46-408

Staff recommended APPROVAL with 15 stipulations; GRANTING Special Approval for a project exceeding 6 dwelling units per gross acre in the RES-9 FLUC, finding that the project is substantially in compliance with Policies 2.9.3.1 through 2.9.3.5 of the Comprehensive Plan, as recommended by the Planning Commission; and

DENIAL of Specific Approval of an alternative to Section 907.9.4.2 of the LDC to allow a cul-de-sac exceeding 800 feet in length.

Ms. Clarke advised that the applicant requested a continuance to April 28, 1998, to allow for further consideration of issues.

Motion was made by Mr. Stephens, seconded by Mr. Bruce and carried 6 to 0, to continue **PDR-97-10(P)** to April 28, 1998, at 9:00 a.m. or as soon thereafter as may be heard.

(Enter Ms. Brown)

(Mary Frances Schultz, court reporter, present)

Public hearing (continued from 2/24/98) was held to consider

PDR-97-13(Z) (P) GILBERT WATERS - PDR AND P/PLAN

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA ...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 86 SINGLE-FAMILY DETACHED AND 36 SINGLE-FAMILY SEMI-DETACHED DWELLINGS AT A DENSITY OF 2.6 DEWLLING UNITS PER ACRE ON 47.43 ACRES LOCATED AT THE SOUTHWEST CORNER OF 69TH STREET EAST (ERIE ROAD) AND ELLENTON-GILLETTE ROAD.

Planning Commission recommended DENIAL.

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(Continued)

Staff recommended APPROVAL with eight stipulations; GRANTING Special Approval to a project located adjacent to a perennial stream (Comprehensive Plan Policy 2.3.2.1). RECORD S46-409

Norman Luppino, Planning Department, outlined the request noting surrounding land uses and zoning of industrial, mobile home park, neighborhood commercial, agriculture and single-family residential zoned for one unit per acre. The only development since Comprehensive Plan adoption is the Sysco distribution facility to the north. The site is divided by McMullen Creek and located mostly outside the flood zone; however, he pointed out an area west known for flooding.

He referred to an aerial depicting changes since 1993 and referred to densities of approved developments. He noted concern of lot sizes transitioning to agriculture, however, stated the applicant has designed 8,625-square-foot interior lots and 9,600-square-foot perimeter lots south of the creek with a 15-foot greenbelt around the site perimeter, to address this concern. Another concern is the introduction of attached units in the area, which staff has addressed by requiring 1,200-square-foot units with a one-car garage, and a wall to help retain desirability of home ownership and co-existence with residences.

He reviewed the stipulations and advised that the project gross density is 2.6 and the net density is 3.68 du/acre. He stated the Planning Commission recommended denial based on flooding, density, and the small recreation areas. Letters in opposition (34) indicating density, crime, and flooding, were submitted.

Discussion: Sidewalk/pedestrian plan; play area/open space; density; diverse lot sizes; area flooding; stormwater retention; traffic concurrency; requiring painting of stucco wall; school needs.

Caleb Grimes, attorney representing the applicant, stated that development of this site has been before the Board three times resulting in two denials and one withdrawal, due to concerns of downstream flooding, commercial uses, and density. To address these concerns the Board recommended that a planned development be brought back.

He referred to surrounding density, uses, current development approvals, play areas, and pedestrian ways.

Thomas McCollum, Zoller, Najjar and Shroyer Engineers, pointed out the site location to arterial roads, adjacent development, and the design for the semi-detached units.

Steve Shroyer, Zoller, Najjar and Shroyer Engineers, referred to the stormwater plan designed to incorporate McMullen Creek with two proposed ponds to reduce runoff based on the 24-hour/25-year storm. He outlined a plan to build a weir in the creek to control onsite and offsite water flow through the property.

Jerome Gostkowski, Planning Department, pointed out the water flow of the surrounding tributaries.

Discussion: Analysis of pre-development and post-development runoff; maintenance of stormwater facilities; required Southwest Florida Water Management District permits.

Mr. Grimes stated the stormwater plan is above requirements noting this site does not flood (slopes from 20 to 11 feet), and the weir would not cause water backup to neighbors in a storm event. He concurred with the stipulations.

Diane Popovice, adjacent property owner, spoke in opposition and referred to compatibility to A-1 zoning, flooding, family amenities, traffic, bus stop safety, school overcrowding, inadequate buffer/landscaping, site plan not specific and duplexes are out of character. She submitted a display depicting adjacent large parcels with an overlay showing density of the proposed project, and photographs of properties adjacent/connecting to the site.

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(Continued)

Also speaking in opposition were **Gerry Lebda**, representing Shadowbrook Mobile Home Park, **Pearl McCraw** and **Walker McCraw**.

Items addressed: Neighbor children using recreation facilities and security in Shadowbrook; wildlife; flooding in canal ditch near bridge; who would be liable if flooding increases, etc.

Susan Gamery, adjacent property owner, spoke in opposition noting standing water, mosquitos, vandalism and small buffers. She submitted photographs (3) of standing water on 69th Street East and on her lot.

Brenda Fenimore, submitted photographs of standing rain water on surrounding properties. She stated her concerns of slowing the water flow and backup, lot/house sizes and duplexes; loss of rural setting.

The public hearing was continued until later in the meeting.

Recess/Reconvene. All members present except Mrs. Harris.

Public hearing (reconsidered earlier in the meeting) was held to consider

Z-98-01 ALLAN AND PATRICIA SWEENEY

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-2** TO **RSF-3** ON .987 ACRE LOCATED AT 1801 51ST STREET WEST; PROVIDING AN EFFECTIVE DATE.

John Osborne, Planning Department, outlined surrounding zoning and potential uses, i.e., family, day or small group care, which could occur in the RSF-3 zoning category. He advised that existing zoning on the .987 acre would allow two residential units and 12 residents; RSF-3 zoning would allow two residences and permit 16 residents based on Section 740.62.2 of the Land Development Code.

(Enter Mrs. Harris)

Lisa Bryant, applicant, was present to answer questions.

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-98-01**, as recommended by the Planning Commission. Motion was seconded by Ms. Brown and carried unanimously.

RECORD S46-410

PDR-97-13(Z) (P) GILBERT WATERS (Continued)

Carol Adams, area resident, opposed the request noting the density would set a precedence; Jackson Road flooding; lift station cannot handle large amounts of rain; effluent spilling into McMullen Creek. She referred to photographs (15) and recommended one unit per acre.

(Depart Mr. Stephens)

Jeff Cofer, area resident adjacent to creek, stated that flooding has increased over the years as a result of impervious surface runoff. He requested the county check the elevation of Jackson Road now that sewer lines have been installed.

Mr. Luppino concluded the various area lot sizes indicate both high and low densities; lot sizes have been increased since last plan; the single-family, semi-detached units are not duplexes. He recommended Stipulation 2 be amended: "A six-foot-high **stucco and painted concrete fence...**"; and adding a sentence to the end "**The wall may include architectual features.**" Also submitted was a new stipulation:

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(Continued)

9. The proposed weir in the McMullen Creek shall be installed prior to the first final plat approval. The weir shall be designed in accordance with the plan drawings presented at the Board of County Commissioners public hearing and shall not cause an increase in flooding upstream. The weir design shall also be approved by the Manatee County Planning Department Growth Management Division.

Discussion: Area mostly agriculture; request consistent with current future land use map; facilities on site for common use; units are semi-detached and not duplexes.

(Enter Mr. Stephens)

Mr. Grimes responded to concerns advising the weir would not cause flooding upstream; sheetflow must be retained on site; recreational facilities are adequate; and that the area is transitional. He advised that the applicant has agreed to single-family detached units north of the creek on lots averaging 7,000 square feet, but not less than 6,750 square feet, which will lower the density to approximately 2.45 du/acre.

(Depart Mr. Bruce)

Discussion: Buffers; fencing play area; staff required perimeter wall; adding stipulation requiring notification to buyers of agricultural associated noises and odor; whether notification was posted on site; comparable sizes of play areas required in other developments.

Jeffrey Steinsnyder, Assistant County Attorney, stated language for new Stipulation

10. Homeowner's documents and Final Site Plan shall include language to inform homeowners of the presence of neighboring agriculture uses including possible uses of pesticides and herbicides and of odors and noises associated with agriculture uses.

He modified Stipulations

5. All lots shall be single-family detached units and shall have a minimum floor area of 1,200 square feet and each unit shall contain a garage for at least one vehicle;
6. The area north of McMullen Creek shall be single-family detached dwelling units with lots of a minimum square footage of 6,750 and an average of 7,000 square feet.

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 consistent with the Manatee County Comprehensive Plan, including Policy 2.6.4.4, and the Manatee County Land Development Code, Mrs. Harris moved to adopt Manatee County Zoning Ordinance **PDR-97-13(Z)(P)**; and approve the Preliminary Site Plan with Stipulations 1-4, 5 (amended to delete "semi-detached"), 6 (as read by attorney), 7, 8, 9 (submitted by staff) and 10 (as read by attorney); **GRANTING** Special Approval to a project located adjacent to a perennial stream, as recommended by staff. Motion was seconded by Mr. Stephens.

Discussion: Compatibility; consistency; flooding; this plan designed to meet previous concerns; requiring larger lot sizes.

Motion failed 2 to 4, with Ms. Brown, Mr. McClash, Mrs. Stein and Mrs. Glass voting nay.

Motion - Died

Motion by Mr. Stephens to adopt PDR-97-13(Z)(P) as recommended by staff on the agenda memorandum, failed for lack of a second.

(Enter Mr. Bruce)

Motion - Carried

Mr. McClash moved to adopt PDR-97-13(Z)(P) as written with Stipulations 1, 2 replaced to read **"All lots shall have the same setbacks consistent with A-1 zoning districts"**, 3, 4 (deleted), 5 (amended by attorney), 6 (deleted), 7 (amended to read **"the minimum lot area for all lots shall be 20,000 square feet"**), 8, 9 (submitted by staff), and 10 (as read by attorney). Motion was seconded by Mr. Bruce.

Discussion: Number of stipulations the Board has been imposing.

Motion carried 5 to 2, with Mr. Stephens and Mrs. Harris voting nay.

RECORD S46-411

Recess/Reconvene. All members present.

PRESERVE OUR NEIGHBORHOOD, INC.

Mr. Barnebey stated that Preserve Our Neighborhood, Inc., is requesting, under rules of procedure (R-94-90), the Board reconsider approval of PDR-97-11(P), McClure Property, Ltd., (approved 11/25/97) due to a material mistake of fact or erroneous information. He advised that action for reconsideration should only be considered if information was withheld or erroneous, which might have affected a Commissioner's vote.

Carol Clarke, Planning Director, referred to a letter from Patricia Petruff, attorney representing Preserve Our Neighborhood, Inc., raising issues for possible reconsideration of PDR-97-11(P) due to information relied upon, i.e., net density, size of attached buildings, existing plat, School Board review, compatibility, staff assumptions, Peridia Property Owners Association's representation of residents.

She presented staff's response to each of these issues.

RECORD S46-412

Discussion: Whether stipulations had impact on how Commissioners voted; if facts presented affected motion; whether School Board is required to respond to school needs application; proof School Board received application; School Board does not always respond to application, etc.

Patricia Petruff, representing Preserve Our Neighborhood, outlined items not brought up during the public hearing, i.e., knowledge that special approvals were required for two different unit types; a large building adjacent to single-family use with no architectural design provided; land use chart misleading; no response from School Board.

Bob Spencer, representing McClure Properties, Ltd., stated that public hearings were held and the opposition was heard.

Caleb Grimes, attorney for McClure Properties and Pulte Corporation, Inc., responded to concerns of Ms. Petruff and concluded there was no material mistake of fact or erroneous information presented; however, there is a difference of interpretation as to application under the Comprehensive Plan.

Discussion: Board not apprised of material fact regarding transition from large tracts/residential to PDR with multi-family units.

Disposition: No action.

STREET VACATION - ROYAL GARDENS SUBDIVISION

Public hearing (continued from February 24, 1998) was held to consider

R-98-02-V RESOLUTION VACATING A PORTION OF ROYAL GARDENS SUBDIVISION BY APPLICATION OF MCCLURE PROPERTIES, LTD.

(All of Royal Gardens Subdivision except the east one-half of Lots 18, 42, 66 and 90; all of Lots 19, 20, 43, 44, 67, 68, 91 and 92, except rights-of-way of 45th Street East, 51st Street East and 44th Avenue East, except that portion of 45th Street East, recorded in Road Plat Book 4, Pages 1 through 25, and 51st Street East as recorded in Road Plat Book 9, Pages 1 through 17,

Jim Staples, Land Acquisition Manager, recommended approval of the vacation.

(Depart Mr. Stephens)

Discussion: Vacating Royal Gardens plat within Peridia Subdivision.

(Depart Mrs. Stein)

Mr. Barnebey stated there is legislation eliminating Board ability to initiate plat vacations.

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(Continued)

Bob Spencer, McClure Properties, Ltd., requested the plat vacation.

Mr. McClash moved to adopt R-98-02-V vacating a portion of Royal Palm Gardens Subdivision. Motion was seconded by Mrs. Harris and carried 5 to 0.

RECORD S46-413

TERRA CEIA RESIDENT'S MEETING

Ms. Clarke advised that planning staff will meet with Terra Ceia residents (3/25/98) to discuss a proposed development, Knot's Landing, and that Commissioners should not attend.

(Enter Mrs. Stein)

KISS A PIG CONTEST

The Chairman requested approval for the annual Kiss A Pig Contest to utilize Board Chambers and video tape opening festivities (4/1/98).

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried 6 to 0, to approve the request.

COMMISSIONERS' COMMENTS

Traffic Control - Mr. Bruce requested "No Through Trucks" signs be placed on Tallevast Road from Old U.S. 301 (15th Street East) to U.S. 301.

Utility Fees - Mr. Bruce recommended review of R-91-237 regarding miscellaneous service fees charged customers with no provision for waivers.

Traffic Calming - Mr. Bruce requested a report on plans for traffic calming on Tournament Boulevard in Palm Aire.

(Enter Mr. Stephens)

Code Enforcement - Mr. Bruce reported complaints from citizens being cited for improper house numbers and costs for mailing the certified letters. He requested review of the ordinance requiring house numbers and/or contents of the letter.

Backflow Preventer Certification/Inspections - Mr. Bruce requested staff review whether other counties require annual inspections and what associated costs are to the residents.

Traffic Signalization - Mrs. Stein reported the equipment is being ordered for installation of the light at Erie and Ellenton-Gillette Roads.

Fee Waivers - Ms. Brown reported that Reverend Pollard of Mt. Raymond Baptist Church is cleaning up a drug infested neighborhood (2410 4th Avenue East, Palmetto) and that building/impact fee waivers should be considered based on the merit of each request (request made earlier in the meeting).

Discussion: Setting criteria/amending policy to consider fee waivers.

Disposition: Refer to County Administrator.

Speed Limit - Mrs. Harris requested staff report back on a request to reduce the speed limit on 57th Avenue, between 14th Street West and 15th Street East, to 30 mph.

Four-Way-Stops - Mrs. Harris relayed a request from citizens for placement of signs at the 800 block of 65th Avenue Drive West. She advised a petition from area neighbors was previously submitted to staff and recommended the matter be placed on an agenda.

21st Street West/Bay Drive - Mrs. Harris referred to a citizen complaint that people gather and loiter at the seawall in a residential area of 21st, 22nd and 23rd Streets West, not designated as a public park. She requested the matter be placed on an agenda.

Traffic Control/Ponce de Leon Drive - Mrs. Harris relayed a request from Whitfield Fire Department that staff investigate installing infrangible barriers to slow vehicles exiting U.S. 41 near the fire department; and that signs be posted on U.S. 41 indicating a fire department.

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(Continued)

EMS Bargaining Unit - Mrs. Harris requested the motion she made regarding EMS employee "swap time" (3/10/98), be reconsidered and modified at the next Board meeting.

Disposition: Refer to County Attorney and County Administrator.


Road Striping - Mrs. Glass reported complaints that road striping is either faded and/or non-existent, particularly in stacking turn lanes.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 5/19/98

Adj: 5:14 p.m.

