

APRIL 28, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 28, 1998, at 9:11 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Reverend Wendell Wilson, Loving Hands Ministries.

All witnesses/staff giving testimony were duly sworn.

ROBERT K. WEBER

Mrs. Glass announced the recent death of Robert K. Weber, who regularly attended County Commission meetings.

EMPLOYEE SUGGESTION AWARDS

Certificate of Merit was presented to **Marge Perenich**, Purchasing, for submitting her suggestion to reduce the lineage in advertising bids/proposals, saving \$1,000 a year.

Certificate of Appreciation was presented to **Sandra Devers**, Public Works Department, for her suggestion to efficiently process accidents by modifying the Incident/Accident Report and the Vehicle Accident Report Forms.

(Enter Ms. Brown and Mrs. Harris)

CITIZENS' COMMENTS

(Depart Mr. Stephens)

Lawn Equipment - **William Wheeler** requested the Board regulate use of lawn blowers and vacuums in public places referring to grass debris and air pollution.

Disposition: Referred to County Administrator.

(Enter Mr. McClash)

Speed Limits - **Ed Large** requested the speed limit on 59th Avenue Terrace be lowered to 25 miles per hour.

Disposition: Referred to traffic control.

(Enter Mr. Stephens)

Flooding - Sylvan Oaks Subdivision - **Gregory and Janice Fields** submitted a petition and photographs (3), raising concerns of additional flooding due to work being done on Lincoln Park.

Discussion: City of Palmetto issue; send letter to City of Palmetto with copy of petition; bring back item for discussion with City.

Disposition: Sia Mollanazar, Transportation Department, to review and bring back a report; County Administrator to send a letter to City.

Andrew Perry expressed concerns regarding the cost of building Lincoln Park and the flooding in Sylvan Oaks Subdivision.

Ms. Simmons stated this matter should be reviewed as the County contributed \$90,000 to the project.

AGENDA CHANGES

Carol Clarke, Planning Director, announced a correction to Volunteer Appreciation Program, deleting any reference to "1998" in the motion.

APRIL 28, 1998

(Continued)

CONSENT AGENDAZONING

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

Z-97-09 RONALD L. BAKER/BURT K. ROGERS (COUNTY INITIATED) - GC
(APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO GC; PROVIDING AN EFFECTIVE DATE, ON 1.0 ACRE LOCATED AT 5103 53RD AVENUE EAST.

Planning Commission recommended ADOPTION.

RECORD S46-524

Jeffrey Steinsnyder, Assistant County Attorney, submitted a copy of Ordinance 98-02 (Small Scale Plan Amendment for this parcel) and a letter from the Department of Community Affairs stating they will not conduct a compliance review or issue a Notice of Intent.

Public hearing (Notice in the Bradenton Herald 4/17/98) was held to consider

Z-98-08 WILLIAM W. SMITH, AS TRUSTEE - LM (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM NC-S TO LM; PROVIDING AN EFFECTIVE DATE, ON .62 ACRE LOCATED AT 6820 15TH STREET EAST.

Planning Commission recommended ADOPTION.

RECORD S46-525

William Smith, Trustee for Bullet Enterprises, questioned the statement in the staff report, General Information, that ten feet of right-of-way may be required at time of site plan approval.

Ms. Clarke advised this was standard language.

Public hearing (Notice in the Bradenton Herald 4/17/98) was opened to consider

Z-98-03 PHILLIP AND ANNA MARING - PRM (CONTINUED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PRM; PROVIDING AN EFFECTIVE DATE, ON 2.9 ACRES LOCATED ON THE SOUTH SIDE OF S.R. 64, APPROXIMATELY 2,500 FEET WEST OF UPPER MANATEE RIVER ROAD, AT 9908 STATE ROAD 64.

Planning Commission recommended ADOPTION.

After concerns were expressed regarding transportation issues, the public hearing was continued to later in the meeting.

STREET VACATION - ACADEMY HEIGHTS SUBDIVISION

Public hearing (Notices in the Bradenton Herald April 8 and 15, 1998) was held to consider

R-98-61-V A RESOLUTION VACATING LOTS 2 THROUGH 9 BLOCK H AND A PORTION OF EVANS AVENUE IN ACADEMY HEIGHTS SUBDIVISION BY APPLICATION OF CALVIN BRYANT.

RECORD S46-526

CLERK OF CIRCUIT COURT

BONDS

Accept:

River Woods (Phase I/PDR-89-01/89-S-09)

1. Agreement with Edmar Industries, Inc. and Sawair Enterprises, Inc., guaranteeing completion of required sidewalks and bikeways, \$2,780.
2. Performance Bond: \$2,780 (Certificate of Deposit 477014781, Republic Bank and Assignment of Certificate of Deposit from Edmar Industries, Inc.)

River Club South, Subphase I

Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways, \$22,846.20.

Braden Crossings, I-B

1. Agreement with Pulte Home Corporation warranting required improvements, \$23,329.39.
2. Defect Security: \$23,329.39 (Letter of Credit P600356 from Suntrust Bank)

Winter Quarters, Phase III

1. Agreement with Winter Quarters, Inc., guaranteeing completion of required improvements, \$33,874.62.
2. Defect Security: \$33,874.62 (**Amended** Letter of Credit 93-03 from SouthTrust Bank extending expiration date to 1/1/99)

Glenn Lakes, Phase III

1. Agreement with 2728 Holding Corporation guaranteeing completion of required sidewalks and bikeways, \$63,648.
2. Performance Bond: \$63,648 (Surety Bond 5900940, Safeco Insurance Company of America, Surety)

Gates Creek, Phase I

1. Agreement with 2728 Holding Corporation guaranteeing completion of required sidewalks and bikeways, \$26,520.
2. Performance Bond: \$26,520 (Surety Bond 5900939, Safeco Insurance Company of America, Surety)

Release:

River Woods (PDR-89-01/89-S-09)

1. Agreement with Edmar Industries, Inc., and Sawair Enterprises, Inc., guaranteeing completion of required sidewalks and bikeways, \$10,202.40.
2. Performance Bond: \$10,202.40 (Letter of Credit S94-05, Republic Bank)

River Club South, Subphase I

Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways, \$22,846.20.

Braden Crossings, I-B

1. Agreement with Pulte Home Corporation guaranteeing completion of required improvements, \$305,225.57.
2. Performance Bond: \$305,225.57 (Letter of Credit P600295 from SunTrust Bank)

Glenn Lakes, Phase II & III

1. Agreement with 2728 Holding Corporation guaranteeing completion of required sidewalks and bikeways, \$25,096.50.
2. Performance Bond: \$25,096.50 (Letter of Credit EM31064, NationsBank, Miami, in conjunction with Letter of Credit 00382160, First National Bank of Chicago)

Glenn Lakes, Phase III

1. Agreement with 2728 Holding Corporation guaranteeing completion of required sidewalks and bikeways, \$63,648.
2. Performance Bond: \$63,648 (Letter of Credit 00382153, First National Bank of Chicago, with corresponding locally presented Letter of Credit EM30980, NationsBank, Miami)

Gates Creek, Phase I

1. Agreement with 2728 Holding Corporation guaranteeing completion of required improvements, \$26,520.
2. Performance Bond: \$26,520 (Letter of Credit 382151, First National Bank of Chicago, with corresponding locally presented Letter of Credit EM30979, NationsBank, Miami)

REFUNDS

Earl W. Baden Jr. Trust Account - Tax Deed Surplus (Rollins) \$33,945.87

WARRANT LIST

Approve: April 21, 1998 through April 27, 1998

Authorize: April 28, 1998 through May 4, 1998

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Project 5019

Satisfaction of Judgment:

Ronald R. Young, Case 97-5131M

Deputy Sheriffs' Blanket Surety Bond:

Accept and execute Bond 68722367 (dated 4/27/98; effective 4/24/98) with Western Surety Company (\$1,000 for each deputy sheriff), subject to receipt of original bond.

COUNTY ADMINISTRATOR

1998 LAND DEVELOPMENT CODE TEXT AMENDMENTS

Approve public hearing schedule for 1998 Land Development Code text amendments and direct staff to schedule and prepare for these hearings. RECORD S46-527

DONATIONS

Accept donation of ten cases of orange juice from Tropicana Products Inc., valued at \$100, in accordance with Ordinance 86-05 and procedures of the County Administrator, for the annual

APRIL 28, 1998

(Continued)

Volunteer Appreciation Program (5/22/98).

VOLUNTEER APPRECIATION PROGRAM

R-98-100 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS FOR THE PURCHASE OF AWARDS AND REFRESHMENTS AND OTHER ITEMS NECESSARY TO COORDINATE THE ANNUAL VOLUNTEER APPRECIATION PROGRAM. **RECORD** S46-528

ORDINANCE 98-21: SKATES, SKATEBOARDING, ETC. ON COUNTY PROPERTY

County Attorney to set public hearing on Ordinance 98-21.

Mr. Stephens moved to approve the Consent Agenda incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda with changes made at this meeting. Motion was seconded by Mrs. Harris and carried 7 to 0.

(End Consent Agenda)

ZONING

(Carol Cason, court reporter, present)

Public hearing (continued from 3/24/98) was held 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 West, consisting of 21.24 acres. Phase VI (the western parcel) is located at the northwest corner of 53rd Avenue West and 54th Street West and consists of 23.79 acres.

Planning Commission recommended APPROVAL with 16 stipulations;

RECORD S46-529

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 LDC to allow a cul-de-sac exceeding 800 feet in length.

Staff recommended APPROVAL with 15 stipulations (deleting Planning Commission Stipulation 16);

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.

Misty Servia, Planning Department, submitted letters (48) in opposition to the project; one letter from Five Lakes Condominium Association requesting traffic lights at 36th and 43rd Streets and 53rd Avenue West; and a list of net densities for Phases 1 through 4 at Glenn Lakes. She reviewed the request and history of the project pointing to a General Development Plan. She stated the project was continued (3/24/98) to consider options, i.e., multi-family, single-family and mixed use. She submitted an aerial, pointing out the surrounding land uses.

Robert Pederson, Planning Department, reviewed the compatibility, timing and trends at the time Glenn Lakes was approved. He displayed a photograph of a two-story home in Glenn Lakes for comparison to the buildings proposed in Phases V and VI, stating the scale and structure proposed in Phases V and VI are not comparable. He reviewed a land use map noting a number of errors or omissions. He submitted a letter from Richard W. Bass Associates advising that a Market Analysis could not be prepared because there was no data to support the hypothesis that one form of residential development impacts another form of residential development.

Carol Clarke, Planning Department Director, displayed maps (4) and reviewed three options: (1) multi-family on both parcels at six dwelling units per acre; (2) single-family on both parcels at three dwelling units per acre; and (3) mixed use with multi-family on Phase V and single-family on Phase VI; noting a new Stipulation 10 recommended by staff for all options as well as additional new stipulations and a recommended motion for each option. She advised that "Phases V and VI" should be added to the beginning of the first sentence of Stipulation 17, on Option 2. RECORD S46-530

(Depart Ms. Brown)

Ed Vogler, representing the applicant, recommended adding the following language to the end of the first sentence in Stipulation 10: "...or otherwise as approved by the stormwater manager with construction plan approval." He stated Options 1 and 2 are unacceptable.

Speaking in opposition were: **John Balgennorth**, Glenn Lakes Subdivision; **Diana MacRae**, President of West Glenn Homeowners Association; **Shelly Gallagher**, resident of Glenn Lakes; **Glenn Donahue**, resident of Glenn Lakes, presented photographs (11) of Colonial Grande Apartments and Shorewalk Condominiums; **Frank Reposh**, President of Glenn Lakes Homeowners Association; and **Earl Tarr**, resident of West Glenn.

Items addressed: Traffic concerns regarding multi-family housing; compatibility; not informed of apartment complex when bought home; any future meetings to be held in evening so residents can appear, etc.

(Enter Ms. Brown)

Stephen Thompson, representing West Glenn Homeowners Association, stated the Association supported single-family use Option 2, and stated that multi-family was incompatible with the existing development. He submitted a petition in opposition to multi-family use from the Five Lakes Condominium Association.

Discussion: Mixed-use project on a parcel this size would present design difficulties; zoning; etc.

Mr. Bruce requested that Stipulation 9 be changed to read, "At the time of **contract**,...." instead of "At the time of purchase,...."

Discussion: Whether market analysis was done; review by Richard W. Bass concluding no financial indicators that multi-family and single-family land uses are not compatible; Market Analysis by Stephens Associates; whether units are for tax credits; transition of intensity to the project north; down zoning, etc.

Mr. Barnebey stated there are no vested rights and the plans have expired.

Ms. Clarke referred to a zoning map and stated there is a change in compatibility from previous approvals (1993 and 1994) due to abandonment of Harbor Ventures DRI. The current existing land use category is RES-9.

Mr. Barnebey read the ten Findings of Fact for Option 2. RECORD S46-531

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. Bruce moved to approve General Development Plan PDR-97-10(G) with Stipulations 1 through 18 as listed in Option 2, with the following changes, **Stipulation 9** as being revised at this meeting, and **Stipulation 10** to read: Phase VI shall either provide a positive outfall to the Palma Sola Slough, south of 53rd Avenue West, or provide a 100 year storm event pond design for retention or otherwise provide for stormwater management as approved by the stormwater manager with construction plan approval. This shall be approved by the Planning Department with construction plans and final site plan; Stipulations 11 through 18 as recommended by staff; and the Findings of Fact as read by the County Attorney. Motion was seconded by Mr. McClash.

APRIL 28, 1998

(Continued)

Discussion: Letter (4/20/98) from Robert Watrous regarding alleged conflict of interest; Mr. McClash only Commissioner voting against Colonial Grande (6/23/94); campaign report showing campaign contribution from Mr. Mannausa to Mrs. Harris.

Motion carried 7 to 0.

RECORD S46-532

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

Public hearing (continued from 3/24/98) was held to consider

PDR/PDC-97-09(G)R - MICHA LAND, LTD/ROYAL PALM

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 facility 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.

Planning Commission recommended APPROVAL with 12 Stipulations.

RECORD S46-533

Robert Pederson, Planning Department, submitted a revised General Development Plan and reviewed the staff report, noting the request is for an increase in commercial square footage to 40,000 with two access points. He referred to maps (4) outlining the surrounding land uses and addressed interneighborhood ties at the south end of the project.

(Enter Ms. Brown)

Tom McCollum, representing the applicant, agreed to the stipulations.

Andy Reasoner, Reasoner Properties Limited, adjoining property owner, submitted an access drawing of the site. He expressed concern regarding access points and truck traffic.

Discussion: Stipulation 7 deals with traffic impact study; access to two sites with frontage on 30th Street East; moving access point north to keep from damaging wetlands; driveway cut requirements, etc.

JoAnne Roeder, Briarwood resident, spoke in opposition to connecting the projects. She submitted a petition in opposition from residents of Briarwood (adjacent subdivision).

William R. Wheeler, Briarwood resident, submitted a petition in opposition to interneighborhood ties, raising concerns regarding privacy and security. He also submitted a petition from the Briarwood Homeowners Association opposing interneighborhood ties.

Discussion: Interconnection for public safety; diverting traffic; interneighborhood visiting, pedestrian way; traffic calming, etc.

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 and the Manatee County Land Development Code, Mr. Bruce moved to approve revised General Development Plan **PDR/PDC-97-09(G)R** with Stipulations 1 through 12, with Stipulation 12 reading that the interneighborhood ties shall be limited to pedestrian and bicycle traffic as recommended by the Planning Commission. Motion was seconded by Mrs. Stein. Motion failed 3 to 4, with Mr. Stephens, Mrs. Harris, Ms. Brown, and Mr. McClash voting nay.

Motion - Carried

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 Manatee County Development Code, Mr. McClash moved to APPROVE revised General Development Plan **PDR/PDC-97-09(G)R** with Stipulations 1 through 12, as recommended by the Planning Commission. Motion was seconded by Mrs. Harris and carried 5 to 2, with Mr. Bruce and Mrs. Stein voting nay.

RECORD S46-534

Public hearing (Notice in the Bradenton Herald 4/17/98) was held to consider

PDC-98-03(Z)(P) HUNG VO AND NGAW EAM UNG TROUNG
PDC AND P/PLAN

Request: Zoning Ordinance of the County of Manatee, Florida..., providing for the rezoning of certain land from PR-M to PDC on .72 acre located on the south side of State Road 70 at 53rd Avenue East, at the southeast corner of State Road 70 and 16th Street East, 450 feet east of 15th Street East; providing an effective date; and Preliminary Site Plan for an existing 4,200-square-foot building, which includes a 1,100-square-foot drive-thru canopy. Planning Commission made no recommendation.

If approved, staff recommended three stipulations.

RECORD S46-535

Erika Barrett, Planning Department, referred to a zoning map and a site plan. She outlined the request, locational information, surrounding zoning, and uses. She submitted revised stipulations (7), a recommended motion and a letter from Petricia Petruff (4/24/98).

RECORD S46-536

She noted that Stipulation 3 lists the types of allowed uses on this property. She reviewed the uses that would not be allowed under the existing professional zoning (PR-M).

(Depart Mr. McClash)

Patricia Petruff, representing the applicant, stated they will be using the existing building which is compatible and meets the requirements for rezoning as set forth in the staff report. She submitted letters (12) and petitions (3) from residents in favor of the project. She reviewed Stipulation 7 regarding the northern driveway onto 16th Street East being eliminated, and requested staff make adjustments to the signage as outlined in her letter (4/24/98), if appropriate.

Speaking in opposition were: **Joe Grier**, adjacent property owner, who submitted a petition in opposition to the rezoning and a drawing of the area showing the homeowners who are opposed; **Marion L. Peters**, **Wilbur Wyandt**, and **Elizabeth Babcock**, adjacent property owners.

Items Addressed: Traffic; types of businesses; security; noise, etc.

Jeffrey Steinsnyder, Assistant County Attorney, stated this is a preliminary general development plan and it is not required that the applicant advise what type of business they will be establishing as long as they are on the list of allowable uses.

Speaking in favor were: **Doug Solomon**, adjacent property owner, did not feel the project would create a traffic problem; and **Mike Pelletier**, contractor, spoke of the structural improvements to the building.

(Enter Mr. McClash)

Ms. Barrett submitted a letter in opposition from **Joseph D. Hopkins** (4/7/98), a resident of Oak Park. She revised Stipulation 3, under the list of uses, excluding "Medium" Intensity Recreation.

Ms. Petruff stated that professional is no longer a compatible use. She also stated there is an existing fence which her client has agreed to extend along the southern and eastern boundaries to provide a buffer from noise and traffic. Addressing the concern regarding traffic on 16th Street Court East, she stated they will use signage, hardscape (curbing) or whatever is necessary to discourage traffic flow through that area.

Discussion: Limiting hours of all operation from 7:00 a.m. to 10:00 p.m.; intensity of uses, etc.

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

Ms. Clarke read six findings of fact for denial.
(Enter Ms. Brown)

RECORD S46-537

APRIL 28, 1998

(Continued)

Based upon the staff report, evidence presented, comments made at the Public Hearing and finding the request to be INCONSISTENT with the Manatee County Comprehensive Plan and Manatee County Land Development Code, Mr. Bruce moved to **DENY** Manatee County Zoning Ordinance **PDC-98-03(Z)(P)** and to adopt Findings of Fact, 1 through 6, as presented. Motion was seconded by Mrs. Stein. Motion carried 4 to 3, with Mr. Stephens, Mrs. Harris and Ms. Brown voting nay.

Public hearing (Notice in the Bradenton Herald 4/17/98) was held to consider

PDR-97-20(P) COUNTRY OAKS WEST SUBDIVISION - P/PLAN

Request: Preliminary Site Plan to allow 18 single-family residential lots at a density of 3.46 dwelling units per acre on 5.2 acres located one-quarter mile north of the intersection of University Parkway and Lockwood Ridge Road at Lockwood Ridge Road and Country Oaks Boulevard, zoned **PDR/WP-E/ST**.

Planning Commission recommended approval with 5 stipulations; **GRANTING** Special Approval for a project located in the Evers Reservoir Watershed; and adjacent to a perennial stream; **ADOPT** Findings for Specific Approval; and **GRANTING** Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code. **RECORD** S46-538

John Osborne, Planning Department, reviewed a zoning map, site plan and an aerial. He outlined the request, locational information, zoning and land uses. He addressed concerns regarding stormwater, impact on recreational facilities, landscape buffer and the maintenance of the entrance at Country Oaks Boulevard and Lockwood Ridge Road.

(Gavel to Ms. Brown, presiding)

Discussion: Rattlesnake Slough flood prone; headwater of Rattlesnake Slough contributes to downstream flooding; retention plans; adding 50 percent reduction in discharge rate, etc.

(Enter Mrs. Glass, presiding)

Wade Cooper, representing the applicant, requested that in Stipulation 4, the word "shall" be amended to "may".

Discussion: Require a homeowners association be created; upkeep of entranceway (Stipulation 5), etc.

Mr. Steinsnyder recommended **adding** the phrase at end of **Stipulation 4**, **"...prior to final subdivision plat."** He also suggested **adding** in **Stipulation 1**, at the end of the first sentence, **"...and a 50 percent reduction in the discharge rate."**

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. Bruce moved to approve the Preliminary Site Plan with Stipulations 1 through 5, adding the words to Stipulation 4 **"...prior to final subdivision plat."**; **GRANT** Special Approval for a project located in the Evers Reservoir Watershed; and adjacent to a perennial stream; **ADOPT** the Findings for Specific Approval, and **GRANT** Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code, as recommended by the Planning Commission. Motion was seconded by Mr. McClash.

Mr. Osborne proposed adding to the motion, that Stipulation 1, at the end of the first sentence shall include: **"...a 50 percent reduction in the discharge rate."**

Motioner and seconder agreed with the amendment, and the motion carried 7 to 0. **RECORD** S46-539

(Depart Mr. Stephens)

Public hearing (Notice in the Bradenton Herald 4/17/98) was held to consider

PDR-96-16(G)R - ROBERT BERNE/BOLLETTIERI ACADEMY PARK - GENERAL DEVELOPMENT PLAN

Request: Revised General Development Plan to allow a school of special education (including a sports complex and ice center), and a private school on 116.17 acres located at the southeast intersection of 47th Street West and 53rd Avenue West.

Planning Commission recommended APPROVAL with ten stipulations.

RECORD S46-540

Erika Barrett, Planning Department, referred to a revised General Development Plan and reviewed the request, locational information, surrounding zoning, and uses. She noted the applicant removed two approved COP-licenses for the ice center from his request.

Thomas McCollum, Zoller, Najjar and Shroyer Engineers, stated the land is now owned by Bollettieri Academy. He outlined the Preliminary Design Concept map, noting the location of facilities, buffers, and the retention area designed to resemble a grassed park.

(Enter Mr. Stephens)

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 General Development Plan PDR-96-16(G)R with Stipulations 1 through 10, as recommended by the Planning Commission. Motion was seconded by Ms. Brown and carried 6 to 0, with Mr. McClash declaring a conflict of interest and abstaining from voting.

RECORD S46-541

UNIVERSAL CABLEVISION FRANCHISE

Public hearing (Notice in the Bradenton Herald 4/7/98) was held to consider a cable television franchise renewal agreement for Universal Cablevision, Inc.

Frizzette McCarthy, Community Affairs Department, requested adoption of

R-98-42 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY, FLORIDA, APPROVING A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN MANATEE COUNTY AND UNIVERSAL CABLEVISION, INC., A CORPORATION WITH PRINCIPAL OFFICES IN MANATEE COUNTY (authorizing execution of a Franchise Agreement; accept a performance bond of \$200, L/C 51 from Liberty National Bank; accept certificate of insurance).

Motion was made by Mrs. Stein and seconded by Ms. Brown, to adopt Resolution R-98-42. Motion carried 7 to 0.

RECORD S46-542

ZONING (Continued)

Public hearing (Notice in the Bradenton Herald 4/17/98) was held to consider

PDC-97-05(P) U STORE IT/7-ELEVEN - P/SITE PLAN

Request: Reconsideration of a Preliminary Site Plan to allow a 2,940-square-foot convenience store and a 2,000-square-foot canopy (advertised as 3,934 square feet) with four gas pumps on 1.15 acres, located at the southwest corner of Tallevast Road and Lockwood Ridge Road.

Planning Commission recommended APPROVAL with nine stipulations; GRANT Special Approval for a project located in the Evers Reservoir Water Protection Overlay District; and DENY Specific Approval of an alternative to Section 604.1.2.13 of the Land Development Code.

RECORD S46-543

Caleb Grimes, representing the applicant, reviewed the request for reconsideration of the action of February 24, 1998. He submitted a letter (4/22/98) from William Tipton, Tipton Associates, Inc. traffic engineer, with a report on traffic characteristics of convenience stores with gas pumps. He stated neighborhood concerns have been addressed and he presented a blank petition and a signed petition of neighbors in favor, with an aerial depicting the locations of the neighbors.

APRIL 28, 1998

(Continued)

Scott Boyd, representing the applicant, stated the Southland Corp. (7-Eleven) has addressed concerns of residents regarding pole signs, access through Treetops Condominium Development, and lighting.

William Tipton, Sr., Tipton Associates Inc., addressed his traffic study, referring to pass-by trips and new trips and noted that gas pumps may add five percent of the trips. He stated the site access is adequate.

Karin Murphy, resident of Copperfield Subdivision, submitted letters (2) in opposition from Copperfield Homeowners Association and Oak Run Homeowners Association. She addressed neighborhood planning, and the proposed widening of Lockwood Ridge Road and Tallevast Road.

Andy Anderson, Palm Aire Community Action Council, supported the position of the Treetops at North Forty residents in not wanting access through their development.

Stephen Thompson, representing the Treetops at North Forty, requested the board address ingress/egress, buffers and stormwater. He stated it will result in noise, traffic, lights, and other adverse effects. He requested the parcel be reviewed in total. He stated it is not consistent with a neighborhood commercial use.

Discussion: ITE manual indicates 53.73 trips/per 1,000 square feet without gas pumps and 60.61 trips/per 1,000 square feet with gas pumps; improvements to roads will cause disruption of traffic; Lockwood Ridge Road in Capital Improvement Plan; trips will be a shorter distance to gas pumps; capture trips; Food Lion grocery store approval has expired; no current proposal on remainder of site, etc.

Chris Mowbray, Planning Department, stated the current proposal does not call for an access to Treetops at North Forty.

Ms. Servia submitted two designs of gas pumps and stated that if approved, staff recommended stacked pumps. She also submitted letters in opposition. She noted that Mr. Boyd stated he has agreed to a ground sign and stated that a stipulation would be needed to address this matter.

(Depart Mrs. Stein)

Mr. Grimes stated they are providing a facility that will have the effect of cutting down on trip lengths for other than passer-by trips. He noted that two to three cars per hour would be added, however those are trips that are going elsewhere. He stated a ground sign would be acceptable. He submitted a letter from **Cheryl Semon** in support of the proposal.

(Enter Mrs. Stein)

Mr. Tipton stated the study was included in the fifth edition of the ITE trip generation manual. He also addressed his formula to determine an increase of two cars per hour. He stated traffic is a matter of distribution in both time and direction.

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. Bruce moved to approve Preliminary Site Plan PDC-97-05(P) with Stipulations 2, 3, 4, 5, 7, 8 and 9 as in staff reports; 1 and 6 as worded below:

1. This site shall have no gas pumps;
6. There shall be no outdoor speakers associated with this project;

GRANT Special Approval for a project located in the Evers Reservoir Water Protection Overlay District; and DENY Specific Approval of an alternative to Section 604.1.2.13 of the Land Development Code. Motion was seconded by Mr. McClash and carried 4 to 3, with Mrs. Harris, Ms. Brown and Mr. Stephens voting nay.

RECORD S46-544

ZONING: Z-98-03 PHILLIP AND ANNA MARING

(Public hearing continued from earlier in the meeting.)

Discussion was held regarding turn lanes; project located across from Haile Middle School; State Road 64 operating at a deficient level of service; provisions and requirements of applicant; only zoning request, etc.

Mr. Gostkowski referred to a zoning map and stated the widening of State Road 64 will preclude full access. He stated when the road is multi-laned, the median opening will be at the school entrance and at the entrance to Greenfield Plantation.

Patricia Petruff, representing the applicant, stated the property to the west was rezoned to PDI, which is not on the map in the staff report. She stated that access and entry will be addressed at site plan approval.

(Ms. Brown absent during a portion of presentation.)

Discussion: Transportation issues; continue to later time with full presentation and when Mr. Pendley and Mr. Ogles can be present.

Mr. Stephens moved that the public hearing be continued to May 26, 1998, at 9:00 a.m. Motion was seconded by Ms. Brown and carried 7 to 0.

LAND USE PUBLIC HEARINGS

Ms. Clarke requested authorization for staff to reserve Thursday of the week of the regular monthly land use public hearing meetings for an additional meeting when necessary. There was no objection.

DISPUTE RESOLUTION CLAIM - GILBERT WATERS

Mr. Steinsnyder stated that dispute resolution DR-98-01 was filed by Gilbert Waters Family Partnership regarding zoning request PDR-97-13(Z) (P)/97-S-27(P).

He advised that appointment of a Special Master will be necessary to preside over this matter and recommended entering into an agreement with one of the following attorneys after approval by the claimant: Steve Seibert, David Persson or Patricia Petruff.

Motion was made by Mr. Bruce and seconded by Mrs. Harris, and carried unanimously, to authorize the County Attorney to enter into an agreement on behalf of Manatee County with one of the recommended persons to act as Special Master for Dispute Resolution proceedings filed by the Gilbert Waters Family Limited Partnership.

The Chairman appointed Ms. Brown to attend the hearings, with Mr. McClash as alternate.

COMMISSIONERS' COMMENTS

(Depart Ms. Brown)

Gulf Coast Factory Shops Construction - 29th Street East - Mrs. Stein advised that rather than using the paved road for access, 29th Street East which is residential has become the major construction equipment route causing dust and annoyance to residents.

Disposition: Ms. Clarke and Mr. Mau to take steps to remedy the situation and bring back a report.

Country Lakes/Palm Aire - Taylor Woodrow Construction - Mr. Bruce advised that he has received complaints regarding dust from the construction and a pump or motor running twenty-four hours a day.

Disposition: Staff to handle and bring back a report.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

[Signature]
Clerk
Adj: 5:42 p.m./jk

APPROVED:

[Signature]
Chairman
6/23/98