

MAY 26, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 26, 1998, at 9:04 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Joe McClash, Second Vice-Chairman (vacation)

Also present were:

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

Invocation by Rev. John R. Brabham, Christ United Methodist Church.

All witnesses and staff were duly sworn.

MEDFLY REPORT

David Rothfuss, Assistant County Administrator, reported that, as the result of Mediterranean fruit fly (medfly) infestation, the landfill was opened on Memorial Day to allow disposal of produce.

Len Bramble, Public Works Director, advised that 483 tons of culled tomatoes were taken to the landfill on Memorial Day.

Nick Porzio and Jim Rogers with the United States Department of Agriculture, submitted information on eradication of medflies. There have been 485 flies found to date, and the quarantine area now encompasses 102 square miles.

PROCLAMATION

Motion was made by Mr. Stephens, seconded by Mrs. Harris and carried 6 to 0, to adopt a Proclamation recognizing the **Bradenton Christian School Panther Baseball Team** for winning the 1A State Championship in baseball and the **Girls Individual Track Members** for State track medals in 1998.

Present to accept the Proclamation were the boys baseball team and the girls track team. RECORD S46-653

COMPREHENSIVE PLAN ARTWORK

Mrs. Glass and Harry Kinnan, School Board Chairman, presented Certificates of Appreciation to 44 fourth-graders for artwork chosen to illustrate the Comprehensive Plan. The drawing by **Andres Burton** was selected for the cover illustration. RECORD S46-654

Recess/Reconvene. All members present except Mr. McClash.

AGENDA ADDITIONS/DELETIONS

Carol Clarke, Planning Department Director, noted the following change to the agenda:

PDR-97-01(Z)(P) - JAMES HUBER/KNOTT'S LANDING - continued to no date certain at the request of the applicant.

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Ms. Brown and carried 6 to 0, to approve the Consent Agenda dated May 26, 1998, with the addition noted in the supplemental agenda. Items Approved:

CLERK'S CONSENT CALENDAR**BONDS**

Accept:

Chapparral, Phase II (aka Mote Ranch, Ph VI)

Performance Bond: \$31,763. (Amendment 2 to Letter of Credit S960415 Wetland Mitigation, from SunTrust Bank amending expiration date to 5/28/99.)

Chapparral, Phase II (aka Mote Ranch, Ph VII)

Performance Bond: \$110,406.27 (Amendment 1 to Letter of Credit S970376 from SunTrust Bank amending expiration date to 6/10/99.)

Summerfield Village, Subphase C, Unit 9

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$15,815.86.
2. Defect Security: \$15,815.86 (Surety Bond 119869, Frontier Insurance Company)
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$11,940.89.
4. Performance Bond: \$11,940.89 (Surety Bond 119870, Frontier Insurance Company)

Summerfield Village, Subphase C, Unit 10

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$12,286.62.
2. Defect Security: 12,286.62 (Surety Bond 119871, Frontier Insurance Company)
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$9,365.72.
4. Performance Bond: \$9,365.72 (Surety Bond 119872, Frontier Insurance Company)

Summerfield Village, Subphase C, Unit 11

1. Agreement with SMR Communities Joint Venture warranting required improvements, \$16,936.68.
2. Defect Security: \$16,936.68 (Surety Bond 119874, Frontier Insurance Company)
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$6,945.71.
4. Performance Bond: \$6,945.71 (Surety Bond 119873, Frontier Insurance Company)

River Pointe, Phase 1

1. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways, \$4,461.60.
2. Performance Bond: \$4,461.60 (Surety Bond 5927976, Safeco Insurance Company of America)

Regency Oaks II

1. Agreement with John P. Barrett, Jr., M.D., Trustee, John P. Barrett, Jr. Living Trust as General Partner of the Barrett Family Partnership V, Ltd. guaranteeing completion of required sidewalks and bikeways, \$19,734.
2. Performance Bond: \$19,734 (Amendment 2 to Letter of Credit S95-19 from Republic Bank, amending the expiration date to 4/30/99.)

Release:

Summerfield Village, Subphase C, Unit 9

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$286,903.37.
2. Performance Bond: \$286,903.37 (Surety Bond 114530, Frontier Insurance Company)

Summerfield Village, Subphase C, Unit 10

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$87,005.88.
2. Performance Bond: \$87,005.88 (Surety Bond 116214, Frontier Insurance Company)

Summerfield Village, Subphase C, Unit 11

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$65,537.03.
2. Performance Bond: \$65,537.03 (Surety Bond 116212, Frontier Insurance Company)

River Point of Manatee (nka River Point, Ph. 1)

1. Agreement with Centex Real Estate Corporation guaranteeing completion of required sidewalks and bikeways, \$4,461.60.
2. Performance Bond: \$4,461.60 (Letter of Credit and Amendments (2) with First National Bank of Chicago)

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Creekwood, Phase II, Subphase F

1. Agreement with Wilma-Creekwood (West) Joint Venture warranting required improvements, \$33,663.66.
2. Defect Security: \$33,663.66 (Surety Bond U08012, Preferred National Insurance Company)

Palma Sola Cove Subdivision

1. Agreement with Copeman Builders, Inc. warranting required improvements, \$6,000.
2. Defect Security: \$6,000 (Letter of Credit 37 with American Bank)

Regency Oaks II

1. Agreement with John P. Barrett, Jr., M.D., Trustee, John P. Barrett Jr., Living Trust as General Partner of the Barrett Family Partnership I, Ltd. guaranteeing completion of required sidewalks and bikeways, \$19,734.

REFUNDS

Robert Selph - Fireline Connection Overpayment \$600.00

WARRANT LIST

Approve: May 19, 1998 through May 25, 1998

Authorize: May 26, 1998 through June 2, 1998

AUTHORIZE CHAIRMAN TO SIGNSatisfactions of Judgment:

Thurman D. James, Case 89-3215F (2)

Partial Release of Special Improvement Assessment Liens:

Projects 5147(2); 3009-5147(3); 3102-2502

APPROVE, RATIFY & CONFIRMParks & Recreation Special Interest Class Agreements:

Gabriel Ferrer - Tennis

S46-0655

Dennis Knight - Golf

RECORDS46-0656

ACCEPT

Lakewood Ranch Community Development District 1 - Minutes of the Board of Supervisors Meeting (11/6/97, 12/11/97, 1/8/98, 2/5/98, 3/5/98 and 4/2/98); District 2 (11/4 and 11/6/97, 12/11/97, 1/8/98, 2/5/98 and 3/5/98); District 3 (11/6/97, 12/11/97, 1/8/98, 2/5/98 and 3/5/98).

Bradenton Middle School (PAL Charter School) - Amended Special Warranty Deed from the School Board of Manatee County, Florida, successor-in-interest to the Board of Public Instruction of Manatee County, Florida, recorded in Official Record Book 1552, Page 5908-5910.

Cedar Hammock Fire Control District andSouthern Manatee Fire & Rescue District

Schedule of meetings for the fiscal year.

AUTHORIZATION TO WAIVE DISHONORED CHECK FEE

Waive fee (\$25) for dishonored check for Jacquelyn Stalger due to stolen purse.

COUNTY ADMINISTRATORFINAL PLATGiunta Subdivision

1. Final Plat.
2. Notice to Buyers

COMMUNITY CARE FOR THE ELDERLY GRANT

1. Execute Amendment 2 to Rate Agreement (CCE 98-3) with West Central Florida Area Agency on Aging, Inc. to reallocate funding between services, not to exceed \$823,128. RECORDS46-0657
2. Execute Addendum Number Two to agreement with Meals on Wheels Plus, Inc. for home delivered meals to the elderly, not to exceed \$71,954 (7/1/97-6/30/98). RECORDS46-0658
3. Execute Amendment 1 to Rate Agreement (HCE 98-3) with West Central Florida Area Agency on Aging, Inc. to transfer funding from case management to core services, \$5,000 (7/1/97-6/30/98). RECORDS46-0659

DONATION - TRANSIT

Accept donation of 26 Skyway Bridge tokens, in accordance with Ordinance 86-05 and procedures established by the County Administrator's Office, from Dave Kelly for transport of veterans to Bay Pines Medical Center.

FEDERAL DISASTER RELIEF FUNDS

1. **R-98-123** A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE CHAIRMAN OF THE BOARD TO ENTER INTO AN AGREEMENT BETWEEN THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS TO RECEIVE PUBLIC ASSISTANCE FOR ELIGIBLE DISASTER RELIEF ACTIVITIES RESULTING FROM EXTENSIVE FLOODING AND SEVERE WEATHER CONDITIONS THROUGHOUT FLORIDA BEGINNING DECEMBER 25, 1997, AND DESIGNATING COUNTY ADMINISTRATOR'S OFFICE AS DESIGNATED APPLICANT'S AGENT. **RECORD** S46-660
2. Execute Disaster Relief Funding Agreement with the Florida Department of Community Affairs for public assistance disaster relief (cost share 75 percent Federal, 12.5 percent State and 12.5 percent local match). **RECORD** S46-661

EMINENT DOMAIN PROCEEDINGS - STATE ROAD 70 PROJECT

Authorize the County Attorney to extend formal Offer of Judgment to Franklin and Terri Raybuck for \$52,000, inclusive of business damages and statutory interest, but exclusive of attorney's fees, costs and expenses, in the eminent domain matter of Manatee County v. Anita M. Glasgow, et al., CA95-2009.

(End Consent Agenda)

CITIZENS' COMMENTS

Sylvan Oaks Subdivision - Citing concerns of excessive flooding in the subdivision, construction of Lincoln Park, lack of street lights and alligators in the ditches were: **Etta Crosby, Cynthia Rutledge, Marlene S. Salinas, Gregory Fields, Willie Belle Furlow, Ernest Belvin, Jr., Cynthia Turner and Delouis Simmons.**

(Depart Mr. Stephens)

Siamak Mollanazar, Transportation Department, advised that the County Administrator has written a letter to the Mayor of Palmetto requesting a meeting with the City, the City Engineer and the residents.

Discussion: El Niño increased flooding problems; Lincoln Park construction; subdivision in the County; ditch divides county from city; coordinate with City of Palmetto to correct the problem; Game and Fresh Water Fish Commission to handle alligator problem, etc.

(Enter Mr. Stephens)

Disposition: Staff to follow-up on letter to Mayor of Palmetto.

ZONING

Public hearing (Notice in the Bradenton Herald 5/15/98) was opened to consider

PDR-97-12(Z)(P) MCFARLAND AND BUTLER/WADING BIRD GOLF AND COUNTRY CLUB - PDR

AN 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** AND **A-1** TO **PDR**, RETAINING THE **CH** OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 761 DWELLING UNITS (449 SINGLE-FAMILY DETACHED DWELLINGS AND 312 MULTIFAMILY UNITS) AT A GROSS DENSITY OF 1.6 DWELLING UNITS PER ACRE AND A NET DENSITY OF 3.5 DWELLING UNITS PER ACRE, AN 18-HOLE GOLF COURSE WITH A CLUBHOUSE AND DRIVING RANGE, CONGREGATE DOCKING FACILITIES FOR 59 BOATS, AND THE CREATION OF INTERIOR CANALS DESIGNED FOR WATERCRAFT WITH ACCESS TO THE MANATEE RIVER VIA TWO BOAT LIFTS, GRANTING SPECIAL APPROVAL TO A PROJECT ON 622 ACRES ON THE SOUTH SIDE OF THE MANATEE RIVER, NORTH AND WEST OF UPPER MANATEE RIVER ROAD (INCLUDING 478.5 UPLAND ACRES ABOVE THE MANATEE RIVER SHORELINE). Planning Commission recommended APPROVAL with 8 Transportation Stipulations, 12 Environmental Stipulations, 14 Land Use and Design Stipulations; **RECORD** S46-662

GRANTING Special Approval to a project located in 1) adjacent to a perennial stream, (2) partially within the coastal high hazard area, (3) to a project involving the siting of a marina type use, and (4) to a project exceeding 1 dwelling unit per acre in the UF-3 future land use category;

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ADOPT the Findings for Specific Approval;
GRANT Specific Approval of alternatives to Sections 907.9.2.4,
907.9.4.2, 907.9.1.3 and alternatives to Table A of Section 710
of the Land Development Code (LDC); and a waiver of Section 742
of the LDC to allow the use of street names.

Motion was made by Mr. Stephens, seconded by Mrs. Stein and carried
6 to 0, to **continue** PDR-97-12(Z)(P) to May 28, 1998, at 9:00 a.m. or as
soon thereafter as same may be heard.

Public hearing (continued from 4/28/98) was held to consider

Z-98-03 PHILLIP & ANNA MARING - PRM

AN 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-1** TO **PRM**; PROVIDING AN EFFECTIVE
DATE; ON 2.9 ACRES LOCATED 2,500 FEET WEST OF UPPER MANATEE RIVER
ROAD.

Planning Commission recommended APPROVAL.

Misty Servia, Planning Department, stated that a shared access driveway
with the property owner to the west will be constructed to align with
the entrance into Greenfield Plantation (at S.R. 64).

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 adopt
Manatee County Zoning Ordinance Z-98-03, as recommended by the Planning
Commission. Motion was seconded by Ms. Brown and carried 6 to 0.

RECORD S46-663

(Carol Cason, court reporter, present)

Public hearing (Notice in the Bradenton Herald 5/15/98) was held to
consider

PDC-98-03(Z)(P) HUNG VO AND NGAW EAM UNG TRUONG - PDC

AN 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 **PRM** TO **PDC**; PROVIDING AN EFFECTIVE
DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR AN EXISTING
4,200 SQ. FT. BUILDING, WHICH INCLUDES A 1,100 SQ. FT. DRIVE-THRU
CANOPY; ON .72 ACRE LOCATED AT THE SOUTHEAST CORNER OF S.R. 70 AND
16TH STREET EAST, 450 FEET EAST OF 15TH STREET EAST.

Planning Commission gave NO RECOMMENDATION.

Request was denied by the Board on April 28, 1998; request for
reconsideration was granted on May 5, 1998.

If approved, staff recommended 8 stipulations.

RECORD S46-664

Robert Pederson, Planning Department, referred to a letter and
revisions to the site plan (hardscaping and signage) from Patricia
Petruff (4/24/98) and showed a videotape of the site and the
surrounding areas. Mr. Pederson displayed a zoning map of the area.

Diane Chadwick, Lombardo, Skipper and Foley, submitted her resume and a
letter from Bob Lombardo with trip comparisons of different types of
businesses. She stated the site is 550 feet from the intersection of
S.R. 70 and 15th Street East, within the commercial node. She noted
there is a vacant building (formerly a bank) on the site.

She stated the applicant has stipulated to remove the northern-most
access along 16th Street East, leaving three access points; the
setbacks have been increased on three sides of the property; and
additional fencing is proposed for buffering. The applicant has agreed
to limited uses and hours of operation (7:00 a.m. to 10:00 p.m.).

Patricia Petruff, attorney for applicant, stated the project is consistent with the Comprehensive Plan and appropriate along a six-lane roadway (S.R. 70). She submitted a letter from Ms. Chadwick that outlined the Comprehensive Plan policies which are met by the project. The applicant agrees to all the stipulations recommended by staff and to the elimination of cultural use, recreational use and day care use.

Ms. Petruff submitted a letter from Rita Mooney, Code Enforcement Supervisor, that stated there was no history of a code enforcement violation against the applicant.

Discussion: Add a stipulation prohibiting lingerie modeling and bubble bath demonstrations; limit hours of operation; precedent for future rezones in the area; negative impact to adjacent residential areas; findings of fact from previous action; size of building, etc.

Jeffrey Steinsnyder, Assistant County Attorney, stated that anything in compliance with the Comprehensive Plan and within the 1,000-foot commercial node is eligible to request commercial zoning.

(Depart Mrs. Harris)

Erika Barrett, Planning Department, stated the building is 3,100 square feet, and the drive-thru canopy is 1,100 square feet. To limit the size of retail sales to 3,000 square feet, the applicant is prohibited from using the drive-thru. Ms. Barrett also submitted a packet which contained a list of Comprehensive Plan policies that were cited in the previous findings for denial; four letters against the project; one letter for the project; and revised stipulations.

Discussion: Drive-thru restaurant use prohibited; fence versus wall around perimeter of project.

(Enter Mrs. Harris)

Mike Mehan spoke in favor of the project.

Speaking in opposition were: **Joseph D. Hopkins** and **Joe Gier** who expressed concern that commercial zoning is too intense adjacent to the residential areas.

(Depart Mrs. Stein)

Carol Clarke, Planning Department Director, recommended Stipulation 9:

9. There shall be no lingerie modeling or bubble bath demonstrations or similarly intensive personal services on site.

(Enter Mrs. Stein)

Discussion: Findings of fact from previous denial; transitioning to residential neighborhood; traffic; code enforcement issues; house conversions over 3,000 square feet have been approved for commercial uses; public opposition to land use projects; compatibility and intensity; trends and timing; pawn shop signage, etc.

Ms. Petruff referred to Section 2.6.4.6 of the Comprehensive Plan and stated that applicant has conformed to all requirements.

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 the Manatee County Land Development Code, Mr. Bruce moved to deny the Manatee County Zoning Ordinance and Preliminary Site Plan PDC-98-03(Z)(P) and adopt Findings of Fact for denial. Motion was seconded by Mrs. Stein. The motion failed 2 to 4, with Mrs. Glass, Mr. Stephens, Mrs. Harris and Ms. Brown voting nay.

RECORD S46-665

Recess/Reconvene. All members present except Mr. McClash.

Ms. Clarke advised the applicant has agreed to the following changes to the stipulations:

3. Delete Health Clinic and Private/Public Community uses.
4. Hours of operation from 7:00 a.m. to 9:00 p.m.
9. There shall be no lingerie modeling, bubble bath demonstrations, **massage product demonstrations** or similarly intensive personal services on site.

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She also stated applicant has agreed to Stipulations 10 and 11:

10. The project shall be limited to a ground/monument sign. The sign shall be of a color and façade similar to the building (beige). The color and façade of the building shall not be changed without Planning Director approval. There shall be no neon used on the building and no posters or flyers in the windows, except for public service notices.
11. The fence shall be maintained in good condition.

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 adopt Manatee County Zoning Ordinance PDC-98-03(Z)(P); and approve the Preliminary Site Plan with Stipulation 1 thru 11, as modified at this meeting, and as recommended by staff at this hearing. Motion was seconded by Mrs. Harris and carried 4 to 2, with Mr. Bruce and Mrs. Stein voting nay. RECORD S46-666

Public Hearing (Notice in the Bradenton Herald 5/15/98) was held to consider

PDR-98-02(Z)(P) LAND RESOURCE CAPITAL, INC./LAUREL OAK PARK - PDR AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND RSF-2 TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 52 SINGLE-FAMILY LOTS AT A DENSITY OF 2.45 UNITS PER ACRE, GRANTING SPECIAL APPROVAL FOR A PROJECT EXCEEDING 2.0 DWELLING UNITS PER ACRE LOCATED IN THE RES-3 FUTURE LAND USE CATEGORY.

Planning Commission recommended approval with nine stipulations. GRANTING Specific Approval for an alternative to **Section 907.9.2.4** of the LDC allowing 16-foot one-way street widths on cul-de-sacs; **Section 907.7.3** of the LDC allowing side lot lines to exceed 22.5 degrees; **Section 907.9.3** of the LDC reducing right-of-way from 50 feet to 40 feet; **Section 603.7.4.2** of the LDC reducing open space requirements to 23.3 percent; **Section 603.7.4.5** of the LDC reducing the required landscape buffer to 7.5 feet; ADOPT Findings for Special Approval; and GRANT Special Approval for a project exceeding 2.0 dwelling units per acre located in the RES-3 future land use category. RECORD S46-667
If approved, staff recommended ten stipulations:
GRANTING Specific Approval to Sections 907.9.2.4, 907.7.3 and 907.9.3; and
DENYING Specific Approval to Sections 907.9.2.4, 603.7.4.2 and 603.7.4.5;
ADOPT Findings for Special Approval; and
GRANT Special Approval for a project exceeding 2.0 dwelling units per acre located in the RES-3 future land use category.

John Osborne, Planning Department, used a zoning map, site plan and aerial map to review this request. He noted the access off 17th Avenue Northwest includes passive traffic calming.

He addressed the request for six specific approvals, and noted that staff does not support reduced pavement widths (for safety reasons), reduced open space or reduction in the landscape buffer. Mr. Osborne referred to a landscape buffer graphic that illustrated the applicant's proposal to plat into one-half of the buffer. He expressed concern with maintenance of the privately-owned buffer.

He also referred to a letter from the School Board that confirms adequate capacity in Stewart Elementary School, but lack of space at King Middle School and Manatee High School.

Mr. Osborne relayed a telephone call from **Mary Sheppard** of the Planning Commission expressing concern for an interneighborhood tie to the west. He used a preliminary plat map for Sunset Estates Subdivision and an area subdivision map to illustrate a proposed location for a tie.

Discussion: Natural traffic calming devices; roadway widths; traffic safety and circulation.

Pat Neal, applicant, used a site plan to outline the project and illustrate the traffic calming measures. He noted that the request for reduced pavement widths had been withdrawn (Section 907.9.2.4).

Mr. Neal submitted photographs (4) of buffers, Hawthorne Park, and an area that would be concealed by the buffers. He also submitted a proposed stipulation:

Developer is authorized to reduce street curvature in such a way as to assure each lot is 120 feet deep without the necessity of returning to the Board of County Commissioners.

He proposed to maintain the 15-foot buffer, by platting into one-half of the width and deeding it to the homeowner, which would reduce the open space.

Mr. Neal requested two waivers: (1) Reduction in open space and (2) one-half of the buffer on the affected lots. Homeowners' documents and homeowners association's documents require the association to maintain the entire buffer if the homeowner failed to maintain the platted half.

Marian Tatar and Mark Nelson expressed concerns regarding the location of the interneighborhood tie and safety of children walking to school.

Linda Francis, of the Sierra Club, requested an interneighborhood tie to the west, and expressed concern regarding reduced open space.

Gail Garden, Sunset Estates Homeowners Association, submitted petitions (31) from residents requesting the tie into Sunset Estates be bicycle/pedestrian only.

Discussion: Interneighborhood ties; road widths; school capacity issue under Comprehensive Plan.

Recess/Reconvene. All members present except Mr. McClash.

Mr. Osborne recommended additional Stipulations 11, 12 and 13:

11. The applicant shall provide a 10-foot bicycle and pedestrian easement dedicated to the County, not included within any lot, to the west to be reviewed by staff prior to Final Site Plan Approval.
12. The right-of-way for the interneighborhood tie to the east shall be provided, however, this access point shall be limited to pedestrian and bicycle access only at this time. The interneighborhood tie may be opened as a roadway in the future as determined by the Board of County Commissioners.
13. The Developer is authorized to reduce street curvature in such a way to assure each lot is 120 feet deep without the necessity of returning to the Board of County Commissioners, provided additional passive traffic calming measures are installed on the straight stretch of roadway.

Tom McCollum, representing the applicant, advised that he calculated open space at 23.3 percent after adjusting the buffers according to the Planning Commission recommendation.

Discussion: Elevation of site requires more lakes and reduces the open space; responsibility of developer to provide for school capacity; ability of school board to assess needs, etc.

Mike Pendley, School Board facilities planner, stated that student population is based on a .57 factor per single-family dwelling unit (.57 x number of single-family households). Fifty-four percent of the total figure go to elementary schools, 23 percent go to middle school and 23 percent go to high school.

Discussion followed regarding Section 909.4 of the Land Development Code regarding Statement of School Needs.

Recess/Reconvene. All members present except Mr. McClash.

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Mark Barnebey, Chief Assistant County Attorney, recommended that Findings 3 and 4 of the staff report (page 12) read:

3. The additional stormwater facilities on site add to the overall feeling of openness for the project. Additionally, the required landscaping will be provided, although not all in common areas.
4. The reduced buffer, while providing the same amount of landscaping, allows for the incorporation of traffic calming techniques.

Motion

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 Policies 2.9.3.1 through 2.9.3.5) and the Manatee County Land Development Code, as conditioned herein, Mr. Stephens moved to adopt Manatee County Zoning Ordinance PDR-98-02(Z)(P); approve the Preliminary Site Plan with Stipulations 1 through 5, as recommended by staff; Stipulation 6 to read "**The project shall provide a minimum of 23.3 percent open space**"; Stipulation 7 as recommended by staff, Stipulation 8 as recommended by Planning Commission, Stipulations 9 and 10 as recommended by staff; Stipulations 11 and 12 as added at this meeting; Adopt the Findings for Specific Approval; grant Specific Approval for alternatives to Section 907.9.2.4 to allow for a modification to one-way road width; 907.7.3 and 907.9.3 and Sections 603.7.4.2 and 603.7.4.5 of the Land Development Code; Deny Specific Approval for alternatives to Section 907.9.2.4 as to modification to the 24-foot road width; Adopt the Finding for Special Approval and grant Special Approval for a project exceeding 2.0 dwelling units per acre, located in the RES-3 Future Land Use Category. Motion was seconded by Mrs. Harris.

Motion - Amended

Motion to amend was made by Mrs. Stein, and seconded by Mr. Bruce, to add a stipulation (Stipulation 13) as follows:

As referenced in a letter dated May 13, 1998, from the School Board of Manatee County to Carol Clarke, Director, Manatee County Planning Department, if school facilities for which there is inadequate capacity are not to be provided by the public, prior to the approval of the Final Development Plan, final Site Plan or final subdivision plat, the applicant may provide such facilities through dedication or contribution or post adequate security to assure their future availability in the development, pursuant to Section 909.4.2 of the Manatee County Land Development Code.

Discussion: Standards need to be set to determine what the contribution should be; developer should work with School Board to determine contributions; School Board five-year plan not complete; County needs to decide a policy before requiring a stipulation.

Motion to amend failed 1 to 5, with Mr. Bruce, Mrs. Glass, Mr. Stephens, Ms. Brown and Mrs. Harris voting nay.

Motion - Carried

The main motion carried 5 to 1, with Mrs. Stein voting nay. RECORD S46-668

(Depart Mrs. Harris)

Public hearing (Notice in the Bradenton Herald 5/15/98) was opened to consider

PDC-98-02(G)(P) 14TH STREET CARWASH

Request: Preliminary Site Plan to allow a self-service car wash located on .66 acre at the northwest corner of 14th Street West (U.S. Business 41) and 29th Avenue West.

Planning Commission recommended approval with seven stipulations.

RECORD S46-669

If approved, staff recommended eight stipulations.

John Osborne, Planning Department, used a zoning map to review this request and point out surrounding zoning. He reviewed a site plan and pointed out the proposed access (on a vacant parcel) to the north. He stated the request, as advertised, does not include the proposed access. He submitted an aerial photograph to show the proximity to mobile homes across the street from the site.

He noted staff concerns of: visual impact, noise, hours of operation, lights and overspray. He also displayed a photograph of the façade of a building to illustrate design commitments of the applicant.

Jerome Gostkowski, Planning Department, stated the proposed project will have no adverse affects on the realignment of 30th Avenue West.
(Enter Mrs. Harris)

Tom McCollum, representing the applicant, stated this site is vacant, along an intensive corridor of Business U.S. 41. He used a colored rendering to illustrate the post-development site. He concurred with staffs' recommended stipulations except 2 and 6. Mr. McCollum referred to a letter from Court Zoller, developer, requesting that the project be denied if the intent is to limit the hours of operation.

Gregory Frye, representing the applicant, submitted color photographs of the Water Wheel Car Wash at Manatee Avenue and 27th Street East (City of Bradenton) that was built by the applicant. He stated it was important to allow the business to operate 24 hours, and noted the City of Bradenton has allowed 24-hour operation. No other car washes in Manatee County have such restrictions. Limiting the hours of operation causes an increased probability of vandalism, and a fence and gate will have to be installed to prevent access to the site. Mr. Frye submitted a photograph of a car wash in the evening to illustrate lighting.
(Depart Mr. Stephens)

Discussion: Criminal activities in the area; on-site security; distance noise will carry; ten percent of business after 9:00 p.m.; more than 100 feet to closest home; lighting will extend six to eight feet beyond bays; vacuums will have pole lighting; wastewater disposal; drainage; engine work/cleaning not permitted on premises, etc.
(Enter Mr. Stephens)

Lee Cohen spoke in favor of the project and stated that drainage is good and lighting would be an asset to the area.

Mr. Osborne recommended an additional stipulation for on-site security between the hours of 10:00 p.m. and 7:00 a.m. Staff recommended the two outside walls be extended to the roof, to prevent overspray and minimize odors. He also recommended additional stipulation (9).

9. The site shall have access to 14th Street West, as provided by FDOT.

Mr. Gostkowski reported on the proposed realignment of 30th Avenue West, which will result in forming a cul-de-sac on 29th Avenue West. He submitted an aerial drawing showing the proposed realignment. He recommended changing Stipulation 9 to read:

9. The site shall have driveways as permitted by FDOT.

Mark Barnebey, Chief Assistant County Attorney, stated that during the Planning Commission meeting the legal description was revised to include the entire parcel. He expressed concerns that no notices were sent or notifications made that the entire parcel was being considered and suggested the hearing be continued for revised notice.

(Depart Mrs. Stein)

Mr. Frye stated that overspray will not carry more than 20 feet, and on-site security will cause an undue economic burden.

Discussion: If the north access is denied, there will be no project; applicant not aware of realignment and cul-de-sac until this meeting; 29th Avenue West driveway will not be used for a main access, etc.

(Enter Mrs. Stein)

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(Continued)

Ms. Clarke recommend the 29th Avenue West access be deleted.
(Depart Mrs. Stein)

Discussion: Continue hearing; proper notice and appropriate stipulations; site plan was amended subsequent to notice; report on number of calls to law enforcement for the self-serve car wash on Manatee Avenue, etc.
(Enter Mrs. Stein)

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 6 to 0, to continue PDC-98-02(G)(P) to June 16, 1998, at 9:00 a.m. or as soon thereafter as same may be heard.
(Depart Mr. Stephens)

Public hearing (Notice in the Bradenton Herald 5/15/98) was held to consider

PDA-98-01(Z)(G) PANTHER RIDGE COMMUNITIES, LTD. - PDA

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA;...PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDA, RETAINING THE ST OVERLAY DISTRICT ON THE NORTHWESTERN PORTION OF THE SITE; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 227 SINGLE-FAMILY DETACHED RESIDENTIAL LOTS AT A GROSS DENSITY OF .3 DWELLING UNITS PER ACRE, AND A 25 ACRE VILLAGE CENTER TO ALLOW 12,000 SQUARE FEET OF NEIGHBORHOOD CONVENIENCE RETAIL SALES, OFFICES, OR VETERINARY CLINICS, RESIDENTIAL SUPPORT USES, AND STABLES; LOCATED ON 842.52 ACRES ON THE SOUTH SIDE OF STATE ROAD 70 AT THE INTERSECTION OF STATE ROAD 70 AND C.R. 675 (WATERBURY ROAD).

Planning Commission recommended approval with 12 stipulations.

RECORD S46-670

GRANTING Special Approval to: (1) a project located adjacent to a perennial stream, and (2) to a mixed or multi-use project in the Agricultural-Rural Future Land Use Category;
ADOPT the Finding for Specific Approval;
GRANT Specific Approval for an alternative to **Section 907.9.4.2** of the LDC increasing the length of cul-de-sacs.

AND

A DEVELOPER'S AGREEMENT TO ALLOW THE PROJECT TO EXCEED A DENSITY OF .2 DWELLING UNITS PER ACRE.

Norm Luppino, Planning Department, reviewed a site plan to outline the first request for the new PDA zoning (cluster development). The project site contains three phases of Pomello Park Subdivision that were platted in 1926-1927.
(Enter Mr. Stephens)

Mr. Luppino reviewed the road network in the area and accesses to the project. He stated the applicant proposes forty-nine percent open space with large parks, wetlands and smaller parks throughout the development. There will also be a 200-foot buffer around the perimeter of the project.

Mr. Luppino recommended that Stipulation 4 be amended to read:

4. All Pomello Park Subdivision Plats within the boundaries of this request shall be vacated prior to Final Site Plan approval. Approval of this rezone and site plan will in no way constitute an approval of any such vacation and shall not affect the discretion afforded to the Board within the vacation process.

Discussion: Forested areas and retention areas; percent of natural wetlands; require notification to homeowners about clustering, etc.

Tom McCollum, representing the applicant, pointed out a Scrub Jay Preserve on the northwest corner of the property; a series of trails and bikeways throughout the development and a focal point at the entrance. He proposed a reduction in the buffer by one-half, as needed, in order to keep stormwater retention areas in lower elevations. He also requested that right-of-way dedications be eligible for future impact fee credit.

Mr. McCollum requested that vacation of the existing plat take place prior to plat approval, instead of final site plan approval, so they may be done at the same time.

Mr. Luppino recommended amending Stipulation 2:

2. No greater than one ~~third~~ half of the width of the perimeter buffer shall be used for retention.

Mr. Luppino advised that staff does not concur with the request for vacation of the plat at the time of the final site plan approval, as the applicant would be able to begin work before vacating the plat.

He recommended an additional Stipulation 13:

13. The Homeowners documents, disclosure statements and final site plans shall include language to inform all potential homeowners in the project that the project has an approved site plan which includes the 25-acre commercial village center.

Discussion: Disclosure made at the time of contract; impact fee credits, vacation of plats, etc.

Mr. Luppino stated that applicant withdrew their request regarding the plat vacation.

Mark Barnebey, Chief Assistant County Attorney, recommended adding a sentence to the end of Section 6 of the Local Development Agreement:

Section 6: Impact Fee Credits. The owner shall also be entitled to such other transportation impact fee credits as may otherwise be allowed in Chapter 8 of the LDC.

He also recommended that Section 2 of the Local Development Agreement, read:

Section 2. Maximum Allowable Development. The Parcel consists of 842.5 acres, more or less, all of which acreage is included as part of the Plats.... Additional residential single family development of up to 30 dwelling units may be permitted upon approval ~~or~~ of the revised General Development Plan with a proportionate reduction in the acreage of non-residential development without requiring an amendment to this Agreement.

Ed Vogler, attorney for the applicant, concurred with the stipulations and stated that easements and buffers are protected and the General Development Plan and Final Site Plan will reflect the areas that are dedicated for easements, buffers, etc.

Carol Clarke, Planning Department Director, recommended revised wording to the first sentence of Stipulation 13 to read:

13. The Homeowners documents, disclosure statements, pending contract agreements, and final site plan shall include language to inform potential homeowners in the project that the project has an approved site plan which includes the 25-acre commercial village center.

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, including Policy 2.6.4.4, and the Manatee County Land Development code, as conditioned herein, Mr. Bruce moved to recommend adoption of Manatee County Zoning Ordinance **PDA-98-01(Z)(G)**; approval of the General Development Plan with Stipulations 1, 2 as amended, 3, 4 as amended, 5-13; GRANT Special Approval to: (1) a project located adjacent to a perennial stream, and (2) to a mixed or multi-use project in the Agricultural-Rural Future Land Use Category; ADOPTION of the finding for Specific Approval; and GRANT specific approval for an alternative to Section 907.9.4.2 of the Land Development Code. Motion was seconded by Mrs. Harris and carried 6 to 0. RECORD S46-671

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(Continued)

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. Bruce moved to recommend adoption of **Local Development Agreement LDA-98-01**, as amended at this hearing. Motion was seconded by Ms. Brown and carried 6 to 0. RECORD S46-673

PINEY POINT PHOSPHATES, INC.Industrial Wastewater Permit

Karen Collins-Fleming, Environmental Management Department Director, presented an update on the Draft Industrial Wastewater Permit for Piney Point Phosphates, Inc. RECORD S46-673

Ms. Fleming advised that a representative of the Department of Environmental Protection will be available for a public meeting to explain the permit and the process, and will provide individual notice to the Piney Point Mobile Home Park residents.

COMMISSIONERS' COMMENTS

Quarterly Evening Town Meetings - Mr. Bruce suggested the Board try an evening town meeting to allow individuals who are unavailable to attend meetings during the day.

Non-Conforming Lots Permits - Mr. Stephens expressed concern for a family waiting (5 months) for permits on non-conforming lots while staff is preparing recommendations for the Board (see 5/19/98). He requested staff meet with individuals who are awaiting permits and decide each case individually.

Appreciation - Ms. Brown thanked everyone for their condolences and support following the death of her father.

Sylvan Oaks Subdivision - Ms. Brown stated that Sylvan Oaks Subdivision is in the County, and the ditch separates the subdivision from the City of Palmetto. She also stated the flooding in Sylvan Oaks has nothing to do with the sports field being constructed in Lincoln Park, however, if the field is built up it will add to the flooding.

COMPREHENSIVE PLAN

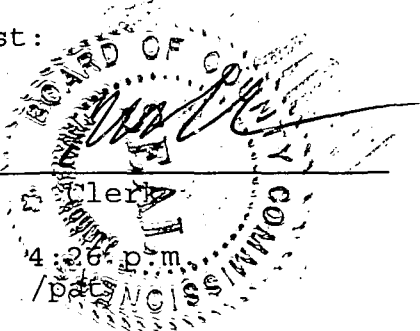
Ms. Clarke stated that the Department of Community Affairs issued the Notice of Intent to find the Comprehensive Plan in compliance, and the County is in the 21-day waiting/appeal period.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 7/28/98

Adj: 4:26 p.m.

/pat