

AUGUST 25, 1998

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, August 25, 1998, at 9:05 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:

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

Invocation by Reverend Don Carter, Trinity Assembly of God Church.

AGENDA DELETION

Carol Clarke, Planning Director, advised that the license agreement with the Myakka City Community Center for use of County land to operate community programs has been deferred.

PROCLAMATIONS

Upon motion by Mrs. Harris and second by Mr. Stephens, a Proclamation was unanimously adopted designating August 26, 1998, **Women's Equality Day**.

RECORD S46-1002

Accepting the Proclamation were Barbara Talbert, League of Women Voters, and Nancy Norris, Commission on the Status of Women.

CONSENT AGENDA

ZONING

Public hearing (Notice in the Bradenton Herald 8/14/98) was opened to consider

PDR-98-10(Z) (P) GCI INVESTMENTS, INC./THE FAIRWAYS AT IMPERIAL LAKEWOODS - PDR AND P/PLAN

(CONTINUED TO 9/22/98, AT 9:00 A.M., AT REQUEST OF THE APPLICANT)  
 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 PDC, A-1, AND RSF-4.5 TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 308 SINGLE-FAMILY DETACHED UNITS, 50 SINGLE-FAMILY ATTACHED UNITS, AND REDESIGN OF AN EXISTING GOLF COURSE ON 413.32 ACRES LOCATED ON THE SOUTH AND EAST SIDES OF BUFFALO ROAD, SOUTHEAST OF THE I-75 AND MOCCASIN WALLOW ROAD INTERCHANGE.

Public hearing (Notice in the Bradenton Herald 8/14/98) was opened to consider

PDR/PDC-98-06(Z) (G) - CHEROKEE CREEK, INC.

(CONTINUED TO 9/22/98, AT 9:00 A.M., AT REQUEST OF THE APPLICANT)  
 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR AND PDC; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 301 SINGLE-FAMILY UNITS AT A DENSITY OF .32 DWELLING UNITS PER ACRE, AND 30,000 SQUARE FEET OF COMMERCIAL WITH A PROPOSED FLOOR AREA RATIO OF .1 ON 944.55 ACRES LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF RYE ROAD AND STATE ROAD 675.

Public hearing (Notice in the Bradenton Herald 8/14/98) was held to consider

Z-98-04 HARRY DOUTHETT - A-1 (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO A-1; PROVIDING AN EFFECTIVE DATE; ON 5.25 ACRES LOCATED AT THE NORTHEAST CORNER OF STATE ROAD 64 AND ZIPPERER ROAD AT 2305 ZIPPERER ROAD.

Planning Commission recommended APPROVAL.

RECORD S46-1003

**STREET VACATION - BAY LAKE ESTATES, PHASE II**

Public hearing (Notice in the Bradenton Herald 7/17 and 7/24/98) was held to consider

**R-98-120-V** RESOLUTION VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT WEST OF LOT 9, BLOCK D, BAY LAKES ESTATES, PHASE II, BY APPLICATION OF HOWARD A. AND SHARON L. SPRY. **RECORD** S46-1004

**STREET VACATIONS - SOUTH BRADEN CASTLE CAMP**

1. Public hearing (Notice in the Bradenton Herald 7/17 and 7/24/98) was held to consider

**R-98-98-V** RESOLUTION VACATING RIGHTS-OF-WAY ON JACKSON STREET, 17TH STREET AND 19TH STREET IN SOUTH BRADEN CASTLE CAMP BY APPLICATION OF CURTIS F. AND VIRGINIA H. PERRY. **RECORD** S46-1005

2. **Deeds and Easements** - (1) Affidavit of Ownership and Encumbrances and Warranty Deed from Curtis F. and Virginia H. Perry to replace vacated right-of-way; Partial Releases from William G. and Enid E. Hawkins, and Sterling Bank and Trust; and (2) Quit Claim Deed from Florida Power & Light Company for public access to Braden River.

**FINAL PLAT - R. T. CULLEY SUBDIVISION**

1. Final Plat.
2. Mortgagee's Joinder with American Bank.
3. Agreement with K & C Remodeling, Inc., to defer completion of required sidewalks. **RECORD** S46-1006

**LAND DEVELOPMENT CODE ZONING ATLAS - CORRECTION**

**R-98-176** RESOLUTION CORRECTING THE OFFICIAL ZONING ATLAS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE FOR CERTAIN LANDS LOCATED IN THE UNINCORPORATED AREA OF MANATEE COUNTY SHOWN ON EXHIBIT 1; PROVIDING AN EFFECTIVE DATE (scrivener's error correcting the boundary for the western portion of Bayshore Gardens Shopping Center from RSF-6 to GC, to be consistent with the Future Land Use Category). **RECORD** S46-1007

**CENSUS 2000**

Execute letters to the cities of Bradenton, Palmetto, Anna Maria, Holmes Beach, Bradenton Beach, and Longboat Key, inviting participation in the Census 2000 Complete Count Committee.

**COMCAST CABLEVISION**

Set a public hearing on September 1, 1998, to consider R-98-204 approving Comcast Cablevision (subsidiary of Comcast Corporation) transfer of voting stock from Ralph J. Roberts to Brian L. Roberts, President of Comcast Corporation.

**VALUE ADJUSTMENT BOARD**

Execute the 1998 Special Master Agreement with the Value Adjustment Board, Anthony J. Comparetto, Esquire, and the School Board of Manatee County upon receipt of original copies from the School Board. **RECORD** S46-1008

**LAND INFORMATION SYSTEM**

Execute letter terminating the interlocal agreement with the Property Appraiser for providing the Land Information System, effective August 31, 1998. **RECORD** S46-1009

**66TH STREET WEST ATHLETIC COMPLEX**

Conceptual site plan for a proposed athletic complex adjacent to the Southwest Water Treatment Facility near 66th Street West; and execute letter to Senator John McKay supporting his efforts in seeking State funding for the project.

**LAWSUITS - GOLF LAKES RESIDENTS' ASSOCIATION, INC., ET AL**

Settlement with landowner, El Rancho Partners, for the taking of Parcel 2 (9th Street East improvements) for payment by the County of \$67,500 (exclusive of attorney's fees and costs) in the eminent domain matter of Manatee County versus Golf Lakes Residents' Association, Inc., et al, CA-94-4955.

**CLERK OF CIRCUIT COURT****BONDS**

Accept:

**Sarabay Lakes Subdivision**

Defect Security: \$17,500 (Renewal 2 to Letter of Credit 49, American Bank of Bradenton) extending expiration date to 9/9/99.

**Summerfield Village, Subphases A and B, Blocks B and C**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$5,272.80.
2. Performance Bond: \$5,272.80 (Surety Bond 123306, Frontier Insurance Company of New York).

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(Continued)

Summerfield Village, Subphases A and B, Block D

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$7,520.50.
2. Performance Bond: \$7,520.50 (Surety Bond 123307, Frontier Insurance Company of New York).

**Release:**Summerfield Village, Subphase A

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways, \$8,222.50.
2. Performance Bond: \$8,222.50 (Surety Bond 106129, Frontier Insurance Company of New York).

Summerfield Village, Subphase B, Units 1 and 2

1. Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$70,278.
2. Performance Bond: \$70,278 (Sidewalk Surety Bond 30663930, Fidelity and Deposit Company of Maryland).

Inlets of Riverdale - Spinnaker Drive (Lots 303-323)

1. Agreement with Nordic of Florida Development, Inc., warranting required improvements (paving), \$3,000.
2. Defect Security: \$3,000 (Surety Bond 08066023, Fidelity & Deposit Company of Maryland).
3. Agreement with Nordic of Florida Development, Inc., warranting required improvements (underground utilities and drainage), \$4,377.93.
4. Defect Security: \$4,377.93 (Surety Bond 119127900, Universal Surety of America).

Snead Island Estates West, Phase I-A

1. Agreement with Snead Island Development Corporation, Inc., warranting required improvements, \$415.80.
2. Defect Security: \$415.80 (Personal Money Order 508439187, Barnett Bank).

**WARRANT LIST**

Approve: August 11, 1998 through August 24, 1998

Authorize: August 25, 1998 through August 31, 1998

**MINUTES FOR APPROVAL**

June 30, 1998 - Regular and Special

July 7, 1998 - Regular

July 14, 1998 - Special

**AUTHORIZE CHAIRMAN TO SIGN****Partial Release of Special Improvement Assessment Liens:**

Project 3011/2506

**Manatee Public Beach Erosion Groin Repairs** - Department of the Army Permit 199801233(IP-MN) issued by U.S. Army Engineer District for limited structural repair/restoration to the erosion groin at Manatee Public Beach, 200 yards west of State Road 64 and Gulf Boulevard North, Holmes Beach (authorized 2/14/98).

**ACCEPT**

**Records Destruction Request** - Bureau of Archives and Records Management Form Listing County Records for destruction (including those omitted from the list on August 18, 1998):

No. 401, Property Appraiser

No. 396, Employee Health Benefits

No. 407, Public Works, Customer Service

No. 408, Public Works, Administration

No. 409, Public Works, Collections

No. 410, Public Works, Engineering, Solid Waste, Ecosystems

No. 419, Human Services, Probation

**Manatee County Housing Finance Authority** - Resolution of the Manatee County Housing Finance Authority (adopted 8/11/98), adopting the Housing Finance Authority Fiscal Year 1998-1999 Budget.

**Lakewood Ranch Community Development**

1. Minutes of the Board of Supervisors for **District 1** (June 4, 1998).
2. Minutes of the Board of Supervisors for **District 2** (June 4, 1998).
3. Minutes of the Board of Supervisors for **District 3** (June 4, 1998).

Upon motion by Mr. Stephens and second by Mrs. Harris, the Consent Agenda dated August 25, 1998, was unanimously adopted with deletion of (1) agreement with Myakka City Community Center for use of County land (deferred); (2) PDR-98-04, Manna Vista, Inc.; (3) PDR-98-16(Z)(G), W. Alvin McElveen (both separate action), and incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda; and (4) Budget Amendment B98-064 (separate action).

(End Consent Agenda)

CODE ENFORCEMENT VIOLATION

Ted Nowosad, Bayshore Gardens, reported that the yard of a vacant home in the 3300 block of Bayshore Gardens Parkway is so overgrown with shrubs that the house cannot be seen. He also reported there is a political sign in the yard.

**Disposition:** Referred to the County Administrator.

ZONING

Public hearing (Notice in the Bradenton Herald 7/17/98) was held to consider

PDR-98-04 (Z) (P) MANNA VISTA, INC./SHADY GROVE - 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 A 120-LOT RESIDENTIAL SUBDIVISION ON 39.31 ACRES LOCATED AT THE NORTHWEST CORNER OF 63RD AVENUE EAST AND 39TH STREET EAST.

Planning Commission recommended APPROVAL with eight stipulations;

RECORD S46-1010

ADOPT the Finding for Specific Approval; and

GRANT Specific Approval for an alternative to Section 603.7.4.1 of the Land Development Code.

Misty Servia, Planning Department, responded to concerns over rights-of-way and buffering regarding 63rd Avenue East, stormwater/off-site improvements, and school deficiency. Staff recommended amending Stipulation 8:

8. A reduction of up to 50 percent of the allowable predevelopment stormwater flow from a 25-year, 24-hour duration design rainfall shall be required to provide for an adequate outfall condition. This shall be approved by the Growth Management staff with the construction drawings.

Discussion: Right-of-way width; whether buffers along 63rd Avenue East are sufficient; resolving school concurrency; developers should be responsible for school impacts; review issue with School Board.

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, as conditioned herein, Mr. McClash moved to adopt Manatee County Zoning Ordinance **PDR-98-04 (Z) (P)**; and APPROVE the Preliminary Site Plan with Stipulations 1 through 8, with Stipulation 8 as amended by staff; ADOPT the Finding for Specific Approval and GRANT Specific Approval for an alternative to Section 603.7.4.1 of the Land Development Code, as recommended by the Planning Commission. Motion was seconded by Mrs. Stein and carried unanimously.

RECORD S46-1011

Public hearing (Notice in the Bradenton Herald 8/14/98) was held to consider

PDR-98-16 (Z) (G) W. ALVIN MCELVEEN - PDR AND G/DEV PLAN

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-1 (A-1) TO PDR RETAINING THE CH AND HA OVERLAYS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A BARN AND HORSE PASTURE, ON 6.8 ACRES LOCATED IN TERRA CEIA ON THE EAST SIDE OF CENTER ROAD, 600 FEET SOUTH OF 69TH STREET WEST (KEN HUBBARD ROAD).

Planning Commission recommended APPROVAL with four stipulations.

RECORD S46-1012

Theresa Goodman, Planning Department, responded to question regarding consent by adjacent property owners. She advised that letters (11) in favor of the plan were submitted prior to the Planning Commission hearing. She submitted additional letters (3) in favor.

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, as conditioned herein, Mr. Stephens moved to adopt Manatee County Zoning Ordinance **PDR-98-16 (Z) (G)**; and APPROVE the General Development Plan with Stipulations 1 through 4 as recommended by the Planning Commission. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S46-1013

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(Continued)

Public hearing (Notice in the Bradenton Herald 8/14/98) was held to consider

PDMU-98-02(Z) (P) J. JOSEPH EDMUNDS, TRUSTEE/  
COLONIAL AT MANATEE - PDMU AND P/PLAN

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND PDR TO PDMU, RETAINING THE EVERS RESERVOIR WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 596 MULTIFAMILY DWELLING UNITS AND 168,000 SQUARE FEET OF PROFESSIONAL OFFICE ON 222.5 ACRES LOCATED ON THE EAST SIDE OF I-75 AT THE NORTHERN TERMINUS OF TOWN CENTER PARKWAY.

Planning Commission recommended APPROVAL with 18 Stipulations; Staff recommended 22 Stipulations; GRANTING Special Approval for (1) a project located in the Watershed Protection-Evers Overlay; (2) a project located in the Entranceway; (3) proposed net density greater than 1 dwelling unit per acre in the RES-1 Future Land Use Category; (4) a project partially located in the MU Future Land Use Category; (5) a project adjacent to a perennial stream, and (6) the proposal for nonresidential square footage exceeding 50,000 square feet; and

DENIAL of the request for Specific Approval for an alternative to Section 907.9.2.4 of the Land Development Code. RECORD S46-1014

Misty Servia, Planning Department, submitted letters (12) noting concerns regarding the project; revised stipulations (1, 4, and 5), with recommendation to delete Stipulation 18; a revised motion; and a Zoning Disclosure Affidavit for the contract purchaser, Colonial Properties Trust. RECORD S46-1015

(Depart Mr. McClash)

She outlined the request, locational information, and surrounding land uses noting the Braden River and Cooper Creek subdivisions are north; the SecurityLink from Ameritech building is south; River Club Phase V is east, and I-75 is west. She referred to area developments, either under construction or proposed, with multifamily, professional and commercial uses.

Ms. Servia stated concerns as to compatibility, building height, traffic, and tree preservation, and referred to stipulations addressing these concerns. She recommended Stipulations 6 and 10 and submitted stipulations recommended by the Environmental Management Department (EMD):

23. A construction water quality monitoring program is required for this project and shall be submitted to the EMD for review and approval prior to final site plan approval.
24. An integrated pest management plan for the application of fertilizers, herbicides, and pesticides within the common areas is required for this project. Wherever practicable, landscape materials within the common areas shall be in accordance with guidelines of the Florida Yards and Neighborhood Program. In addition, the developers shall disseminate information on the Florida Yards and Neighborhood Program to all homeowners.

Discussion: Traffic pattern of Lakewood Ranch and River Club residents; proposed bridge on Lakewood Ranch Boulevard from Cypress Banks; monitoring EMD stipulations; buffering multifamily from residential; school concurrency/County ordinance enforcement; frangible barrier to River Club for emergencies only; car trips; flooding; stormwater.

(Enter Mr. McClash during discussion)

**Caleb Grimes**, attorney representing Colonial Properties Trust, addressed concerns and stated his preference for ties with Lakewood Ranch Boulevard.

**Charles McGehee**, Colonial Properties Trust, gave an overview of the company, outlined the site plan, and displayed two renderings depicting the design of the two-story and three-story buildings.

**Betsy Benac**, Planner with Wilson, Miller, Barton and Peek, referred to design constraints for the site, which have been addressed with open space, transitioning multifamily to residential, clustering, buffers, and setbacks.

Mr. Grimes requested Stipulation 6 and 10, as recommended by the Planning Commission and submitted a letter from SMR (developer of Lakewood Ranch) supporting this request. He also requested amending Stipulation 22 to delete the requirement for bike shelters; approved boulevard entrance without access roads (Stipulation 1); approved EMD Stipulations 23 and 24. He requested a new Stipulation 26 (25, if 18 is deleted):

25. A canoe launch facility shall be permitted of the size and location as approved by EMD at final site plan approval.

(Depart Mr. Stephens and Ms. Brown)

Discussion: Braden River School 1998 deficiency (195); stipulation to comply with LDC Sections 909.4.4 and 4.2; gross/net density.

Recess/Reconvene. All members present.

Speaking in opposition were: **Doug McLean, Ann Middlecamp, Nancy Chamberlain, Edward Hearne, Carolyn Leiter, Arlene Flisik, Peter Wall, Steve Faticone, Samir Gayed, David Hoffman, Courtland Carter, April Greenwood, Jim Fonte, David Wing** (submitted letters from Mary Rae and Ian Sneiderman, Christine and Frank Soto, and Sandra Wing); **Howard Chamberlain, Myron Levin, Laura Greenhalgh, Linda Francis**, Sierra Club and Manasota 88 (submitted newspaper article on Planning Commission meeting 8/13/98).

Items addressed: Traffic into River Club; future opening of proposed stub-out/emergency barriers; require completion of Lakewood Ranch Boulevard with bridge as access to River Club; require four-foot sidewalks and bikeways; wildlife protection/habitat; whether office space is necessary; runoff; school deficiencies; construction truck traffic; flooding; density; building height; child safety; transient multifamily units; noise from I-75 if buffers are reduced; deferring action until all residents are notified; newspaper notice does not fully disclose project; speed enforcement; require development to comply with Comprehensive Plan and zoning; water supply.

**Todd Johnston**, developer of The Sanctuary at River Club, Phase VI, submitted site plans depicting the Sanctuary's proximity to proposed project, roads, and lakes. He noted concerns of interneighborhood ties and transition of the two-story buildings to residences. He recommended the stub-outs for interneighborhood ties be eliminated and that buffers and separations be increased to 200 feet.

The public hearing was continued to later in meeting.

Recess/Reconvene. All present except Mrs. Harris and McClash.

BUDGET AMENDMENT

James Seuffert, Financial Management Director, submitted revised Item 7 of Budget Amendment Resolution B-98-064 deleting \$5,000 in funding for the Convention and Visitors Bureau Black Tie event at the Crosley Estate (12/31/98) until additional information is provided.

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 5 to 0, to adopt B-98-064.

RECORD s46-1016

(Enter Mrs. Harris and Mr. McClash)

ZONING (Cont'd)

PDMU-98-02 (Z) (P) J. JOSEPH EDMUNDS, TRUSTEE/  
COLONIAL AT MANATEE - PDMU AND P/PLAN

Speaking in opposition were **Brad Peterson** who stated that River Club residents were not notified and **Serge Minassian** stating concern of commercial adjacent to residential.

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(Continued)

Ms. Servia recommended staff's Stipulations 6, 10 and 22; Stipulation 26; and offered to prepare a stipulation for compliance with the renderings as shown. She addressed concerns of the residents and indicated that the height of all buildings could be limited to 35 feet and buffers could be increased.

Discussion: Area residents who may be affected by a project should be notified; interneighborhood ties as they relate to the River Club DRI and the fire district; proposed trips per day; bridge construction; proposed plans to control flooding, etc.

(Ms. Brown absent for portion of discussion.)

Ms. Servia amended Stipulations 1 and 5 to require five-foot-wide sidewalks.

Mr. Grimes responded to the residents' concerns and stated a boulevard roadway through the project is acceptable for two means of access, which would eliminate the interneighborhood tie. He agreed to 100-foot buffers for the project; stipulations to address school concurrency; language relating to bridge completion; and the buildings to be in substantial compliance with renderings presented today.

Robert Pederson, Planning Department, recommended Stipulation:

26. The design of the multifamily structures shall be in substantial conformance with the architectural renderings entered into the record for this case.

Motion was made by Mr. Stephens and seconded by Mrs. Harris to continue the public hearing for PDMU-98-02(Z)(P) to September 24, 1998, at 5:00 p.m., or as soon thereafter as may be heard in Board Chambers.

Mr. McClash declared a conflict of interest.

Motion carried 6 to 0, with Mr. McClash abstaining.

LAWSUITS: OUTERLIMITS, INC.

James Minnix, Assistant County Attorney, recommended approval of a Consent Injunction for settlement in the case of Manatee County versus J. Richard Kaiser Enterprises, Inc., OuterLimits, Inc., and Florida Club Concepts Limited Partnership, Case CA-98-2255.

He outlined the final settlement, which contains conditions for limiting sounds and vibrations from the OuterLimits facility (nightclub); parking, security personnel, closing hours and enforcement. A letter from Salamone, Mosca & Falco, attorneys for OuterLimits, accepting the terms of the Consent Injunction was submitted.

Motion was made by Mrs. Harris and seconded by Mr. Bruce to approve and accept the Consent Injunction.

Discussion: Appreciation to staff; investigate outside strobe light.

Motion carried unanimously.

RECORD S46-1017

ZONING (Cont'd)

Public hearing (Notice in the Bradenton Herald 8/14/98) was held to consider

PDC-98-05(G) IMPERIAL LAKES GOLF CLUB HOMESITES, INC./  
PARC IMPERIAL - G/DEV PLAN

Request: General Development Plan to allow 190,000 square feet of commercial use on 17.58 acres (6 lots) located on the south and east sides of Buffalo Road, southeast of the I-75/Moccasin Wallow Road interchange.

Planning Commission recommended APPROVAL with 17 stipulations; GRANTING Special Approval for a project in the Entranceway.

RECORD S46-1018

(Depart Mr. McClash)

Ms. Goodman outlined the request, locational information, and land use characteristics, noting the site is part of 28.51 acres rezoned to PDC June 28, 1990, with conceptual plans for commercial development on 21 lots, which expired prior to development. The remaining 10.93 acres further south and to the east is simultaneously being considered for PDR zoning in order to redesign the golf course and develop single-family residences.

She stated concerns of compatibility to Imperial Lakes and Regency Oaks residential uses, visual impacts within the entranceway, building height, setbacks and buffers for commercial use to the golf course. She referred to stipulations addressing concerns and submitted revised Stipulation 11 with a request to delete Stipulation 15. RECORD s46-1019

**Caleb Grimes**, attorney representing Parc Imperial Partners, Ltd., stated this request is similar to the previous plan approval and referred to the new plan as to access roads, parking, and buffering.

**Audrey Keisacker**, Buffalo Canal Neighbors, submitted information regarding the Department of Environmental Protection permitting the Moccasin Wallow Road reclaimed water line. She referred to a FEMA map of the Buffalo Canal basin area depicting stormwater flooding and stated concerns of retention and polluted water. She requested denial.

(Enter Mr. McClash)

Speaking in favor were **William Elder**, **Florence Horton**, **Eugene McVann**, and **Gale VanSkyhawk**, stating the need for neighborhood conveniences.

**Linda Francis**, Regency Oaks resident, recommended wider sidewalks and bike paths and that they be offset from the road. She requested the vegetation and woods be protected with a conservation easement.

Discussion: Stormwater treatment/reduction; sidewalk on Buffalo Road.

Mr. Grimes referred to stipulations addressing concerns and concurred with revised stipulations by staff.

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, as conditioned herein, Mr. Bruce moved to APPROVE General Development Plan **PDC-98-05 (G)** with Stipulations 1-16; and GRANT Special Approval for a project in the Entranceway, as recommended by staff. Motion was seconded by Mr. Stephens and carried unanimously. RECORD s46-1020

(Depart Mrs. Glass; Ms. Brown presiding)

Public hearing (Notice in the Bradenton Herald 8/14/98) was opened to consider

**Z-98-07 RICHARD D. AND LOIS DE VUYST, ET AL - A-1**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO A-1; PROVIDING AN EFFECTIVE DATE; ON 104.1 ACRES CONSISTING OF FOUR PARCELS LOCATED WITHIN 2,000 FEET OF THE INTERSECTION OF COUNTY ROAD 675 AND SPENCER-PARRISH ROAD.

(DeVuyst, 36.8 acres; Mary King, 30 acres; Jewell Brooks Estate, 30 acres; John and Suzanne Doerr, 7.3 acres.)  
Planning Commission recommended APPROVAL.

Public hearing (Notice in the Bradenton Herald 8/14/98) was opened to consider

**PDR-98-03 (Z) (P) BENNETT AND ICARD/HAWKS HARBOR - PDR AND P/PLAN**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR RETAINING THE CH AND AI OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 54 SINGLE-FAMILY DWELLING UNITS, AT A GROSS DENSITY OF 1.75 DWELLING UNITS PER ACRE, AND DOCKING FACILITIES ON 30 ACRES LOCATED SOUTH OF 69TH AVENUE WEST (BAY DRIVE), NORTH OF BOWLEES CREEK AND 800 FEET WEST OF U.S. 41.



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Planning Commission recommended APPROVAL with 26 stipulations; GRANTING Special Approval to a project: (1) located adjacent to a perennial stream; (2) located within the Coastal High Hazard Area, and (3) involving the siting of a marina type use; ADOPTION of the Findings for Specific Approval; GRANTING Specific Approval of alternatives to Sections 710.1.5.1.1 and 907.9.3, and a waiver of Section 742 of the LDC to allow the use of street names.

RECORD s46-1021

Public hearing (Notice in the Bradenton Herald 8/14/98) was opened to consider

**ORDINANCE 98-33** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PROVIDING FOR PUBLIC HEALTH AND SAFETY AT COUNTY BEACHES; DIRECTING THE POSTING OF NO TRESPASSING SIGNS AT EROSION CONTROL GROINS; PROHIBITING ENTERING UPON, DIVING FROM OR SWIMMING UNDER EROSION CONTROL GROINS; DESIGNATING COUNTY EMPLOYEES AS CODE ENFORCEMENT OFFICERS TO ENFORCE COUNTY ORDINANCES AT COUNTY BEACHES; ESTABLISHING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Ms. Clarke requested continuance to August 26, 1998.

Motion was made by Mr. Bruce, seconded by Mr. McClash and carried 6 to 0, to continue the public hearings for Z-98-07, PDR-98-03(Z)(P), and Ordinance 98-33 to August 26, 1998, at 9:00 a.m., or as soon thereafter as may be heard.

**ORDINANCE 98-18 - LAND DEVELOPMENT CODE AMENDMENTS**

Public hearing (Notice in the Bradenton Herald 8/19/98) was opened to consider

**ORDINANCE 98-18** AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED INCLUDING): (1) ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS; (2) AMENDING CERTAIN STANDARDS RELATING TO THE CODE ENFORCEMENT BOARD; (3) AMENDING CERTAIN YARD DIMENSIONAL REQUIREMENTS; (4) AMENDING CERTAIN TREE PROTECTION STANDARDS; (5) AMENDING CERTAIN LANDSCAPING REQUIREMENTS; (6) AMENDING CERTAIN FLOODPLAIN MANAGEMENT STANDARDS; (7) AMENDING CERTAIN STORMWATER MANAGEMENT STANDARDS; (8) AMENDING CERTAIN WATERSHED PROTECTION STANDARDS; AND (9) AMENDING CERTAIN IMPACT FEE STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Clarke recommended continuance to September 1, 1998.

Motion was made by Mr. Bruce, seconded by Mrs. Stein and carried 6 to 0, to continue the public hearing for Ordinance 98-18 to September 1, 1998, at 9:00 a.m., or as soon thereafter as may be heard.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

Clerk

Chairman 11/17/98

Adj. 4:24 p.m.