

JANUARY 26, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 26, 1999, at 9:04 a.m.

Present were Commissioners:

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

Also present were:

Ernie Padgett, County Administrator  
 Mark Barnebey, Chief Assistant County Attorney  
 Evelyn Lloyd, Deputy Clerk, Board Records,  
 representing R. B. Shore, Clerk of Circuit Court

Invocation by The Reverend Brabham, Christ United Methodist Church.

#### CONSENT AGENDA

Mr. Stephens declared a conflict of interest and abstained from voting on the Consent Agenda, as he is the contractor for The Palma Sola Corporation/Bradenton Academy (PDR-98-23).

Upon motion by Mrs. Glass and second by Ms. Brown, the Consent Agenda was approved 6 to 0, incorporating the language as stated in the recommended motions in the staff reports. Items APPROVED:

#### ZONING

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

##### PDC-98-12(P) (PIZZA HUT) (APPROVED)

Request: Preliminary Site Plan to allow a 2,563-square-foot restaurant as an outparcel within the existing Fountains Shopping Center on .487 acre, located on the west side of U.S. 41, north of 49th Avenue Drive West.

Planning Commission recommended APPROVAL with five stipulations.

RECORD S46-1668  
 S46-1669

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

##### PDMU-98-06(P) DOLPHIN AVIATION (APPROVED)

Request: Preliminary Site Plan to allow one new aircraft hangar at Dolphin Aviation in the PDMU Zoning District on 18 acres, located on the east side of U.S. 41, Sarasota-Bradenton International Airport.

Planning Commission recommended APPROVAL with two stipulations.

RECORD S46-1670  
 S46-1671

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

##### PDR-98-23(P) THE PALMA SOLA CORPORATION/BRADENTON ACADEMY (APPR)

Request: Preliminary Site Plan to allow a private school for 650 students on 11 acres, located at the terminus of 40th Avenue West (1,250 feet west of 75th Street West) at 8900 40th Avenue West.

Planning Commission recommended approval with three stipulations.

RECORD S46-1672  
 S46-1673

Mr. McClash requested staff present the rendering that was shown to the Planning Commission. He also requested staff respond to concerns of the adjacent park and the specifics of the "T" intersection that will be created.

Robert Pederson, Planning Department, displayed a colored rendering of the school. Because of the long mass of the building, staff added a stipulation requiring larger buffers and increased landscape materials on the east property line adjacent to the multifamily development.

Planning staff does not foresee any use problems with the park, and the Parks and Recreation Department is in support of the "T" intersection. Design details will be specified with the final site plan.

Carol Clarke, Planning Department Director, stated the adjacent neighbors are in support of the project.

Mr. Stephens acknowledged that the sixth-grade Civics Class from Bradenton Academy was present to see government in action.

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

**PDO-96-02(P)(R) SPRING FOREST OFFICE PARK (APPROVED)**

Request: Revised Preliminary Site Plan to allow a 29,997-square-foot office complex in the PDO-WP-E/ST Zoning District on 7.0 acres, located on the south side of S.R. 70, 330 feet east of River Club Boulevard.

Planning Commission recommended approval with 16 stipulations;

RECORD S46-1674

GRANTING Special Approval for: (1) a project located in the Watershed Overlay, and (2) for a small commercial use exceeding 3,000 square feet in the OL Future Land Use Category;

ADOPTION of the Findings for Specific Approval, and

GRANTING Specific Approval of an alternative to Section 715.5.2 of the LDC.

RECORD S46-1675

**LAKWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 3**

Public hearing (Notice in the Bradenton Herald 1/16/99) was held to consider

**ORDINANCE 99-04** AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ENACTING AMENDMENT 1 TO ORDINANCE 96-35; CONTRACTING THE BOUNDARIES OF THE LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 3 PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1998), DELETING APPROXIMATELY 5.1 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING AN EFFECTIVE DATE.

RECORD S46-1676

**COUNTY ADMINISTRATOR  
STORM DRAIN STENCILING**

1. Execute FY 1998-1999 Non-Profit Agency General Revenue Funding Agreement with Keep Manatee Beautiful, Inc., for the **Storm Drain Stenciling Program** (10/1/98-9/30/99), \$10,000; and

2. Execute Program Agreement with Keep Florida Beautiful, Inc., and Keep Manatee Beautiful, Inc.

RECORD S46-1677  
S46-1678

**WORKERS' COMPENSATION SETTLEMENT**

Accept Petitioner's attorney's settlement offer and authorize a payment of \$31,000 with regard to former County employee Bert Potts.

**BUDGET AMENDMENT RESOLUTION**

**VARIOUS DEPARTMENTS** (B-99-015)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached)

RECORD S46-1679

**RECLAIMED WATER MAIN AT S.R. 70**

Execute Final Settlement Change Order 1 to IFB 97-7509DC with DeLesline Construction, Inc., for a net decrease of \$65,962 and adjusted contract amount of \$252,523.60. Said Change Order adjusts and reconciles the actual work in place; the remaining materials furnished by DeLesline, but not installed; and to reflect a final payment (lump sum) of \$179,583 as settlement to resolve all remaining issues to close the contract.

RECORD S46-1680

**PUBLIC WORKS - SERVICE FEE WAIVER**

Waive the \$25 non-sufficient funds service fee for **Chester T. Gibson's** Automatic Funds Transfer item returned from NationsBank.

**DEEDS AND EASEMENTS**

**75th Street West** - Fee Simple Deed and Temporary Construction Easement from Palma Sola Shores Condominium Association, Inc., for construction of lake/drainage and right-of-way for road improvements; Affidavit of Ownership and Encumbrances.

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(Continued)

**TRAFFIC REGULATION ORDINANCES**

Set public hearings to consider the following ordinances:

**ORDINANCE 99-06** - Regulating the stopping, standing or parking of motor vehicles on 27th Avenue West, 35th Street West, 36th Street West, 37th Street West, 71st Avenue Drive East, 71st Street West, 84th Street Court East, 85th Street Court East, Erie Road/69th Street East, and Glenbrooke Lane.

**ORDINANCE 99-07** - Prohibiting the travel of vehicles at speeds in excess of the established limit on 63rd Avenue East, Lakewood Ranch Boulevard, Waterline Road, and all streets located in the Kingsfield Subdivision and Trails Subdivision.

**ORDINANCE 99-08** - Regulating the turning of motor vehicles at the intersections of 22nd Street Court East at S.R. 70/53rd Avenue East, and 59th Street West at S.R. 684/Cortez Road.

**LAW ENFORCEMENT TRUST FUND**

Authorization for the Sheriff's office to expend \$25,000 from the Law Enforcement Trust Fund for the **Juvenile Assessment Center.**

**TRAVEL**

Approve travel request for Mr. McClash to Tallahassee on occasions to meet with officials regarding Clean Air Initiative issues.

**SHIP HOUSING ASSISTANCE - INSURANCE SETTLEMENT**

Authorization for the Chairman to endorse a check made payable to Miguel W. Almeida and Aklis Cela (homeowners), Crossland Mortgage Corporation, and Manatee County Department of Community Affairs from Sunshine State Insurance Company in the amount of \$6,182.91, for an insurance settlement related to fire damage to property located at 3208 3rd Street East, Bradenton.

**CLERK'S CONSENT CALENDAR****BONDS****Release:****Edgewater Village, Subphase A, Unit 2**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$10,869.89.
2. Performance Bond: \$10,869.89 (Surety Bond 109942, Frontier Insurance Company of New York).

**Edgewater Village, Subphase A, Unit 4A**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$4,739.28.
2. Performance Bond: \$4,739.28 (Surety Bond 108293, Frontier Insurance Company of New York).

**Edgewater Village, Subphase A, Unit 4B**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$6,191.76.
2. Performance Bond: \$6,191.76 (Surety Bond 108346, Frontier Insurance Company of New York).

**Summerfield Village, Subphase C, Unit 2**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$19,281.37.
2. Performance Bond: \$19,281.37 (Surety Bond 118306, Frontier Insurance Company of New York).

**Summerfield Village, Subphase C, Units 6B and 7B**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$14,906.97.
2. Performance Bond: \$14,906.97 (Surety Bond 109763, Frontier Insurance Company of New York).

**Summerfield Village, Subphase C, Unit 9**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$11,940.89.
2. Performance Bond: \$11,940.89 (Surety Bond 119870, Frontier Insurance Company of New York).

**Summerfield Village, Subphase C, Unit 10**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$9,365.72.
2. Performance Bond: \$9,365.72 (Surety Bond 119872, Frontier Insurance Company of New York).

**Summerfield Village, Subphase C, Unit 11**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$6,945.71.
2. Performance Bond: \$6,945.71 (Surety Bond 119873, Frontier Insurance Company of New York).

**Summerfield Village, Subphase D, Unit 1**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements, \$12,765.40.
2. Performance Bond: \$12,765.40 (Surety Bond 109852, Frontier Insurance Company of New York).

**Winn Dixie, State Road 70**

1. Agreement with Rodda Construction, Inc., guaranteeing completion of required improvements, \$213,604.30.
2. Performance Bond: \$213,604.30 (Surety Bond PRF08107088, Fidelity and Deposit Company of Maryland).

**WARRANT LIST**

Approve: January 19, 1999, through January 25, 1999  
 Authorize: January 26, 1999, through February 1, 1999

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfactions of Judgment:**

Karolyn Lioce, Cases 98-1243T(2) and 98-1594T

**Water Treatment Plant Laboratory Expansion - Agreement with L.A.M.**

Management, Inc., \$2,599,004; date performance/payment bonds; accept insurance certificate (approved 1/19/99). RECORD S46-1681

**Corrective Zoning Ordinances (scrivener's errors):**

1. PDC-98-01(P) David K. Deitrich/Market Place West - Corrective Preliminary Site Plan to include Stipulation 8 inadvertently omitted (approved 12/15/98). RECORD S46-1682
2. PDC-97-05(P)(R) U-Store/7-Eleven - Revised Preliminary Site Plan correcting scrivener's error from PDR to PDC (approved 11/17/98). RECORD S46-1683

**ADOPT**

**Resolution R-99-28** authorizing the signatures of R. B. Shore, Clerk of Circuit Court; Stan Stephens, Chairman, or Gwendolyn Y. Brown, Vice-Chairman, Board of County Commissioners, on checks withdrawing funds from NationsBank Disbursement Account 000096442417. RECORD S46-1684

**APPROVE, RATIFY, AND CONFIRM**

**Parks & Recreation Special Interest Classes Instructor's Agreement**

Gabriel Ferrer - Tennis Lessons RECORD S46-1685

**ACCEPT**

1. **Southern Manatee Fire & Rescue District** - Audited Financial Statements and Independent Auditor's Report for Fiscal Year ended September 30, 1998.
2. **Lakewood Ranch Community Development Districts 1, 2, and 3** - Minutes of the meetings of the Board of Supervisors held September 3, October 1, and November 5, 1998.

(End Consent Agenda)

**ZONING**

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

**PDPI-98-01(P) MANATEE COUNTY SOUTHWEST WASTEWATER TREATMENT PLANT EXPANSION**

Request: Preliminary Site Plan for expansion of the existing wastewater treatment plant in five phases in the PDPI zoning district on 329 acres, located at 5101 65th Street West.

Planning Commission recommended APPROVAL with three stipulations. RECORD S46-1686

Laurie Suess, Planning Department, displayed a map of the site and surrounding properties. She stated the improvements will make the existing facility more efficient. There was concern at the Planning Commission meeting from residents of the Glenn Lakes Subdivision that the facility would expand into the golf course. Ms. Suess clarified that the existing boundaries of the wastewater treatment plant are not expanding at this time.

Lynn Green, Black and Veatch, referred to an aerial map outlining the existing facility, storage ponds for reclaimed water and the changes to each phase. No additional open tanks are proposed for Phase II. Phase III involves additional tanks, new equipment, and the addition of a small building. Phase IV consists of internal improvements and storage pond modifications. Phase V will involve pumping equipment and the addition of a filtration open tank for treated water that will not be a source of odor.

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(Continued)

Inasmuch as there has not been any construction on the site in a number of years, the existing facilities, parking areas, and landscaping will be brought into compliance with the Land Development Code (LDC). Construction of Phase II is expected within the next few months. Construction of remaining phases will begin the middle of this year.

Len Bramble, Public Works Director, advised that staff is making a diligent effort at all the wastewater treatment plants to reduce odors.

Discussion: Pond modifications will allow for additional reuse storage; all improvements will be performed within property boundaries.

It was recommended that a stipulation be added to require the County to reserve the area to the south for the extension of 66th Street West.

Janet McAfee, Project Management Director, stated the property to the south is not owned by the County, and additional property would have to be acquired in order to extend 66th Street southward. She stated a detailed survey indicates that the footprint of the pond presently sits on the western side at the County's property line.

Discussion: Available land near pond to extend road southward; making sure County does not build a pond so close to right-of-way that it will have future impact; option of using open space.

Ms. Clarke offered wording to serve as Stipulation 4:

4. The design of the project shall accommodate the potential extension of 66th Street West to the south.

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, Mrs. Stein moved to approve Preliminary Site Plan **PDPI-98-01(P)** with Stipulations 1 through 3, as recommended by the Planning Commission, and Stipulation 4 added at this meeting. Motion was seconded by Mr. McClash and carried unanimously. RECORD S46-1687

Public hearing (continued from 12/15/98) was held to consider

**Z-98-15 ROBERT K. CONN - NC-S**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1 TO NC-S**; PROVIDING AN EFFECTIVE DATE; ON 1.11 ACRES, LOCATED AT THE NORTHWEST CORNER OF 69TH AVENUE EAST (WHITFIELD AVENUE) AND 36TH STREET EAST (PROSPECT ROAD).  
Planning Commission recommended APPROVAL.

Erika Barrett, Planning Department, submitted four letters in support of the request from surrounding property owners with a cover letter from Mr. Conn. She stated past Code Enforcement records pertain to improper signage obstructing the visibility onto Whitfield Avenue and Prospect Road and have been resolved.

She explained that the operator of the agricultural produce stand became ill and closed the stand. Nonagricultural items were sold on the site for six months. The produce stand reopened this year.

Jerome Gostkowski, Planning Department, stated future intersection improvements include left-turn storage lanes with right-in/right-out to the site. Staff recommends cross-access easements for the remainder of the property for future transportation needs.

(Depart Mrs. Stein)

**Tom McCollum**, representing the applicant, stated the design of the intersection is expected to begin in the year 2000, with construction commencing in 2004. Entrances to the site will be relocated in order to provide for the stacking lanes. He concurred with the need for cross-access easements to accommodate future development.

(Enter Mrs. Stein)

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-98-15**, as recommended by the Planning Commission. Motion was seconded by Mrs. Stein and carried unanimously.

RECORD S46-1688

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

**PDR-98-05(G) J. DAVID CASSILLY/OAKLEY PHASES II AND III**

Request: General Development Plan for 350 multifamily units (Phase III) and 128 single-family units (Phase II) (advertised as 130 lots) on 102.26 acres, located at the southeast corner of I-75 and Mendoza Road.

Planning Commission recommended approval with 16 stipulations;

RECORD S46-1689

GRANTING Special Approval for a project (1) exceeding 4.5 gross dwelling units per acre in the RES-6 Future Land Use Category, and (2) in the Entranceway;

ADOPTION of the Findings for Denial of Specific Approval, and

DENIAL of Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code.

John Osborne, Planning Department, reviewed surrounding land uses. He stated the site, including Oakley Phase I, was approved in 1989 for 240 multifamily and 164 single-family units as part of PDR-88-07 (Ashwood Oaks). The area included with the 1989 application was never developed and the plan expired in 1992. The property is located north of the Prime Outlets shopping center (f/k/a Gulf Coast Factory Shops), Igloo ice-skating rink and other commercial uses. Oakley Phase I, located south of Phase III, is currently being developed. He addressed the locations and plans for Phases II and III.

Staff does not find the proposed 20-foot-wide buffer between the single-family detached lots and dedicated right-of-way for the 60th Avenue East extension adequate and has stipulated a six-foot-high decorative wall be constructed (Stipulation 12.d.).

The future extension of 60th Avenue East runs north and south through the site and divides the multifamily and single-family phases. Staff recommended stipulations to include design and increased landscape screening to address potential incompatibilities and transitioning with adjacent uses. Stipulations addressing transportation issues including the 60th Avenue East extension, interneighborhood ties and dead-end streets are also recommended. Staff has a concern with the project being located in a designated entranceway.

Mr. Osborne gave a presentation showing directional views of the site (9) with existing vegetation and sparse landscape buffering between the I-75 right-of-way and the proposed development. He submitted revised comments (memo dated 10/22/98) from the Environmental Management Department.

He discussed the letter from the **School Board** (12/14/98) regarding capacity at area schools.

Discussion: Lack of adequate schools to accommodate the project; traffic congestion at 60th Avenue East/Mendoza Road intersection; location of the future tie into 60th Avenue East.

Jerome Gostkowski, Planning Department, stated the proposed tie to the east of 60th Avenue is a loop system. The ultimate design of the intersection may preclude full access and result in right-in/right-out, with full access to the south.

Discussion: Stipulations mitigate potential incompatibilities with proposed increased density; recreation facilities, etc.

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(Continued)

**Hugh McGuire**, attorney for the applicant, stated the existing wetland vista in Phase II, located in a hammock setting to the east, will be preserved to the greatest extent possible.

**Tom McCollum**, Zoller, Najjar and Shroyer, concurred with the stipulations in the staff report. Two access points are proposed for the multifamily and single-family projects. The major entranceway for the single-family area will be to the south, while primary access to the multifamily area will be to the north. Concerning the second means of access for Phase III, he stated the main entrance into the multifamily area could be relocated further to the south, based upon the traffic analysis.

Discussion: Assurance that proposed bridge over Government Canal will not restrict historic water flow; applicant will be required to perform upland flow analysis; lack of school facilities north of Manatee River; single-family project is designed for "empty-nesters"; LDC provides a mechanism whereby developer can make arrangements with School Board to contribute financially to reduce deficit number of seats; secondary means of access for emergency use does not seem necessary; staff report does not mention right-of-way needed for Mendoza Road; alignment of 60th Avenue to north, etc.

Inasmuch as the roadway to the south is proposed as a private drive and not an emergency access, Mr. McCollum stated the applicant would like the option to close or gate the access for security purposes.

Discussion: Alignment and construction of 60th Avenue East.

Carol Clarke, Planning Department Director, suggested the last sentence of Stipulation 6 read as follows: The second means of access may be designed to provide for internal security provided it is not necessary for traffic dispersion.

Discussion: Lack of dialogue with School Board regarding inadequate facilities; a database is necessary to address school and space needs; additional drainage improvements have been installed to control flooding; a report is needed, based on increase of property values, how much in tax dollars School Board will receive from new development to support school growth, etc.

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 approve General Development Plan **PDR-98-05(G)** with Stipulations 1 through 16, with the wording for the last sentence of Stipulation 6 read by Ms. Clarke; grant Special Approval for a project (1) exceeding 4.5 gross dwelling units per acre in the RES-6 Future Land Use Category and (2) in the Entranceway; adopt the Finding for Denial of Specific Approval, and deny Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code, as recommended by the Planning Commission, and changed by this Board. Motion was seconded by Mrs. Glass and carried 5 to 2, with Mrs. Stein and Mr. Bruce voting nay. RECORD S46-1690

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

Public hearing (Notice in the Bradenton Herald 1/15/99) was opened consider

PDPI-98-03(Z)(G) SCHOOL BOARD OF MANATEE COUNTY  
(LEE MIDDLE SCHOOL)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **PDR** TO **PDPI**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW A 160,000-SQUARE-FOOT MIDDLE SCHOOL; ON 40.48 ACRES LOCATED ON THE SOUTH SIDE OF 53RD AVENUE WEST, 200 FEET WEST OF 34TH STREET WEST AT 4000 53RD AVENUE WEST.

Planning Commission recommend approval with eight stipulations.

RECORD S46-1691

Norm Luppino, Planning Department, reviewed a site plan and the surrounding zoning and land uses.

(Depart Ms. Brown)

The site previously received approval in 1994 for a 297,235-square-foot school as part of the Rosenthal approval [PDR-94-05(Z)(G)]; however, a preliminary site plan was never submitted and the project expired.

(Enter Mr. McClash)

Mr. Luppino outlined the recreation areas and addressed the traffic circulation on the site. As part of this application, staff recommended the asphalt parking area to the south be removed and used as an expanded retention area.

Mr. Luppino pointed out that the Morton Village property line on the site plan should be located further to the north to abut the entire play field area.

The Planning Commission amended Stipulation 6 to allow the lighting of play fields until 10:30 p.m.; however, staff recommended the original Stipulation 6 to prohibit night lighting due to compatibility concerns with the multifamily to the west and Morton Village to the east.

Mr. Luppino submitted additional Stipulations 9 and 10:

9. Prior to Certificate of Occupancy for the school, the intersection of 53rd Avenue West and 36th Street West shall be signalized. The signal shall be of the mast arm type.
10. Prior to Certificate of Occupancy for the school, an eastbound right-turn lane at the main access on 53rd Avenue West shall be installed. The design shall be consistent with FDOT standard index 301.

Discussion: Improvements planned for 53rd Avenue to begin in 2000; School Board or shopping center (Winn Dixie Marketplace) responsible for installing the signalization (Stipulation 9), etc.

Inasmuch as schools do not receive Certificates of Occupancy, Ms. Clarke recommended the words "certificate of occupancy for" in Stipulations 9 and 10 be replaced with the word opening.

Discussion: Bus area is segregated from the parking area and will not have access to the eastern entrance; western access will prohibit left-turn out; pedestrian access plan; impacts of the east parking lot to Morton Village; joint access with the shopping center; concern of noise from the play fields adjacent to Morton Village.

Mr. Luppino presented a sidewalk plan showing the location of sidewalks within a two-mile radius. He stated sidewalks along both sides of 53rd Avenue West are planned with the road-widening project.

(Enter Ms. Brown)

**Alan Prather**, attorney for the School Board, stated the site has been found by the County to be consistent for educational facilities. He stated construction of the school is scheduled to begin May 1999 with an anticipated opening date of August 2000.

**Mike Pendley**, Construction Services Planner for the School Board, stated the school will accommodate 1,154 students. He addressed the bus traffic circulation. The plan also shows the location of portable classrooms to the south of the school buffer from view of 53rd Avenue. The school will not generate after school, organized activities.

Mr. Pendley stated the School Board does not have the funding to light the play fields, but would like the option to do so if funds become available. He requested approval of Planning Commission's Stipulation 6 to allow lighting until 10:30 p.m.

In addressing Stipulations 9 and 10, Mr. Prather reviewed the provisions of Florida Statute, Chapter 235.234.1.(b) which authorizes school boards to expend funds for on-site and off-site improvements that are necessitated by its development, in its proportionate share.



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Discussion: Joint access with the shopping center will be installed by whichever entity begins construction; bus traffic to be separated from other traffic; school capacity; School Board is impeded from making decisions regarding future school sites and facilities; State is not examining the growth of certain counties to assess school needs and authorize the necessary facilities, etc.

Mr. Pendley explained that every five years, the School Board conducts an educational plant survey of the number of student stations (seats) and available square footage at all schools. The State then provides the School Board with growth projections for a five-year period, based on the information. The State's most recent projections indicated the need for one middle school to accommodate 1,154 students.

Discussion: Needs better monitored at local level; meet with representative from the State Department of Education to explain regulations affecting school facilities and formula used to determine school growth; inadequate school facilities is due to inaccurate database; State is not made aware of land use approvals; peak-hour traffic; reconsider using old Bayshore High School building, or construct a new school on the land; school zones, etc.

**Robert Lucas**, Morton Village resident, stated concern that the School Board is not using proper planning procedures. He stated the old Bayshore High School site should be considered.

**Herbert Stern**, President of Morton Village Condominium Association, outlined concerns of increased traffic, field lighting until 10:30 p.m., proximity of the play fields to Morton Village, and lack of a noise barrier between Morton Village and the fields.

**Motion - To Deny**

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request not to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development code, as conditioned herein, Mr. McClash moved to deny Manatee County Zoning Ordinance PDPI-98-03(Z)(G). Motion was seconded by Mrs. Stein.

Discussion: 53rd Avenue cannot be impacted any further; decision will compel School Board to reexamine planning process for this school; previous school design would not fit on property; concern of planning process between County, School Board and State; school choice, etc.

Mark Barnebey, Chief Assistant County Attorney, recommended this item be continued in order for staff to prepare the appropriate motion for continuance or denial.

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

Due to statutory requirements, Mr. Barnebey recommended this matter be continued. He stated the motion to deny can remain on the table; however, a motion to continue would supersede the previous motion.

**Motion - To Continue**

Motion was made by Mrs. Glass to continue PDPI-98-03(Z)(G) to February 2, 1999, at 9:00 a.m., or as soon thereafter as same may be heard, in these chambers. Motion was seconded by Mr. McClash.

Mr. Bruce requested information be brought back as to the costs associated with renovating the old Bayshore high school.

Motion carried 6 to 0.

Public hearing (Notice in the Bradenton Herald 1/15/99) was held to consider

**PDMU-98-04(G) ACA FINANCIAL CORPORATION/KEYSTONE RANCHES**

Request: General Development Plan for a mixed use development to include **Light-Industrial** (340,400 square feet), **Commercial** (75,946 square feet), **Office** (43,680 square feet), **Hotel** (2 hotels, 180 rooms), and **246 Multifamily dwelling units** at 5.44 dwelling units per gross acre on 183.7 acres, located south of Moccasin Wallow Road, southwest of the Moccasin Wallow Road/I-75 interchange.

Planning Commission recommended approval with stipulations addressing Architectural and Design Guidelines (7); Transportation and Land Use (19); Multifamily Development (8); Fire Protection (1); Intermodal Design (5); Drainage Design (4); Public Utilities/Facilities (1); Environmental (3); and Preservation and Conservation (5);

GRANTING Special Approval for a project (1) located within an Entranceway; (2) containing non-residential uses exceeding 150,000 square feet of gross building area; (3) located adjacent to a perennial stream, and (4) located in a Mixed Use Future Land Use Category.

RECORD S46-1692

Aristotle Shinas, Planning Department, submitted the following items:

- Typical cross section detail of roadways and buffers
- Revised comments from the School Board (1/8/99)
- Comments from Florida Department of Transportation (FDOT, 1/13/99)
- Letter of no objection (1/13/99) from **A. Cueto, GC Imperial Investments Corporation**, owner of Imperial Lakewood Golf Club
- Two letters (dated 1/7/99) from **Cecil Burnett** to the Planning Commission and Board of County Commissioners indicating approval of the project and no objection to 81st Street East being upgraded from a local county road to a future collector
- Comments from FDOT (1/21/99) clarifying FDOT's position on the access to certain parcels located on the south side of Moccasin Wallow Road
- Letters of opposition from **Mary Sheppard** and **Arlene Flisik** (1/26/99), and **Helen Jo Williams** (1/25/99).

Mr. Shinas reviewed the request and proposed uses. The project proposes a gross residential density of 5.44 dwelling units per acre, net residential density of 8.87 dwelling units per acre, and a floor area ratio of .253.

(Enter Ms. Brown during presentation)

Mr. Shinas noted the surrounding land uses. An aerial photograph of the I-75/I-275 interchange and surrounding areas with cross-section details was shown.

Due to compatibility concerns regarding the internal arrangement of uses and the location of industrial uses near the proposed residential development, staff recommended stipulations to limit the types of light industrial uses. The applicant also plans to preserve the majority of wetlands on site and maintain the natural vegetation along Cabbage Slough and the west property line to further mitigate against visual and adverse impacts.

Mr. Shinas addressed the system of roadways, with three access points to the site on Moccasin Wallow Road. He also noted the applicant proposed to recontour the 25-year floodplain through a balance cut and fill, which will result in a post-development topography that elevates structures, infrastructure, and roadways above the 25-year floodplain elevation.

Mr. Shinas stated the recommended stipulations enhance the quality of the development in an entranceway area and mitigate potential incompatibility and access problems.

Jerome Gostkowski, Planning Department, addressed the impacts of stormwater runoff from the industrial area into Bishop Harbor, and stated the project will be required to meet Outstanding Florida Water standards. The plan also shows a reduction in discharge rates.

JANUARY 26, 1999

(Continued)

**Gale VanSkyhawk**, representing the applicant, stated the property has been in her family since 1916. She displayed an aerial photograph of the I-75/I-275 interchange and surrounding areas including Port Manatee (previously submitted by the applicant under Z-85-127, 8/28/86).

She stated the project design attempts to retain most of the natural vegetation on site. She displayed four photographs showing the first entrance along Moccasin Wallow Road with natural buffering consisting of oak trees 40 to 45 feet in height, the proposed industrial site along Cabbage Slough, dense vegetation areas, and the proposed hotel site. She stated that all buildings in the light-industrial parcels along I-75 will have a front finish. She submitted 12 letters in support of the project.

**Bonnie Burnett** submitted a letter (1/7/99) indicating approval of the project (letter previously submitted by Mr. Shinas).

Mr. Gostkowski responded to questions regarding the history of flooding and stormwater flow in the area.

Mr. Shinas stated that a stipulation has been incorporated requiring the applicant to provide an interneighborhood tie from Street E to align with 89th Street East (Amlong Road).

Mr. Shinas recommended the words and as further limited by the notes on the General Development Plan be added to the end of the first sentence of Land Use and Transportation Stipulation 16.

Based on 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, Mrs. Stein moved to approve General Development Plan **PDMU-98-04(G)** with the stipulations contained herein, including the modification to Land Use and Transportation Stipulation 16; and grant Special Approval for a project (1) located within an Entranceway; (2) containing non-residential uses exceeding 150,000 square feet of gross building area; (3) located adjacent to a perennial stream; and (4) a project located in the Mixed Use Future Land Use Category, as recommended by the Planning Commission. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD S46-1693

#### ORDINANCE 99-18 - PUBLIC NUDITY

Mrs. Stein stated she will be unable to attend the second public hearing on the Public Nudity Ordinance (99-18) scheduled for March 16, 1999, at 5:00 p.m. She expressed desire to participate, and requested the hearing be rescheduled to a different time and/or date.

Mr. McClash suggested leaving the public hearing as scheduled, and that a vote be taken to change the hearing date at the next regular meeting. There were no objections.

#### COMMISSIONERS' COMMENTS

##### High Speed Rail Project (Bullet Train)

Mr. Bruce applauded the action of Governor Bush for halting plans to fund the high speed rail project. He stated it was noted that the funds earmarked for the project could be used to enhance urban and rural transit systems.

Mr. Bruce requested a letter be sent to the Governor requesting the funds be redirected to assist Manatee County's mass transit system. There were no objections.

(Note: Letter to be presented in a subsequent Board meeting.)

##### Manatee County School Board - Millage Rate Increase

Mr. McClash requested the Financial Management Department provide a report to the Board regarding the School Board revenue figures relative to last year's millage rate increase which produced approximately \$1.4 million dollars for the School Board for capital outlay needs.

He stated it needs to be clarified that the development being approved by the County does not impact the schools as it would appear. He further stated that the increases due to new growth are reflected in the increase in the School Board's tax base, and that new growth should assist in increasing in the School Board's revenues.

SPECIAL MEETING

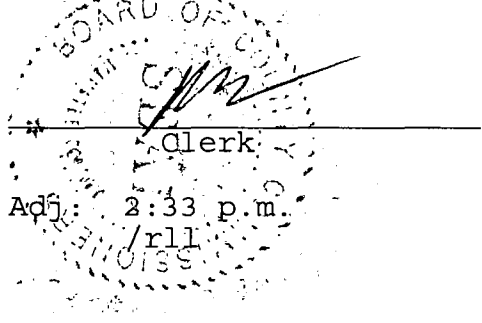
Mr. Stephens stated the public hearing for PDR-98-19(Z)(P) Ernest S. Marshall/River's Edge is scheduled for 5:00 p.m.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk

Adj: 2:33 p.m.

/rll



Chairman 4/6/99