

JUNE 29, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, June 29, 1999, at 9:00 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Commissioner Stephens.

All witnesses and staff giving testimony were duly sworn.

CONSENT AGENDA CHANGES AND DELETIONS

The following changes to Consent Agenda "A" were announced:

- PDR-91-14(P)(R2) Old Florida Properties/Mangrove Point - separate action;
- CA-99-04(T) Arvida Corporate Park Associates - separate action;
- Final Plat, Timberly Phase I and II - separate action;
- Affordable Housing Land Use Restriction with Kendar Homes, Ten Oaks Subdivision - separate action;
- Z-89-46(C)(R2) and Ordinance 99-38 University Commons - continued to July 6, 1999.

(Enter Ms. Brown)

EMPLOYEE OF THE MONTH AWARD

The July 1999 Employee of the Month Award was presented to **Monica Luff**, Convention and Visitor's Bureau.

ZONING

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

PDR-91-14(P)(R2) OLD FLORIDA PROPERTIES/MANGROVE POINT

Request: Revised Preliminary Site Plan to allow a reduction of the rear yard setback, on 46.46 acres located on the east side of Tarpon Road, 1,800 feet north of 17th Street West (Caloosa Road) on Snead Island.

If approved staff recommended 19 stipulations and six modifications, as previously approved. RECORD S47-1

Jeffrey Steinsnyder, Assistant County Attorney, noted that Mrs. Glass was an adjacent property owner and therefore had a conflict of interest.

Misty Servia, Planning Department, referred to a site plan and outlined the request to reduce the rear yard setbacks for seven lots in what was formerly known as Snead Island Estates North. The lots were platted through the wetland buffer and noted as a conservation easement.

Jim Farr, representing the applicant, used a landscape map to delineate the enhanced 20-foot landscape areas and advised that the Environmental Management Department has been consulted regarding the plan.

JUNE 29, 1999

(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, as conditioned herein, Mr. McClash moved to approve the Revised Preliminary Site Plan **PDR-91-14(P)(R2)** with Stipulations 1 through 19, and modifications as previously approved. Motion was seconded by Mr. Bruce and carried 5 to 0, with Mrs. Glass abstaining.

RECORD S47-2

CONSENT AGENDA "A"

Upon motion by Mr. Bruce and second by Mr. McClash, Consent Agenda "A" for June 29, 1999, was approved 6 to 0, as modified. Items APPROVED:

ZONING

Public hearing (continued from 6/10/99) was opened to consider

Z-98-18 JEFFREY PETERSON - CRVP

(CONTINUED TO 8/24/99 AT 9:00 A.M.)

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 **CRVP** AND PROVIDING AN EFFECTIVE DATE, ON 19.3 ACRES LOCATED IN EASTERN MANATEE COUNTY, ONE-HALF MILE WEST OF MYAKKA CITY ON S.R. 70 AND NORTH OF THE MYAKKA CITY BAR & GRILL.

Public hearing (Notice in the Bradenton Herald 6/11/99) was opened to consider

Z-89-46(C)(R2) UNIVERSITY COMMONS - DRI 19

(CONTINUED TO 7/6/99 AT 9:00 A.M.)

A REVISED ZONING ORDINANCE FOR UNIVERSITY COMMONS TO: (1) EXTEND THE PROJECT BUILDOUT DATE BY AN ADDITIONAL THREE YEARS AND 364 DAYS (SIX YEARS AND 364 DAYS CUMULATIVELY); AND (2) APPROVE MODIFICATIONS TO RECONCILE THE PROPOSED AMENDMENT AND PREVIOUS AMENDMENTS INTO ONE DOCUMENT, WHICH SHALL SERVE AS THE ZONING ORDINANCE FOR UNIVERSITY COMMONS, LOCATED ON 268 ACRES AT THE NORTHEAST AND NORTHWEST INTERSECTIONS OF UNIVERSITY PARKWAY AND TUTTLE AVENUE.

Planning Commission recommended Adoption.

Public hearing (Notice in the Bradenton Herald 6/11/99) was opened to consider

ORDINANCE 99-38 UNIVERSITY COMMONS - DRI 19

(CONTINUED TO 7/6/99 AT 9:00 A.M.)

DETERMINATION OF WHETHER THE FOLLOWING PROPOSED MODIFICATIONS TO THE UNIVERSITY COMMONS DRI DEVELOPMENT ORDER CONSTITUTE A SUBSTANTIAL DEVIATION, PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FOR UNIVERSITY COMMONS, A DEVELOPMENT OF REGIONAL IMPACT, DRI 19, ALSO KNOWN AS TBRPC DRI 190: (1) EXTEND THE PROJECT BUILDOUT DATE BY AN ADDITIONAL THREE YEARS AND 364 DAYS (SIX YEARS AND 364 DAYS CUMULATIVELY); AND (2) APPROVE MODIFICATIONS TO RECONCILE THE PROPOSED AMENDMENT AND PREVIOUS AMENDMENTS INTO ONE DOCUMENT, WHICH SHALL SERVE AS THE DEVELOPMENT ORDER FOR UNIVERSITY COMMONS, LOCATED ON 268 ACRES AT THE NORTHEAST AND NORTHWEST INTERSECTIONS OF UNIVERSITY PARKWAY AND TUTTLE AVENUE.

Planning Commission recommended Adoption.

Lloyd Troyer spoke in favor of the original request.

Carol Clarke, Planning Director, stated the traffic study had not been completed, and the original plan remains in effect.

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

PDC-99-04(P) - WDO VENTURE, LTD./ONECO HORIZON SUBDIVISION (APPR)

Request: Preliminary Site Plan to allow an 8,767-square-foot financial institution (on an outparcel) within the existing Winn Dixie Shopping Center, on .97 acres at the southeast corner of 53rd Avenue East (S.R. 70) and 9th Street East at 900 53rd Avenue East.

Planning Commission recommended APPROVAL with ten stipulations; ADOPTION of Findings for Specific Approval; and GRANTING Specific Approval of alternatives to Sections 603.11.4.3, 04.20.2, and 704.20.3 of the Land Development Code (LDC).

RECORD S47-3

STREET VACATION - POMELLO PARK

Public hearing (Notices in the Bradenton Herald 6/5 and 6/7/99) was held to consider

R-99-134-V RESOLUTION VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY IN POMELLO PARK, AN UNINCORPORATED AREA OF MANATEE COUNTY, BY APPLICATION OF PANTHER RIDGE COMMUNITIES, LTD., 675 RANCH PARTNERS.

RECORD S47-4

Jim Strickland, father of an adjacent property owner (minor child), addressed access to his son's property and questioned whether one-half of the vacated right-of-way would revert to his son.

Upon review, Jim Staples, Land Acquisition Department advised that the Strickland property would not be affected by the vacation.

STREET VACATION - POMELLO CITY UNIT 1

Public hearing (Notice in the Bradenton Herald 6/5 and 6/7/99 was held to consider

R-99-103-V RESOLUTION VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY IN POMELLO CITY UNIT 1, AN UNINCORPORATED AREA OF MANATEE COUNTY, BY APPLICATION OF PANTHER RIDGE COMMUNITIES, LTD., 675 RANCH PARTNERS.

RECORD S47-5

COUNTY ADMINISTRATOR

IMPACT FEE CREDIT

1. Execute **Revised** Final Authorization of Transportation Credit to WDO Ventures, \$42,125, for right-of-way dedication on 53rd Avenue East, per Credit Authorization CA-99-02(T) (previously approved 4/27/99 and 5/18/99). RECORD S47-6
2. Execute Credit Authorization CA-99-07(T) for Whitfield Gardens, Inc. (9th Street East at Whitfield Avenue). RECORD S47-7
3. Execute Final Authorization of Transportation Credit to Whitfield Gardens, Inc., for right-of-way dedication on 9th Street East at Whitfield Avenue, \$8,452. RECORD S47-8

PRESERVE AT PANTHER RIDGE

Execute Maintenance Agreement for Right-of-Way Island with Ranch Property Partners for landscaping and irrigation within the right-of-way at S.R. 70 and Panther Ridge Trail. RECORD S47-9

CYPRESS BANKS - PHASE 2

Execute Agreement/Impact Fee Credit Agreement with SMR-1 Development Corporation for emergency medical services and law enforcement services. RECORD S47-10

FINAL PLATS

Karl Gauss Subdivision

1. Final Plat.
2. Notice to Buyers.
3. Agreement to Defer Completion of Required Sidewalks for Minor Subdivisions with John R. Howell, Trustee. RECORD S47-11

Laurel Oak Park

1. Final Plat.
2. Mortgagee's Joinder from SunTrust Bank, Gulf Coast.
3. Declaration of Covenants, Conditions, and Restrictions for Laurel Oak Park.
4. Maintenance Agreement for Paver Brick with Laurel Oak Park Homeowners Association. RECORD S47-12
5. Joinder and Consent of Lot Owners, Thomas M. and Linda C. Gallen.
6. Agreement with Neal Communities of Southwest Florida, Inc., warranting required improvements (\$52,845.29).
7. Defect Security: \$52,845.29 (Letter of Credit 9903, SunTrust Bank, Gulf Coast).
8. Agreement with Neal Communities of Southwest Florida, Inc., guaranteeing completion of required sidewalks and bikeways (\$21,446.10).
9. Performance Bond: \$21,446.10 (Letter of Credit 9902, SunTrust Bank, Gulf Coast).

JUNE 29, 1999

(Continued)

WASHINGTON PARK RESIDENTIAL DEVELOPMENT

Execute Agreement to Terminate the Land Use Restriction Agreement and Deed Restrictions for Washington Park Residential Development with Community Outreach and Restoration Center, Inc. (agreement dated 9/15/98). RECORD S47-13

COMMUNITY DEVELOPMENT BLOCK GRANT - SYLVAN OAKS AND PARRISH

R-99-143 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE 1999 MANATEE COUNTY NEIGHBORHOOD REVITALIZATION PROGRAM (authorizing execution of Community Development Block Grant Neighborhood Revitalization application with Florida Department of Community Affairs for Sylvan Oaks drainage improvements and Parrish road paving, \$750,000). RECORD S47-14
S47-15

MEALS ON WHEELS PLUS, INC.

Execute Funding Agreement with Meals on Wheels Plus of Manatee, Inc., for home delivered meals for the elderly, \$76,222 (7/1/99-6/30/00). RECORD S47-16

ALZHEIMER'S DISEASE INITIATIVE SERVICES

Execute Agreement for Facility Based Respite Alzheimer's Disease Initiative Services with Neighborly Senior Services of Manatee Inc., \$40,005 (7/1/99-6/30/00). RECORD S47-17

COMMUNITY CARE FOR THE ELDERLY

Execute Amendment 3 to the Community Care for the Elderly (CCE) Rate Agreement with West Central Florida Area Agency on Aging, Inc., decreasing the CCE Core Services by \$26,179, for a total not to exceed \$736,959. RECORD S47-18

BONDS - FLORIDA DEVELOPMENT FINANCE CORPORATION

Approve a new Tax Equity and Fiscal Responsibility Act (TEFRA) hearing on July 6, 1999, regarding the Florida Development Finance Corporation issuing bonds to finance construction of two buildings for G. G. Schmitt & Sons.

SINGLE AXLE CHASSIS CAB TRUCK

Authorization to issue Change Order 1 to Purchase Order P8000869 with Atlantic Ford, Ft. Lauderdale for option change and increase of \$2,130, adjusted amount not to exceed \$37,073.25.

BUDGET AMENDMENT RESOLUTION

VARIOUS DEPARTMENTS (B-99-026)
Transfer of Funds; Unanticipated Revenue Appropriations (support description and detail attached) RECORD S47-19

FEE WAIVER

Waive service and tipping fees at the Solid Waste Management Facility for daily cover soil from the City of Temple Terrace.

REFUND

Authorize refund for overpayment of Sewer Facility Impact Fees to Whitehead Construction, \$1,000.

DEEDS AND EASEMENTS

LaSelva Park Subdivision - Drainage Easement and Temporary Construction Easement from T. J. Investments of Manatee, Inc.; Affidavit of Ownership and Encumbrances. RECORD S47-20

CLERK OF CIRCUIT COURT**CONSENT AGENDA****BONDS****Accept:****Melrose Gardens at TARA, Phase II, Parcel D**

Defect Security: \$19,110.50 (Amendment to Letter of Credit 05-98-0154, First National Bank of Naples).

Release:**Melrose Gardens at TARA, Phase II, Parcel D**

1. Agreement with Tara-Manatee, Inc. guaranteeing completion of required sidewalks and bikeways (\$9,550).
2. Performance Bond: \$9,550 (Letter of Credit 05-98-0153, First National Bank of Naples).

Edgewater Village, Subphase A, Unit 1

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$15,830.10).
2. Performance Bond: \$15,830.10 (Surety Bond 8019459, Fidelity and Deposit Company of Maryland).

Interstate Business Park

1. Agreement with Sam Hardee, Trustee, as security guaranteeing completion of subdivision improvements (\$6,037.90).
2. Performance Bond: \$6,037.90 (Surety Bond 14-777, Ohio Casualty Insurance Company).

Summerfield Village, Subphase C, Unit 5, Tract 300

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$25,424.10).
2. Performance Bond: \$25,424.10 (Surety Bond 08020137, Fidelity and Deposit Company of Maryland).

Summerfield Village, Subphase D, Unit 2

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$12,855.96).
2. Performance Bond: \$12,855.96 (Surety Bond 8020280, Fidelity and Deposit of Maryland).

WARRANT LIST

Approve: May 25, 1999 through June 28, 1999
 Authorize: June 29, 1999 through July 5, 1999

REFUNDS

Todd Johnston Homes, Inc. - Impact Fee Refund \$1,080.00
 R.L. Koontz Construction, Inc. - Variance (withdrawn) 741.37

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgement:

George Q. Perry, Case 97-2561T
 Fernandez Hildegard, Case 96-3476J
 Lorraine Rhodes, Cases 98-2092JD; 98-2134JD
 Herbert B. McMillian - Cases 90-2299M; 90-3057M; 90-2333F

Authorization for Payment of Taxable Costs - Terrence Matthews - State vs. Teddy Hatfield, Case 95-3358F (\$81).

Powel Crosley Estate Special Category Grant - Project Progress and Expenditure Reports for Crosley Estate Grants SC936 (\$500,000) and Grant SC937 (\$169,000), authorized by R-98-211 and R-98-212 (adopted 8/18/98).

ACCEPT

Manatee Community College District Board of Trustees

Operational Audit Report No. 13478 for Fiscal Year ended June 30, 1998.

Manatee County District School Board

Report 13477 on Audit for Fiscal Year ended June 30, 1998.

Lakewood Ranch Community Development Districts 1, 2 and 3

Minutes of the Board of Supervisors Meetings: District 1 (4/1/99 and 5/6/99); District 2 (4/1/99 and 5/6/99); and, District 3 (12/3/98, 4/1/99 and 5/6/99).

(End Consent Agenda)

ZONING

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

PDR-99-10(P) IMPERIAL LAKES GOLF CLUB HOMESITES, INC./WATERFORD SUBDIVISION

Request: Preliminary Site Plan for 151 single family detached units and 57 single-family attached units (multifamily), on 89.99 acres located at the northeast corner of Willis Road and Buffalo Road.

Planning Commission recommended Approval with 16 Stipulations; GRANTING Special Approval for a project located in the entranceway;

ADOPTING the Findings for Specific Approval; and, GRANTING Specific Approval of an alternative to Section 712.3 of the Land Development Code.

Staff recommended 17 stipulations. RECORD S47-21

Lisa Kranz, Planning Department, used a zoning map and site plan to outline this request. She used a slide presentation to highlight the surrounding areas and the positive and negative aspects of this project. Ms. Kranz submitted a revised motion and Stipulation:

8. Lot 30, Phase I and Lot 32, Phase II-B shall be reconfigured to eliminate wetland buffer encroachments or shall be eliminated and be designated as open space or upland preservation area.

JUNE 29, 1999

(Continued)

Discussion: Whether revised preliminary site plan would be administratively approved; density; runoff; Buffalo Canal, etc.

Jerome Gostkowski, Planning Department, stated runoff would flow south along Willis Road, under Buffalo Road to Buffalo Creek. He posed the question of ownership of the lake.

Jeffrey Steinsnyder, Assistant County Attorney, noted that Stipulation 2 addressed the issue of lake ownership.

Caleb Grimes, representing the applicant, addressed the issue of single-family attached units and provided a history of the area. He stated there was no question as to ownership of the lake, and agreements and easements for use of the lake are in place.

Mr. Grimes advised that the applicant has had several meetings with the Imperial Lakes Home Owners Association Board of Directors to work out details regarding buffering, uplands, wetlands, lake frontage, etc.

(Enter Mrs. Harris, via telephone)

Mr. Grimes referred to an exhibit outlining successful developments, which provide a mixture of housing types, including multifamily. He stated the applicant did not agree with Stipulation 1 as proposed by staff. He presented a drawing of a three-unit, single-family attached building and stated that the multifamily units would substantially conform to the drawing.

Darenda Marvin, representing the applicant, advised that Palm-Aire and Pine Bay Forest have triplexes and single-family units.

Discussion: Wetlands; zero lot lines; increased buffers; whether triplexes are allowed under PDR zoning; Imperial Lakes Estate has one-half ownership in lake; density; housing options; buffering between uses and sites; recreation area, etc.

Speaking in favor of the project were:

George Lawrence
Bill Elder

Pauline Applegate
Eugene McVann

Richard Prairie

Robert Warren spoke in opposition citing flooding, sewage, and erosion. He referred to photographs and copies of three letters.

Discussion: Sewage system tie-in to Imperial Lakes' private utilities; negotiating for County take over of Imperial Lakes utilities system, etc.

The public hearing was continued until later in the meeting.

Recess/Reconvene. All members present (Mrs. Harris via telephone).

ORDINANCE 99-41 - LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-41 AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ENACTING AMENDMENT 1 TO ORDINANCE 94-07; EXPANDING THE BOUNDARIES OF THE LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1 PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1998), ADDING APPROXIMATELY 79.90 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING AN EFFECTIVE DATE.

(Depart Mrs. Glass)

Leon Kotecki, Planning Department, displayed three maps that delineated Districts 1, 2, and 3. He highlighted the proposed addition to District 1 including a small area that consists of River Club Drive. He stated the expansion would create two small enclaves that would be included in a future request.

(Enter Mrs. Glass)

Mr. Kotecki expressed concern that assessments for the improvements will be assumed by residents already in the area. He referred to a letter from **Fishkind and Associates**, District financial advisor, stating that only those who benefit from improvements will be assessed.

Rhea Law, attorney for the applicant, was available for questions.

Based upon the record of the public hearing, Mr. Bruce moved to adopt Ordinance 99-41, adopting the findings of fact contained therein. Motion was seconded by Mrs. Stein and carried unanimously.

RECORD 847-22

ZONING

PDR-99-10 (P) IMPERIAL LAKES GOLF CLUB HOMESITES, INC./WATERFORD SUBDIVISION (Continued from earlier in the meeting)

Robert Pederson, Planning Department, recommended additional Stipulations:

- 18. A twenty-foot (20') wide greenbelt buffer with enhanced landscaping to consist of two rows of trees with offset centers shall be provided between the single-family attached and detached units. Also, a twenty foot (20') wide greenbelt buffer with enhanced landscaping shall be provided between the single-family attached units and adjacent property zoned A-1.
- 19. Prior to the approval of the Final Site Plan and Construction Plans, the developer must upgrade the Imperial Lakes Estates Homeowner's Association System that they will be sharing to improve this system to Manatee County standards for possible acceptance by the County for maintenance.

Mr. Pederson also recommended the following revisions:

- 1. The design of the single-family attached units shall be in substantial conformance with the elevation views entered into the record for this case. (Replaced in its entirety)
- 2. Prior to Final Site Plan and Construction Plan approval, the applicant shall demonstrate to the satisfaction... In addition, if required for use of the lake, adequate drainage easements shall be provided prior to Final Site Plan approval.

Discussion: Upgrade of sewer system; flexibility of design for multifamily units, etc.

Mr. Grimes used an aerial map to highlight the surrounding agricultural zoning designations and stated that 15-foot buffers were traditionally used. He requested that Stipulation 18 be amended to remove the buffer between the single-family attached units and the adjacent A-1 property.

Mr. Grimes requested that Stipulation 19 be revised so the applicant is not required to make repairs if they do not hook into the private system.

Mr. Steinsnyder recommended Stipulation 19 be revised to add the following sentence:

- 19. Prior to ... acceptance by the County for maintenance. If the developer does not tie into the Imperial Lakes Estates Homeowners Association system, the stipulation shall not apply.

Based upon the staff report, the evidence presented, the 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 No. **PDR-99-10(P)** with substitute Stipulation 1; Stipulation 2, as amended at this meeting, Stipulation 8 as revised at this meeting; Stipulations 9 through 17; Stipulation 18 (added) and Stipulation 19 (added and revised); GRANT Special Approval for a project located within the Entranceway; ADOPT the Findings for Specific Approval; and,

JUNE 29, 1999

(Continued)

Grant Specific Approval of an alternative to Section 712.3 of the Land Development Code, as recommended by the Planning Commission. Motion was seconded by Mr. Bruce and carried unanimously. RECORD S47-23

(Depart Mrs. Stein)

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

PDR-99-08(Z) (P) WILLIAM MANFULL, LORRAINE GROVE

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO PDR; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 52 LOTS AT A GROSS RESIDENTIAL DENSITY OF 1.05 DWELLING UNITS PER ACRE ON 49.73 ACRES, LOCATED ON THE SOUTH SIDE OF S.R. 64 ACROSS FROM ZIPPERER ROAD.

Planning Commission recommended Approval with 17 Stipulations; GRANTING Special Approval for a project with a gross residential density exceeding one dwelling unit per acre in the UF-3 Future Land Use Category.

Staff recommended revised Stipulation 5.

RECORD S47-24

Aristotle Shinas, Planning Department, used two zoning maps, an aerial map, and a site plan to outline the project and delineate the wetlands. He noted there would be an interneighborhood tie to the east. He stated the applicant also proposes a fence along the length of the eastern property line.

Mr. Shinas stated that negative aspects involved environmental impacts due to the 75-foot setback from agricultural uses and incompatibility with surrounding lot sizes.

(Enter Mrs. Stein)

Jim Farr, representing the applicant, outlined the positive aspects of the development, noting the number of lots had been reduced to 51.

(Depart Mrs. Stein)

Discussion: Sewers and distance from nearest sewer tie-in; minimum house size; lot sizes on adjacent property to the east, etc.

(Enter Mrs. Stein)

Peggie Crawley, adjacent property owner to the east, opposed the project but requested an interneighborhood tie. She cited concerns of impacts to agricultural uses, drainage, and danger to children from the close proximity of the recreation area to agricultural uses.

Recess/Reconvene. All members present except Mr. Stephens and Mrs. Harris; Ms. Brown presiding.

Mr. Shinas noted that smaller lots are incompatible with surrounding five-acre lots to the southeast and west. He also recommended a review of the pathway so drainage would not be affected.

(Enter Mrs. Harris via telephone)

Discussion: Whether lots (21 and 22) internal to the project could be used for park; sewer connection and lift station; six-foot-high opaque fence; pathway through conservation area; playground, etc.

(Enter Mr. Stephens, presiding)

Mr. Pederson advised that the conservation area was an upland area and did not require environmental preservation. He addressed play areas, the pathway, and buffering along the roadway.

Discussion: Mill Creek Phase VI has small lots; one-acre lots are more appropriate, etc.

Mr. Farr emphasized the pathway would be on the edge of the conservation area and would not block drainage. The fence along the eastern boundary would be in place before the first Certificate of Occupancy. As to lot compatibility, he stated that Mill Creek lots are 20,000 square feet and Rolling Acres are 40,000 square feet.

Catherine Mackey, attorney for the applicant, objected to requiring one-acre lots and stated that gross density of the project is acceptable.

Discussion: Schroeder-Manatee Ranch land use plans; special approval required; density if Lot 44 is used for active recreation, etc.

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 and the Manatee County Land Development Code, as conditioned herein, Ms. Brown moved to ADOPT Manatee County Zoning Ordinance No. PDR-99-08 (Z)(P); and APPROVE the Preliminary Site Plan with 17 Stipulations; GRANTING Special Approval for a project with a gross residential density exceeding one dwelling unit per acre in the UF-3 Future Land Use Category, as recommended by the Planning Commission. Motion was seconded by Mrs. Glass.

Carol Clarke, Planning Director, recommended that Stipulation 17 read:

17. A 6-foot-high opaque fence shall be required on the east property line ~~from the southeast corner to the wetland area~~ prior to Certificate of Occupancy for lots along that boundary.

Motion - Amended

Ms. Brown amended and seconder agreed to Stipulation 17 as recommended by Ms. Clarke.

Amended Motion - Died

Mrs. Stein moved to amend the motion by adding a stipulation requiring Lot 44 be used as an active recreation area and not a building lot. Motion **died** for lack of a second.

Motion - Amended

Mrs. Stein moved to amend Stipulation 17 to read:

17. A 6-foot high opaque fence shall be required on the east property line ~~from the southeast corner to the wetland area~~ prior to certificate of occupancy for lots along that boundary ~~prior to final plat approval.~~

Mr. Bruce seconded the amendment to the motion.

Ms. Clarke clarified, and Mrs. Stein agreed, that Stipulation 17 should read as follows:

17. A 6-foot high opaque fence shall be required on the east property line ~~from the southeast corner to the wetland area~~ prior to certificate of occupancy for lots along that boundary prior to first Certificate of Occupancy.

The amendment to the motion carried unanimously.

Motion - Carried

Motion, as amended, carried 4 to 3, with Mr. McClash, Mr. Bruce, and Mrs. Stein voting nay. RECORD S47-25

FINAL PLAT - TIMBERLY, PHASE I AND II

Following discussion that Foy Road will be paved in Phase III, motion was made by Mrs. Stein and seconded by Mrs. Glass, to approve the Final Plat and associated documents for Timberly, Phases I and II. Motion carried unanimously.

1. Final Plat.
2. Agreement with Curtis S. Petzoldt and Petzoldt Construction Co., Warranting Required Improvements (\$41,548.52).
3. Defect Security: \$41,548.52 (Letter of Credit 1140, West Coast Guaranty Bank).
4. Agreement with Curtis S. Petzoldt and Petzoldt Construction Co., Guaranteeing Completion of Required Sidewalks and Bikeways (\$22,425).
5. Performance Bond: \$22,425 (Letter of Credit 1136, West Coast Guaranty Bank).

JUNE 29, 1999

(Continued)

6. Agreement with Curtis S. Petzoldt and Petzoldt Construction Co., Warranting the Required Wetland Mitigation System (\$25,208).
7. Defect Security: \$25,208 (Letter of Credit 1137, West Coast Guaranty Bank).
8. Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements with Curtis S. Petzoldt and Petzoldt Construction Co. (\$8,000).
9. Performance Bond: \$8,000 (Letter of Credit 1139, West Coast Guaranty Bank).
10. Maintenance Agreement for Right-of-Way Island with Timberly Homeowner's Association, Inc. RECORD S47-26
11. Declaration of Covenants, Conditions and Restrictions of Timberly, Phase I and II with:
 - a. Legal Description
 - b. Articles of Incorporation
 - c. List of Holdings
 - d. Maintenance Program
 - e. Fiscal Program
 - f. Right of Entry and Compliance with Manatee County Land Development Code
 - g. Notice to Buyers

(Depart Mrs. Harris)

IMPACT FEE CREDITS - ARVIDA CORPORATE PARK

Motion was made by Mrs. Glass and seconded by Ms. Brown, to approve execution of:

1. Credit Authorization CA-99-04(T) for Arvida Corporate Park Associates (Honore Avenue north of University Parkway).
2. Final Authorization of Transportation Credit to Arvida Corporate Park Associates, for eligible right-of-way dedication on Honore Avenue north of University Parkway, \$327,240. RECORD S47-27
S47-28

Discussion: Amount of credit per acre; difference between appraised value and impact fee value; Property Appraiser should be notified of impact fee value; this request is for partial credit; applicant entitled to full credit; property value at time of development order; staff to bring credit issue back for discussion, etc.

Motion carried 4 to 2, with Mr. McClash and Mr. Bruce voting nay.

TEN OAKS SUBDIVISION

Fred Loveland, Community Services Director, stated this request is for an affordable housing designation in order to obtain reductions in rights-of-way and landscaping requirements.

Motion was made by Mr. Bruce and seconded by Ms. Brown, to approve the Land Use Restriction Agreement and Deed Restrictions for Ten Oaks Residential Development with Kendar Homes Corporation. Motion carried 5 to 0, with Mr. McClash declaring a conflict of interest.

RECORD S47-29

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-12 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT TO ESTABLISH SPECIFIC CRITERIA WHICH WILL ALLOW FOR FUTURE LAND USE MAP AMENDMENTS FROM IH TO RES WITHIN THE CEA OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-99-04: Text Amendment - Wilson, Miller, Barton & Peek)

Janet Hoffman, Planning Department, reviewed the amendment process whereby the Comprehensive Plan Amendments are transmitted to the Department of Community Affairs (DCA) for review and comments. She advised that a second public hearing will be held prior to adoption.

Ms. Hoffman entered into the record three letters with comments from Hardee County Commissioners, Southwest Florida Water Management District, and the City of Sarasota.

Ms. Hoffman advised this amendment increases the allowable coastal population, thereby increasing the coastal evacuation. She stated the amendment would limit density to six dwelling units per acre.

Discussion: Reason for change to residential in the Coastal Evacuation Area (CEA); applicable federal law regulating population in CEA; industrial zoning adjacent to CEA and residential areas; coastal zone vulnerability area, etc.

Betsy Benac, representing the applicant, submitted a data analysis.
(Mr. McClash absent for a portion of presentation)

Discussion: Potential impacts of residential uses in CEA; portion of project within "A" zone of Federal Emergency Management Agency (FEMA) area; employment opportunities; mitigating circumstances; statistics indicate majority of population in state live close to water, etc.

Based upon the evidence presented, comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Ms. Brown moved to TRANSMIT Manatee County Ordinance 99-12 to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mrs. Glass and carried 5 to 1, with Mrs. Stein voting nay.

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-13 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, ...; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (MAP 14) OF THE COMPREHENSIVE PLAN FROM **IH, IH/CEA, IH/CEA/CSVA** TO **R/O/R, RES-6/CEA, RES-6/CEA/CSVA, RES-9** AND **IL**; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; FOR CERTAIN LAND LOCATED AT 2001 U.S. HIGHWAY 301, ELLENTON ON 187.89 ACRES.
(PA-99-05: Property Owner - S.L. Equities/Siemen's Palmetto)

Ms. Hoffman provided the history and an overview of the amendment using the Future Land Use Map (FLUM) and plan amendment map. The applicant proposes to use Industrial Light (IL) zoning as buffering between the heavy industrial and residential uses. Ms. Hoffman expressed concern regarding the use of IL for buffering, but had no objection to the RES-6 and RES-9 portion of the request.

Discussion: Character of the area; commercial uses and packing houses; trip capture; trip attractors; "big box" retail (warehouse); neighborhood serving uses; use this for redevelopment, etc.

(Depart Mrs. Glass)

Betsy Benac, representing the applicant, displayed a FLUM and stated Plantation Bay (development to the east) sold new homes 20 feet from an IH use. She used a second FLUM and the data analysis to provide a history of the site, and stated that "big box" retail may be appropriate for this area.

(Enter Mrs. Glass)

Discussion: Ohio Transformers currently operate on site; possibility of rezone to IL, etc.

Ed Vogler, representing the applicant, asked that this request be transmitted to the DCA for a policy decision.

Discussion: Whether RES-3 would be more appropriate in CEA; trends and timing; redevelopment of the area, etc.

Based upon the evidence presented, comments made at the public hearing, the action the Planning Commission, and upon the technical support documents, Mr. McClash moved to TRANSMIT Manatee County Ordinance 99-13 to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Ms. Brown and carried 5 to 1, with Mrs. Stein voting nay.

JUNE 29, 1999

(Continued)

ADMINISTRATIVE APPEAL

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider.

AA-99-02 MCLR PARTNERS LTD./PUBLIX AT LAKEWOOD RANCH

Request: Appeal of an Administrative Decision regarding the assessment of impact fees for the covered sidewalk area of the shopping center located at the Lakewood Ranch Towne Center at 6030 Market Street.

Jerome Gostkowski, Planning Department, outlined the appeal using a site plan and 19 photographs of shopping centers with covered walkways. He explained that impact fees for shopping centers and similar commercial structures are consistently assessed based on the total gross floor area, including covered walkways.

George Mazzarantani, representing the applicant, stated the issue involved an erroneous interpretation of the Institute of Transportation Engineers (ITE) Manual as it relates to impact fees and vehicle trips. The Planning Director's decision was correct, but the Land Development Code (LDC) is incorrect. He argued there was no rational nexus for the assessment and covered walkways should be excluded from impact fee assessments. He stated that having walkways does not generate more vehicular traffic or income.

Betsy Benac, representing the applicant, stated that other counties do not include covered walkway areas in the computation of impact fees.

Sean McIntyre, representing the applicant, stated that at the time of the permit, he was not informed that impact fees were assessed for covered walkways.

Discussion: ITE Study use for determination of impact fees; interpretation of ITE Study; higher fees in surrounding counties; work session to evaluate the LDC; study impact fee rates; use of covered walkways for ATM, outside dining, and drink machines will contribute to additional trips; consistent application of the LDC, etc.

(Depart Mrs. Glass)

Motion was made by Mr. Bruce, to uphold the Planning Director's Administrative Decision regarding assessment of Impact Fees at Publix at Lakewood Ranch. Motion was seconded by Mrs. Stein and carried 5 to 0.

CONSENT AGENDA "B"

Ms. Brown moved to approve Consent Agenda "B" for June 29, 1999, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda. Motion was seconded by Mr. McClash and carried 5 to 0. Items APPROVED:

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-32 - SMALL SCALE PLAN AMENDMENT (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP (MAP 10) FROM **RES-3/HR/CEA/CSVA** TO **CON/HR/CEA/CSVA**; FOR CERTAIN LAND LOCATED JUST SOUTH OF THE DESOTO NATIONAL MEMORIAL ON THE DESOTO MEMORIAL PARKWAY EXTENSION OF 75TH STREET WEST; CONSISTING OF 9.16 ACRES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

(PA-99-13: Property Owner - Manatee County/Riverview Pointe)

RECORD S47-30

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-33 - COMPREHENSIVE PLAN AMENDMENT (TRANSMITTED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR TEXT ADDITIONS OR CORRECTIONS; TO PROVIDE FOR CLARIFICATIONS OF OVERSIGHTS IN THE CURRENT TEXT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-99-14 - Updates, Clarifications, Oversight)

Planning Commission recommended ADOPTION.

Ms. Clarke, referred to a handout containing additional oversights.

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-34 - COMPREHENSIVE PLAN AMENDMENT (TRANSMITTED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AMENDMENTS TO THE TEXT OF THE HOUSING ELEMENT OF THE MANATEE COUNTY COMPREHENSIVE PLAN TO RECOGNIZE COUNTY EFFORTS TOWARDS THE PROVISION OF ADDITIONAL HOUSING FOR MIGRANT FARMWORKERS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

(PA-99-15 - Migrant Farmworker Housing)

Planning Commission recommended ADOPTION.

Public hearing (Notice in the Bradenton Herald 6/18/99) was held to consider

ORDINANCE 99-36 - COMPREHENSIVE PLAN AMENDMENT (TRANSMITTED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 1999 AND APPLICABLE DATA AND ADDING FISCAL YEAR 2004 AND APPLICABLE DATA TO TABLES 10-1, 10-2, 10-3 AND 10-4 OF THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING AN AMENDMENT TO TABLE 10-1, SCHEDULE OF CAPITAL IMPROVEMENTS PROJECTS, FY 1999-2003; INVOLVING REVISIONS TO SCOPE, FORMAT, TIME FRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS, DRAINAGE PROJECTS, PARKS PROJECTS, SANITARY SEWER PROJECTS, SOLID WASTE PROJECTS, POTABLE WATER PROJECTS, AND MASS TRANSIT PROJECTS; PROVIDING FOR COUNTERPART AMENDMENTS TO TABLE 10-2, GENERAL GOVERNMENT FUNDING OF CAPITAL IMPROVEMENTS, FY 1999-2003, TABLE 10-3, ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS, FY 1999-2003; TABLE 10-4, SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS, FY 1999-2003; PROVIDING FOR THE AMENDMENT OF RELATED INFORMATION NECESSARY TO IMPLEMENT THE CHANGES TO THE CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-99-17 - Capital Improvements Element)

Planning Commission recommended ADOPTION.

(End Consent Agenda)

WATERFRONTS FLORIDA PROGRAM

Ms. Clarke announced that Cortez was selected for the Waterfronts Florida Program.

BOAT RAMPS

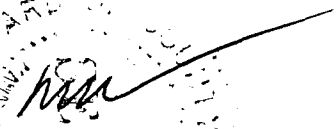
Mr. McClash cited a need for more boat ramp facilities and requested this item be placed on a future agenda.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 8/24/99

Adj: 4:22 p.m.