

AUGUST 24, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 24, 1999, at 9:00 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 (entered during meeting via telephone)

Absent was Commissioner:

Amy Stein (on vacation)

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 Pastor Ellen S. Cross, Living Lord Lutheran Church.

All witnesses and staff giving testimony were duly sworn.

#### CONGRESSIONAL UPDATE

Congressman Dan Miller reported on the Medfly quarantine and tomato dumping reimbursement for Landfill costs, and Wares Creek dredging.

Discussion: Wares Creek funding; local match of federal funds; town hall meeting; HMOs (health maintenance organizations) in the County; funding for the Westcoast Inland Navigational District and Army Corps of Engineers for dredging waterways; reimbursement to the County for dredging; funding the T-21 five-year cycle; having funds made available for beach renourishment of coastal states, etc.

#### CONSENT AGENDA

##### ZONING

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

##### Z-98-18 JEFFREY PETERSON - CRVP

(CONTINUED, NO DATE CERTAIN; TO BE READVERTISED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO CRVP; ON 19.3 ACRES, LOCATED IN EASTERN MANATEE COUNTY, ONE-HALF MILE WEST OF MYAKKA CITY ON SR 70 AND NORTH OF THE MYAKKA CITY BAR AND GRILL; PROVIDING AN EFFECTIVE DATE.

Public hearing (Notice in the Bradenton Herald 8/13/99) was held to consider

##### PDMU-97-05(P)(R2) J.P. IGLOO/ICE SKATING RINK (APPROVED)

Request: Amendment to an approved Preliminary Site Plan, amending Stipulation 6, to allow an increase in the allowable maximum free standing sign height, from 20 feet to 50 feet on 13.96 acres, located at 29th Street East (West of 60th Avenue East) in Ellenton.

Planning Commission recommended APPROVAL with amended Stipulation:

6. Signage shall be limited to a 50-foot-high pole sign along I-75 and a ground sign along 29th Street East. The applicant shall be limited to graphics or images for wall signs on their structure. No text shall be used in any wall sign facing the interstate. Also, the design of the 50-foot sign shall be in substantial conformance with the attached rendering of the sign.

RECORD S47-258

AUGUST 24, 1999

(Continued)

Public hearing (Notice in the *Bradenton Herald* 8/13/99) was held to consider

**Z-99-05 HIGH GENERAL CORPORATION - LM** (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **HM** TO **LM**; AND PROVIDING AN EFFECTIVE DATE; ON 1.1 ACRES, LOCATED AT 6403 PARKLAND DRIVE (PARKLAND CENTER).

Planning Commission recommended ADOPTION.

RECORD S47-259

Public hearing (Notice in the *Bradenton Herald* 8/13/99) was held to consider

**PDMU-96-07 (P) (F) (R) - STANLEY TSIGOUNIS/FISHERMAN'S COVE** (APPR)

Request: Approval to amend the Preliminary and Final Site Plans to modify Stipulation 1, to allow double-wide manufactured homes on individual lots on 7.96 acres, located on the east side of Palm View Road, 300 feet north of U.S. 19.

If approved, Staff recommended amending Stipulation 1 to allow double-wide manufactured homes on individual lots;

ADOPT the Findings for Specific Approval; and,

GRANT Specific Approval of an alternative to Section 603.8.4.3.3 of the Land Development Code.

RECORD S47-260  
S47-261

**Al Weiss and Tessa Rasch** stated they had opposed the request, but expressed a desire to discuss concerns with Mr. Tsigounis. They submitted a letter from **Lloyd and Alice Busch**, adjacent property owners, in opposition to the request.

Public hearing (Notice in the *Bradenton Herald* 8/13/99) was held to consider

**Z-98-19 GENESIS COMMUNITIES, INC./RIDGEWOOD COMMUNITIES** (APPR)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **PDR** TO **RSMH-4.5**; AND PROVIDING AN EFFECTIVE DATE; ON 25.75 ACRES, LOCATED ON THE WEST SIDE OF VICTORY ROAD, IMMEDIATELY NORTH OF RIDGEWOOD MEADOWS, AND SOUTH OF MENDOZA ROAD.

Planning Commission recommended ADOPTION.

RECORD S47-262

Public hearing (Notice in the *Bradenton Herald* 8/13/99) was held to consider

**PDI-98-02 (Z) (P) PALMETTO CANNING COMPANY - PDI** (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **NC-M** AND **RDD-4.5** TO **PDI**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 14,573-SQUARE-FOOT EXPANSION OF AN EXISTING LIGHT MANUFACTURING FACILITY FOR A TOTAL OF 34,450 FEET ON 6.15 ACRES, LOCATED ON THE WEST SIDE OF U.S. 19 NORTH, 530 FEET NORTH OF 33RD STREET WEST, AT 3601 NORTH U.S. 41.

Planning Commission recommended APPROVAL with eight Stipulations; ADOPTION of the Findings for Specific Approval; and,

GRANTING Specific Approval of an alternative to Section 603.13.4.3 of the Land Development Code.

RECORD S47-263  
S47-264

Public hearing (Notice in the *Bradenton Herald* 8/13/99) was held to consider

**PDC-99-05 (P) LARK INVESTMENTS, N.V./WEST LAKES PLAZA** (APPROVED)

Request: Approval of a Preliminary Site Plan to allow a 7-lot commercial subdivision with a total of 224,495 square feet of development on 23.94 acres, located at the southeast corner of SR 70 and 45th Street East.

Planning Commission recommended APPROVAL with nine Stipulations; GRANTING Special Approval for a large commercial project exceeding 50,000 square feet in gross floor area;

ADOPTION of the Findings for Specific Approval; and,

GRANTING Specific Approval of an alternative to Sections 710.1.5.5.3, 710.1.5.3.1, 907.13.2.6, 715.3.2, 710.2.5, 603.11.4.3, and 715.3.2.1 of the Land Development Code.

RECORD S47-265  
S47-266

**COUNTY ADMINISTRATOR****STREET VACATION - CREEKWOOD SUBDIVISION**

1. Public hearing (Notice in the *Bradenton Herald* 7/31/99 and 8/7/99) was held to consider

**R-99-11-V** RESOLUTION ON APPLICATION BY CREEKWOOD INVESTORS, LTD. AND SEMBLER EDP PARTNERSHIP 8 FOR THE VACATION OF THE RIGHT-OF-WAY FOR 52ND PLACE EAST IN CREEKWOOD SUBDIVISION.

RECORD S47-267

2. Accept Utility Easement from Creekwood Investors, Ltd. for a portion of the vacated right-of-way; and Communication Easement from Creekwood Investors, Ltd.

RECORD S47-268

**STREET VACATION - LA SELVA PARK**

1. Public hearing (Notice in the *Bradenton Herald* 7/31/99 and 8/7/99) was held to consider

**R-99-130-V** RESOLUTION ON APPLICATION BY MBK PROPERTIES, INC. FOR THE VACATION OF THE RIGHT-OF-WAY FOR 30TH AVENUE DRIVE EAST IN LA SELVA PARK.

RECORD S47-269

2. Accept Drainage and Utility Easement from MBK Properties, Inc. for utilities located in the right-of-way being vacated.

(Depart Mr. Stephens; Ms. Brown presiding)

RECORD S47-270

**STREET VACATION - POMELLO PARK SUBDIVISION**

Public hearing (Notice in the *Bradenton Herald* 7/31/99 and 8/7/99) was held to consider

**R-99-101-V** RESOLUTION ON APPLICATION BY MANATEE RANCHES, INC. AND THE FLORIDA-GEORGIA OF THE LUTHERAN CHURCH-MISSOURI SYNOD, INC. FOR THE VACATION OF THE RIGHT-OF-WAY LOCATED NORTH OF STATE ROAD 70 IN POMELLO PARK.

RECORD S47-271

**STREET VACATION - TAMiami FARMS SUBDIVISION**

1. Public hearing (Notice in the *Bradenton Herald* 7/31/99 and 8/7/99) was held to consider

**R-99-141-V** RESOLUTION ON APPLICATION BY ANGELES MORTGAGE INVESTMENT TRUST FOR THE VACATION OF A PORTION OF PLAT IN TAMiami FARMS SUBDIVISION.

RECORD S47-272

2. Accept Utility Easement from Angeles Mortgage Investment Trust for maintenance of sanitary sewer system; and Temporary Drainage and Utility Easement from Angeles Mortgage Investment Trust for continued maintenance of drainage and utilities; Affidavit of Ownership and Encumbrances.

RECORD S47-273

**BICYCLE/PEDESTRIAN PROGRAM**

Execute Memorandum of Agreement with Sarasota/Manatee Metropolitan Planning Organization defining the role of the County in the completion of planning activities as related to the Bicycle/Pedestrian Program, \$11,000.

RECORD S47-274

**IMPACT FEE CREDIT**

Execute Credit Authorization CA-99-08(T), Roger C. Robson, Jr. and Execute Final Authorization of Transportation Credit for right-of-way dedication at Old Tampa Road for Robson's Subdivision, \$6,633.

RECORD S47-275

S47-276

**CENSUS 2000**

**R-99-192** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS FOR AN EDUCATIONAL OUTREACH PROGRAM AND KICKOFF EVENT FOR THE 2000 CENSUS, PURSUANT TO MANATEE COUNTY ORDINANCE 97-28.

RECORD S47-277

**FINAL PLAT****Lakewood Ranch Country Club Village, Subphase D, Unit 5 (Oakmont)**

1. Final Plat.
2. Mortgagee's Joinder in Declaration Only from Northern Trust Bank of Florida, N.A.
3. Joinder in Declaration Only from Lakewood Ranch Community Development District 2.
4. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$7,003.75).
5. Performance Bond: \$7,003.75 (Surety Bond 143569, Frontier Insurance Company).
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$9,146.22).
7. Performance Bond: \$9,146.22 (Surety Bond 143568, Frontier Insurance Company).

AUGUST 24, 1999

(Continued)

8. Interlocal Agreement with Lakewood Ranch Community Development District 2. RECORD s47-278
9. Agreement with SMR Communities Joint Venture for final wearing course of asphalt on roadways. RECORD s47-279
10. Conservation Easement from Schroeder-Manatee Ranch, Inc. and Lakewood Ranch Community Development District 2. RECORD s47-280
11. Agreement for Installation of Private Improvements in Subdivisions, Subsequent to Final Subdivision Plat Approval with SMR Communities Joint Venture. RECORD s47-281
12. Supplemental Declaration with:
  - a. Legal Description
  - b. General Common Areas
  - c. Designation of Neighborhoods
  - d. Notice to Buyer

**FLORIDA PLANNING AND ZONING ASSOCIATION**

Pay for Manatee County Board of Zoning Appeals members (7) and Manatee County Planning Commission members (7), \$420.

**UNIVERSITY PARKWAY**

Execute Amendment 2 to the Interlocal Agreement with Sarasota County to provide additional, permanent right-turn-in/right-turn-out intersections between Conservatory Drive and Honore Avenue and between Honore Avenue and I-75. RECORD s47-282

**UNCOLLECTIBLE DEBT - PLANNING DEPARTMENT**

Authorize the removal of uncollected debt dating August 1, 1996 to May 24, 1999, for a total of \$5,167.19. RECORD s47-283

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

1. R-99-184 RESOLUTION ADOPTING THE REVISED MANATEE COUNTY DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND RESCINDING RESOLUTION R-92-17. RECORD s47-284
2. Authorize the designation of the Director of Human Resources as the DBE Liaison Officer and support staff.

**FAMILY HERITAGE HOUSE**

Execute agreement with Manatee Community College, District Board of Trustees to assist in the construction of the Family Heritage House, \$75,000. RECORD s47-285

**HEALTHYKIDS INSURANCE PROGRAM**

Execute financial agreement with Florida HealthyKids Corporation for local matching funds for 1,150 subsidized children (4/1/99-6/30/00), \$93,274. RECORD s47-286

**BUDGET AMENDMENT RESOLUTION****VARIOUS DEPARTMENTS** (B-99-030)

Transfer of Funds; Unanticipated Revenue Appropriations (supporting description and detail attached) RECORD s47-287

**LANDFILL SCALEHOUSE DATA MANAGEMENT SYSTEM**

Execute agreement with Paradigm Software L.L.C. for hardware, software, data conversion, installation, and integration for a total of \$37,520. RECORD s47-288

**DUETTE REGIONAL PARK**

R-99-215 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, UNDER THE ECOSYSTEM RESTORATION PROGRAM FOR THE REMOVAL OF NUISANCE EXOTIC PLANTS AT DUETTE REGIONAL PARK (\$100,000 Grant Proposal/Application attached). RECORD s47-289

**PERSONNEL**

Authorize the hiring of David Shulmaster for the Wastewater Division Manager position at \$50,544 per year.

**TRAVEL**

Authorize Commissioner McClash to travel to Tallahassee on September 22, 1999, to meet with Governor Bush regarding air quality.

**CORTEZ SCHOOLHOUSE AND NATURE PRESERVE**

Approve Project Plan for the Cortez Schoolhouse And Nature Preserve (Cortez Preserve) under the Florida Communities Trust, and authorize the Chairman to execute the transmittal letter.

RECORD s47-290

**CLERK OF CIRCUIT COURT****BONDS****Accept:****Lakewood Ranch, Subphase D, Unit 3A (aka Gleneagles)**

Agreement (time extension) with SMR Communities Joint Venture guaranteeing completion of required improvements (\$10,326.23).

**Chaparral (aka Mote Ranch, Phase VI)**

1. Agreement with Lennar Homes, Inc. guaranteeing completion of required sidewalks and bikeways (\$7,522.45).
2. Performance Bond: \$7,522.45 (Surety Bond 929111527, Continental Insurance Company).

**Millbrook at Greenfield Plantation, Phases III-A and III-C**

1. Agreement with B. W. General Contractors, Inc. warranting required improvements (\$28,699.74).
2. Defect Security: \$28,699.74 (Letter of Credit 99-04, First South Bank).

**Kingsfield, Phase 2**

1. Agreement with Centex Homes warranting required improvements (\$96,642.68).
2. Defect Security \$96,642.68 (Surety Bond 5977493, Safeco Insurance Company of America).

**Wal-Mart Store (No. 528)**

Defect Security: \$17,715.53 (Amendment to Letter of Credit 920807 from Bank of America (fka NationsBank), extending expiration to 11/23/00).

**Release:****Lakewood Ranch, Subphase D, Unit 3A (aka Gleneagles)**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$10,326.23).

**Chaparral at Mote Ranch, Phase VI**

1. Agreement with Lennar Mote Ranch, Ltd. guaranteeing completion of required sidewalks and bikeways (\$32,253.65).
2. Performance Bond: \$32,253.65 (Letter of Credit S970667 with amendments, SunTrust Bank).

**Millbrook at Greenfield Plantation, Phases III-A and III-C**

1. Agreement with B. W. General Contractors, Inc. guaranteeing completion of required improvements (\$373,096.56).
2. Performance Bond: \$373,096.56 (Letter of Credit 99-01, First South Bank).

**Kingsfield, Phase 2**

1. Agreement with Centex Homes guaranteeing completion of required improvements (\$1,594,586.10).
2. Performance Bond: \$1,594,586.10 (Surety Bond 5977303, Safeco Insurance Company of America).

**Arbor Lakes "B"**

1. Agreement and amended agreement with Lennar Mote Ranch, Ltd. warranting required improvements (\$90,883.20).
2. Defect Security: \$90,883.20 (Letter of Credit M516326, Barnett Bank with Amendments 1 and 3 [NationsBank]).

**Peridia Isle Subdivision**

1. Agreement with Land Resource Capital Associates warranting required improvements (\$23,553.50).
2. Defect Security: \$23,553.50 (Letter of Credit 9904, SunTrust Bank).

**Summerfield Village, Subphase C, Units 4, 8 & Summerfield Parkway**

1. Agreement with Lakewood Ranch Community Development, District 1 warranting required improvements (\$47,965.94).
2. Defect Security: \$47,965.94 (Surety Bond 08019693, Fidelity and Deposit of Maryland).

**Summerfield Village, Subphase C, Unit 5, Tract 300**

1. Agreement with SMR Communities Joint Venture warranting required improvements (\$15,775.63).
2. Defect Security: \$15,775.63 (Surety Bond 08020141, Fidelity and Deposit Company of Maryland).

**REFUNDS**

S.W. Florida Developer, Inc. - Tree Replacement Fees \$41,923.06

**WARRANT LIST**

Approve: August 17, 1999 through August 23, 1999  
 Authorize: August 24, 1999 through September 6, 1999

**MINUTES FOR APPROVAL**

June 15, 1999, June 29, 1999, July 6, 1999

AUGUST 24, 1999

(Continued)

**AUTHORIZE CHAIRMAN TO SIGN**

**Gates Library Initiative Grants (FL-98-34205-01-A & FL-98-34205-01-B)**  
 Agreements with Gates Learning Foundation for the Local Library and Supplemental Training Lab Grants in the amounts of \$76,852 and \$30,331 (R-99-122 adopted 5/25/99). RECORD S47-291  
S47-292

**Partial Release of Special Improvement Assessment Liens:**

Projects: 3003/2504; 3004/2507(3); 3005/5235(2); 3007/2508; 3009/5147(3); 3010/5148(2); 3100/2509(3); 3102/2502(3); 3104/8601; 3106/5144; 5037; 5039; 5062(2); 5066; 5132; 5144; 5147(3); 5256(3)

**Satisfactions of Judgement:**

Tanya Bryant, Case 98-3824F  
 Richard Jordan, Cases 99-509F, 99-727F, 99-729F, 99-733F, 99-740F, 99-743F, 99-748F, 99-750F, 99-753F, and 99-754F  
 John Bratcher - Case 99-191F  
 Jimmie Harper - Case 99-116F  
 Eric Johnson - Case 94-3384F  
 Samuel Lee Johnson - Case 99-2411F

**AUTHORIZE****Execution of Corrected Resolution due to Scrivener's Error**

Replace Resolution R-99-10 (adopted 6/1/99) to correct the number to read Resolution R-99-110 (conveying various surplus property to the School Board). RECORD S47-293

**APPROVE, RATIFY AND CONFIRM****Parks and Recreation Special Interest Classes Instructor's Agreement**

Melanie Dan - Kid Kick Karate RECORD S47-294

**ACCEPT****Records Destruction Request - Bureau of Archives and Records**

Management Form listing records:  
 Form 463, Public Safety (EMS Billing)  
 Form 470, Clerk's Administration (Bad Checks; Project Files)

Upon motion by Mr. Bruce and second by Mrs. Glass, the Consent Agenda dated August 24, 1999, was approved 4 to 0, with the deletion of (1) agreement with the School Board, Manatee Memorial Hospital and Blake Medical Center for the Healthykids Insurance Program; and (2) Suncoast Workforce Development Board (both deferred), incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda.

(End Consent Agenda)

(Enter Mr. Stephens)

**ZONING**

Public hearing (Notice in the *Bradenton Herald* 8/13/99) was held to consider

**PDR-98-09(P) TENNIS ASSOCIATES, INC./THE ENCLAVE - P/PLAN**

Request: Preliminary Site Plan to add one multifamily building (3 units) to the existing Enclave Condominiums on 1.4 acres, located on the west side of Mourning Dove Drive, 387 feet west of Oak Bay Boulevard.

Planning Commission recommended APPROVAL with six stipulations;

RECORD S47-295

GRANTING Special Approval for a project within the Coastal Storm Vulnerability Area (CSVA) and Coastal Evacuation Area (CEA).

Misty Servia, Planning Department, presented an overview of the project using a preliminary site plan. She stated the site is entirely in the velocity zone and Comprehensive Plan policy 4.3.1.2 limits density in the velocity zone to a maximum of three dwelling units per acre. The project, as proposed, has a density of 3.55 units per acre. Ms. Servia stated that the Planning Commission approved a stipulation for two additional units. She submitted three letters in opposition.

Tom McCollum, representing the applicant, stated the project began before the new Comprehensive Plan (89-01) and Land Development Code (LDC, 90-01) were adopted. He emphasized the original approval was for five units and that they are requesting approval for three. He submitted a copy of the recorded condominium plat.

Mr. McCollum also stated that the site is 1.4 acres and that the two constructed units comprise .17 acre, leaving 1.2 acres of undeveloped land within the parcel. He further stated that in accordance with the Comprehensive Plan Policy, it is possible to build three additional units on the undeveloped 1.2 acres.

**Harvey Anderson**, co-owner of the project, requested approval to build the three units. He advised he has been paying the taxes on the land and has received deposits for three units.

**Blake Logue**, resident of Enclave Condominiums, stated no opposition to the building of three units and stressed concern regarding the individual maintenance cost if the three units are not built.

Discussion: Year property purchased; calculation of the overall project; vested rights determination; nonconformity versus conformity.

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 Preliminary Site Plan **PDR-98-09(P)** with Stipulations 1 through 6; and grant Special Approval for a project within the Coastal Storm Vulnerability Area (CSVA) and Coastal Evacuation Area (CEA), as recommended by the Planning Commission. Motion was seconded by Mr. McClash and carried 5 to 0. RECORD S47-296

(Depart Mrs. Glass)

Public hearing (Notice in the Bradenton Herald 8/13/99) was held to consider

**PDC-99-02 (Z) (G) WILLIAM AND NANCY MCGINN/SADDLE CREEK FLORIST**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **PR-M** TO **PD-C**; PROVIDING AN EFFECTIVE DATE; **AND APPROVAL OF A GENERAL DEVELOPMENT PLAN FOR A 1,637-SQUARE-FOOT FLORIST SHOP ON .28 ACRE, LOCATED AT THE NORTHEAST CORNER OF 26TH STREET WEST AND 58TH AVENUE DRIVE WEST AT 5829 26TH STREET WEST.**

Planning Commission recommended DENIAL.

Misty Servia, Planning Department, gave an overview of the plan using two zoning maps. She pointed out that the florist conducts most of its business over the telephone, which would not create an intrusion to the neighborhood, but staff has concerns with compatibility in a residential neighborhood and timing of the request. Currently, a daycare operates on the site and approving this plan may result in a precedence in future residential zoning.

(Enter Mrs. Glass)

Discussion: Location of proposed site; characteristics of daycare; impact on neighborhood; stipulation not allowing a land use change; community objections; type of and hours of delivery trucks; changing rezoning from PD-C to PD-O, etc.

**Patricia Trewern**, representing the applicant, presented a map and several handouts. She stated that traffic generated from the florist would only be 15 percent of the existing traffic of the daycare and major deliveries are made by a van once a week. She also uses a FTD Internet service to place orders.

**Jim Dye**, representing the applicant, submitted a land use analysis of the neighborhood surrounding the proposed site. He stated the trend along 26th Street is towards nonresidential uses. He proposed the following stipulations if the request is approved: reduction in existing operation hours; no deliveries before 8:30 a.m.; no backyard use for deliveries or parking; and right turn only exiting the site.

**Recess/Reconvene.** All members present except Mrs. Harris and Mrs. Stein.

Robert Pederson, Planning Department, submitted seven stipulations, Request and Findings for Specific Approval, and a recommended motion for approval of **PDO** zoning. RECORD S47-297

AUGUST 24, 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, Mrs. Glass moved to adopt Manatee County Zoning Ordinance PDO-99-02(Z)(G); approval of General Development Plan with Stipulations 1 through 7; approval of the Findings for Specific Approval, and granting Specific Approval of an alternative to Section 603.11.4.3 of the Land Development Code. Motion was seconded by Mr. Bruce and carried 5 to 0. RECORD s47-298

COOPER CREEK - DRI 14COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notice in the Bradenton Herald 8/2/99) was held to consider

ORDINANCE 99-42 - COMPREHENSIVE PLAN AMENDMENT

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 26 OF 29) FROM RES-6 TO MU RETAINING THE EVERS WATERSHED OVERLAY DESIGNATION FOR CERTAIN LAND IN SOUTHERN MANATEE COUNTY, LOCATED ON 6.15 ACRES, 1,400 FEET NORTHWEST OF COOPER CREEK BOULEVARD AND UNIVERSITY PARKWAY IN THE UNDEVELOPED PORTION OF THE COOPER CREEK DRI; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-99-18; Property Owners: Dick Road - Blend - All Hotel Development, Inc., Walden Avenue - Blend All - Hotel Development, and WR-I Associates, Ltd.)

Planning Commission recommended ADOPTION.

COOPER CREEK CENTER - DRI 14

Public hearings (continued from 7/27/99) were opened to consider

PDMU-96-01(Z)(G)(R) COOPER CREEK CENTER (DRI 14)

Request: Modifications to the General Development Plan to include:

1. Eliminate 200,000 square feet of industrial development (795,998-square-foot reduction cumulatively);
  2. Reestablish 140,000 square feet of office development (387,180-square-foot reduction cumulatively);
  3. Increase commercial development by 389,000 square feet (365,924-square-foot increase cumulatively);
  4. Decrease residential development by 400 units (184 units cumulatively), reduce the right-of-way acreage;
  5. Approve modifications to Map H, "Exhibit B," to implement the density and intensity changes;
  6. Eliminate phasing;
  7. Reduce the project's p.m. peak hour trips from 4,061 to 2,831;
  8. Approve modifications to reconcile the proposed amendments and PDMU-96-01(Z)(G) into one document, which shall serve as the Zoning Ordinance for Cooper Creek Center;
- on 604.68 acres, located northwest of the University Parkway and I-75 intersection;

and

ORDINANCE 99-40 - COOPER CREEK CENTER (DRI 14)

Request: Determination of whether the proposed modifications to the Cooper Creek Center DRI Development Order constitute a substantial deviation pursuant to section 380.06, Florida Statutes:

1. Modify the density and intensity of the project as follows:
  - a. Eliminate the remaining 200,000 square feet of industrial development (795,998-square-foot reduction cumulatively);
  - b. Reestablish 140,000 square feet of office development (387,180-square-foot reduction cumulatively);
  - c. Increase commercial development by 389,000 square feet (365,924-square-foot increase cumulatively);



- d. Decrease residential development by 400 units (184 units cumulatively);
  - e. Reduce the number of hotel rooms by 150;
  - f. Reduce the right-of-way acreage;
  2. Approve modifications to Map H, "Exhibit B," to implement the density and intensity changes;
  3. Eliminate phasing within this project;
  4. Amend the Land Use Trade-Off provision to allow specified increases and decreases;
  5. Reduce the project's p.m. peak hour trips from 4,061 to 2,831; and
  6. Approve modifications to reconcile the proposed amendments and Ordinance 97-23 into one document, which shall serve as the new Development Order for Cooper Creek Center.
- on 604.68 acres, located northwest of the University Parkway and I-75 intersection.

Norm Luppino, Planning Department, gave an overview and history of PDMU-96-01(Z)(P) and Ordinance 99-40. He stated that Cooper Creek was approved for mixed use in 1986 for industrial, office, residential, commercial, and hotel uses. To date, the only development on the property is a 307,000-square-foot outlet mall.

Mr. Luppino confirmed that the proposed changes would increase the commercial portion approved for the project, decrease the hotel and residential use, eliminate all industrial use, and reestablish office use. The project will have one phase and will extend the buildout date until 2008. The Certificate of Level of Service will not be issued until 2002 and all changes before that date will be subject to a concurrency analysis. An intersection analysis will be required with each preliminary site plan that is submitted.

John Osborne, Planning Department, using two preliminary site plan maps (existing and early), stated the applicant is proposing to eliminate 200,000 square feet of industrial zoning, reestablish 140,000 square feet of office space, increase commercial use by 389,000 feet, and decrease residential by 400 units. Also proposed are a large mitigation area, two multifamily parcels, eliminating phasing, and consolidating the approval documents into one ordinance.

Mr. Osborne presented slides of the site. He listed the positive aspects of the plan to include the reduction of industrial use in the Evers Watershed, Honore Avenue being constructed as the project develops, and office use will be replacing industrial use adjacent to I-75. He stated some of the negative aspects are intensification of commercial away from I-75, environmental concerns adjacent to Cooper Creek, and two dead end roads exceeding 800 feet in length.

Discussion: Preservation of wetlands; transportation concerns (University Parkway and I-75); traffic analysis; location dedication for Honore Avenue; Natalie Way extension, etc.

Bill O'Shea, Environmental Management Department, stated that staff is concerned with the ability to demonstrate minimization and avoidance of the wetland area located on the corner of Honore Avenue.

**Tom McCollum**, representing the applicant, used a multicolor site plan map to address staff concerns regarding a road tie, Honore Avenue as a major arterial road, the relocation of wetland area, and a flexible landscape buffer.

**Ed Vogler**, representing the applicant, stated the project originally contributed \$1,040,000 to roadway improvements and some of this was used to build University Parkway in conjunction with Sarasota County. He explained the applicant might not have to complete road improvements in the future due to this vesting of money and being able to move forward with the project. He also spoke of a new process called transplantation that is used to replant natural vegetation such as wetlands.

Jerome Gostkowski, Transportation Department, answered questions about the future extension of Honore Avenue to Natalie Way.

AUGUST 24, 1999

(Continued)

**Motion - Ordinance 99-42 (PA-99-18)**

Based upon the evidence presented, comments made at the public hearing, upon the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, Mr. Bruce moved to adopt Manatee County Ordinance 99-42 (Plan Amendment PA-99-18). Motion was seconded by Mrs. Glass and carried 5 to 0. RECORD s47-299

**Motion - PDMU-96-01(G)(R) and Ordinance 99-40**

Ms. Brown moved to continue PDMU-96-01(G)(R) and Ordinance 99-40 to September 7, 1999, at 9:00 a.m. or soon thereafter. Motion was seconded by Mr. Bruce and carried 5 to 0.

**COMPREHENSIVE PLAN AMENDMENTS**

Jim Lee, Planning Department, reviewed the status of five Comprehensive Plan amendments (three map and two text amendments) submitted to Department of Community Affairs (DCA) for Objections, Recommendations, and Comments.

(Mr. McClash absent for most of presentation)

He stated DCA had concerns with the Rye Wilderness Map Amendment and Schroeder Manatee Map Amendments (Future Land Use Map Amendment and the Traffic Circulation Element Map Amendment) and that staff was working to resolve their concerns.

**Recess/Reconvene.** All members present except Mrs. Stein.

**FLORIDA PORTS LOAN PROGRAM**

Motion was made by Mrs. Glass, seconded by Ms. Brown and carried 6 to 0, to adopt

**R-99-194** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, APPROVING THE PARTICIPATION OF THE MANATEE COUNTY PORT AUTHORITY IN AN AMOUNT NOT TO EXCEED \$40,600,000 IN A PLAN OF FINANCING RELATING TO THE ISSUANCE BY THE FLORIDA PORTS FINANCING COMMISSION OF ITS REVENUE BONDS (STATE TRANSPORTATION TRUST FUND - INTERMODAL PROGRAM), SERIES 1999, WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1996, AS AMENDED. RECORD s47-300

**PANTHER RIDGE FIRE STATION**

Jim Seuffert, Financial Management Director, reviewed the request by the Myakka City Fire District and the Braden River Fire District for County participation in construction of the Panther Ridge Fire Station. He stated the fire districts are pursuing a loan to fund this project and need a letter stating County intent to participate. He also stated that the County's portion would be made up of impact fees (\$100,000).

Discussion: Interlocal Agreement language in letter; Competitive Grant application.

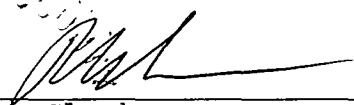
Motion was made by Mrs. Glass, seconded by Ms. Brown, and carried 6 to 0, to approve letter with language making participation subject to approval of loan financing.

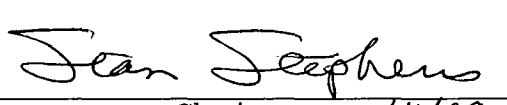
**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 11/16/99

Adj: 3:32 p.m.