

OCTOBER 26, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Manatee Civic Center, One Habon Boulevard, Palmetto, Florida, Tuesday, October 26, 1999, at 9:10 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  
 Laris Ann Harris (via telephone)  
 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 Rabbi Arthur Rutberg, Congregation Shir Shalom

All witnesses and staff giving testimony were duly sworn.

**BEACH CONCESSIONS - COQUINA AND MANATEE BEACHES**

Rob Cuthbert, Purchasing Manager, reviewed features of the agreement with P. S. Beach Associates, Inc., for beach concessions at Coquina and Manatee Beaches: **Article 6.3 Reports and Records; and Article 10. Termination.**

Mrs. Glass moved to authorize the Chairman to execute the agreement with P. S. Beach Associates, Inc. to provide beach food concession services at an initial annual license fee of \$123,000 adjusted by not less than \$1,000 per year of the initial five-year term. The motion was seconded by Mrs. Harris and carried 6 to 1, with Mr. McClash voting nay. RECORD 547-683

**ORDINANCE - TRAFFIC MAINTENANCE PLANS**

Teddy Williams, County Attorney, requested authorization to publish notice of a public hearing for an ordinance (requested 10/19/99) to delegate to the County Administrator, or designee, the authority to modify traffic maintenance plans (including speed limits and placement of traffic control devices) in construction areas and in emergency situations. He noted the item will be scheduled on November 9, 1999.

Motion was made by Ms. Brown and seconded by Mrs. Glass to approve the request. Following discussion, the motion carried 7 to 0.

**CONSENT AGENDA**

**ZONING**

Public hearing (Notice in the Bradenton Herald 10/15/99) was opened to consider

**PDR-98-11(Z) (P) CLARENCE, CHARLES, LEONARD, AND ALBERT PILLSBURY  
 PDR/CH AND P/PLAN** (CONTINUED TO NOVEMBER 16, 1999)

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 WITHING THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-3/CH** TO **PDR** RETAINING THE CH OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND PRELIMINARY SITE PLAN TO ALLOW 8 SINGLE-FAMILY LOTS AT A GROSS DENSITY OF .81 DWELLING UNITS PER ACRE AND 3 EXISTING DOCKS ON 10.2 ACRES LOCATED SOUTH OF 17TH STREET WEST ON THE NORTH SIDE OF THE MANATEE RIVER AT 5225 17TH STREET WEST, PALMETTO.

Public hearing (Notice in the *Bradenton Herald* 10/15/99) was opened to consider

**PDR-99-09(P) CURTIS PETZOLDT/TIMBERLY PHASE III - P/PLAN**

Request: Preliminary Site Plan for 112 multifamily units at a density of 8.2 du/acre on 13.7 acres, located at the southwest corner of U.S. 301 and Foy Road.

GRANTING Special Approval for a transfer of density from wetland acreage.

Planning Commission recommended APPROVAL with 11 Stipulations.

Staff recommended APPROVAL with 9 Stipulations. RECORD S47-684

**Janet LaChance**, of Parrish, asked for clarification of the approval of a preliminary site plan.

Carol Clarke, Planning Director, explained the preliminary site plan and final site plan approval process.

Discussion: Timing of paving the dirt road in connection with the multifamily construction; paving prior to certificate of occupancy.

Erika Barrett, Planning Department, explained that Stipulation 1 states Foy Road should be paved prior to certificate of occupancy for the 51st unit within Phase III. She noted the primary access to the project is from U.S. 301, with a gated emergency access onto Foy Road.

The public hearing was continued until later in the meeting.

**FAIRWAYS AT IMPERIAL LAKES**

Public hearing (continued from 10/19/99) was opened to consider

**AA-99-03 FAIRWAYS AT IMPERIAL LAKES (PDR-98-10)**

(CONTINUED TO NOVEMBER 16, 1999)

Request filed by Imperial Partners, Ltd., for an appeal of an Administrative Decision requiring a 5-foot sidewalk along the east side of Buffalo Road for the Fairways at Imperial Lakes project. Located along the east side of Buffalo Road, between Moccasin Wallow Road and Parc Imperial (a commercial subdivision) to the north and Imperial Lakes Estates (manufactured home community) to the south.

**LAND DEVELOPMENT CODE AMENDMENTS**

Public hearing (Notice in the *Bradenton Herald* 10/18/99) was opened to consider

**ORDINANCE 99-48** (CONTINUED TO NOVEMBER 16, 1999)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED):

1. ADDING, AMENDING AND DELETING CERTAIN DEFINITIONS;
2. AMENDING CERTAIN PROCEDURES REGARDING REQUESTS FOR VARIANCES;
3. AMENDING CERTAIN DUTIES OF THE HEARING OFFICER;
4. AMENDING CERTAIN REQUIREMENTS REGARDING REQUIRED PUBLIC NOTICE;
5. AMENDING CERTAIN DRI AND LARGE PROJECT STANDARDS;
6. AMENDING CERTAIN DRIVEWAY STANDARDS;
7. AMENDING CERTAIN STANDARDS REGARDING WATERSHED OPEN SPACE REQUIREMENTS;
8. AMENDING CERTAIN USES ON FIGURE 6-1, THE USE CHART;
9. AMENDING CERTAIN MINIMUM LOT SETBACK AND HEIGHT STANDARDS IN FIGURE 6-2;
10. AMENDING CERTAIN ENTRANCEWAY STANDARDS;
11. AMENDING THE NAME OF THE PLANNING DEPARTMENT THROUGHOUT THE DOCUMENT;

AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Public hearing (Notice in the *Bradenton Herald* 10/18/99) was held to consider

**ORDINANCE 99-44 - ACCESS POINTS TO UNIVERSITY PARKWAY**

(SECOND PUBLIC HEARING WILL BE HELD NOVEMBER 16, 1999)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED);

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AMENDING THE NUMBER AND LOCATION OF ACCESS POINTS TO UNIVERSITY PARKWAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

Public hearing (Notice in the Bradenton Herald 10/18/99) was held to consider

**ORDINANCE 99-60 - BAY COLONY-GATEWAY, INC.**

(SECOND PUBLIC HEARING WILL BE HELD NOVEMBER 16, 1999)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); AMENDING CERTAIN PROVISIONS IN THE REQUIRED IMPROVEMENTS SECTION REGARDING BONDING OF PRIVATE IMPROVEMENTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

Bill Merrill, representing the applicant, stated the amendment was requested so that bonding for private improvements are treated the same as public improvements.

**COUNTY ADMINISTRATOR**

**TRAVEL**

Request for Authority to Travel for **Joe McClash** to Tallahassee on November 10, 1999, to discuss air quality with Department of Environmental Protection Secretary, David Strubs.

**BETTY'S BROOK - CULVERT REPLACEMENT**

Execute Change Order 1 to Work Assignment 16 with Post, Buckley, Schuh & Jernigan, Inc., for engineering services, \$2,628 increase, adjusted total not to exceed \$25,789. RECORD S47-685

**9TH STREET EAST**

Execute Change Order 10 to Work Assignment 2 with Kimley-Horn & Associates, Inc., for inspection services, \$77,630 increase, adjusted total not to exceed \$795,194.88. RECORD S47-686

**15TH STREET EAST/301 BOULEVARD**

Execute Change Order 1 to Work Assignment 6 with Parsons, Brinckerhoff, Quade & Douglas, Inc., for a tree survey, \$4,514.50 increase, adjusted total not to exceed \$475,927.94.

RECORD S47-687

**BRIDGE REHABILITATION PROJECT - PHASE 3**

Execute Change Order 1 to Work Assignment 6 with Wade-Trim, Inc., for addition of Snead Island Bridge rehabilitation (130007), \$6,995.40 increase, adjusted total not to exceed \$62,649.60.

RECORD S47-688

**BUDGET AMENDMENT**

**Various Departments** (B-99-036)

Transfer of Funds; Unanticipated Revenues

(supporting description and detail attached)

RECORD S47-689

**53RD AVENUE WEST - UTILITY MATERIALS**

Award IFB 99-4592KK to the lowest responsive, responsible bidder meeting specifications, American Cast Iron Pipe Co. for an estimated cost of \$1,283,951.51.

**FINAL PLAT - PLANTOR'S MANOR PHASE III-A AT GREENFIELD PLANTATION**

1. Final Plat
2. Mortgagee's Joinder in Declaration only from NationsBank, N.A., successor in interest to Barnett Bank, N.A.
3. Mortgagee's Joinder in Declaration only from Linda Hallas, as Trustee of the Manatee Shareholders Trust
4. Agreement with River Road Plantation Partnership guaranteeing completion of required improvements (\$553,921.81)
5. Performance Bond: \$553,921.81 (Letter of Credit 941614, Bank of America)
6. Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$32,448)
7. Performance Bond: \$32,448 (Letter of Credit 941740, Bank of America)
8. Mortgagee's Joinder in Ratification of Off-Site Drainage Easements for the Benefit of Plantor's Manor at Greenfield Plantation Phase III-A from American Bank.

9. Mortgagee's Joinder in Ratification of Off-Site Drainage Easements for the Benefit of Plantor's Manor at Greenfield Plantation Phase III-A from NationsBank, as successor to Barnett Bank, N.A.
10. Grant of Off-Site Drainage Easement with Bruce Williams Farms Associates, Inc. and Myakka Valley Safaris, Inc. RECORD s47-690
11. Supplemental Master Declaration of Covenants Conditions and Restrictions for Greenfield Plantation

**PLAN AMENDMENT SCHEDULE FOR 2000**

Approve the 2000 Comprehensive Plan Amendment schedule.

RECORD s47-691

**TRAVEL**

Authorize County funds to reimburse Thomas Fulford and Joseph Crawford \$105.56 each for mileage for providing transportation to the Cortez Waterfronts Florida Committee to Waterfronts Florida training in Panama City, September 29-30, 1999.

**METROPOLITAN PLANNING ORGANIZATION - S.R. 64**

Execute letter to Metropolitan Planning Organization (MPO) requesting amendment to the MPO Year 2020 Financially Feasible Long Range Transportation Plan to show S.R. 64 as a future six-lane facility between 41st Street NE and Lakewood Ranch Boulevard.

**STREET VACATION - AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ**

**R-99-250-V** A RESOLUTION DECLARING A PUBLIC HEARING ON NOVEMBER 30, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, BY APPLICATION OF KRIZMANICH MANATEE HOLDINGS, INC. AND SMUGGLER'S LANDING AT CORTEZ CONDOMINIUM ASSOCIATION, INC., TO VACATE 2ND AVENUE (AKA 128TH STREET WEST) OF THE AMENDED PLAT OF CORTEZ ADDITION TO CORTEZ.

RECORD s47-692

**STREET VACATION - POMELLO PARK AND POMELLO CITY CENTRAL UNIT**

**R-99-255-V** A RESOLUTION DECLARING A PUBLIC HEARING ON NOVEMBER 30, 1999, AT 9:00 A.M., OR AS SOON THEREAFTER AS POSSIBLE, BY APPLICATION OF PANTHER RIDGE COMMUNITIES, LTD., AND VARIOUS OWNERS TO VACATE CERTAIN NON-CONSTRUCTED RIGHTS-OF-WAY FROM THE PLATS OF POMELLO PARK AND POMELLO CITY CENTRAL UNIT.

RECORD s47-693

**CLERK'S CONSENT CALENDAR**

**REFUNDS**

River Road Plantation Partnership - Offstreet Parking Permit \$630

**AUTHORIZE CHAIRMAN TO SIGN**

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

Projects 3007/2508; 3100/2509; 3106/5144; 3010/5148; 3102/2502(2); 5074/5074; 5144/5144

**Satisfaction of Judgement:**

Marlene and Danny Friddle, Case 98-2216JD

**Parks and Recreation Special Interest Class Agreement:**

Melissa Watkins - Jazz/Acrobatics

RECORD s47-694

**Suncoast Workforce Development Board**

Interlocal Agreement with Sarasota County (authorized 9/7/99)

RECORD s47-695

Upon motion by Ms. Brown and second by Mrs. Glass, the Consent Agenda was approved unanimously, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda as may have been revised; and deletion of PDR-99-09(P) for separate action.

(End Consent Agenda)

**ZONING**

**PDR-99-09(P) CURTIS PETZOLDT/TIMBERLY PHASE III** - (Continued from earlier in the meeting.)

Erika Barrett, Planning Department, stated the applicant was willing to pave Foy Road prior to the Certificate of Occupancy of the first building and Stipulation 1 could be amended to so state.

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 PDR 99-09(P) with Stipulation 1 (as amended during this meeting) and 2-9; and Specific Approval for a transfer of density from wetland acreage, as recommended by staff. Motion was seconded by Mr. Bruce and carried 7 to 0.

RECORD s47-696

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(Continued)

Public hearing (Notice in the Bradenton Herald 10/15/99) was held to consider

**PDR-97-18(P) SAM RODGERS PROPERTIES, INC./GREYHAWK LANDING**

Request: Approval of a Preliminary Site Plan to allow 797 single-family lots for detached residences at a gross density of 1.2 du/acre on 647.6 acres, located west of Mill Creek between S.R. 64 and Upper Manatee River Road.

Planning Commission recommended APPROVAL with 18 Stipulations..

RECORD S47-697

ADOPTING of the Finding for DENIAL of Specific Approval;

DENYING Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code; and

GRANTING Special Approval for a project in the UF-3 FLUC.

(Depart Mrs. Stein)

Robert Pederson, Planning Department, submitted: (1) a revised motion and amended **Stipulations 1, 3, and 18**; (2) a letter from the School Board to Karen Ciemniecki; and (3) four letters opposing the application.

RECORD S47-698

Referring to an aerial map, he discussed the location and surrounding development. The project was formerly known as Morgan's Landing, which included a golf course. The site plan has been redesigned eliminating the golf course allowing for larger single-family lots. Using the site plan, he noted the main entrance to the project has been placed to align with Pope Road to the south. He advised the project is a gated community with private roads and four interneighborhood ties.

Following discussion of private versus public road and interneighborhood ties, the **second sentence** of **Stipulation 1** was revised as follows:

1. All interneighborhood tie connections shall be aesthetically pleasing and designed with electronic or pressure sensitive gate activators.

(Enter Mrs. Stein)

Mr. Pederson advised that a design modification was made eliminating the need for Specific Approval for a cul-de-sac exceeding 800 feet. On the aerial map, he pointed out an area of concern from Mill Creek and proposed **Stipulation 18** (correcting Lots 25 through 38):

18. To the rear of Lots 25 through 38, the design of all fences shall be uniform in construction and located on the inside of landscaping buffer. Landscaping... 6 feet within two years.

Discussion: Recreational amenities; buffers along Hidden Oaks are adequate; drainage; concurrency on S.R. 64; flooding on eastern portion of Upper Manatee River Road; proposed bridge project; evacuation plan; School Board letter (sent to citizen not staff) indicated a deficiency; Certificate of Level of Service, etc.

(Depart Mrs. Harris)

**Bill Merrill**, attorney representing the applicant, displayed photographs of a project being built by Sam Rodgers, Pelican Point.

Regarding Greyhawk Landing, Mr. Merrill stated the site includes 344 acres of open space and preservation of the native habitat. Using an exhibit, he pointed out 53.1 percent of open space. He submitted and reviewed a Project Comparison identifying lot sizes of surrounding developments and reviewed recreational amenities. He identified the four lots in Hidden Oaks that abut the 15-foot buffer area and stated the applicant is willing to stipulate that the five Greyhawk Landing lots (66-70) will be Type "A" lots (120-foot wide).

**Gary Altrogge**, traffic engineer for the applicant, used the open space exhibit to identify the area where the road is designed as a collector and noted no lots front that area in the southern portion. He advised a left turn lane is proposed on S.R. 64, as well as a bus turn-around and a student pick-up site. He noted the drainage plan (filed in August) meets all the requirements. Run-off has been decreased to 60 percent of the undeveloped run-off in the area that drains to Gates Creek. He stated the main north-south road will become an evacuation route for residents north of Upper Manatee River Road.

**Debbie Marshall**, owner of one of the four lots abutting Greyhawk, stated she planned to request increased buffers; however, that is not necessary since the applicant proposed Type "A" lots.

**Karen Ciemniecki**, representing Upper Manatee River Road Homeowners Association, voiced concern over no improvements to the eastern end of Upper Manatee River Road, which is narrow and prone to flooding. She submitted: (1) a letter (10/25/99) with an attached article (10/21/99) from the *Sarasota Herald*; (2) letter (10/25/99) from the School Board; and, (3) a list of concurrency concerns. She objected to a gated-community and stated community access is necessary, as the proposed sidewalks along Upper Manatee River Road would be dangerous due to ditches and standing water. She questioned the drainage.

**Robert Stark**, Mill Creek resident, supported the project, but voiced concern for road improvements (Upper Manatee River Road and S.R. 64).

Jerome Gostkowski, Planning Department, addressed S.R. 64 issues.

Janet McAfee, Project Management Director, advised that the Rye Road Bridge project is fully funded in the Capital Improvements Program. This project will raise the elevation of Rye Road above the 100-year floodplain on each bridge approach; and will raise Upper Manatee River Road outside the floodplain for about 800 feet. Based on permitting and land acquisition, construction may begin late next year.

Discussion: Road will remain narrow at eastern end; applicant and school dialogue; collective dialogue on planning issues; gates must activate both ways; sidewalks will link for access to school; FDOT standards for roads; 15 feet is not an acceptable standard for a two-lane roadway; roadway is a valid concern; MPO long-range plan for S.R. 64; drainage issue; traffic impact on Upper Manatee River Road.

Mr. Pederson responded to public comment regarding rear access stating there is no easement shown for that access point. He read additional **Stipulation 19**:

19. Lots 66 through 70 shall be Type "A" (120-foot wide).

The public hearing was continued until later in the meeting.

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

#### **MULTIWAY STOP SIGNS**

Motion was made by Mr. McClash and seconded by Mrs. Glass, to authorize the Transportation Department to install permanent multiway stop signs at the intersection of 35th Street and 11th Avenue West; and, temporary multiway stop signs at the intersections of Seville Circle and Montezuma Drive, Cordova Drive and Montezuma Drive, and Alhambra Drive and Santiago Drive, during construction on 75th Street West.

Harry Mendenhall, Transportation Department, requested two additional temporary locations on 75th Street West due to construction activities: (1) replace traffic signals at 29th Avenue West and (2) 18th Avenue West with multiway stop signs.

#### **Motion - Amended**

Mr. McClash amended his motion to include the additional temporary locations at 29th Avenue West and 18th Avenue West. Mrs. Glass agreed, and the motion carried 6 to 0.

#### **COMPREHENSIVE PLAN AMENDMENTS**

Carol Clarke, Planning Director, reported that Objections, Recommendations, and Comments have been received from the Department of Community Affairs (DCA) for the Cycle II Comprehensive Plan Amendments, which were approved for transmittal on June 29, 1999. She noted DCA concerns with the amendments for the Siemens-Allis site (PA 99-04 and PA 99-05) and the amendment for Farm Worker Housing (PA 99-15).

#### **TAMPA BAY REGIONAL PLANNING COUNCIL - AREA AGENCY ON AGING**

Ms. Clarke advised that the Area Agency on Aging may be splitting from the Tampa Bay Regional Planning Council. This recommendation, made by the executive committees of these agencies, will be acted upon in November, and a transition plan will be developed.

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(Continued)

ZONINGPDR-97-18(P) SAM RODGERS PROPERTIES, INC./GREYHAWK LANDING

(Continued from earlier in the meeting.)

Mr. Merrill offered **Stipulation 20** to address transportation concerns:

20. The applicant shall provide up to \$1,000,000 of prepaid transportation impact fees generated by the project, less any transportation impact fees previously paid for the project, for widening and raising of that portion of Upper Manatee River Road east of Hagle Park Road to 24 feet in width. Such prepaid impact fees from the project shall be payable by the applicant within 90 days of written notice from the County, 180 days before the awarded bids for such widening and raising of said portion of the road.

Mr. Merrill confirmed that the gates would activate in both directions for the interneighborhood ties. Regarding the school/pedestrian interconnects, he advised sidewalks will be provided internally and along Upper Manatee River Road and S.R. 64.

Mr. Altrogge stated the applicant voluntarily reduced the pre-development runoff by 40 percent. He noted this site is downstream from the portion of Gates Creek that floods. The traffic study indicated five PM peak hour trips east on Upper Manatee River Road.

Discussion: Project phasing; three years until the last phase; improvement to Upper Manatee River Road; attendance of a School Board representative at land use meetings would not be supported; numbers provided to citizen are not accurate; developer should be able to receive School Board input; LDC requests information prior to meeting.

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-97-18(P)** with Stipulations 1-20 (Stipulation 19 and 20 added at this meeting; Stipulation 1 and 18 as revised); and grant Special Approval for a project in the UF-3 FLUC, as recommended by the Planning Commission. The motion was seconded by Mr. McClash, and carried 6 to 0.

RECORD S47-699

Public hearing (Notice in the *Bradenton Herald* 10/15/99) was opened to consider

PDR-99-13(Z)(G) HIGHLAND DEVELOPMENTS, L.C. ET AL./THE HIGHLANDS  
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** TO **PDR**; PROVIDING AN EFFECTIVE DATE; AND GENERAL DEVELOPMENT PLAN FOR 304 SINGLE-FAMILY LOTS FOR DETACHED RESIDENCES AT A GROSS DENSITY OF .98 DWELLING UNITS PER ACRE; ON 335.1 ACRES LOCATED ON THE EAST SIDE OF RYE ROAD, BETWEEN S.R. 64 AND UPPER MANATEE RIVER ROAD, EAST OF MILL CREEK. Planning Commission recommended APPROVAL with 9 Stipulations.

RECORD S47-700

ADOPTION of the Finding for Specific Approval;  
GRANTING Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code; and  
GRANTING Special Approval for a project within the Coastal Evacuation Area (CEA).

Robert Pederson, Planning Department, submitted the applicant's amended **Stipulation 7** and a letter (10/25/99) from the School Board:

7. A sidewalk shall be extended from the project entrance south to Witt Elementary School in a location approved by Manatee County prior to the first Certificate of Occupancy. A striped crossing shall be provided in conformance with Transportation Department and School Board requirements.

He referred to an aerial map and noted the property is a logical extension of existing semi-rural residential development. He advised that the applicant has agreed to a stipulation establishing a 50-foot buffer along Rye Road with a double row of trees and shrubs, which exceeds requirements. Referring to a general development plan, he noted a temporary cul-de-sac area exceeding 800 feet (a future interneighborhood tie) requiring Specific Approval.

He noted, if the sidewalk for the extent of this development is on the west side of the road, the applicant is also obligated (within the development) for east sidewalks to provide a continuous link to Greyhawk Landing.

**Tom McCollum**, representing the applicant, reviewed the request for the revised Stipulation 7 is for appropriate placement of sidewalks.

**Robert Stark**, Mill Creek resident, stated his concern for Upper Manatee River Road was addressed by the Greyhawk Landing developer.

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 adopt **Manatee County Zoning Ordinance PDR-99-13(Z)(G)**; approve the General Development Plan with Stipulations 1 through 9; adopt the Finding for Specific Approval; grant Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code; and grant Special Approval for a project within the Coastal Evacuation Area (CEA), as recommended by the Planning Commission. The motion was seconded by Mrs. Stein.

Discussion: Clarification of Stipulation 7.

**Motion - Amended**

Mr. Bruce amended the motion to clarify Stipulation 7 (as revised at this meeting). Mrs. Stein agreed. RECORD s47-701

Discussion: Incorporate the comments with respect to the School issue from the previous item PDR-97-18(P); general development plan does not require drainage intent; preliminary site plan will address drainage.

The motion carried 6 to 0

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

Public hearing (Notice in the *Bradenton Herald* 10/15/99) was held to consider

**PDMU-99-05(P) - CHERRY LAKE TREE FARMS, INC./LEVEROCKS**

Request: Approval of a Preliminary Site Plan to allow an 8,200 square foot eating establishment on 3.32 acres, located at the southwest corner of the Intersection of I-75 and U.S. 301 between 19th Street East and the Manatee River in Ellenton.

Planning Commission recommended APPROVAL with 14 Stipulations.

RECORD s47-702

ADOPTION of the Findings for Specific Approval; and  
GRANTING Specific Approval of an alternative to Section 715.3.1(d) of the Land Development Code; and  
GRANTING Special Approval for a project located within the Entranceway, Coastal High Hazard Area, Coastal Evacuation Area, and adjacent to a Perennial Stream.

Lisa Barrett, Planning Department, referred to: (1) zoning map; (2) slide presentation and (3) aerial map and discussed the site location, adjacent properties and zoning. She advised that commercial development on of this site may increase traffic on 19th Street East. Associated signage may not be compatible with adjacent single-family residents, therefore, staff recommended a stipulation prohibiting pole signs. She reviewed the site plan, and noted an alternative design is proposed in the parking area to place the landscape islands where there are trees.



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Ms. Barrett referred to an exhibit of the proposed pole sign. She reviewed Sections 737.5.3 and 724.6.4.1.8.4 of the Land Development Code (LDC) pertaining to signs located within the entranceway, defining the areas of criteria not met by the proposed pole sign.

**Tom McCollum**, representing the applicant, stated the site is located on the west side of I-75 and U.S. 301 at the end of the Manatee River bridge. The property is not visible from I-75, as it is below the interstate across from the Best Western Inn. Even with use of the blue interstate signs, a visible pole sign is needed to announce the location of the restaurant.

(Enter Mr. McClash)

**Steve Denby**, representing Goldcoast Restaurants, was available to answer questions.

**Neal Mazzei**, representing Leverocks, submitted a signage proposal. He questioned the determination that the proposed combination pole sign (for three properties) is an off-premise sign. Referring to Section 724.6.4.1.8.5 of the LDC, he stated the three properties front the same street and were contiguous prior to I-75 construction. The site has two rights-of-way (or road frontages), which allows two freestanding signs per Section 737.5.3.2. The goal is to minimize entranceway signage by reducing three potential pylon signs to one combination pole sign. He requested approval due to the site elevation.

Mr. McCollum submitted an architectural view of the proposed restaurant. He read proposed language for Stipulation 10:

10. One pylon sign and one ground sign are approved in accordance with the drawings provided by the applicant. The pylon sign shall be specifically designed and located to serve three uses located adjacent to I-75.

(Enter Mrs. Harris)

Discussion: Does the Board have flexibility to grant a sign modification in PDMU; prohibition in the LDC regarding entranceway signs; proposed sign is 312 square feet of message area; allowable combined sign would be 150 square feet; larger signs in the area; consider LDC change in pole sign criteria; proposed sign would not be obtrusive; maximum allowable height for pole sign is 20 feet, etc.

Jeffrey Steinsnyder, Assistant County Attorney, noted a provision of Section 737 of the LDC indicates no sign permit shall be issued for freestanding signs unless approved in development approval. As the LDC reads today, he advised signs could be limited to (1) none; (2) one sign; or (3) two signs; and no pole sign can be permitted over 20 feet in height in the entranceway.

Mr. Mazzei stated the applicant is willing to reduce the size of the proposed sign to 150 square feet as a common sign structure; two panels only (75 square feet per panel) for Leverocks and Sleep Inn. However, the applicant requests special exception from the height requirement.

Ms. Barrett stated that a 150 square foot sign does not meet either provision Section 737 or 724 of the LDC.

Discussion: Flexibility of LDC in the future; allow signage as permitted by LDC; setback is 12 feet from front right-of-way and half the height of the sign; language for Stipulation 10, etc.

Mr. McCollum requested consideration for one ground sign on U.S. 301 and one pole sign.

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 PDMU-99-05(P)** with Stipulations 1-14, adopt the Findings for Specific Approval; grant Specific Approval of an alternative to Section 715.3.1(d) of the Land Development Code; and grant Special Approval for a project located

within the Entranceway, Coastal High Hazard Area, and adjacent to a Perennial Stream, as recommended by the Planning Commission; and noting Stipulation 10 should read:

10. One pole sign and one ground sign, in accordance with the Entranceway criteria, shall be permitted. RECORD S47-703

The motion was seconded by Mrs. Glass and carried 7 to 0.

Public hearing (Notice in the *Bradenton Herald* 10/15/99) was held to consider

**PDC-99-07(Z)(P) - BS JOINT VENTURE/HESS SERVICE STATION**

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...PROVIDING FOR THE REZONING OF CERTAIN LAND FROM LM TO PDC; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO CONSTRUCT A CONVENIENCE STORE WITH GAS PUMPS ON 2.18 ACRES, LOCATED AT THE SOUTHEAST CORNER OF STATE ROAD 64 AND LAKEWOOD RANCH BOULEVARD.

Planning Commission recommended APPROVAL with 11 Stipulations.

RECORD S47-704

Erika Barrett, Planning Department, referred to a zoning map and discussed the surrounding areas. Referring to the site plan, she pointed out the location of the convenience store, gas pumps with canopy, and parking spaces. She noted a sidewalk is proposed along S.R. 64 and Stipulation 5 allows meandering to preserve trees. Access is right-in and right-out from S.R. 64 and Lakewood Ranch Boulevard.

She noted the applicant opposed Stipulation 6 regarding signage. Staff recommended one freestanding ground side as: (1) convenience stores are visible and brightly lit; (2) pole signs in this area are limited to 25 feet in height; (3) wall sign could be mounted on the canopy and be higher than a pole sign; and (4) ground signs are more harmonious with residential development. Utilizing slides, Ms. Barrett reviewed various types of Hess signage.

Steve Thompson, representing the applicant, opposed Stipulation 6, noting a ground sign would not be visible to the passing public.

Reid Cook, Amerada Hess Corporation, referred to the site plan and reviewed access points, the turning radius for service trucks, storm retention area, and dumpster relocation. He reviewed building elevations and the large ditch, which poses signage location difficulty.

Rick Fawley, Fawley-Bryant Architects, submitted three photographs of the site: (1) looking from S.R. 64 looking; (2) the same photograph with superimposed ground sign; and (3) the same photograph with superimposed pole sign. He noted the mature landscaping and utility poles impeded the view of the site. He noted that a large swale near the site dictates the unfavorable ground sign placement.

Ms. Barrett stated S.R. 64 will be widened, which will remove the trees buffering the front of the property. She stated the store and gas pumps will be visible with the canopy sign and the building wall sign.

Jerome Gostkowski, Planning Department, stated that Hess is placing the sidewalk outside the right-of-way in an easement. The drainage easement for the drainage canal could be enclosed at a future date providing additional right-of-way with no impacts to the station.

Mr. Thompson stated that staff-recommended Stipulation 6 does not recognize the site limitations, specifically the ditch and the actual placement of the ground sign. He objected to Stipulation 6 and requested that the sign requirements of PDC be imposed.

Discussion: Surrounding signage areas PDC, GC and LM; future development aesthetics; high quality development; ground signs more aesthetically pleasing; visible sign from canopy; signage regulations in LM are the same as other none residential districts, etc.

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(Continued)

Mr. Cook stated the canopy signs for the site are 24 square feet (bottom is 16 feet high; top is 19.5 feet). No other signs on the building will be 35 feet high. The Hess Express sign is 22 feet high. The pole sign would be the only 25-foot high sign.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. McClash moved to adopt **Manatee County Zoning Ordinance PDC-99-07(Z)(P)**; and approve the Preliminary Site Plan with Stipulations 1 through 11, as recommended by the Planning Commission. The motion was seconded by Mr. Bruce and carried 7 to 0.

RECORD 547-705

**COMMISSIONERS COMMENTS****Sarasota Herald-Tribune Editorial**

Mrs. Glass requested that the County Administrator respond accordingly to a recent editorial commenting on Manatee County urban sprawl to the east and how it was impacting the infrastructure of Sarasota, as residents travel to Sarasota for dining, shopping and recreation; therefore, Manatee County should be paying impact fees.

**Assistant County Attorney**

Mrs. Glass thanked Jeffrey Steinsnyder, Assistant County Attorney, for his capability and competency in handling all the land use items.

**Emergency Medical Services**

Mrs. Stein thanked all the EMS personnel involved in response to her 911 call for her mother who suffered a heart attack.

**Census Data**

Ms. Brown requested a report on how Manatee County is responding to the data on the Census for 2000.

**East County Development**

Mr. Bruce stated many letters received regarding the Greyhawk Landing application indicated that the Board was not looking out for the community. With respect to that application, actions taken by the Board and the development community working together, is evidence that the Commission is doing what is best to support community interest.

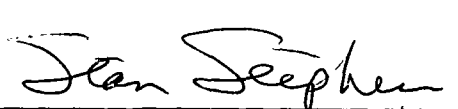
**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
 Clerk

  
 Chairman 1/18/00

Adj. 3:10 p.m.  
/njh

