

NOVEMBER 16, 1999

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION at the Manatee Civic Center, One Haben Boulevard, Palmetto, Florida, November 16, 1999, at 9:21 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
Amy Stein

Absent was Commissioner:

Lari Ann Harris (illness)

Also present were:

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

Invocation by Pastor Tom Otto, Ellenton United Methodist Church

All witnesses and staff giving testimony were duly sworn.

CONSENT AGENDA

ZONING

Public hearing (Notice in the *Bradenton Herald* 11/5/99) was held to consider

PDMU-99-06(Z)(G) MICHA LAND, LTD./ROYAL PALM - PDMU AND GDP
(APPROVED)

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 PDR AND PDC TO PDMU; PROVIDING AN EFFECTIVE DATE; AND GENERAL DEVELOPMENT PLAN TO ALLOW A 168,000-SQUARE-FOOT SHOPPING CENTER, 350 MULTIFAMILY UNITS, A LARGE GROUP CARE HOME FOR 126 RESIDENTS, AND 80 MULTIFAMILY UNITS (SENIOR APARTMENT COMPLEX) ON 94.34 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF S.R. 70 AND U.S. 301.

Planning Commission recommended ADOPTION with 11 stipulations; GRANT Special Approval to a project (1) located adjacent to a perennial stream; (2) exceeding a net density of 9 dwelling units per acre; and (3) located in the Coastal Planning Area.

RECORD S47-793

Public hearing (Notice in the *Bradenton Herald* 11/5/99) was held to consider

Z-99-08 B & J CITRUS GROVE, INC., THOMAS H. HUME, JR., AND WILLIAM VICKERS/COUNTY INITIATED REZONE - LM (SECOND PUBLIC HEARING TO BE HELD 11/30/99 AT 9:00 A.M.)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND RSF-4.5 TO LM; AND PROVIDING AN EFFECTIVE DATE; ON 11.15 ACRES LOCATED ON THE SOUTH SIDE OF 21ST STREET COURT EAST, NORTH OF ELLENTON.

Planning Commission recommended ADOPTION.

Public hearing (Notice in the *Bradenton Herald* 11/5/99) was held to consider

Z-99-07 DEAN SMITH - LM (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO LM; AND PROVIDING AN EFFECTIVE DATE; ON 2.27 ACRES LOCATED AT 9408 S.R. 64 EAST, 1.5 MILES EAST OF I-75, WEST OF UPPER MANATEE RIVER ROAD.

RECORD S47-794

NOVEMBER 16, 1999

(Continued)

Public hearing (continued from 10/26/99) was held to consider

**PDR-98-11(Z)(P) CLARENCE, CHARLES, LEONARD, AND ALBERT PILLSBURY
PDR/CH AND P/PLAN** (Note: Proof of Publication does not include
Albert Pillsbury) (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA... PROVIDING
FOR THE REZONING OF CERTAIN LAND FROM **RSF-3/CH** TO **PDR/CH**;
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.

Planning Commission recommended ADOPTION with 10 stipulations;
GRANTING Special Approval to a project located at least partially
within the Coastal High Hazard Coastal Evacuation Area, and
Coastal Storm Vulnerability Area Overlay Districts;
ADOPTION of the Findings for Specific Approval; and
GRANTING Specific Approval of alternatives to Sections 603.7.4.2,
907.9.4.2, 907.9.3, 734.2.3, and 722.1.4.6 of the Land
Development Code. RECORD S47-795

Public hearings (Notice in the Bradenton Herald 10/15/99) were held to
consider

PDR-89-05(G)(R7) UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB/DRI 12
(CONTINUED TO 12/14/99 AT 9:00 A.M.)

Request: Revised General Development Plan to: (1) Eliminate the
required neighborhood tie to Timberlake Drive along the western
property line; (2) Eliminate the required second means of access
from the project to University Parkway and convert this access
point to an emergency access only after an alternative second
means of access is provided; (3) Revise the General Development
Plan to show the locations of areas for residential lots (Tracts
A, AA, N-1, L and S) within the project; (4) Amend the legal
description and acreage totals to reflect the dedication of 21
acres of land to Manatee County for the Honore Avenue right-of-
way; (5) Amend Map C (Preservation/Conservation Areas) to reflect
updated information on Preservation Areas; (6) Amend the approved
General Development Plan map to reflect the above changes; and
(7) Amend Transportation Condition B.(1)b. to eliminate the
requirement for biannual traffic monitoring and allow traffic
monitoring every three years; on 1,223 acres located north of
University Parkway one mile west of I-75.

and

ORDINANCE 99-55 UNNAMED EXCLUSIVE GOLF AND COUNTRY CLUB - DRI 12
(CONTINUED TO 12/14/99 AT 9:00 A.M.)

Request: Determination of whether the following proposed
modifications to the Unnamed Exclusive Golf and Country Club DRI
Development Order constitute a substantial deviation pursuant to
Chapter 380.06, Florida Statutes: (1) Revise Map H to delete the
roadway connection to Timberlake Drive along the western property
line; (2) Revise Map H to delete an existing project access
roadway to University Parkway (located between Park Boulevard and
Honore Avenue) and convert this access to emergency access only;
(3) Revise Map H to show the locations of areas for the
residential lots (Tracts A, AA, N-1, L and S) within the project;
(4) Amend the legal description and acreage totals to reflect the
dedication of 21 acres of land to Manatee County for the Honore
Avenue right-of-way; (5) Amend Map C, (Preservation and
Conservation Areas) to reflect updated information Preservation
Areas; and (6) Amend Transportation Condition B.(1)b. to
eliminate the requirement for biannual traffic monitoring and
allow traffic monitoring every three years.

Public hearing (Notice in the Bradenton Herald 11/5/99) was held to
consider

Z-99-06 DANIEL R. WIMPEY - LM (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING
FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **LM**; PROVIDING AN
EFFECTIVE DATE; ON 2.0 ACRES LOCATED ON THE NORTH SIDE OF 63RD
AVENUE EAST, 171 FEET EAST OF 33RD STREET EAST, AT 3315 63RD
AVENUE EAST.

Planning Commission recommended ADOPTION.

RECORD S47-796

Public hearing (continued from 10/26/99) was opened to consider AA-99-03 - THE FAIRWAYS AT IMPERIAL LAKES (CONTINUED TO 12/14/99 AT 9:00 A.M.)

Request filed by Imperial Partners, Ltd. for an appeal of an Administrative Decision requiring a five-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.

Public hearing (Notice in the Bradenton Herald 10/18/99 and 11/5/99) was held to consider

ORDINANCE 99-60 - LAND DEVELOPMENT CODE (APPROVED)

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 (**LDC-99-02**).

Planning Commission recommended ADOPTION. RECORD S47-797

Andrew Fritsch, attorney, was present to answer questions.

Public hearing (Notice in the Bradenton Herald 10/18/99 and 11/5/99) was opened to consider

ORDINANCE 99-44 - LAND DEVELOPMENT CODE (APPROVED)

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 THE NUMBER AND LOCATION OF **ACCESS POINTS TO UNIVERSITY PARKWAY**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (**LDC-99-03**).

Planning Commission recommended ADOPTION. RECORD S47-798

COUNTY ADMINISTRATOR
COMPREHENSIVE PLAN

R-99-237 RESOLUTION CORRECTING THE FUTURE LAND USE MAP OF THE MANATEE COUNTY COMPREHENSIVE PLAN (MAP 14) FROM **RES-6B** TO **IL** FOR CERTAIN LANDS LOCATED IN THE UNINCORPORATED AREA OF MANATEE COUNTY DESCRIBED MORE FULLY BELOW IN THE LEGAL DESCRIPTION; AND PROVIDING AN EFFECTIVE DATE

(located on the northwestern portion of DP 7767.0000/7, on the south side of 21st Street Court East, Ellenton). RECORD S47-799

FINAL PLATS

Plantation Bay, Phase 1-B

1. Final Plat.
2. Agreement with Overseas Partnership MAWI Ltd., for required improvements and Temporary Construction Easement for private improvements (\$12,910.80).
3. Performance Bond: \$12,910.80 (Letter of Credit S997055, Northern Trust Bank of Florida, N.A.).
4. Conservation Easement from Overseas Partnership MAWI Ltd. RECORD S47-800
5. Supplemental Declaration of Covenants and Restrictions of Plantation Bay, Phase 1-B.

Woodborne Terrace

1. Final Plat.
2. Agreement with Fairways of River Club, Inc., for required improvements and Temporary Construction Easement for private improvements (\$9,744).
3. Performance Bond: \$9,744 (Cashier's Check 461907, Associated Bank, Milwaukee).
4. Declaration of Protective Covenants, Conditions, Easements and Restrictions of Woodborne Terrace.
5. Conservation Easement from Fairways of River Club, Inc. RECORD S47-801

ALZHEIMER'S DISEASE INITIATIVE

Execute Addendum 1 to the Rate Agreement 2000-3 with West Central Florida Area Agency on Aging, Inc., increasing funding by \$9,286, establishing the goal for co-payment collections of \$2,984 and omitting in Attachment 1, Section IV, Item C, which refers to Medicaid Waiver. RECORD S47-802

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(Continued)

WHITE GOODS AND SCRAP METAL

1. Award IFB 99-1949FL, for collection and purchase (revenue generating) to the highest responsive, responsible bidder, Trade Mark Metals Recycling for an estimated total revenue of \$2,961;
2. Execute agreement with Trade Mark Metals Recycling, L.L.C., for one year. RECORD S47-803

BUDGET AMENDMENTS**VARIOUS DEPARTMENTS**

(B-00-010)

Transfer of Funds; Unanticipated Revenues
Supporting description and detail attached

RECORD S47-804

STREET VACATION - WHITFIELD ESTATES

R-99-187-V RESOLUTION DECLARING A PUBLIC HEARING ON DECEMBER 14, 1999, ON APPLICATION BY PEARL PARTNERS, L.L.C., AND SLD SARASOTA, L.P. TO VACATE A FIVE-FOOT REAR LOT EASEMENT IN BLOCK 45 FROM THE PLAT OF WHITFIELD ESTATES.

RECORD S47-805

MATERIALS AND SERVICES

1999 Annual Report/2000 Calendars - Award IFB 00-4822KK, to the lowest responsive, responsible bidder, Solo Printing, Inc., not to exceed \$45,012.

SOUTHERN GARDENS

Advertise for a TEFRA hearing for financing by the National Coalition for Housing Opportunities, Inc., to be held on December 7, 1999, at 9:00 a.m. or as soon thereafter as may be heard.

ORDINANCE 99-68 - ANIMAL PARK

Set a public hearing on December 7, 1999, to consider amending Ordinances 90-32 and 82-19 designating public areas where dogs or other domestic animals are allowed to run free.

GRANT - EMERGENCY MANAGEMENT

R-99-270 A RESOLUTION OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF EMERGENCY MANAGEMENT FOR THE EMERGENCY MANAGEMENT, PREPAREDNESS AND ASSISTANCE COMPETITIVE GRANT PROGRAM

(for an AM Update Radio System; State \$101,695, County, \$21,754; authorizing the Chairman, or Vice-Chairman to execute documents for the grant application).

RECORD S47-806

30TH AVENUE EAST - MOVING EXPENSES

S47-807

Pay to tenant, Josephine Caruso, \$200 lump sum for moving expenses associated with the County's purchase of Parcel 146 right-of-way.

DEEDS AND EASEMENTS

Pomello Park Subdivision - Accept Warranty Deed and Affidavit of Ownership and Encumbrances from Manatee Ranches, Inc., required for dedication of rights-of-way; Partial Release of Mortgage from Century Bank, F.S.B.

RECORD S47-808

CLERK OF CIRCUIT COURT**CONSENT CALENDAR****BONDS****Accept:****Sabal Harbour, Phase III**

Amended Performance Bond: \$834,974.56 (Amendment 001 to Letter of Credit P600616, SunTrust Bank) **extending** expiration date to November 24, 2000.

Release:**Country Palms/96-S-20(F)**

1. Agreement with R. L. Koontz Construction, Inc., guaranteeing completion of required sidewalks and bikeways, \$18,931.25.
2. Performance Bond: \$18,931.25 (Letter of Credit 9719, SunTrust Bank, GulfCoast).

Creekwood, Phase II, Subphases G & H

1. Agreement with Wilma-Creekwood (West) Joint Venture, guaranteeing completion of required sidewalks and bikeways, \$16,406.00.
2. Performance Bond: \$16,406.00 (Surety Bond U-08442, Preferred National Insurance Company).

WARRANT LIST

Approve: November 9, 1999 through November 15, 1999

Authorize: November 16, 1999 through November 29, 1999

MINUTES

August 24, 1999

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

Projects 5046; 3102/2502

Satisfactions of Judgment:

Walter Gaulrapp, Case 95-2211F (2)
Mary Poor, Case 97-703F

1912 Cortez Schoolhouse (Cortez Preserve) - Purchaser's Reconciliation of Total Project Costs with Florida Communities Trust for the purchase of the 1912 Cortez Schoolhouse and Nature Preserve from the Estate of Robert Sailors, in accordance with FCT Contract 00-CT-7Q-98-8A-K1-009 (approved 10/19/99). RECORD S47-809

ACCEPT

Lakewood Ranch Community Development Districts 1 and 2 - Minutes of meetings of the Board of Supervisors of the Lakewood Ranch Community Development District 1 and 2 held on September 2, 1999.

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

1. Waive fee (\$30) for Richard Goetz due to forgery on his account.
2. Waive fee (\$25) for Tracey Ray due to lost purse.
3. Waive fee (\$25) for Carlos Underhill due to stolen checkbook.
4. Waive fee (\$30) for Trina Webb due to counterfeit checks written on account.

Upon motion by Mr. McClash and second by Ms. Brown, the Consent Agenda dated November 16, 1999, was approved 6 to 0, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda with the following changes: (1) deletion of Street Vacation for the Estuary (separate action); and (2) revised motion for Z-99-08/B & J Citrus Grove, Inc.

(End Consent Agenda)

AWARDS

Certificate of Appreciation was presented to **Jacquelyn Wingate** for her suggestion to have reflective mirrors placed in the main lobby of the Administrative Center.

PROCLAMATIONS**Florida's State Parks Voted America's Best**

Upon motion by Mrs. Glass and second by Mr. McClash, a Proclamation was adopted 6 to 0, designating November 1999, as **Florida's State Parks Voted America's Best** and November 20, 1999, as **Free Day** when entrance fees will be waived for all visitors. RECORD S47-810

Retired Educators Day

Motion was made by Mr. McClash, seconded by Mrs. Stein, and carried 6 to 0, designating November 21, 1999, as **Retired Educators Day**.

Accepting the Proclamation was a representative of the National Retired Teachers Association. RECORD S47-811

CITIZENS' COMMENTS**U.S. 301 North/Ridgewood Boulevard**

Goldwyn Robinson relayed safety concerns regarding the new Roaring 20's restaurant using Ridgewood Boulevard for ingress/egress at U.S. 301 North. He recommended the turn lane be extended near 18th Avenue East and the restaurant be required to provide a separate ingress/egress.

Discussion: Contacting Florida Department of Transportation.

Stop Signs

William R. Wheeler requested a three-way stop sign at Prospect Road and 33rd Street East.

BICYCLE PEDESTRIAN ADVISORY BOARD

Ms. Clarke recommended appointment of ten applicants to the Bicycle Pedestrian Advisory Board (two-year terms).

Motion was made by Mr. Bruce, seconded by Mrs. Glass, and carried 6 to 0, to appoint **Margaret Bailey, Lynn Deutch, David Holt, John LoGalbo, Connor Chambers, Mark Edenfield, Ronald Koper, David Coffey, Lorraine Herrera, and Christine Kotchi**.

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(Continued)

ZONING

Public hearings (continued from 10/5/99) were opened to consider PDMU-98-08(Z)(G) RIVER VALLEY LAND TRUST AND LEESBURG TRUST/HERITAGE SOUND (CONTINUED TO 12/14/99 AT 9:00 A.M.)

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 AND A-1 TO PDMU; RETAINING THE CH OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW:

- a. 5,000 residential units (single- and multifamily);
- b. 797,000 square feet of retail commercial;
- c. 170,000 square feet of office;
- d. 300 hotel rooms;
- e. 600 beds-group care facilities;
- f. 162-slip marina and 300-slip boat livery;
- g. 45-hole golf course;
- h. Accessory residential support and public community uses on 8.2 acres; and
- i. 34.2 acres of park.

Note: Advertised as PDMU-98-08(Z)(P).

and

ORDINANCE 99-43/HERITAGE SOUND DRI 24 (CONTINUED TO 12/14/99 AT 9:00 A.M.)

ORDINANCE ESTABLISHING A NEW DEVELOPMENT OF REGIONAL IMPACT, DRI 24 FOR HERITAGE SOUND.

Request: New Development of Regional Impact to allow:

- a. 5,000 residential units (single- and multifamily units);
- b. 797,000 square feet of retail commercial space;
- c. 170,000 square feet of office uses;
- d. 300 hotel rooms;
- e. 600 beds-group care facilities;
- f. 162-slip marina on the Manatee River and a 300-slip boat livery;
- g. 45-hole golf course;
- h. Accessory residential support and public community uses, such as libraries, schools, churches, etc., on 10.3 acres; and
- i. Two parks, totaling 34.2 acres.

This DRI is proposed in two phases; 2000 to 2009. Present zoning: A, A-1 and CH. Heritage Sound is located at the northeast Intersection of I-75 and State Road 64, extending northward to the Manatee River and eastward approximately 1½ miles from the Interstate. A small portion of the project is located west of I-75, on 2,495.8 acres at the southeast intersection of I-75 and Kay Road.

Mr. McClash moved to continue PDMU-98-08(Z)(P) and Ordinance 99-43 (DRI 24) to December 14, 1999, at 9:00 a.m. Motion was seconded by Ms. Brown and carried 6 to 0.

STREET VACATION - THE ESTUARY

Jim Staples, Transportation Department, in memorandum (11/16/99) submitted Resolution

R-99-189-V RESOLUTION DECLARING A PUBLIC HEARING BY APPLICATION OF FLORIDA FANCY, INC., AND ROBINSON FARMS, INC., DECLARING A PUBLIC HEARING ON DECEMBER 14, 1999, TO VACATE PORTIONS OF 103RD STREET NORTHWEST, 9TH AVENUE NORTHWEST, PALMA SOLA LOOP ROAD, AND PORTIONS OF PLATS FOR WILDWOOD, PERICO TERRACE, AND PALMA SOLA FROST PROOF FARMS SUBDIVISIONS.

Discussion was held regarding alternatives of vacating portions of 103rd Street and 9th Avenue Northwest, due to the proposed greenway connecting the botanical park to Manatee Avenue; concerns of the details regarding the Metropolitan Planning Organization contribution to the project; holding a Board meeting to discuss information; and review by the Bicycle Pedestrian Advisory Board for comments.

Mr. McClash moved that staff set a meeting to discuss the proposal to vacate the right-of-way. The motion was seconded by Mrs. Stein.

Discussion: Whether information could be discussed in one public hearing; dialog with developer; easements must be prepared prior to the vacation hearing; holding meeting in the evening for working people to attend; applicant not present for discussion.

Motion by Mrs. Glass to continue this discussion to the end of the meeting today or whenever convenient, was **withdrawn**.

Motion by Mr. McClash failed to carry 3 to 3, with Mrs. Glass, Ms. Brown, and Mr. Stephens voting nay.

Note: Continued to later in the meeting.

ZONING (Continued)

Public hearing (Notice in the *Bradenton Herald* 11/5/99) was held to consider

PDR-99-16(Z)(G) MARTHA AND HAROLD WHITCOMB, ET AL./UNIVERSITY POINT - PDR AND GDP

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR; PROVIDING AN EFFECTIVE DATE; AND GENERAL DEVELOPMENT PLAN TO ALLOW 360 MULTIFAMILY UNITS AT A GROSS DENSITY OF 7.75 DU/PER ACRE, A 2,480 SQUARE-FOOT CLUBHOUSE WITH POOL, A 2,480 SQUARE-FOOT COMMUNITY CENTER, AND A 900 SQUARE-FOOT MAINTENANCE BUILDING ON 56.61 ACRES LOCATED NORTHEAST OF SHADE AVENUE AND UNIVERSITY PARKWAY AT 2501 UNIVERSITY PARKWAY.

Planning Commission Recommended ADOPTION with 10 Stipulations (Stipulation 5 revised by staff);

GRANTING Special Approval for (1) a project that exceeds 4.5 dwelling units per acre within the RES-6 FLUC; (2) a project with an affordable housing bonus of 7.75 dwelling units per acre within the RES-6 FLUC; and (3) a project transferring density from wetlands. RECORD S47-812

Commissioners Stein, Bruce, and McClash disclosed they received ex-parte telephone calls, messages, e-mail, and letters from citizens encouraging votes on the project.

Robert Pederson, Planning Department, outlined the request, locational information, and land use characteristics noting single-family residences (Oak Grove Subdivision) north zoned RSF-1; University Parkway and vacant property south; a citrus grove east zoned A-1; and a medical office park west zoned PDC and land zoned PDMU.

He submitted letters and e-mail (108), a Zoning Disclosure Affidavit Addendum for University Pointe Apartments, zoning map, aerial, and a site plan. He referred to proposed accesses and the affordable housing density bonus advising that the applicant originally submitted a Preliminary Site Plan, which was not drawn to PSP standards.

Mr. Pederson referred to the 630-foot separation and buffering from the nearest residential units, environmental concerns, drainage, building design, and density calculations. He submitted an environmental review from Henslick, Seagle & Associates, Inc., and concluded that staff recommended approval with 10 stipulations.

Patricia Petruff, attorney representing the applicant, concurred with the stipulations.

Jim Farr, George F. Young, Inc., outlined changes to the site plan to meet staff concerns and submitted a letter of factors for consideration for PDR rezoning pursuant to Section 504, Land Development Code (LDC). He addressed traffic, tree preservation, flooding, compatibility to surrounding sites (displaying a graphic of distance from the project to nearest residence [630 feet]) and comparing separation/density of similar projects.

Tom Lawler, LCA Development II, Inc., displayed renderings of the clubhouse with pool and recreation amenities, and photographs of the wetland.

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(Continued)

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

Discussion: Lack of public transportation services.

Jeffrey Steinsnyder, Assistant County Attorney, advised objections based on fear of traffic, etc., do not constitute substantial competent evidence and recited case law regarding this fact. Approval or denial must be based upon the hearing and recommendation of the planning commission based on the 14 criteria of the LDC, i.e., compatibility.

Stephen Thompson, attorney representing the Oak Grove Park Homeowner's Association and other property owners and homeowner associations, submitted a petition (220 residents) opposing the project, photographs, and resumes of Stephen Thompson, Nickolas Monteforte (attorney), and Ellen Maloff (arborist consultant).

Mr. Thompson referred to the staff report and site plan noting the request is incompatible and inconsistent with proposed development in the area. He stated concerns of setbacks, density, separation, transitioning, and setting a precedence of higher density along the University Parkway corridor; etc.

Ellen Maloff, Certified Arborist, addressed adverse impacts of tree removal and damage to trees during construction. She submitted photographs (13) depicting the wooded areas, damaged trees (2); and animal habitat (1).

John Sulek, representing University Parkway Citizen's Group, referred to traffic, speeding, and accidents on University Parkway. He submitted photographs of an accident at the Lockwood Ridge Road intersection. He opposed egress onto Shade Avenue without a signal.

Nickolas Monteforte, Oak Grove Subdivision, outlined drawings depicting necessary improvements for University Parkway regarding access from Shade Avenue; acceleration and deceleration lanes for storing traffic; driveway access; and signalization. He recommended that drainage issues be addressed prior to approval of the plan.

Michael Lee, representing Oak Grove Park Association, submitted a petition (82 signatures) and noted a lack of public bus service.

Speaking in opposition were: **Mervyn Faris** and **Ana Sulek** (Oak Grove Park); **Barbara Johnson** (Copperfield Homeowners Association); **Carol Whitmore** (SHR Medical Group); **James McClellan** and **Robert Friedman** (DeSoto Acres); **Ann Kennedy**; **Albert Briggs** (Links and Palm Aire Homeowners and Mote Ranch).

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

Others speaking in opposition: **Nancy Poffenbarger** (Oak Grove Park); **Herbert Quinn** (Palm Aire Community Action Committee); **Wendy Petrilli**; **Charles Altieri** (Country Oaks Homeowners Association); **Janice Landauer** (realtor); **Travis McCluskey** (University Parkway Citizen's Group); and **Julie Lee**.

Items of concern: Inconsistency with the Comprehensive Plan; transition not logical; no surrounding sidewalks; safety; affordable housing; need for traffic management plan; similar requests denied in 1985 and 1989 due to design and density; additional median cut on University Parkway is in violation of interlocal agreement with Sarasota County; subsidized housing; density; guaranteeing percentage of units will have affordable rents; property values; and crime.

Betsy Benac, Oak Grove Park resident, submitted comments regarding the site plan referring to distance between buildings, net density, stormwater requirements, traffic impacts inconsistent with PDR rezones, access to University Parkway, buffering, attached housing adjacent to unattached housing, entranceway standards, wetlands, tree protection, and open space. She recommended denial.

Ms. Benac relayed opposition from **Jean Skinner McLean**.

Staff responded to concerns.

Discussion: Signalization; density bonus evaluation; requiring public transportation; densities of area projects; stormwater performance standards; reducing units; whether stipulations will control lack of plan details; intent for development along University Parkway; access; whether an affordable housing study is available; preparing findings for denial.

Ms. Petruff concluded the request is compatible with the Comprehensive Plan and that the required level of detail for a General Development Plan is present. She noted the project is adjacent to an arterial highway and PDMU zoning; a traffic study may require mitigation of impacts; additional entranceway buffering has been provided; SWFWMD has reviewed the site for permitting, stormwater, and drainage; wetlands would not be impacted; and, there would be many recreational opportunities. She stated the Board could eliminate the density bonus if density is the concern.

Mr. Lawler outlined funding procedures regarding the affordable housing aspect.

Ms. Petruff suggested the Board could consider a base density of 6.0 dwelling units per acre for 278 units; and separately consider the special approval for the affordable housing.

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

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 inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. Bruce moved to **DENY** Manatee County Zoning Ordinance **PDR-99-16(Z)(G)**; and **DENY** the General Development Plan; and **ADOPT** the following Findings of Fact: (1) the applicant is not entitled to all of the maximum potential density in a 20-year Comprehensive Plan Future Land Use Category, in this case, 6.0 dwelling units per acre; (2) the proposed density of 7.75 du/per acre is not compatible with surrounding densities (1.0 du/per acre in Oak Grove and A-1 zoning to the adjoining sites to the east and west). Moreover, even without the affordable housing bonus the density of 6.0 du/per acre is extremely high for the surrounding area and, therefore, not compatible; (3) proposal for multifamily development is not compatible with uses on abutting A-1 properties, none of which have zoning or planned development site plan approval for multifamily units; (4) twenty-foot buffers along the east and west property lines are inadequate given the possibility for agricultural uses on abutting properties; (5) the proposal does not adequately address two means of access at this time. In addition, the site plan shows constrained access at Shade Avenue that may not be adequate for a project of this size; (6) potential revisions to the General Development Plan to address all LDC requirements are likely to be extensive. Potential impacts of the changes cannot be adequately foreseen at this time. A new site plan and public hearing are the appropriate forum to address these issues; (7) there is currently a lack of public transportation either from the Sarasota or Manatee County transit systems to serve this area; public transportation is the desirable infrastructure for a project designed as affordable housing. Motion was seconded by Mr. McClash.

Discussion: Reviewing the denial; possibly reducing density to allow development on property; inadequate plan; density of 4.5 du/per acre; professional uses more compatible; traffic impact of other uses.

Motion carried 4 to 2, with Mr. Stephens and Ms. Brown voting nay.

Ms. Petruff requested reconsideration for a lower density of 4.5 or a recommendation by the Board subject to review of a General Development Plan. There was no action on her request.

NOVEMBER 16, 1999

(Continued)

Public hearing (Notice in the *Bradenton Herald* 11/5/99) was opened to consider

PDR-99-03 (Z) (G) RESERVE OF BRADEN RIVER ASSOCIATES - PDR AND GDP ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND RDD-6 TO PDR; PROVIDING AN EFFECTIVE DATE; AND GENERAL DEVELOPMENT PLAN TO ALLOW 552 MULTIFAMILY UNITS AT A DENSITY OF 9.78 DWELLING UNITS PER ACRE ON 56.43 ACRES LOCATED AT THE SOUTHEAST CORNER OF S.R. 70 AND NATALIE WAY.

Planning Commission recommended approval with 19 Stipulations; GRANTING Special Approval for a project located in the RES-9 Future Land Use Category. RECORD S47-813

Ms. Clarke advised that the applicant (letter from Zoller, Najjar & Shroyer, Inc.) requested continuance to review new stipulations and to have a full Board in attendance.

Motion was made by Ms. Brown, seconded by Mr. McClash, and carried 6 to 0, to continue the public hearing to December 7, 1999, at 9:00 a.m. or as soon thereafter as may be heard.

(Depart Mr. McClash)

COMPREHENSIVE PLAN AMENDMENTS

Public hearings (Notices in the *Bradenton Herald* 11/9/99) were held to consider

ORDINANCE 99-12 - FUTURE LAND USE ELEMENT MAP AMENDMENTS

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 - Wilson, Miller, Barton & Peek)

ORDINANCE 99-13 - FUTURE LAND USE MAP

AN 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/CSVA TO R/O/R, RES-3/CEA, RES-3/CEA/CSVA, AND IL; FOR CERTAIN LAND LOCATED AT 2001 U.S. HIGHWAY 301, ELLENTON, CONSISTING OF 187.89 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-99-05 - Property Owner: S.L. Equities c/o Quadrelle Realty Services/Sieman's Palmetto)

Jim Lee, Planning Department, submitted the County's response to the Department of Community Affairs (DCA) objections, recommendations, and comments for the Cycle II Comprehensive Plan amendments.

He noted that DCA concerns regarding evacuation time of the residential development within the Coastal Evacuation Area (CEA), wetlands and habitat species, and density in the CEA, have been resolved. The applicant reduced density in the CEA from RES-6 to RES-3 and land area from 125 to 100 acres for residential; the IL would be increased from 6 to 55 acres.

In response to DCA concerns for public shelter space for residential within the CEA, Mr. Lee referred to Condition 4. RECORD S47-814

(Enter Mr. McClash)

Mr. Lee stated the applicant is requesting that a private shelter, built to public standards, be allowed. He advised that staff has a problem with liability and availability, over which government would have no control.

Lori Fagen, Emergency Management Department, reported on the management structure and deficiencies of County public shelters. She recommended that consideration be given to improving schools to accommodate deficiencies.

Discussion: Providing a list of schools built in the last five years and proposed schools designed to shelter standards; square-foot allocation to shelters; radio communication requirements; setting requirements for private shelters; use of churches, auditoriums; etc.

Michael Smith, American Red Cross, stated there are no educational facilities in the County built to new State guidelines for hurricane shelters. The State will evaluate the County in February 2000. He noted a concern of qualified staffing for the private shelters.

(Depart Mr. Stephens; Ms. Brown presiding)

Ed Vogler, attorney representing the applicant, stated the applicant agreed to provide a private facility on site built to public standards, manned by public people, and open to the public. He objected to DCA requiring the shelter to be outside the property and also objected to the DCA telling the County the type, location, and conditions, regarding shelters.

(Enter Mr. Stephens, presiding)

He requested the RES-3 portion (100 acres) be withdrawn from the amendment and recommended more time to explore the idea of private shelters.

Discussion: Developer contribution to improving schools for use as shelters; further discussions as to private shelters; insuring shelters are available to the public; seeking CDBG funds to enhance community centers for shelters; Board control of private/public shelters and locations.

Mr. Lee suggested adding the following language to the second paragraph in I.B.1.c.b)4):

Alternatively, the property owner can propose the use of private facilities, which meet the public shelter standards identified by the Manatee County Emergency Management Division. This proposal shall require approval by the Board of County Commissioners. The Board shall consider the proposal issues for review by the Board, but not limited to, shall include liability of the County and methods to insure that the shelter space is open during times of emergency.

Betsy Benac, representing S.L. Equities, stated concern due to unknown costs. She **withdrew** text amendment PA-99-04 (Ordinance 99-12) and requested the residential portion of PA-99-05 (Ordinance 99-13) go forward with the R/O/R and IL, retaining the existing IH (yellow portion on site map).

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, and upon the comments received from the Florida Department of Community Affairs, Mr. McClash moved to adopt Manatee County **Ordinance 99-13 (PA-99-05)** with the understanding that the RES-3 remains IH. Motion was seconded by Ms. Brown and carried 6 to 0.

RECORD S47-815

Public hearing (Notice in the Bradenton Herald 11/9/99) was held to consider

ORDINANCE 99-34 - MIGRANT FARMWORKING HOUSING

AN 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)

Mr. Lee **withdrew** the request.

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(Continued)

Public hearing (Notice in the *Bradenton Herald* 11/9/99) was held to consider.

ORDINANCE 99-33 - TEXT AMENDMENTS

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)

Mr. Lee advised that DCA had no comments on this amendment.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, and upon the comments received from the Florida Department of Community Affairs, Mrs. Glass moved to adopt Manatee County Ordinance 99-33 (PA-99-14). Motion was seconded by Mr. Bruce and carried 6 to 0. RECORD S47-816

Public hearing (Notice in the *Bradenton Herald* 11/9/99) was held to consider

ORDINANCE 99-36 - CAPITAL IMPROVEMENTS ELEMENT (CIE)

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 FOR AN AMENDMENT TO TABLE 10-1: SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS, FY 1999-2003, INVOLVING REVISIONS TO SCOPE, FORMAT, TIMEFRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS, DRAINAGE, 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 TO REFLECT AMENDMENTS TO SCOPE, FORMAT, TIMEFRAME, COSTS, FUNDING SOURCES, AND CONTENT OF SAID TABLE 10-1; 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)

Mr. Lee stated that DCA had no comments for this amendment.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, upon the technical support documents, and finding the request to be consistent with the provisions of Chapter 163, Florida Statutes, and the Manatee County Comprehensive Plan, and upon the comments received from the Florida Department of Community Affairs, Mr. Bruce moved to adopt Manatee County Ordinance 99-36 (PA-99-17). Motion was seconded by Mrs. Stein and carried 6 to 0. RECORD S47-817

LAND DEVELOPMENT CODE AMENDMENTS

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

ORDINANCE 99-48 - TEXT AMENDMENTS

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 FIG. 6-1, THE USE CHART;

9. AMENDING CERTAIN MINIMUM LOT SETBACK AND HEIGHT STANDARDS IN FIG. 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.

Laurie Suess, Planning Department, stated this is the 1999 Land Development Code text amendment cycle.

VariANCES

Carol Clarke, Planning Director, recommended that the Board of Zoning Appeals (BZA) be replaced with a Hearing Officer to consider variances, as the BZA is not the best forum in terms of what is essentially Findings of Facts, necessary under the standards for a variance.

A letter was submitted from **Elliott Grosh**, a BZA member, objecting to the change. Also noted was a telephone message from **Wilhelmenia McFee**, a BZA member, and verbal concerns of two other members about the proposed change.

Watershed Open Space

Ms. Clarke stated the proposed calculation for upland open space will be 35 percent for residential projects and 30 percent for non-residential and in Planned Development 25 percent and 20 percent respectively.

Discussion: Reviewing definition of open space.

Public Hearing Notice

Ms. Suess reviewed changes, i.e., notices in both local major newspapers, mailing to parcels within 500 feet of subject parcel, simplifying notice language, allow earlier posting and larger signs when deemed necessary.

Discussion: Including as Code amendment; developer paying for notice.

Large Projects Definition and Timing

Ms. Suess stated the proposed change would provide additional time for projects of 400 units or larger to have a longer build-out period, and for County facilities when the level of service standards are maintained.

Discussion: Large projects would retain concurrency for longer periods; bringing back additional information.

She referred to corrections in the Use Chart and referred to a letter from **Jerry N. Zoller**, Architect/Planner (10/28/99), to review zoning categories and definitions for printing and publishing establishments.

The second public hearing will be December 14, 1999, at 9:00 a.m.

WARES CREEK FLOOD CONTROL PROJECT

Charles Hunsicker, Planning Department, recommended execution of letters to the local Congressional Delegation (Senators Bob Graham and Connie Mack, and Representative Dan Miller) in appreciation for obtaining \$3 million from Energy and Water Appropriations funding for FY 2000 for the Wares Creek Flood Control project.

Ms. Brown moved to approve execution of the letters. Motion was seconded by Mr. Bruce and carried 6 to 0.

LAND ACQUISITION PROGRAM

Mr. Hunsicker reported on land acquisition and conservation efforts to identify and protect the natural habitat and intrusive values of the County's drinking water, watershed, and central and coastal lands.

He referred to maps depicting property within the watershed owned by the County (22,914 acres) and by the Southwest Florida Water Management District (SWFWMD)/State (8,372 acres). Additional maps depicted conservation land owned by the County (24,843) and by SWFWMD/State (25,947 acres); and proposed acquisitions by the County (114 acres) and by SWFWMD/State (49,911 acres).

NOVEMBER 16, 1999

(Continued)

STREET VACATION - THE ESTUARY (Continued)

Motion was made by Mrs. Glass and seconded by Ms. Brown to adopt R-99-189-V declaring a public hearing to vacate certain portions of 103rd Street Northwest, 9th Avenue Northwest, Palma Sola Loop Road, and portions of the plats for Wildwood Subdivision, Perico Terrace Subdivision and Palma Sola Frost Proof Farms, to be held on December 14, 1999, at 9:00 a.m. or as soon thereafter as possible.

Discussion: Citizen request to hold a hearing at 5:00 p.m.; agenda for Board meeting (12/7/99) to discuss issues, i.e., dedications, easements, maintenance agreements, Blue Bay Project, and access; developer holding neighborhood meeting to address residents' concerns.

Amendment to Motion

Mrs. Glass and Ms. Brown amended the motion to include that staff bring back information to address issues on the agenda of December 7, 1999; and that the developer be required to hold a neighborhood meeting at their convenience.

Ms. Clarke requested flexibility if the 30th is a better date than the 7th.

Motion carried 6 to 0.

RECORD S47-818

RURAL HEALTH SERVICES - IMPACT FEES

Mr. Stephens advised that Rural Health Services donated right-of-way and failed to apply for impact fee credits prior to issuance of a building permit and have asked for Board assistance. He recommended that staff work with Rural Health to resolve the problem.

Motion was made by Mrs. Glass and seconded by Ms. Brown to approve the request.

Discussion: Need for additional information; placing on agenda.

Motion carried 5 to 1, with Mr. McClash voting nay.

MEETING ADJOURNED

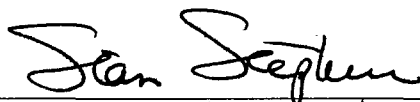
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman

3/21/00

Adj: 5:25 p.m.
/jr

