

JANUARY 25, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, January 25, 2000, at 9:05 a.m.

Present were Commissioners:

Stan Stephens, Chairman  
Joe McClash, Second Vice-Chairman  
Jonathan Bruce, Third Vice-Chairman  
Patricia M. Glass  
Amy Stein

Absent was Commissioner:

Gwendolyn Y. Brown (at convention)

One seat was vacant due to the death of Commissioner Lari Ann Harris.

Also present were:

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

Invocation by Reverend Tom Otto, Ellenton United Methodist Church.

#### CONSENT AGENDA

Motion was made by Mrs. Stein, seconded by Mr. Bruce and carried 5 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda. Items APPROVED:

#### ZONING

Public hearing (Notice in the *Bradenton Herald* 1/14/00) was opened to consider

PDI-99-01(Z) (P) HAYWORTH TRUST/TRIDENT BUILDING SYSTEMS (Continued to 2/22/00 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 CONSISTING OF 29.2 ACRES FROM A-1 TO PDI; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 107,400-SQUARE-FOOT MANUFACTURING FACILITY ON 14.20 ACRES OF THE SITE LOCATED EAST OF US 301 AT THE SOUTHEAST INTERSECTION OF TALLEVAST ROAD AND 27TH STREET EAST.

Public hearing (no advertisement in the *Bradenton Herald*) was opened to consider

PDR-98-17(P) RIVER WILDERNESS COUNTRY CLUB, PHASE III (Continued to 2/22/00 at 9:00 a.m. for proper advertisement)

Request: Preliminary Site Plan to allow 406 residential lots (307 single-family detached and 99 zero lot line), a swim complex, four new tennis courts (including removal of two courts), a tot lot, a ball field, and boating facilities (docks, boat ramp and boat storage), on 698.4 acres located on the south side of Old Tampa Road, west of Fort Hamer Road and north of the Manatee River.

Public hearing (Notice in the *Bradenton Herald* 01/07/00) was opened to consider

PDMU-92-01(Z) (G) (R6) SCHROEDER-MANATEE RANCH, INC. (UNIVERSITY LAKES DRI 22) (Continued to 2/22/00 at 9:00 a.m.)

Request: Amend the approved General Development Plan to allow:

1. A change in the location of the Town Center;
2. Amend Table D to reflect an omission from the previous amendment;
3. Amend the mix of uses allowed within the Town Center;
4. Delete some acreage to add to the Cypress Banks DRI for residential development;
5. Add specific information to the notes on the General Development Plan regarding uses and setbacks for the Town Center;
6. Relocate an access point to University Parkway;

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(Continued)

7. Amend Tables A and B regarding transportation; and
8. Move the location of some Regional Commercial and Business parcels on 2,421.7 acres located at the northeast intersection of University Parkway and I-75 interchange.

and

Public hearing (Notice in the *Bradenton Herald* 01/07/00) was opened to consider

**ORDINANCE 99-05 SCHROEDER-MANATEE RANCH, INC. (UNIVERSITY LAKES DRI 22)** (Continued to 2/22/00 at 9:00 a.m.)

Request: Determination of whether the following proposed modifications to DRI 22 constitute a substantial deviation to the University Lakes DRI Development Order, pursuant to Chapter 380.06, *Florida Statutes*:

1. Amend certain conditions of the Development Order relating to transportation and affordable housing;
2. Initiate Phase 2 development;
3. Relocate the Town Center area;
4. Relocate an approved access point;
5. Redistribute acreage between Regional Commercial and Business uses;
6. Adjust the boundaries between this DRI and the adjoining Cypress Banks DRI;
7. Amend Tables 1-6 of the Development Order; and
8. Amend map H to reflect the above changes on 2,421.7 acres located at the northeast intersection of University Parkway and I-75 interchange.

Public hearing (Notice in the *Bradenton Herald* 01/14/00) was held to consider

**PDR-99-20(P) BRADEN RIVER FIRE CONTROL AND RESCUE DISTRICT** (APPR)

Request: Preliminary Site Plan to allow a 5,300-square-foot fire station (Public Use Facility), on 1.45 acres located on the west side of Rye Road East, north of the Gene Witt Elementary School at 150 Rye Road.

Planning Commission recommended Approval with 5 Stipulations.

RECORD S47-1031

Public hearing (Notice in the *Bradenton Herald* 01/14/00) was held to consider

**PDC-99-08(P) BETH SALEM RETAIL NURSERY/REASONER FAMILY PARTNERSHIP** (APPROVED)

Request: Preliminary Site Plan to add a new 2,460-square-foot retail nursery center, three greenhouses, and use of the existing historic residence for accessory office and retail sales, on 3.54 acres located at the southeast corner of the intersection of S.R. 70 and 30th Street East.

Planning Commission recommended Approval with 11 Stipulations.

RECORD S47-1032

Public Hearing (Notice in the *Bradenton Herald* 01/14/00) was held to consider

**Z-99-13 DEBRA AND ROBERT CLARK** (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-6** TO **PR-S**; AND PROVIDING AN EFFECTIVE DATE; ON .44 ACRES LOCATED THREE-QUARTERS OF A MILE EAST OF US 41 AT THE SOUTHEAST CORNER OF THE INTERSECTION OF 53RD AVENUE EAST AND 1ST STREET AT 104 53RD AVENUE EAST.

Planning Commission recommended APPROVAL.

RECORD S47-1033

Public hearing (Notice in the *Bradenton Herald* 1/14/00) was held to consider

**Z-99-15 CHRIS VORBECK** (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSMH-6** to **A-1**; AND PROVIDING AN EFFECTIVE DATE; ON 1.01 ACRES LOCATED ONE-QUARTER MILE EAST OF ELLENTON GILLETTE ROAD AT 4004 89TH STREET EAST (AMLONG ROAD).

Planning Commission recommended APPROVAL.

RECORD S47-1034

**COUNTY ADMINISTRATOR**  
**MATERIALS AND SERVICES**

**84th Street Northwest** - Award IFB 99-3483DC to Woodruff & Sons, Inc., \$86,406.50; authorize subsequent execution of contract; date performance/payment bonds and accept insurance certificate.

**CROSLY ESTATE**

Execute Change Order 3 to Purchase Order P9002065 for masonry and structural repairs, with Preservation Services, Inc., to extend the contract by 60 days (no additional cost) due to manufacturer's delay of specialty tile (revised date 2/3/00). RECORD S47-1035

**JUDICIAL CENTER - SPACE PLANNING**

Execute Addendum Number One to Agreement (9/7/99) with Space Management Consultants, Inc., for a no-cost adjustment to Attachment B; Task C and Task D are increased by \$10,000 each and Task E is reduced by \$20,000. RECORD S47-1036

**LAWSUIT - AMERADA HESS**

Approve representation of Amerada Hess by Mark Barnebey in connection with Braden Woods, etc., et al. versus Manatee County, case CA99-2753, as outlined in correspondence to Tedd N. Williams, County Attorney.

**FINAL PLAT - CREEKWOOD WEST COMMERCIAL, PHASE I**

1. Final Plat.
2. Agreement with Creekwood Investors, Ltd., guaranteeing completion of required sidewalks and bikeways (\$19,163.20) and temporary construction easement.
3. Performance Bond: \$19,163.20 (Letter of Credit MBL-SB 33415 Regions Bank).
4. Right-of-Way Consent Agreement (copy) between Florida Power and Light Company and Creekwood Investors LTD.
5. Declaration of Covenants, Conditions, Easements and Restrictions for Creekwood West Commercial.

**FINAL PLAT - PARRISH ESTATES**

1. Final Plat.
2. Agreement with J. W. Parrish, Jr., to Defer Completion of Required Sidewalks. RECORD S47-1037
3. Notice to Buyers.

**FINAL PLAT - BLOCK 2, SABAL HARBOUR, PHASE I-B, REVISED**

1. Final Plat.

**53RD AVENUE WEST - RELOCATION AGREEMENT**

Execute Facilities Relocation Agreement with Florida Power and Light Company for improvements to 53rd Avenue West, from 34th to 43rd Streets, \$214,337. RECORD S47-1038

**PROCLAMATION**

Proclamation presented to Lindell Orr, designating January 25, 2000, as **Blake Medical Center Day.** RECORD S47-1039

**CLERK OF CIRCUIT COURT**

**BONDS**

Accept:

**Pond Excavation and Landfill Cover**

1. Performance Bond: \$687,500 (Bond 167028, North American Specialty Insurance Company), in accordance with IFB 99-3179CD awarded to Goodwin Constructors, Inc. (approved 11/30/99).
2. Payment Bond: \$687,500 (Bond 167028, North American Specialty Insurance Company), in accordance with IFB 99-3179CD awarded to Goodwin Constructors, Inc. (approved 11/30/99). RECORD S47-1040

**WARRANT LIST**

Approve: January 18, 2000, through January 24, 2000  
 Authorize: January 25, 2000, through January 31, 2000

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfactions of Judgment:**

Charles John Burke, Case 89-7008T (2)  
 Mike Hanners, Case 98-796F

**Partial Releases of Special Improvement Liens**

Projects - 3009/5147(3); 3007/2508; 5132

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

1. PDR-89-05(G)(R<sup>57</sup>) - Unnamed Exclusive Golf and Country Club (DRI 12) - Corrective revised General Development Plan, Page 23 Section 5 should be deleted (approved 12/14/99). RECORD S47-1041
2. Ordinance 99-55 - Unnamed Exclusive Golf and Country Club (DRI 12) - Corrective Development Order correcting page 12, Table 1 and the Land Use Summary Table on Map H (Exhibit B) to reflect a total development area of 1,201.37 acres and open space of 177.87 acres (approved 12/14/99). RECORD S47-1042

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(Continued)

**Telecommunication Towers** - Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to Enter Real Property and Remove Abandoned Telecommunications Tower with Owner/Operator of Telecommunication Facility SprintCom, Inc., and Owner/Lessor of Real Property, Schroeder-Manatee Ranch, Inc., on Lorraine Road.

Accept/Authorize

RECORD S47-1043

**Accept:**

Affidavit of Loss from **Rose Ackley**; Bond of Indemnity (Seaboard Surety Company).

**Authorize:**

State Street Corp. Trust to reissue Manatee County General Obligation Bonds 1986, dated 10/01/86, 7.3755 percent of 10/01/2015, CUSIP 561841GSO, Certificate R-1478 @ \$15,000 P. A. called 10/01/96 for \$15,300 R/N/O: Rose Ackley-Lost.

(End Consent Agenda)

CITIZENS' COMMENTS

**William Wheeler** had questions about and expressed concern over enforcement of the Noise Ordinance (99-20).

**Disposition:** Referred to staff.

**Leonard Conner** and **Victor Coveduck** referred to a handout to highlight concerns regarding docks built by Bay Colony and Terra Ceia Bay Estates in the Jamaica Harbor Canal at the entrance to Terra Ceia Bay.

**Disposition:** County Administrator to coordinate a report.

ZONING

Public hearing (Notice in the *Bradenton Herald* 1/14/00) was opened to consider

PDR-97-12(P)(R) WATERLEFE GOLF AND COUNTRY CLUB

Request: Revised Preliminary Site Plan to amend:

- a. Decrease the number of dwelling units for the project from 706 to 667 and gross density from 1.48 to 1.40 (this includes increasing the number of single-family lots from 439 to 499 and decreasing the multifamily units from 267 to 168);
- b. Change the unit type along the eastern portion of the site from 2-story, 2-unit multifamily to 55-foot-wide, single-family lots;
- c. Change the size of lots located on the southwestern portion of the site from 80-foot widths to 55-foot widths;
- d. Increase the multifamily units along the western property line from 62 to 68 units;
- e. Modify Land Use Stipulation 2 to limit all multifamily buildings to 2 stories and allow an increase in the side of the second story of multifamily buildings;
- f. Modify Land Use Stipulation 4 to increase the first floor distance between multifamily buildings;
- g. Realign the southern segment of the intersection of Upper Manatee River Road and the Fort Hamer Road extension, within the recently-dedicated right-of-way located north of the bend in Upper Manatee River Road;
- h. Add a 14-slip congregate boating facility in a man-made canal, with access to the Manatee River, southeast of the proposed clubhouse;
- i. Amend Land Use Stipulation 6.b to modify the required landscaping and buffering along the project's eastern boundary;
- j. Incorporate various other site plan changes, which do not require a public hearing pursuant to Section 603.6 of the Land Development Code

on 622 acres, including 478.5 upland acres above the Manatee River shoreline located on the south side of the Manatee River, north and west of Upper Manatee River Road.

**Bill Merrill**, attorney for the applicant, requested a continuance until February 22, 2000.

Motion to continue **PDR-97-12(P)(R)** Waterlefe Golf and Country Club until February 22, 2000, was made by Mr. Bruce, seconded by Mrs. Stein and carried 5 to 0.

Public hearing (continued from 12/14/99 and Notice in the Bradenton Herald 1/14/00) was held to consider

**PDPM-91-01(Z)(G)(R3) PORT MANATEE**

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND CONSISTING OF 414 ACRES FROM LM/CH and HM/CH to PDPM/CH; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF AN AMENDMENT TO THE EXISTING PORT MANATEE GENERAL DEVELOPMENT PLAN TO ADD APPROXIMATELY 414 ACRES OF PROPERTY AND A PERMITTED USE ON PORT PROPERTY CURRENTLY ZONED PDPM ON 1,098 ACRES LOCATED ON THE WEST SIDE OF U.S. 41 NORTH AT THE HILLSBOROUGH COUNTY LINE.

Planning Commission recommended APPROVAL with 13 Stipulations.

RECORD S47-1044

Laurie Suess, Planning Department, referred to a General Development Plan to outline this request to include the Hendry, Savage and Florida Power and Light (FPL) tracts, the expansion of Berths 4, 5 and 12 and upland improvements on the Hendry tract. She advised that a rezone to PDPM is requested for the conservation areas.

**Ken Scarbrough**, Port Manatee staff, was available to answer questions.

Discussion: Significant amount of property reserved for conservation uses; future success of seagrass mitigation projects; etc.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. Stein moved to adopt Manatee County Zoning Ordinance PDPM-91-01(Z)(G)(R3) and approval of the amendment to the General Development Plan with Stipulations 1 through 13. Motion was seconded by Mrs. Glass and carried 5 to 0.

RECORD S47-1045

**STATE ROAD 64 MEDIAN LANDSCAPING**

Harry Mendenhall, Transportation Department, submitted Resolutions:

**R-00-35** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR A HIGHWAY BEAUTIFICATION GRANT.

**R-00-36** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE EXECUTION OF LANDSCAPE MAINTENANCE MEMORANDUM OF AGREEMENT AND HIGHWAY BEAUTIFICATION GRANT MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION.

Mr. Mendenhall used a handout and a conceptual plan to review this project, which extends from 27th Street East to Morgan Johnson Road on S.R. 64 for a total cost of \$729,732.29. He advised that the maximum grant amount is \$200,000, with matching funds provided by the City of Bradenton and the County. Mr. Mendenhall stated Tree Trust Fund may help defray a portion of the County portion.

**David Gertzen**, Urban Resource Group, advised that the irrigation system is the largest expense; however, it can be redesigned.

Discussion: Whether landscaping plans can be redesigned to fall within budgetary constraints; irrigation system costs; alternative foliage; maintenance costs for landscaped areas; impact fees; traffic calming; use of recycled water; tree fund money; comparison with Cortez Road project; use of prisoners to grow/maintain foliage, etc.

Mr. McClash moved to adopt R-00-35 and R-00-36 and completion of the grant application with the State of Florida, Department of Transportation with plans, specifications and estimates to be approved in a future meeting. Motion was seconded by Mr. Bruce and carried 5 to 0.

RECORD S47-1046  
S47-1047

ORDINANCE 99-48 - LAND DEVELOPMENT CODE

Public hearing (Notice in the Bradenton Herald 12/8/99) was held to consider

ORDINANCE 99-48 (ORDINANCE 00-22)

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.

Planning Commission recommended ADOPTION.

Ms. Sues outlined the proposed changes:

- Published advertisements are to be written in laymen's language, with the elimination of as many acronyms as possible;
- Elimination of the Board of Zoning Appeals (BZA), with replacement by a Hearing Officer;
- Watershed Open Space definitions;
- Lattice towers in PDR zoning districts; and
- Environmental classroom and education facilities.

Discussion: Sample of "laymen's" language for review; method of rectifying "honest" construction/surveying errors or inspecting errors; criteria flexibility; setbacks; rezones; etc.

(Mr. McClash absent for a portion of discussion)

Carol Clarke, Planning Director, stated that the Open Space definition is confusing and recommended bringing it back at a later date.

Discussion: Total impermeable block is 25 percent; percentage of open space differs for residential/non-residential; open space criteria; grass parking lots; turf block; general landscape provisions of the LDC; lattice towers in PDR districts; buffers; etc.

(Mrs. Stein absent for a portion of discussion)

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

Jeffrey Steinsnyder, Assistant County Attorney, proposed the following changes:

**603.7.4.2 Landscaped Open Space and Pervious Area Requirements:**  
 For projects outside the watershed overlay district, an area equal to at least twenty-five (25) percent of the land area of the district...developer/homeowner's association. For projects within the watershed overlay districts, the percentage of open space shall be thirty-five (35) percent for new residential projects. (See the definition of Open Space.) Single-family residential subdivision projects shall have an area equal to at least twenty-five (25) percent of the land area of the district... developer/homeowner's association. ~~No more than twenty five (25) percent of the required landscaped and pervious area shall be composed of permeable paving block.~~

**603.10.4.2 Landscaped Open Space and Pervious Area Requirements:**  
 For projects outside the watershed overlay district, an area equal to at least twenty-five (25) percent of the land area of the district... maintained accordingly. For projects within the

watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects. ~~No more than twenty-five (25) percent of the required landscaped and pervious open space shall be composed of permeable paving block. Permeable paving block may be used for up to twenty five (25) percent of required paved areas.~~

**603.11.42 Landscaped Open Space and Pervious Area Requirements:**

At least twenty (20) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects. No more than twenty five (25) percent of the required landscaped and pervious open space shall be composed of permeable paving block. Permeable paving block may be used for up to twenty five (25) percent of required paved areas. However all such paving shall be located outside of all heavy vehicular use areas.

**603.12.4.2 Landscaped Open Space and Pervious Area Requirements:**

At least thirty-five (35) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. ~~No more than twenty five (25) percent of the required landscaped and pervious open space shall be composed of permeable paving block. Permeable paving block may be used for up to twenty five (25) percent of required paved areas. However, all such paving shall be located outside of all heavy vehicular use areas. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.~~

**603.13.4.2 Landscaped Open Space and Pervious Area Requirements:**

At least twenty-five (25) percent of the land area of the district shall be reserved for landscaping and permeable open space, and shall be improved and maintained accordingly. ~~No more than twenty five (25) percent of the required landscaped and pervious space shall be composed of permeable paving block. Permeable paving block may be used for up to twenty five (25) percent of required paved areas. However, all such paving shall be located outside of all heavy vehicular use areas. For projects within the watershed overlay districts, the requirement shall be thirty (30) percent for all non-residential projects.~~

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 LDC, Mrs. Glass moved to adopt County Ordinance 99-48, amending Ordinance 90-01, the Manatee County LDC, with the changes incorporated at this meeting. Motion was seconded by Mr. McClash.

Mr. Steinsnyder recommended that the Ordinance number be changed from 99-48 to 00-22, to be consistent with County policy.

Substitute Motion

Mrs. Glass substituted Ordinance number 00-22 for 99-48 in the main motion, and Mr. McClash seconded. The motion carried 4 to 1, with Mr. Bruce voting nay.

RECORD S47-1048

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

Clerk



Chairman 5/23/00

Adj: 11:20 a.m.  
/pat