

FEBRUARY 22, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 22, 2000, at 9:04 a.m.

Present were Commissioners:

Stan Stephens, Chairman
 Gwendolyn Y. Brown, First Vice-Chairman, entered during meeting
 Patricia M. Glass, Second Vice-Chairman
 Jonathan Bruce, Third Vice-Chairman
 Joe McClash
 George Harris
 Amy Stein

Also present were:

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

Invocation by Reverend Amy Zehe, Unity Church

(Enter Ms. Brown)

CONSENT AGENDA

Upon motion by Mrs. Glass and second by Mrs. Stein, the Consent Agenda was unanimously approved incorporating the language as stated in the recommended motions in the staff reports and the agenda memoranda, with deletion of: (1) McMullen Estates - Street Numbering Waiver Request, and (2) Waterford at Imperial Lakewoods Subdivision - Street Numbering Waiver Request (separate actions). Items APPROVED:

COUNTY ADMINISTRATOR

COPS MORE '98 GRANT

Approve, ratify and confirm execution by the Chairman (2/15/00) of COPS MORE '98 Civilian Renewal Request documents for renewal of grant funding under the COPS MORE '98 Grant Program (Grant Agreement No. 98CLWX0202 with U.S. Department of Justice) in the amount of \$86,517, for the retention of three Manatee Sheriff's Office civilian employees. RECORD s47-1120

CORTEZ SCHOOLHOUSE

Accept into the record, final closing documents associated with the acquisition of the Cortez Schoolhouse (Estate of Robert D. Sailors):

1. Original Title Policy ATA1-98 020021 from Alliance Title of America, Inc.
2. Recorded Grant Award Agreement with Florida Communities Trust (executed 10/19/99).
3. Recorded Personal Representative's Deed from James R. Sailors, as Personal Representative of the Estate of Robert D. Sailors.
4. Copy of signed, Amended Purchaser's Reconciliation of Total Project Costs, dated January 7, 2000. RECORD s47-1121

BUDGET AMENDMENT RESOLUTION

VARIOUS DEPARTMENTS (B-00-017)

Transfer of Funds; Unanticipated Revenue Appropriations (Supporting Description and Detail Attached). RECORD s47-1122

CORTEZ WATERFRONTS FLORIDA PROGRAM GRANT

Execute Agreement with State Department of Community Affairs, Florida Coastal Management Program to accept first year grant award in the amount of \$10,000 for the Cortez Community Center Renovation Plan (7/1/99-6/30/00). RECORD s47-1123

CITY OF BRADENTON BEACH - LAW ENFORCEMENT SERVICES

Execute Interlocal Agreement with the City of Bradenton Beach for provision of law enforcement services at Cortez Beach, Coquina Beach, and Coquina Bayside Park (10/1/99-3/31/00), \$5,834.95 per month. RECORD s47-1124

EMPLOYEE TUITION REIMBURSEMENT

Authorize payment of five separate invoices totaling \$7,278 to Manatee Technical Institute (MTI) for welding training provided to 36 Public Works employees of the Lift Station and Sewer Collection Sections.

TIME PAYMENT AGREEMENTS

Time Payment Agreements for water/sewer facility investment fees, connection fees, and line extension charges with:

<u>Paul E. Neumann;</u>	S47-1125
<u>Troy E. Gatling, Jr., and Sonja Smith;</u>	S47-1126
<u>William R. and Joyce M. Keller;</u>	S47-1127
<u>Elizabeth Chaney and Barbara Lee Rimes;</u>	S47-1128
<u>Grimes Groves, Inc.;</u>	S47-1129
<u>William R. and Sandra J. Futhey;</u>	S47-1130
<u>Tomas and Carolina R. Dominguez;</u>	S47-1131
<u>Phillip and Gail C. Wadsworth;</u>	S47-1132
<u>Sandra E. Manley (2);</u>	S47-1133 S47-1134
<u>David E. and Sarah Jones;</u>	S47-1135
<u>Jerry E. and Cindra C. Affolter;</u>	S47-1136
<u>John E. and Lucile P. Breitenbach;</u>	S47-1137
<u>William G. Jr., and Leisa A. Rowell and Janet E. Douglas (2);</u>	S47-1138 S47-1139
<u>Frances A. Bootsma;</u>	S47-1140
<u>Duchess N. Dailey; and</u>	S47-1141
<u>Richard L. and Judy F. McDonald.</u>	RECORD S47-1142

30TH AVENUE EAST DRAINAGE IMPROVEMENTS

R-00-42 A RESOLUTION OF MANATEE COUNTY, FLORIDA, APPROVING AND AUTHORIZING EXECUTION OF THAT CERTAIN PIPELINE LONGITUDINAL OCCUPANCY AGREEMENT WITH CSX TRANSPORTATION, INC., AS RELATED TO MANATEE COUNTY'S PLANNED 30TH AVENUE EAST DRAINAGE IMPROVEMENT PROJECT

(authorizing execution of Pipeline Longitudinal Occupancy Agreement with CSX Transportation, Inc., total of \$12,406.).

RECORD S47-1143
S47-1144

53RD AVENUE WEST

1. Contract for Sale and Purchase of a Warranty Deed with Donald A. and Rhonda L. Foster for right-of-way, from 43rd Street West to 34th Street West (Parcel 23), \$3,100. RECORD S47-1145
2. Warranty Deed and Affidavit of Ownership and Encumbrances from Donald A. and Rhonda L. Foster; Partial Release from Fleet Mortgage Corporation. RECORD S47-1146
3. Finance Department to make compensation check payable to Fleet Mortgage Group, Inc.

LAKE MANATEE WATERSHED ACQUISITION

Contract for Sale and Purchase of a Warranty Deed with James R. Swafford for 13.33 acres in Lake Manatee Watershed, \$71,000, with check of \$71,665 to be made payable to Manatee Pinellas Title Company. RECORD S47-1147

LOCKWOOD RIDGE ROAD

1. Contract for Sale and Purchase of a Warranty Deed, Drainage Easement, Slope Easement, and Temporary Construction Easement with McClure Properties, Ltd., for road improvements, from Tallevast Road to 45th Street East/Murray Lane, \$78,132.84. RECORD S47-1148
2. Warranty Deed, Drainage Easement, Slope Easement, Temporary Construction Easement and Affidavits of Ownership and Encumbrances (3), from McClure Properties, Ltd. RECORD S47-1149

RUBONIA MARDI GRAS - TRAFFIC CONTROL ASSISTANCE

Request from Rubonia Community Center for the loan of traffic control barricades, devices, equipment, and personnel from the Transportation Department for the annual Rubonia Mardi Gras event on March 4 and 5, 2000.

SOUTHERNAIRE MOBILE HOME PARK - WATER METERS

Accept Temporary Construction Easements for the construction and relocation of water meters from Joseph P. Moran (3); Daniel E. Schulte (2); Ruth A. Johnson; Sandra L. Hicks; Michael J. Earle; Robert C. Montanaro; Ellen E. Millard; Ethel E. Ewing; Roger O. Davis; Robert Masias; Ruby M. Dowell; Geraldine Roney; Linda Marie Ruth (3); Bartholomew Real Estate; Anna E. Baurle; Florida Club Concepts; and, Stanley Murphrey. RECORD S47-1150

ZONING

Public hearing (continued from 12/14/99) was opened to consider

PDMU-99-08(G) [AKA Z-89-46(C)(R²)] UNIVERSITY COMMONS

(CONTINUED TO 3/28/00 AT 9:00 A.M.)

Request: **Revised** Zoning Ordinance and General Development Plan for University Commons on 286.50 acres north of University Parkway and west of Lockwood Ridge Road, extending 1,000 feet west of Tuttle Avenue (reflecting changes a. through t.). RECORD S47-1151

FEBRUARY 22, 2000

(Continued)

Public hearing (continued from 12/14/99) was opened to consider
ORDINANCE 00-27 (fka 99-65) UNIVERSITY COMMONS (DRI 19)
 (CONTINUED TO 3/28/00 AT 9:00 A.M.)

Request: Determine whether the proposed modifications to the University Commons DRI Development Order (Ordinance 99-65) constitute a substantial deviation pursuant to Chapter 380.06, *Florida Statutes* (reflecting changes a. through v.).

RECORD S47-1152

HAWK'S HARBOR - FINAL PLAT

1. Final Plat.
2. Mortgagee's Joinder in and Ratification of Subdivision Plat from Bank of America, N.A.
3. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required sidewalks and bikeways (\$77,140); and Temporary Construction Easement for Private Improvements.
4. Performance Bond: \$49,400 (Letter of Credit 941861 with Amendment 1 [\$77,140], Bank of America, N.A.).
5. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required improvements (\$1,441,300); and Temporary Construction Easement for Private Improvements.
6. Performance Bond: \$1,441,300 (Letter of Credit 941862 with Amendment 1, Bank of America, N.A.).
7. Agreement with Bowlees Creek Development, Inc., guaranteeing completion of required improvements (\$69,410); and Temporary Construction Easement for Private Improvements.
8. Performance Bond: \$69,410 (Letter of Credit 3022479, Bank of America, N.A.).
9. Declaration of Covenants, Conditions and Restrictions for the Hawk's Harbor Community with attachments.
10. Conservation Easement from Bowlees Creek Development, Inc.
11. Florida Power and Light Easements (3) for Tract B, Tract C, and Tract Island.

RECORD S47-1153

RECORD S47-1154
S47-1155 S47-1156CLERK OF CIRCUIT COURT - CONSENT CALENDARWARRANT LIST

Approve: February 15, 2000 through February 21, 2000
 Authorize: February 22, 2000 through February 28, 2000

MINUTES

November 2, 1999

AUTHORIZE CHAIRMAN TO SIGNPartial Release of Special Improvement Assessment Liens:

Projects 5062; 3004/2507; 3009/5147(3)

(End Consent Agenda)

ZONING

Public hearing (continued from 1/25/00, and advertised in the *Bradenton Herald* 2/11/00) was held to consider

PDR-98-17(P) RIVER WILDERNESS COUNTRY CLUB, PHASE III

Request: Approval of a Preliminary Site Plan to allow 406 residential lots (307 single-family detached units and 99 villa/zero lot line lots), and associated recreational facilities (new facilities to include four new tennis courts and the existing 19th golf hole). Existing recreational facilities that will be removed to accommodate new development include two tennis courts, a tot lot (swing set), a ball field (backstop), and boating facilities (docks, boat ramp and boat/RV 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.

Planning Commission recommended APPROVAL with Stipulations; (Stipulation D.17 as added by staff and the applicant agrees); GRANT Special Approval for a project located adjacent to a perennial stream; any project which is at least partially within the Coastal High Hazard Area (CHHA), Coastal Evacuation Area (CEA), and Coastal Storm Vulnerability Area (CSVA) Overlay Districts;

ADOPT the Findings for Specific Approval;

GRANT Specific Approval of alternatives to Sections 907.9.4.2, 740.2.6.11, and 740.2.6.18 of the Land Development Code;

ADOPT the Finding denying Specific Approval; and,

DENY Specific Approval for an alternative to Section 722.1.4.

RECORD S47-1157

Aristotle Shinas, Planning Department, submitted a revised recommended motion adding Stipulation D.17, and an update of Planning Commission Stipulations B.4, D.5a., D.5b., D.13, and D.17, with stipulations agreed to by the applicant and alternative language suggested by the applicant and staff. RECORD S47-1158

He also submitted a letter (2/17/00) from **Edward Vogler** offering language to Stipulations B.4, D.5a., D.5b., D.13, and D.17; memorandum (2/17/00) from **Laurie Feagans**, Emergency Management Department; and, letters from **Paul Sayers** and **Dan and Cele Kumarich**.

Mr. Shinas displayed a zoning map and reviewed the request. He displayed a site plan and stated residential development is proposed north of Brookridge Subdivision (Subphase L), east of River Wilderness IIB (Subphases B, Unit 2, and Subphase C), and the southern portion of the project (Subphases D, E, F, G, H, I, J, and K). He pointed out the 100-year floodplain, coastal storm vulnerability areas, and five-foot contour areas. He stated that two means of access are proposed with the entrance to Old Tampa Road being the primary access, and a gated entrance off Fort Hamer Road. Mr. Shinas reviewed the requests for modifications.

There is a boat dock on the north bank of the Manatee River, a boat storage area within proposed Phase III, and several docks on an island in the Manatee River. Staff cannot find a record of a site plan or building permit approval for these improvements. The application was filed seeking approval of the docks, but the applicant has since elected to remove those items from the request and has added a note to the site plan that they will be removed (staff Stipulation D.13). Mr. Shinas stated the Planning Commission recommended an alternative Stipulation D.13 to address the boat docks.

Ed Vogler, attorney representing the applicant, stated the applicant concurs with all Stipulations, except Stipulation B.2, D.5a., and D.13. He requested a variable-width buffer along the Manatee River.

Gary Serviss, CCI Environmental Services, presented two photographs revealing a narrow, vegetative wetland fringe along the shoreline with markers on the upland area delineating the a 30-foot buffer and the proposed 15-foot buffer. The applicant plans to enhance the buffer with native vegetation to preserve the pastureland. He displayed cross section designs of the vegetative wetland buffer along the shoreline to show the effects of stipulations proposed by staff and the applicant.

Bob Lombardo, Lombardo, Skipper, and Foley, stated the variable width buffer is being requested on a portion of waterfront property (Lots 19-57). The waterfront lots will be developed with swales to direct stormwater runoff into a stormwater management system.

Mr. Lombardo displayed a site plan indicating the 15-foot-wide, emergency access onto Fort Hamer Road from the cul-de-sac in Subphase K. The Emergency Management staff recommended it be 24 feet wide and paved to accommodate two-way traffic, with a functioning security gate.

Mr. Vogler stated Stipulation D.13 concerns an existing boat dock on the north bank of the Manatee River that was constructed by the former developer, but never permitted. Staff advised the dock would have to be removed or permitted. The applicant has elected to remove the dock, as it is not consistent with the proposed development plans. Mr. Vogler advised the Board the boat dock was never a promised amenity to the residents and that the entire Phase III project would have to be delayed until the dock was permitted. He stated the homeowner association documents related to this project define common elements and areas, but do not include the boat dock as an amenity.

He further stated that, following acquisition of the club facilities and balance of undeveloped property in 1993 by Nations Bank, a Declaration to Convey Club Facilities was recorded in public record. The document does not list the boat dock facility as a club amenity.

FEBRUARY 22, 2000

(Continued)

Rita Toomey, resident of River Wilderness, submitted a Community Site Plan advertising direct boating access to the Gulf of Mexico. She spoke against the project as reduced lot sizes will change the character of the community. She submitted a picture of the boat dock and opposed its removal.

Jerry Amos, River Wilderness resident, stated the existing boat dock is considered an amenity of the development, and the construction of homes along the waterfront will deny future access to the river.

Paul Sayers, Planning Commission member and River Wilderness resident, presented photographs (7) of the entrance signs to River Wilderness, the riverfront park, tot-lot and parking areas. Contrary to the statements made by Mr. Vogler, he stated there is reason to believe the boat dock facility was constructed and permitted by a licensed contractor in the summer of 1985. He stated the Florida Department of Environmental Protection (FDEP) examined the dock and indicated no interest in pursuing further permitting. He urged the Board to preserve the dock and the RV storage location.

James Stein, President of Brookridge Homeowners' Association, stated following a site visit by staff and a meeting with the Association, the concerns of the Association as to Subphase L no longer exist.

Pat Nowak, River Wilderness Compliance Committee, stated concern of misleading statements made by the developer at the neighborhood meeting that the new phases would contain 15,000-square-foot lots, the boat dock would be removed only if required by the County, and that other amenities would be preserved or relocated. He stated the project proposes only 13 percent of new development to be large lots as compared to the 87 percent in the existing phases.

Arlene Flisik, Manatee County Audubon Society, stated concern that a significant portion of the site is in the coastal evacuation, storm vulnerability, and floodplain areas, and the Comprehensive Plan discourages development in these areas. She addressed environmental concerns in the Stipulations.

Sharon Lydell, River Wilderness resident, requested the integrity of the development be maintained. **Tom Streck**, River Wilderness resident, requested the plan be amended to delete the four waterfront lots in order to preserve the existing waterfront park.

Bill O'Shea, Environmental Management Department (EMD), stated that staff recommended a 30-foot buffer along the riverfront.

Mr. O'Shea addressed: Integrated Pest Management; educational materials would be provided to homeowners on the Florida Yards and Neighborhood Program and the use of fertilizers, pesticides, and herbicides; the developer would be required to submit upland preservation information with the amended preliminary site plan; tree replacement would be in accordance with Section 714 of the Land Development Code.

(Depart Mr. McClash)

Should the Board determine it is appropriate that the lot size specified by the applicant qualifies for a variable width buffer, Jeffery Steinsnyder, Assistant County Attorney, stated staff could draft language.

(Enter Mr. McClash; depart Mrs. Glass)

Discussion: Timetable for redesign of the site plan to provide the recreational park (Stipulation A.8); require developer to be liable for improvements to existing roadways used for construction access (Stipulation A.9); minimum floor area for the zero lot line lots (Stipulation A.11); justification by EMD for the 24-foot-wide emergency access; the word "plan" in Stipulation D.3 should be plant; whether staff has determined the facilities did not get approval from the Army Corps of Engineers for the upland areas along the road (Stipulation D.13); etc.

(Enter Mrs. Glass during discussion)

Recess/Reconvene. All members present except Mr. McClash.

Discussion: Stipulation added that two of the four new tennis courts will be dedicated to the homeowners association as club facilities; RV storage area be designated on the site plan and approved administratively; etc.

(Enter Mr. McClash)

Mr. Vogler stated that 99 lots will be smaller; the applicant is making efforts to enhance the pasture area near the variable width buffers; and the developer plans to relocate the recreational facilities simultaneously. He stated that the developer reserves easements to complete the project over the existing roadways. He stated there are no permits from the Army Corps of Engineers for the dock facility.

Mr. Vogler submitted a recorded copy of the Declaration to Convey Club Facilities, which provides that two tennis courts are part of the club facilities and would be conveyed, and that the developer reserves the right to relocate all of the recreational amenities. He stated the RV storage area, boat dock facility, and ballfield area are considered part of the recreational amenities, and there are no legal, private rights in these facilities.

Mr. Vogler submitted copies of two recorded deeds (1990 and 1996) by which the developer dedicated the Fort Hamer Road park to the County.

Discussion: Land Development Code policy on variable width buffers; emergency shelter contribution; existing shelter deficit; evacuation areas; wetland protection Policy 3.315; Policy 4.1.2.5 requiring buffers larger than 50 feet adjacent to environmentally sensitive, coastal wetlands; etc.

(Depart Ms. Brown)

Doug Means, Environmental Management Department, stated the Comprehensive Plan does not address variable width buffers, but sets minimum distance standards from jurisdictional wetlands.

(Enter Ms. Brown)

Discussion: Conflicting interpretation between the Land Development Code and Comprehensive Plan; both must apply to the project; flexible buffer provisions of Code regulations are narrow; gross and net density calculations; Note 8 on the preliminary site plan regarding wetland calculations; percentage of population that utilize shelters; difference between a 30-foot waterfront setback (Stipulation A.2) and a 30-foot buffer from the water; Comprehensive Policies 3.3.1.1 and 4.1.2.2; qualitative versus quantitative buffering; etc.

There was Board consensus on Stipulation A.7, as agreed by the applicant and staff, and on Stipulation B.2, as recommended by the applicant.

Mrs. Stein recommended Stipulation D.5 as recommended by staff, with inclusion of the language and shall be planted with native vegetation, as approved by the Environmental Management Department.

Mr. Steinsnyder offered a new **Stipulation D.18:**

Prior to removal of the boat ramp and waterfront recreational area, the Developer shall provide a facility of similar acreage with the same amenities at another location of the river. The Developer, at his option, may permit the existing facility to meet this requirement. This selection must be made prior to final site plan approval on any lot in Subphase G. If a new location is chosen, the location of the proposed facility requires an amended preliminary site plan approved by the Board of County Commissioners following public hearing.

Motion - Recommended by Mr. Steinsnyder

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, I move to approve Preliminary Site Plan **PDR-98-17(P)** with Stipulations A.1-A.11, with A.7 as agreed to by applicant and staff; B.1-B.8, with B.2 as proposed by the applicant; C.1 and C.2; D.1-D.18, with new D.18 as read by legal staff and D.13 as recommended by staff and applicant;

FEBRUARY 22, 2000

(Continued)

E.1; Grant special approval for a project located adjacent to a perennial stream; any project which is at least partially within the CH, CEA and CSVA Overlay Districts; Adopt the Findings for Specific Approval; Grant Specific Approval of alternatives to Section 907.9.4.2, 740.2.6.11, and 740.2.6.18 of the Land Development Code; Adopt the Finding for denying Specific Approval; and Deny Specific Approval for an alternative to Section 722.1.4, as recommended by the Planning Commission.

Mr. Steinsnyder stated Stipulation D.5 should be amended to include the enhanced buffer planting on Lots 14, 15, and 17 through 20; and, Stipulation D.5a. should read "Variable width wetland buffers shall be eliminated along the Manatee River. Wetland buffers shall be delineated on the amended Final Site Plan with enhanced native plantings as approved by EMD."

Mrs. Stein so moved on the motion as read by Mr. Steinsnyder. Motion was seconded by Mr. McClash and carried unanimously. RECORD S47-1159
S47-1160

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

UNIVERSITY LAKES DRI 22

Public hearing (continued from 1/25/00) was held to consider

PDMU-92-01(Z) (G) (R6) SCHROEDER MANATEE RANCH, INC. (UNIVERSITY LAKES DRI 22)

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;
7. Amend Tables A and B regarding transportation; and,
8. Move the location of some Regional Commercial and Business parcels

located at the northeast intersection of University Parkway and I-75 interchange on 2,421.7 acres.

Planning Commission recommended APPROVAL.

and

ORDINANCE 00-45 [advertised as 99-05] SCHROEDER MANATEE RANCH, INC. (UNIVERSITY LAKES DRI 22)

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;
8. Amend Map H to reflect the above changes

located at the northeast intersection of University Parkway and I-75 interchange on 2,421.7 acres.

Planning Commission recommended ADOPTION.

Laurie Suess, Planning Department, stated this request is to amend the Master Development Plan (Map H) to change the amount of acreage devoted to residential, business and commercial land uses, change the location of the area designated as the Town Center to a business area abutting the large central lake, initiate Phase 2 development, and amend the required transportation improvements in Tables 5 and 6.

Ms. Suess stated the existing Development Order requires that air quality, affordable housing, and traffic impact analysis be approved in order for the development of Phase 2 to commence.

Ms. Suess displayed a series of Development Plans to indicate those pods that have an increase in square footage and decrease in both acreage and square footage.

Ms. Suess stated the revisions to Map H include:

- Relocation of the Regional Commercial Town Center to the lake side of Lakewood Ranch Boulevard with the current business designation in that location;
- Changes to an access point on University Parkway from the tennis center area, just west of Legacy Boulevard, to a multifamily area located between Legacy Boulevard and Lorraine Road;
- Increase in the gross acreage designated for General Commercial use from 72.3 to 88.6 acres;
- Decrease in the gross acreage designated for business use from 126.4 to 110.1 acres;
- Decrease in the gross acreage designated for residential from 704.0 to 703.2 acres, due to some of the lots in Riverwalk, Subphase F having the DRI boundary cross them. The acreage will be added to the Cypress Banks DRI.

Ms. Suess stated the Affordable Housing conditions of the Development Order have been accepted by the State Department of Community Affairs. She stated Condition P.(2) allows for future housing studies when 2000 Census data becomes available.

Ms. Suess stated the applicant has rebutted the presumption with exception of affordable housing and transportation.

(Enter Ms. Brown)

Bob Rutlege, County traffic consultant, stated the findings in the transportation impact analysis of the applicant were reviewed and are acceptable. Required improvements have been added, deleted, or changed.

Carol Clarke, Planning Director, submitted an Errata Sheet of general language corrections. She noted Pages 2 and 3 address the Certificate of Level of Service (CLOS), which is proposed to run with the phasing. She stated Phase 2 is proposed for less than nine years and the CLOS is proposed for that period. RECORD S47-1161

Georgianne Ratliff, representing the applicant, concurred with the conditions as recommended by staff.

Motion - PDMU-92-01(Z) (G) (R6)

Based on 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, motion was made by Mr. Bruce to ADOPT Manatee County Zoning Ordinance **PDMU-92-01(Z) (G) (R6)** and APPROVE the revisions to the General Development Plan, and with the changes made at this meeting. Motion was seconded by Mrs. Stein and carried unanimously. RECORD S47-1162

Motion - Ordinance 00-45

Based on 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, the Manatee County Land Development Code, Section 380.06, *Florida Statutes*, and Rule 9J-2.025(3), Florida Administrative Code, Mr. Bruce moved to ADOPT the findings that the proposed NOPC modifying the University Lakes DRI Development Order does not constitute a substantial deviation; and ADOPT Manatee County **Ordinance 00-45** (amending Ordinance 92-32, as amended by Ordinances 93-25, 95-44, 97-61, and 97-81) with amendments to Section 4, Conditions; Section 8, Commencement of Development; and, Tables 1, 2, 5, and 6, together with the changes as noted at this meeting. Motion was seconded by Mr. Harris and carried unanimously. RECORD S47-1163

FEBRUARY 22, 2000

(Continued)

ZONING

Public hearing (continued from 1/25/00) was held to consider

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

Request: Approval to amend Preliminary Site Plan and Zoning Ordinance as follows:

- 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 feet 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.

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

If approved, staff recommended Stipulations.

RECORD S47-1164

Norm Luppino, Planning Department, displayed a location map with letter identification to correspond with the letters outlining the request. He gave an overview of the proposed site plan changes.

Mr. Luppino presented renderings of the current three-story building and of the proposed, two-story building design alternatives. He also presented a diagram showing the current 25-foot spacing between the first floor of the multifamily buildings and 40-foot spacing between the second and third floors. The proposal spaces the first and second floors 40 feet apart to create more distance between buildings.

Mr. Luppino noted concern of the visibility of the larger buildings from the waterway and suggested the applicant vary the roofline by providing dormers and cupolas. Staff also suggested the roof and building color be changed to resemble a single-family residence. Mr. Luppino displayed a site map from the prior approval (July 1998).

Mr. Luppino showed a slide presentation of buffering along the east boundary, view of the multifamily site from the river, and directional views toward the river.

Bill Merrill, attorney for the applicant, concurred with the stipulations. He stated the golf course portion of the project and many of the roads and utilities are complete on this project.

Mr. Merrill distributed: (1) Summary listing the existing project approvals, requested approvals, and effects of the changes; (2) reduced copy of the site plan; (3) site plan with the requested changes; (4) rendering of a lookout tower proposed at The Pointe; (5) east project boundary maps showing the realignment of Upper Manatee River Road and the secondary access. The realignment directs traffic to a "T" intersection to eliminate through traffic on Upper Manatee River Road.

He displayed an aerial showing the location of the two-story, multifamily buildings in Sections 14 and 15, and the enhanced landscaping buffer area. He also displayed renderings showing the spacing between the multifamily buildings and front and rear elevations.

Mr. Merrill stated he met with Jim Clendenon to address concerns of drainage currently running under the road and toward his property. Mr. Merrill agreed to secure permitting to redirect the flow to the north and along the road rather than onto property of Mr. Clendenon.

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. Glass moved to ADOPT Manatee County Zoning Ordinance **PDR-97-12(P)(R)** and the Preliminary Site Plan with Transportation Stipulations 1 through 9; Environmental Stipulations 1 through 14, and Land Use and Design Stipulations 1 through 18; amending Transportation Stipulations 1A., 3, 4, and 6; Environmental Stipulations 4, 8, 13, and 14, and Land Use and Design Stipulations 1 through 6, 10, 15, 17, and 18; and, adding Transportation Stipulation 9. Motion was seconded by Mr. Harris.

Discussion: Concerns raised in letter from **Karen Ciemniecki** resolved; density remains too high for this area; street lighting; etc.

Mrs. Glass agreed to incorporate language pertaining to the traffic light into the motion (Transportation Stipulation 10 "The applicant shall provide street lighting at the project entrance on Upper Manatee River Road adjacent to Lake 23"). Mr. Harris agreed and the motion carried unanimously.

RECORD S47-1165
S47-1166

Public hearing (continued from 1/25/00) was held to consider

PDI-99-01(Z)(P) HAYWORTH TRUST/TRIDENT BUILDING SYSTEMS

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND 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, GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED ADJACENT TO A PERENNIAL STREAM, LOCATED EAST OF U.S. 301 AT THE SOUTHEAST INTERSECTION OF TALLEVAST ROAD AND 27TH STREET EAST.

Planning Commission recommended APPROVAL with 14 Stipulations.

RECORD S47-1167

Lisa Barrett, Planning Department, distributed modifications to Stipulations 14 and 15 from the applicant, which staff does not concur with. She also distributed revised Stipulations as recommended by staff in underline and strike-through format.

RECORD S47-1168

Ms. Barrett reviewed surrounding land uses. She also presented slides showing directional views of the current facility on 28th Street Court East and the proposed facility on Tallevast Road.

Ms. Barrett stated that the site is located within the IL future land use category, but adjacent to a residential future land use category on the east side of the Pearce Canal. Due to concern of adverse impacts, staff recommended requiring the applicant to submit a noise study to be reviewed by an acoustical consultant to determine if the facility complies with the Noise Ordinance 99-20 (Stipulation 14). If compliance is not met, the applicant will be required to mitigate the noise impacts prior to issuance of a Certificate of Occupancy.

Joe Simonetta, Trident Building Systems, displayed a proposed landscape plan and stated efforts were made to enhance the natural features on site. A significant wall of trees on the eastern boundary, in addition to other plantings, will serve as a buffer.

FEBRUARY 22, 2000

(Continued)

Discussion: Noise disturbance raised by one neighbor; one complaint has been filed in 4½ years; design enhancements incorporated into the new plant including building insulation and the use of hi-tech, low-noise equipment; closest residence is 900 feet; the office area is proposed on the north side to serve as additional buffering; applicant's Stipulations 14 and 15; etc.

Joe Lovingood, realtor for the property, stated the project complies with the Comprehensive Plan and Land Development Code.

Jeffery Steinsnyder, Assistant County Attorney, recommended revised Stipulations 14 and 15 of staff.

Motion

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. Stein moved to ADOPT Manatee County Zoning Ordinance **PDI-99-01(Z)(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1 through 13 as recommended by the Planning Commission; Stipulation 14 as added by staff, and Stipulation 15 as revised by staff, and GRANT Special Approval for a project located adjacent to a perennial stream. Mr. Bruce seconded the motion.

Carl Petrat, President of Trident Building Systems, stated intentions are to purchase an automated piece of equipment to eliminate the noise generated by the hammering required during manual assembly.

Discussion: What constitutes an official noise complaint; a complaint filed with Code Enforcement or the Sheriff for noise; language modification is needed, as a telephone complaint is not necessarily an official complaint.

Mrs. Stein recommended inserting the second sentence of the applicant's Stipulation 15 into staff's recommended Stipulation 15 after the semicolon in the first sentence to read:

Should a noise complaint be filed against the proposed facility; County shall verify the validity of the complaint and subsequently notify the applicant of the violation.

Ms. Clarke recommended Stipulation 15 be modified to include the definition of Acoustical Consultant as worded in Stipulation 14.

Mrs. Stein and Mr. Bruce agreed to the modifications, and the motion carried unanimously.

RECORD S47-1169
S47-1170

STREET NUMBERING WAIVER

Ms. Clarke deferred to a future agenda, the street numbering waiver requests for McMullen Estates Subdivision and Waterford at Imperial Lakewoods Subdivision.

WARES CREEK DREDGING/FUNDING

Mr. Stephens announced that funding for the Wares Creek Dredging Project was lost on Friday, but through discussion with appropriate individuals was reinstated Monday evening by the Florida Legislature.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



[Signature]
Clerk

11:00 p.m.
/rll

[Signature]
Chairman 6/20/00