

MARCH 28, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, March 28, 2000, at 9:05 a.m.

Present were Commissioners:

Stan Stephens, Chairman  
Gwendolyn Y. Brown, First Vice-Chairman  
Patricia M. Glass, Second Vice-Chairman  
Jonathan Bruce, Third Vice-Chairman  
George L. Harris  
Amy Stein

Absent was Commissioner: Joe McClash (vacation)

Also present were:

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

Invocation by Chairman Stephens

#### AGENDA CHANGES

Carol Clarke, Planning Director, noted that on the Agenda were applicant withdrawals for PDR-00-02(Z)(G)/ Dr. Jack Jawitz and Z-99-12/Reasoner Family Partnership, advertised for public hearings.

#### CONSENT AGENDA

##### COUNTY ADMINISTRATOR

##### CHILDRENS SERVICES ADVISORY BOARD

Appoint Judge Deno Economou to fill the Judge of the Family Law Division vacancy.

##### BUDGET AMENDMENT

##### Community Services (B-00-021)

Transfer of Funds; Unanticipated Revenue Appropriations  
(supporting description and detail attached) RECORD S47-1259

##### LENA ROAD LANDFILL

Execute Work Assignment 3 (WW-3) with Post, Buckley, Schuh & Jernigan, Inc., for architectural/engineering services for design, permitting, and construction of a new scale, scalehouse, and entrance road, not to exceed \$419,680. RECORD S47-1260

##### PARKS AND RECREATION

Execute Work Assignment 4 (4-P) with Wade-Trim, Inc., for architectural/engineering services to design a prototype multiuse building, not to exceed \$40,744. RECORD S47-1261

##### MAIL HANDLING SERVICES

Enter into negotiations with the top-ranked firm, Access Mail Processing Service, Inc.

##### SOUTHWEST REGIONAL WASTEWATER TREATMENT PLANT

Execute Change Order 3 to Work Assignment 93-27 with Black & Veatch, for effluent storage pond modifications and filter addition engineering services for an increase of \$444,377 and an adjusted total not to exceed \$900,724. RECORD S47-1262

##### TRANSPORTATION IMPACT FEES

Execute Credit Authorization CA-99-03(T) and Final Credit Authorization for \$30,180 with Southland Corporation, for eligible right-of-way dedication on 14th Street West and on 57th Avenue West. RECORD S47-1263  
S47-1264

##### FINAL PLATS

##### Mangrove Point Subdivision

1. Final Plat.
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Bank of America d/b/a NationsBank, N.A.
3. Required Sidewalk and Bikeways Agreement and Temporary Construction Easement for Private Improvements with Old Florida Properties, L.C., guaranteeing completion of sidewalks and bikeways (\$46,576.60).
4. Performance Bond: \$46,576.60 (Letter of Credit 3023187, with Amendments 1 and 2, Bank of America d/b/a NationsBank, N.A.).

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5. Required Improvements Agreement and Temporary Construction Easement for Private Improvements with Old Florida Properties, L.C., guaranteeing completion of wetland plantings and repair (\$16,595).
6. Performance Bond: \$16,595 (Surety Bond 929133693, American Casualty Company of Florida).
7. Conservation Easement from Old Florida Properties, L.C. RECORD S47-1265
8. Declaration of Covenants, Restrictions, and Easements.

**Old Grove at Greenfield Plantation, Phase III-A**

1. Final Plat.
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Bank of America, N.A., successor in interest to Barnett Bank, N.A.
3. Agreement with River Road Plantation Partnership guaranteeing completion of required improvements (\$389,697.18).
4. Performance Bond: \$389,697.18 (Letter of Credit 3020864, Bank of America, N.A.).
5. Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$18,941).
6. Performance Bond: \$18,941 (Letter of Credit 3020863, Bank of America, N.A.).
7. Mortgagee's Joinder in and Ratification of Off-Site Drainage Easements from Bank of America, N.A., successor in interest to Barnett Bank, N.A.
8. Off-Site Drainage Easement from Bruce Williams Farms Association and Myakka Valley Safaris, Inc. RECORD S47-1266
9. Supplemental Master Declaration of Covenants, Conditions and Restrictions.

**Riverwalk Ridge Subdivision**

1. Final Plat.
2. Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon from Lakewood Ranch Community Development District 1.
3. Agreement with SMR Communities Joint Venture, guaranteeing completion of required improvements (\$1,545,004.24).
4. Performance Bond: \$1,545,004.24 (Surety Bond 152916, Frontier Insurance Company).
5. Required Improvements Agreement and Temporary Construction Easement for Private Improvements with SMR Communities Joint Venture, guaranteeing completion of irrigation, landscape, and hardscape (\$156,441.83).
6. Performance Bond: \$156,441.83 (Surety Bond 152918, Frontier Insurance Company).
7. Agreement with SMR Communities Joint Venture, guaranteeing completion of required sidewalks and bikeways (\$53,966.25).
8. Performance Bond: \$53,966.25 (Surety Bond 152917, Frontier Insurance Company).
9. Conservation Easement from Schroeder-Manatee Ranch, Inc. RECORD S47-1267
10. Maintenance Agreement for Right-of-Way Islands with Lakewood Ranch Community Development District 1. RECORD S47-1268
11. Site Access and Drainage Affidavit Right-of-way Irrigation and Utilization from Schroeder-Manatee Ranch, Inc.
12. Supplemental Declaration for Summerfield/Riverwalk Village.

**REFUNDS**

Refund \$829.84 to Robert M. Smith, account 96125-77225, for overpayment of utility bill.

**30TH AVENUE WEST**

1. Contract for Sale and Purchase for a Warranty Deed from Ruby M. Warner, for right-of-way from 26th to 5th Streets West, Parcel 114, \$66,500. RECORD S47-1269  
S47-1270
2. Warranty Deed and Affidavit of Ownership from Ruby M. Warner; Quit Claim Deed from Dorothy Steffens. RECORD S47-1271

**53RD AVENUE WEST**

1. Contract for Sale and Purchase for a Right-of-Way and Utility Easement from Benderson Development Company, Inc., Randall Benderson, Ronald Benderson and David H. Baldauf, as Trustees, RAAR, LLC and WR-II Associates, Ltd., for improvements from 43rd to 34th Streets West, Parcel 12, \$94,500. RECORD S47-1272

2. Right-of-Way Easement, Utility Easement, and Affidavit of Ownership and Encumbrances from Benderson Development Company, Inc., Randall Benderson, Ronald Benderson and David H. Baldauf, as Trustees, RAAR, LLC and WR-II Associates, Ltd.; Joinder from Winn Dixie Stores, Inc. RECORD S47-1273
3. Authorize the Finance Department of the Clerk of the Circuit Court to prepare separate checks for allocation of the proceeds (as set forth on the allocation sheet in agenda package) for the easements, payable to WR-II Associates, Ltd., Benderson 85-1 Trust, Benderson Development Company, Inc., and RAAR, LLC.
4. Contract for Sale and Purchase for a Right-of-Way Easement from NB/85 Associates, Wayne M. Ruben, WR-I Associates, Ltd., and Letom Land Lease Partners, for improvements from 43rd to 34th Streets West, \$52,560. RECORD S47-1274
5. Right-of-Way Easement and Affidavit of Ownership and Encumbrances from NB/85 Associates, Wayne M. Ruben, WR-I Associates, Ltd., and Letom Land Lease Partners. RECORD S47-1275
6. Authorize the Finance Department of the Clerk of Circuit Court to prepare separate checks for allocation of the proceeds (as set forth on the allocation sheet in the agenda package) for the easement payable to NB/85 Associates, Wayne M. Ruben, WR-I Associates, Ltd., and Letom Land Lease Partners.

**STREET VACATION - RIVERDALE REVISED SUBDIVISION**

Public hearing (Notice in the *Bradenton Herald* 3/2/00) was held to consider

**R-00-17V** RESOLUTION VACATING A PORTION OF RIVERDALE REVISED SUBDIVISION BY APPLICATION OF CENTEX HOMES (southerly five feet of 5th Avenue Northeast, adjacent to Lots 1003 through 1019). RECORD S47-1276

**UNIVERSITY COMMONS DRI 19**

Public hearings (continued from 2/22/00) were opened to consider

**PDMU-99-08(G) [AKA Z-89-46(C)(R3)] UNIVERSITY COMMONS**  
(CONTINUED TO 4/25/00 AT 9:00 A.M.)

Request: Revised Zoning Ordinance and General Development Plan on 286.50 acres located north of University Parkway and west of Lockwood Ridge Road, extending 1,000 feet west of Tuttle Avenue, and including the existing shopping center at the northwest corner of University Parkway and Lockwood Ridge Road (changes reflected in "a" through "t" in proof of publication 11/4/99).

and

**ORDINANCE 00-27 (FKA 99-65) UNIVERSITY COMMONS (DRI 19)**  
(CONTINUED TO 4/25/00 AT 9:00 A.M.)

Request: Determination of whether the following proposed modifications to the University Commons DRI Development Order constitute a substantial deviation pursuant to Chapter 380.06, *Florida Statutes* (modifications reflected in proof of publication items "a" through "v" dated 11/4/99). RECORD S47-1278

**ZONING**

Public hearings (Notices in the *Bradenton Herald* 3/17/00 and the *Sarasota Herald-Tribune* 3/17/00) were opened to consider

**LDA-99-01 TWIN RIVER/GAMBLE CREEK, L.C.**  
(CONTINUED TO 4/18/00 AT 9:00 A.M.)

Request: Local Development Agreement to secure development rights and mitigate the drainage (Gamble Creek cleaning), transportation (reconstruction of Golf Course Road Bridge and transportation improvements), infrastructure (sewer connection and upsizing) impacts for a mixed-use development of 550 residential lots, a daycare, and a church on 1,224 acres located on the south side of Golf Course Road, east of Gamble Creek, west of Rye Road, and north of the Manatee River.

and

**PDR-99-02(Z)(G) [ADVERTISED AS PDR-99-12(Z)(G)] GAMBLE CREEK, L.C./TWIN RIVER** (CONTINUED TO 4/18/00 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 FROM **A** AND **A/CH** TO **PDR** AND RETAINING COASTAL HIGH HAZARD AREA OVERLAY; PROVIDING FOR AN EFFECTIVE DATE; **AND GENERAL DEVELOPMENT PLAN** TO ALLOW 550 RESIDENTIAL UNITS, RESIDENTIAL SUPPORT USES (DAYCARE AND CHURCH), AND A PROJECT SALES OFFICE ON 1,224 ACRES LOCATED ON THE SOUTH SIDE OF GOLF COURSE ROAD, EAST OF GAMBLE CREEK, AND NORTH OF THE MANATEE RIVER.

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(Continued)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 3/17/00) was opened to consider

**Z-99-20 WOODY'S TOMATO, INC. - LM**

(CONTINUED TO 4/25/00 AT 9:00 A.M.)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **GC** TO **LM**; PROVIDING AN EFFECTIVE DATE; LOCATED ON 17 ACRES NORTH OF THE CITY OF PALMETTO ON THE WEST SIDE OF U.S. 19 NEAR THE INTERSECTION OF U.S. 19 AND U.S. 41 AT 405 U.S. 19 NORTH.

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was opened to consider

**PDI-99-02 (Z) (P) REEDER FARMS/REEDER INDUSTRIAL PARK**

(CONTINUED TO 4/25/00 AT 9:00 A.M.)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** AND **A-1/CH** TO **PDI/CH**; PROVIDING AN EFFECTIVE DATE; **AND A PRELIMINARY SITE PLAN** TO ALLOW A 22-LOT INDUSTRIAL SUBDIVISION ON 240 ACRES LOCATED SOUTH OF PORT MANATEE, WEST OF U.S. 41, OFF ARMSTRONG ROAD.

Planning Commission recommended APPROVAL.

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was opened to consider

**PDC-99-09 (Z) (P) WHISENANT FARMS, INC./ELLENTON MINI STORAGE AND CAR WASH - PDC AND P/PLAN** (CONTINUED TO 4/25/00 AT 9:00 A.M.)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-4.5** AND **NC-M** TO **PDC**; PROVIDING AN EFFECTIVE DATE; **AND PRELIMINARY SITE PLAN** TO ALLOW A 62,245 SQUARE-FOOT MINI-WAREHOUSE, 1,200 SQUARE FEET OF ACCESSORY OFFICE, AND A 1,904 SQUARE-FOOT SELF SERVICE CAR WASH; ON 4.85 ACRES LOCATED AT THE NORTHWEST CORNER OF U.S. 301 AND ELLENTON GILLETTE ROAD WITHIN THE ELLENTON COMMERCIAL SUBDIVISION ON LOT 5.

Planning Commission recommended APPROVAL.

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was held to consider

**Z-99-09 FLORIDA CRUSHED STONE COMPANY - 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 147.56 ACRES LOCATED AT 3007 BUCKEYE ROAD, BETWEEN U.S. 41 AND 113TH STREET EAST (PALMETTO).

Planning Commission recommended APPROVAL.

RECORD S47-1279

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was held to consider

**Z-99-16 PARKWOOD LAKES LAND TRUST 2 - GC** (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **PR-M** TO **GC**; AND PROVIDING AN EFFECTIVE DATE; ON 1.18 ACRES LOCATED ON THE SOUTH SIDE OF U.S. 301 NORTH, WEST OF OLD TAMPA ROAD.

Planning Commission recommended APPROVAL.

RECORD S47-1280

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was held to consider

**Z-99-21 PALMETTO BUSINESS PARK L.P. - LM** (APPROVED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **HM** TO **LM**; AND PROVIDING AN EFFECTIVE DATE; ON 46.18 ACRES LOCATED AT 2001 U.S. 301 NORTH IN ELLENTON.

Planning Commission recommended APPROVAL.

RECORD S47-1281

Public hearing (Notices in the Bradenton Herald and the Sarasota Herald-Tribune 3/17/00) was held to consider

**PDC-99-15(Z)(P) SUPER 50 THEATRE CORPORATION/HILTON GARDEN INN - PDC AND P/PLAN (APPROVED)**

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC TO PDC; PROVIDING AN EFFECTIVE DATE; AND A PRELIMINARY SITE PLAN TO ALLOW A 115-ROOM HOTEL, A 4,550 SQUARE-FOOT RESTAURANT, AND A 6,000 SQUARE-FOOT RESTAURANT; ALL STRUCTURES CONTAIN 73,731 SQUARE FEET WITH THE RESTAURANTS LOCATED ON TWO OUT-PARCELS ON 5.23 ACRES LOCATED ON THE WEST SIDE OF U.S. 41 SOUTH, SOUTH OF BRADEN AVENUE AND NORTH OF THE CROSLY ESTATE.

Planning Commission recommended APPROVAL with 16 Stipulations.

RECORD S47-1282

Public hearing (Notices in the Bradenton Herald and the Sarasota Herald-Tribune 3/17/00) was held to consider

**PDC-99-10(P) WORLD SAVINGS AND LOAN - P/PLAN (APPROVED)**

Request: Preliminary Site Plan to allow a 4,142 square-foot bank with drive-through facilities on 1.03 acres located with the Wal-Mart Shopping Center at the intersection of S.R. 70 and U.S. 301. PLANNING COMMISSION recommended approval with 5 Stipulations.

RECORD S47-1283

Public hearing (Notices in the Bradenton Herald and the Sarasota Herald-Tribune 3/17/00) was held to consider

**PDC-97-03(G)(R2) CARGOR INC./UNIVERSITY MINI WAREHOUSE (APPROVED)**

Request: Amendment to an approved General Development Plan to allow a change to the proposed use on one outparcel from offices to mini-warehouses on 23.853 acres located at the northeast corner of Lockwood Ridge Road and University Parkway.

PLANNING COMMISSION recommended APPROVAL with 15 Stipulations.

Staff recommended amended Stipulation 15.

RECORD S47-1284

ADOPT the Findings for Specific Approval for: (1) a reduction in the setback for mini-warehouses; and (2) a reduction in the waterfront yard setback; and

GRANT Specific Approval of alternatives to Sections 704.47.2 and 702.6.8 of the Land Development Code.

RECORD S47-1285

**CLERK OF CIRCUIT COURT CONSENT CALENDAR**

**BONDS**

**Accept:**

**Elbert Court Subdivision**

1. Agreement with Value Properties, Inc., guaranteeing completion of required improvements (right-of-way, \$40,000).
2. Performance Bond: \$40,000 (Letter of Credit, Money Consultants, Inc.).
3. Agreement with Value Properties, Inc., warranting required improvements (\$4,000).
4. Defect Security: \$4,000 (Letter of Credit, Money Consultants, Inc.).

**REFUNDS**

Remco Construction Co., Inc. - Impact Fees \$1,935.46

**WARRANT LIST**

Approve: March 21, 2000 through March 27, 2000  
Authorize: March 28, 2000 through April 3, 2000

**MINUTES**

December 15, 1999 - Special

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfactions of Judgments:**

- Bessie Calderon - Case 94-2509JP
- Mario Calderon - Cases 93-1041F and 93-2207F(2)
- Maynor Calderon - Case 94-2509JP
- Betty Furnace - Case 99-2377JD
- Gordon Gaither - Case 99-2672F(2)
- Jerry Hamilton - Case 97-1726F
- Jonathon Lowe - Case 90-3283F (2)

**Partial Release Special Improvement Assessment Liens:**

Projects 3009/5147; 3102/2502(2); 3106/5144; 5144; 5147; 5150

**ACCEPT**

**Lakewood Ranch Community Development** - Annual Financial Report for Units of Local Government and audited Financial Statements for fiscal year ending September 30, 1999, for Districts 1, 2, and 3.

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(Continued)

Upon motion by Ms. Brown and second by Mr. Harris, the Consent Agenda dated March 28, 2000, was adopted 6 to 0, incorporating the language as stated in the recommended motions in the staff reports and agenda memoranda with (1) amended motion for Mangrove Point Final Plat to accept/execute Amendment 2 for Letter of Credit 30223187; and (2) deletion of award IFB 994784DC for First Union Building renovations (separate action).

(End Consent Agenda)

ZONING

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was opened to consider

PDR-99-22(P) HOSPICE - P/PLAN

Request: Preliminary Site Plan to allow a public community use (a group care home/hospice for six residents and a 5,115 square-foot administrative center) in a PDR zoning district on 5.04 acres located at 4151 37th Street East (Palmetto).

Planning Commission recommended APPROVAL with 9 Stipulations.

RECORD S47-1286

Carol Clarke, Planning Director, announced that the applicant had requested a continuance.

**Dutchess Dailey, Mary Dailey, and Bob Blanton**, area residents, spoke in opposition to the size of the administration building and its uses. Other items addressed were: impact on wells; earthmoving could change flow of water from the land; whether the administration building is necessary for Hospice operations; redesigning buildings/locations to be less intrusive to neighborhood; etc.

**Dee Anna Deloach** submitted a petition in opposition (34 signatures) and photographs of neighboring residences, existing Hospice facilities, and existing unoccupied buildings in the County, which could be used.

**Tracey Suddaby**, adjacent property owner, reviewed the site plan, noting this type of business is out of character for the rural area. She submitted a letter from Hospice welcoming a meeting to discuss plans with residents..

Motion was made by Mr. Harris, seconded by Mrs. Stein, and carried 6 to 0, to continue the public hearing to May 23, 2000, at 9:00 a.m. or as soon thereafter as may be heard.

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/17/00) was held to consider

PDC-99-14(Z) (G[advertised as P]) CURTIS PETZOLDT/PARKWOOD SQUARE

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM GC TO PDC; PROVIDING AN EFFECTIVE DATE; **AND A GENERAL DEVELOPMENT PLAN TO ALLOW A 117,633 SQUARE-FOOT COMMERCIAL/RETAIL SHOPPING CENTER ON 25.8 ACRES LOCATED AT THE SOUTHEAST CORNER OF U.S. 301 NORTH AND OLD TAMPA ROAD.**

Planning Commission recommended APPROVAL with 10 Stipulations.

RECORD S47-1287

Erika Barrett, Planning Department, outlined the request, locational information, and land use characteristics. She referred to an aerial and site plan noting that proposed Phase I has 84,000 square feet of retail space and will include an Albertson's grocery; Phase II will have 7,917 square feet on the east; and Phase III will consist of four out-parcels (6 acres). There will be two accesses from U.S. 301 and two from Old Tampa Road.

Ms. Barrett stated concerns regarding effects on adjacent residences from truck traffic, visual impacts, signage, lighting, and hours of delivery/operation. She presented slides of local grocery stores showing rear aesthetics, equipment, and debris. She addressed building elevations and recommended an eight-foot solid concrete wall rather than an earthen berm and hedge. Also recommended was that pole-mounted lights be limited to 20 feet high and directed to the inward.

She clarified Stipulation 10 to include additional commercial uses listed on Page 118 of the staff report and submitted Stipulation 11 addressing Slaughter Canal drainage. She recommended approval with Stipulations 3.c. and 9 as recommended by staff. RECORD S47-1288

A drainage map of Slaughter Canal was submitted by Mrs. Stein.

Discussion: Methodology for determining stormwater discharge rates; standards for outdoor lighting; wetland mitigation; appearance of concrete wall versus earthen berm; intersection improvements at Old Tampa/Erie Roads and U.S. 301.

**Ed Vogler**, attorney representing the applicant, stated that meetings were held with area residents. He submitted a petition with 83 Parkwood Lakes residents supporting the project. He referred to buffering and presented photographs depicting the existing berm and hedges along Parkwood Lakes/Old Tampa Road.

Mr. Vogler requested approval of Stipulation 3.c. as recommended by the Planning Commission with amended language that the **"top of the opaque hedge would be not less than eight feet above the finished pavement surface at the rear of the building."** He requested Stipulation 9 as recommended by the Planning Commission and accepted new Stipulation 11. He suggested that design limitations of shopping centers be included in the Land Development Code (LDC).

**Lawrence Hall**, Colony Cove Homeowners Association, referred to Slaughter Canal drainage and submitted photographs depicting flooding throughout the area. He requested a study prior to development.

Discussion: Reduction in wetland mitigation to 1:5; distance between buffering trees; concrete wall appropriate for area.

Jeffrey Steinsnyder, Assistant County Attorney, amended the first sentence of **Stipulation 3.c.** (Planning Commission) **"A minimum four-foot undulating earthen berm, measured from the finished elevation of the rear drive isle, shall be constructed...."**

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. Glass moved to adopt Manatee County Zoning Ordinance **PDC-99-14(Z)(G)**; and approve the General Development Plan with Stipulations 1 through 10, as recommended by the Planning Commission, and 11 (staff). Mr. Bruce seconded the motion.

Amended Motion

A motion by Mrs. Stein to approve Stipulation 3.c. as recommended by staff, **died** for lack of a second.

After discussion that berms with opaque shrubs would be more aesthetically pleasing and would mitigate noise, the motion included **Stipulation 3.c.** (Planning Commission), as amended by Mr. Steinsnyder, and that additional uses (Page 118) would be included in Stipulation 10, the motion carried 6 to 0. RECORD S47-1289  
S47-1290

Request was made that staff bring back a report on the Colony Cove flooding/drainage issue regarding the Slaughter Canal.

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

CREEKWOOD - DRI 13

Public hearings (Notices in the *Bradenton Herald* and the *Sarasota Herald Tribune* 3/13/00) were held to consider

Z-84-76(R4) CREEKWOOD INVESTORS, LTD. - DRI 13

Request: Revised Zoning Ordinance and approval of a revised General Development Plan to: (1) amend Phase IV of the **Project Phasing Conditions** to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C. This will allow a total of 447,000 square feet of commercial space and 38,000 square feet of office space on Parcel C; (2) adjust the overall total authorized development to correspond to the change of square footage within Parcel C (Phase IV) to allow: a. 522,000 square feet of commercial; b. 115,000 square feet of office; (3) modify the **Project Phasing Deadlines** to reflect current development approvals and schedules for the balance of approved development for this DRI; (4) amend **Land Use Condition 14b** pertaining to lighting on Parcel C adjacent to S.R. 70; (5) amend **Land Use Condition 15** regarding allowable exterior construction materials; (6) amend **Environmental Condition 5c** and **General Condition 17** requiring all site plans to comply with the 1990 LDC; (7) delete **Transportation Condition 14** pertaining to the extension of the four-lane boulevard section of Creekwood Boulevard; (8) amend the Zoning Ordinance to update terminology and departmental references; and (9) amend the GDP to reflect the above changes; located on 818.26 acres north of S.R. Road 70 on the east and west sides of I-75.

Planning Commission recommended approval with amendments to Stipulations and/or Conditions;

ADOPT the Findings for Special Approval;

GRANT Special Approval for (1) a project in the Evers Watershed Overlay District; (2) a project in the Entranceway, and (3) amending a non-conforming project.

RECORD S47-1291

and

ORDINANCE 00-07 CREEKWOOD INVESTORS, LTD. - DRI 13

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING AMENDMENTS TO ORDINANCE 98-49, THE DEVELOPMENT ORDER FOR THE CREEKWOOD DEVELOPMENT OF REGIONAL IMPACT (MANATEE COUNTY DRI 13 A/K/A TAMPA BAY REGIONAL PLANNING COUNCIL DRI 102); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Determination of whether the following proposed modifications to the Creekwood DRI 13 constitute a substantial deviation to the Creekwood DRI Development Order pursuant to Chapter 380.06, *Florida Statutes*: (1) amend Phase IV of the **Project Phasing Conditions** to delete 25,000 square feet of office space and add 25,000 square feet of commercial space on Parcel C. This will allow a total of 447,000 square feet of commercial space and 38,000 square feet of office space on Parcel C; (2) adjust the overall total authorized development in Section 5, **Development Components** to correspond to the exchange of square footage within Parcel C (Phase IV) to allow: a. 522,000 square feet of commercial; b. 115,000 square feet of office; (3) modify the **Project Phasing Deadlines** to reflect current development approvals and schedules for the balance of approved development for this DRI; (4) amend the Development Order to update terminology and departmental references and; (5) amend **Map H** to reflect the above changes; (6) Amend General Condition 17 requiring all Site Plans to comply with the 1990 Land Development Code.

Planning Commission recommended APPROVAL with changes 1 through 6; proof of publication reflected changes 1 through 5.

RECORD S47-1292

Lisa Barrett, Planning Department, outlined Z-84-76(R4) locational information and land use characteristics stating concerns of compatibility of the increased commercial use with adjacent residential properties and visual impacts within the Entranceway on S.R. 70.

Ms. Barrett referred to the Phasing Schedule for Phases II, III, and IV and outlined additional changes requested by the applicant and staff's language recommendations for the changes.

RECORD S47-1293  
S47-1294



Regarding Ordinance 00-07, Ms. Barrett advised of changes to General Condition 17 and Environmental Condition 5 to bring the Preliminary and Final Site Plans into substantial compliance with the 1990 LDC as amended. The applicant agreed to the changes.

She related concerns from residents regarding noise from I-75 and S.R. 70 with the removal of trees and stated that staff monitored noise levels and concluded compliance.

**Caleb Grimes**, attorney representing Creekwood Gateway LLC. (Parcel C shopping center developer), and the applicant, stated this request is to clarify the General Development Plan for development of Parcel C. He stated the shopping center is under construction and showed renderings of a conceptual site plan and the center design.

Mr. Grimes submitted amended **Land Use Condition 15** and reviewed an exhibit requesting that painted concrete block be permitted from Creekwood Boulevard, 52nd Place East, and I-75. RECORD S47-1295

Mr. Grimes requested deletion of **Transportation Condition 14**, which requires an extension of Creekwood Boulevard. He advised that redesign of internal drive areas and a turning radius will allow truck ingress and egress. He also requested that dates for submission of Preliminary Site Plans be changed without changing build-out dates.

**Leo Lissick**, Creekwood resident, requested a wall be extended north behind his property to reduce noises from I-75. He expressed concerns of increased traffic in the area. Mr. Grimes stated he will continue to work with Mr. Lissick on the noise issue although the wall is not part of this request, and keep the Commission advised of meetings with Creekwood residents.

Ms. Barrett concurred with the applicant's amended Land Use Condition 15 (Z-84-76[R4]) and submitted an amended motion. She also submitted a revised motion for Ordinance 00-07 reflecting a change by the County Attorney in Section 15 Effective Date as requested by the applicant.

RECORD S47-1296  
S47-1297

**Motion - Z-84-76(R4)**

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 outlined herein, Mrs. Glass moved to adopt Manatee County Zoning Ordinance **Z-84-76(R4)**, amending Land Use Condition 15, as submitted by the applicant; and ADOPT the Findings for Special Approval to GRANT Special Approval for (1) a project in the Evers Watershed Overlay District; (2) a project in the Entranceway, and (3) amending a nonconforming project, as recommended by the Planning Commission. Motion was seconded by Ms. Brown and carried 6 to 0. RECORD S47-1298

**Motion - Ordinance 00-07**

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, the Manatee County Land Development Code, Section 380.06, Florida Statutes, and Rule 9J-2.025, Florida Administrative Code, as conditioned herein, Mrs. Glass moved to ADOPT the Finding that the Notice of Proposed Change modifying the Creekwood DRI Development Order does not constitute a substantial deviation; and ADOPT Manatee County Ordinance 00-07 with the changes to Section 15, the EFFECTIVE DATE, discussed at this hearing (amending Resolution R-85-219, as amended by R-86-112, R-93-25, and Ordinance 98-49), as recommended by the Planning Commission. Motion was seconded by Mr. Harris and carried 6 to 0.

RECORD S47-1299

MARCH 28, 2000

(Continued)

CYPRESS BANKS - DRI 17

Public hearings (Notices in the Bradenton Herald and the Sarasota Herald-Tribune 3/13/00) were opened to consider

Z-86-30(G)(R8) CYPRESS BANKS - DRI 13

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/WP-E/ST TO PDMU/WP-E/ST; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A REVISED GENERAL DEVELOPMENT PLAN to:

- A. Amend the legal description to reflect 374.1 acres being added to this DRI, generally along the east and southeast boundary of the project;
- B. Increase the recreational, landscape, and other open space by 250.2 acres, which also includes the relocation of a portion of one golf course onto a portion of the acreage to be added to the DRI;
- C. Amend Map H to add two additional access points onto S.R. 70 to serve approved commercial parcels located on the east and west sides of Lorraine Road;
- D. Increase the residential acreage by 75.9 acres with no additional dwelling units or density increases;
- E. Amend Exhibit E relating to tree removal on lands used for silvacultural activities;
- F. Amend Map H to reflect the above referenced changes; and GRANT Special Approval for a project located in the Evers Reservoir Watershed Protection Overlay District on 2,164 acres located south of the intersection of S.R. 70 and Lakewood Ranch Boulevard extending east to Lorraine Road.

Planning Commission recommended approval of A, B, C, D, and F;

If approved, staff recommended amended Exhibit E.

ADOPT the Findings for Specific Approval; and

GRANT Specific Approval of an alternative to Section 712.2.8 of the LDC allowing up to 120 dwelling units with one means of access.

and

ORDINANCE 00-06 - CYPRESS BANKS DRI 17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING, REPLACING, AND SUPERCEDING ORDINANCE 99-25, WHICH REPLACED RESOLUTION R-95-220, WHICH AMENDED R-89-161, AS AMENDED BY R-89-161(R), R-92-170, AND R-94-133, WHICH ISSUED A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY SMR-1 DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, FOR CYPRESS BANKS DEVELOPMENT OF REGIONAL IMPACT, ALSO KNOWN AS DRI 17; TO REVISE THE LEGAL DESCRIPTION TO REFLECT THE ADDITION OF 374.1 ACRES, ADD TWO ADDITIONAL ACCESS POINTS TO STATE ROAD 70 TO SERVE THE APPROVED COMMERCIAL PARCELS LOCATED ON THE EAST AND WEST SIDES OF LORRAINE ROAD, INCREASE THE RESIDENTIAL ACREAGE BY 75.9 ACRES WITH NO ADDITIONAL DWELLING UNITS, INCREASE THE OPEN SPACE ACREAGE BY 250.2 ACRES, AMEND MAP H TO REFLECT THE CHANGES IN THE LEGAL DESCRIPTION, PROJECT BOUNDARIES, ADDITIONAL RESIDENTIAL AND OPEN SPACE ACREAGE, AND ADDITIONAL ACCESS POINTS, AND RESTATE THE PROVISIONS THAT REMAIN UNCHANGED; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Determination of whether the following proposed modifications to DRI 17 constitute a substantial deviation to the Cypress Banks DRI Development Order pursuant to Chapter 380.06, Florida Statutes (changes summarized in 1 through 6). RECORD S47-1300

Misty Servia, Planning Department, entered the following items: (1) letter from the Department of Community Affairs (DCA) addressing the changes to the DRI; (2) written Finding to support a request for Specific Approval and a new motion for the rezone GDP portion of the request; (3) new Map H and reduced map showing preserved mesic hammock areas (requested by DCA); (4) amended language for Section 15 of the Development Order (staff) and new motion for the NOPC; and (5) revised Ordinances for both NOPC and the rezone GDP portion of the request reflecting minor language and formatting changes.

RECORD S47-1301  
S47-1302 S47-1303  
S47-1304 S47-1305

Ms. Servia outlined the request noting that 75.9 of the 374.1 acres will be an increase to the residential acreage. The applicant does not propose additional dwelling units, but will spread units over the new property, thereby reducing density from 3.1 to 2.5 du/per acre; all development would be moved outside the Braden River floodplain. Open space will be increased by 250.2 acres and will include a new park north of the river, 20.8 acres of preserved marsh and vegetation, and a portion of an approved golf course. Forty-eight acres will be used for rights-of-way and easements to align Lorraine Road.

Referring to the Zoning Map and Site Plan, she stated the request is a logical expansion of the PDMU zoning to the south and west, is compatible, and does not constitute a substantial deviation. She noted two access points to S.R. 70 for commercial parcels east and west of Lorraine Road, which are addressed in Stipulations C.(10) and C.(11) of Z-86-30(G)(R8) and Transportation Condition C.(7) of Ordinance 00-06.

Ms. Servia agreed to amended Exhibit E (D.[5] in the Ordinances); however, she requested trees be harvested rather than removed and destroyed. She stated the applicant requested Specific Approval to LDC Sections 712.2.8 and 907.9.2.4 allowing up to 120 units with one means of access and a temporary shell access for preservation of wetlands, etc. Staff recommended new Stipulations C.(14) and C.(13) to mitigate access and shell road concerns (traffic at unsignalized S.R. 70 and Lorraine Road, dust, and delay in paving). RECORD s47-1306

Ms. Servia concluded that DCA and the Tampa Bay Regional Planning Council indicated the DRI changes are deemed to be substantial deviations, but the presumption has been appropriately rebutted by the applicant. She recommended approval with the stipulations.

Georgianne Ratliff, representing the applicant, was present to answer questions.

Mr. Steinsnyder stated that a Condition (C.[9]) has been included in the DRI requiring the applicant to obtain permits through the FDOT process for Condition C.(7).

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

**Motion - Z-86-30(G)(R8)**

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to adopt Manatee County Zoning Ordinance **Z-86-30(G)(R8)**; APPROVE the revised General Development Plan; GRANT Special Approval for a project located in the Watershed Overlay-Evers District; ADOPT the Findings for Specific Approval, including the new Finding read (entered) into the record at this meeting and the minor changes to the Ordinance entered into the record at this hearing; and GRANT Specific Approval of an alternative to Sections 712.2.8 and 907.9.2.4 of the LDC allowing up to 120 dwelling units with one means of access, and allowing a temporary shell drive to serve as a second means of access for up to 300 lots/units as recommended by the Planning Commission. Motion was seconded by Mrs. Stein and carried 6 to 0.

RECORD s47-1307

**Motion - Ordinance 00-06**

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, Section 380.06, Florida Statutes, and Rule 9J-2.025, Florida Administrative Code, Mrs. Glass moved to adopt the Findings that the Notice of Proposed Change modifying the Cypress Banks DRI as approved herein does not constitute a substantial deviation; and ADOPT Manatee County Zoning Ordinance **00-06** with changes to Section 15 and other minor changes to the Ordinance entered into the record at this hearing, replacing Ordinance 99-25 in its entirety, as recommended by the Planning Commission. Motion was seconded by Ms. Brown and carried 6 to 0. RECORD s47-1308

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(Continued)

FIRST UNION BUILDING RENOVATIONS

Upon question of spending \$287,525 to renovate the First Union Bank building prior to determining where the Judicial Center will be located, the award of IFB 004784DC to the lowest responsive, responsible bidder meeting specifications, Tri-Tech Construction & Design, Inc., and authorization of subsequent execution of contract, dating of performance/payment bonds, and acceptance of insurance certificate, was deferred for a report and additional comments.

COMMISSIONERS' COMMENTSLockwood Ridge Road/35th Street East

Mrs. Glass relayed a request from Gold Tree Subdivision homeowners requesting a traffic study to determine if signalization is warranted.

**Disposition:** Referred to staff.

Canal Road and 17th Street East

Ms. Brown requested a signal be installed at the intersection.

MEETING ADJOURNED


There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 7/25/00

Adj: 11:55 a.m.

/jr

