

APRIL 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, April 25, 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
George L. Harris
Joe McClash (entered during meeting)
Amy Stein

Also present were:

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

Invocation by Rev. Don Carter, Trinity Assembly of God Church.

CENSUS 2000

Congressman Dan Miller, Census Committee Chairman, reported on Census 2000 activities. He stated Census data is critical in order to receive the maximum allocation of State funds for health care, education, and transportation needs. He praised the efforts of the Complete Count Committee, headed by Kathleen Thompson, Planning Department.

(Enter Mr. McClash and Ms. Brown)

Twenty-five County staff and committee members were recognized with Certificates of Appreciation for their efforts in Census 2000.

MEDFLY QUARANTINE

Mr. Stephens applauded Congressman Dan Miller for his role in negotiations with the United States Department of Agriculture (USDA) in seeking reimbursement of Landfill fees incurred by four tomato packing houses, which disposed of culled tomatoes during the 1998 USDA-imposed Medfly Quarantine.

(NOTE: Disbursement of funds approved under Consent Agenda)

S.R. 64 MEDIAN LANDSCAPING

Harry Mendenhall, Transportation Department, presented for adoption

R-00-99 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REQUESTING APPROVAL FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LANDSCAPING IMPROVEMENTS IN THE MEDIANS ON S.R.64/MANATEE AVENUE EAST, **BETWEEN 27TH STREET EAST AND MORGAN JOHNSON ROAD**, APPROVING THE FINAL MEDIAN LANDSCAPING PLANS AND SPECIFICATIONS, AUTHORIZING THE CHAIRMAN TO EXECUTE THE REVISED TECHNICAL MAINTENANCE PLAN, AUTHORIZING THE TRANSPORTATION DEPARTMENT TO USE MATCHING FUNDS FROM THE TREE FUND, AND AUTHORIZING THE TRANSPORTATION DIRECTOR TO EXECUTE ANY ADDITIONAL PERMIT APPLICATIONS REQUIRED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION TO COMPLETE THE PROJECT.

(Authorizing the Chairman to execute the Highway Beautification Grant Application to Florida Department of Transportation (FDOT) for eligible grant funding toward the estimated total project cost of \$400,700 [Federal \$200,000; City match (46.2 percent) \$92,742; County match (53.8 percent) \$107,998].)

Mr. Mendenhall stated the Board authorized (1/25/00) a Joint Highway Beautification Grant Application. Staff was directed to make adjustments to reduce the project cost to \$400,000. Mr. Mendenhall stated that using recycled wastewater from the City of Bradenton for irrigation was determined not to be financially feasible, as the cost for installation was estimated at \$375,000. Staff also investigated the use of the Manatee Sheriff's Office (MSO) Horticultural Program for the project. Michael Kenton, County Forester, (memo 4/14/00) outlined several species of native bunch grasses and ground covers that could be grown by the MSO Program.

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(Continued)

Mr. Mendenhall stated a cost reduction was achieved by replacing exotic plant species with native materials, reducing the number of plants, and reducing the irrigation system. The project will be done in two phases with the first phase consisting of the irrigation system and a large number of the plants. Annual maintenance costs are estimated at \$36,873 [City (46.2 percent) \$17,036; County (53.8 percent) \$19,837].

David Gjertson, landscape architect with Kimley-Horn and Associates, stated irrigation alternatives were examined. He stated the project is linear, requiring multiple wells, including meter and hook-up charges, and the cost became higher than hooking to the potable water system.

Discussion: Use of potable water to irrigate; xeriscape in partnership with the Florida Yards Program; all trees are native; total cost of irrigation is \$157,000; irrigation is the largest component of project; the area is a hostile environment; recent drought conditions require conservative water measures; irrigation system has been reduced to one third; closer monitoring of maintenance efforts; eliminate the need to irrigate; scale project to 100 percent xeriscape materials with no irrigation and spend the savings on additional xeriscape plantings; recapture free flow water during hydrant openings for irrigation; etc.

Motion

Motion was made by Mr. McClash, and seconded by Mrs. Glass, that a 100 percent xeriscape plan, without potable water usage, be brought back.

Ingrid McClellan, Keep Manatee Beautiful, Inc., stated total grant funds are \$200,000, with the remaining \$200,000 funded jointly between the County and City of Bradenton.

Mr. McClash suggested Secretary David Twitty of FDOT be contacted and made aware of the County's concern of using potable water.

Discussion: Approve grant, but relay concern to Secretary Twitty; the need to be more water conscious; shallow well irrigation and cost; etc.

Substitute motion

Inasmuch as this is a time sensitive matter, Mr. McClash moved a substitute motion to allow the Plan to proceed, with the understanding that modifications be made following submittal to Mr. Twitty, as to using some type of non-potable water method of irrigation, or total xeriscaping, including adoption of Resolution R-00-99. Motion was seconded by Mrs. Glass.

Discussion: Sending a mixed message to the State about modifying the grant to consider xeriscaping and the State ultimately deny grant funding because of not meeting requirements to use potable water.

Mr. McClash clarified the substitute motion to adopt R-00-99 as presented, and instruct staff to modify the plans to incorporate the non-potable water source, or total xeriscaping that does not require irrigation. The motion carried unanimously. RECORD S47-1415

(NOTE: Further action later in meeting)

(Depart Mrs. Stein)

CONSENT AGENDA

Upon motion by Mr. Bruce and seconded by Mr. Harris, the Consent Agenda was approved 6 to 0 incorporating the language as stated in the recommended motions in the staff reports and the agenda memoranda, and with the changes noted at this meeting, and with deletion of **Appointment of members to the 2000 Value Adjustment Board** (separate action). Items APPROVED:

COUNTY ADMINISTRATORENTERPRISE ZONE DEVELOPMENT AGENCY

R-00-95 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-99-72 PROVIDING FOR THE REAPPOINTMENT OF SEAT NO. 8 OF THE ENTERPRISE ZONE DEVELOPMENT AGENCY (EZDA) [Appointing Karen Hartman, representing the Palmetto Community Redevelopment Agency, to Seat 8, term to expire 4/2/04].

RECORD S47-1416

PLANNING COMMISSION - STIPEND INCREASE

R-00-96 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE INCREASE IN REIMBURSEMENT TO THE PLANNING COMMISSIONERS FOR SERVICES RENDERED.
(\$60 per meeting, and travel reimbursement.) RECORD S47-1417

FINAL PLAT - GLEN LAKES, PHASE 6

1. Final Plat
2. Agreement with Centex Homes guaranteeing completion of required improvements (\$913,594.50)
3. Performance Bond: \$913,594.50 (Surety Bond 6026247, Safeco Insurance Company of America)
4. Agreement with Centex Homes guaranteeing completion of required Sidewalks and Bikeways (\$29,250)
5. Performance Bond: \$29,250 (Surety Bond 6026246, Safeco Insurance Company of America)
6. Agreement with Centex Homes guaranteeing completion of required improvements (\$309,294.86); and Temporary Construction Easement for Private Improvements.
7. Performance Bond: \$309,294.86 (Surety Bond 6038313, Safeco Insurance Company of America)
8. Declaration of Covenants, Conditions and Restrictions for the Estates at Glenn Lakes, Glenn Lakes, Phase 6 with attachments.

LANDFILL FEE WAIVER

Waive landfill tipping fees for roll-off bins to be placed under the direction of the City of Anna Maria at the Anna Maria City Pier parking lot for Spring Clean-Up on May 6, 2000.

STREET VACATION - PINECREST SUBDIVISION

R-00-14-V RESOLUTION DECLARING A PUBLIC HEARING ON MAY 23, 2000, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY MANATEE COUNTY SCHOOL BOARD FOR THE VACATION OF A 40-FOOT RIGHT-OF-WAY KNOWN AS 18TH STREET EAST (WHITAKER STREET) RUNNING FROM THE SOUTHERN LINE OF 33RD AVENUE EAST (THYRA STREET) SOUTH TO THE NORTHERN LINE OF 34TH AVENUE EAST (JOHNSON STREET) PLUS LOTS 283 THROUGH 293 INCLUSIVE, LOTS 342 THROUGH 351 INCLUSIVE, AND LOTS 415 THROUGH 432 INCLUSIVE OF THE PINECREST SUBDIVISION

(for redevelopment of Samoset Elementary School). RECORD S47-1418

ZONING

Public hearing (partially advertised) was opened to consider

Z-99-19 RON PICKELSIMER - GC

(CONTINUED TO 5/23/00 AT 9:00 A.M.; TO BE RE-ADVERTISED)

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 **PR-S** TO **GC**; PROVIDING AN EFFECTIVE DATE, ON .68 ACRE, LOCATED AT 1007 30TH AVENUE WEST, BETWEEN 9TH STREET WEST AND 14TH STREET WEST.

Robert Pederson, Planning Department, noted this will be re-advertised.

Public hearing (continued from 3/28/00) was opened to consider

Z-99-20 WOODY'S TOMATO CORPORATION - LM

(CONTINUED TO DATE UNCERTAIN)

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 4005 U.S. 19 NCRTH.

LAND DEVELOPMENT CODE

Public hearing (not published) was opened to consider

ORDINANCE 00-29 - LAND DEVELOPMENT CODE TEXT AMENDMENT

(CONTINUED TO 5/2/00 AT 9:00 A.M.)

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): AMEND CHAPTER 2, DEFINITIONS, AND FIGURE 6-1 OF THE LAND USE CHART, TO ELIMINATE PRINTING ESTABLISHMENTS FROM THE DEFINITION OF LIGHT MANUFACTURING, AND BUSINESS SERVICES, AND CREATE NEW DEFINITIONS FOR PRINTING ESTABLISHMENTS, AND TO ADD THESE NEW DEFINITIONS OF PRINTING ESTABLISHMENTS TO THE USE CHART.

Planning Commission recommended ADOPTION.

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(Continued)

MEDFLY QUARANTINE - LANDFILL COSTS

1. Accept State Warrant N. 4-32-127-843 in the amount of \$140,375.50;
2. Authorization to disburse funds in the following manner:
 - a. Woody's Tomato Corporation, \$12,461.90
 - b. West Coast Tomato, Inc., \$37,406.10
 - c. Larry S. Hyman, Tr., Roger Harloff Packing, Inc., \$26,101.50
 - d. Harllee Packing, Inc., \$64,406.00
3. Waive Landfill tipping fees of \$40,519.10 incurred, but not paid by Taylor Fulton, Inc.
4. Chairman to execute letters to the five tomato packing houses.

EMINENT DOMAIN - 75TH STREET WEST

Approve settlements with **Henry and Johanna Mast** for expert fees and other costs incurred in the eminent domain matter of Manatee County v. Dozier B. Hilliard, et al., Case No. 1998-CA-1534, in the respective total sum of \$15,092.50.

CLERK OF CIRCUIT COURT - CONSENT CALENDAR**BONDS****Accept:****Summerfield Village, Subphase C, Unit 13**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$7,998.90) **extending** completion date to March 4, 2001.

Release:**Glenn Lakes, Phase 2**

1. Agreement with Centex Homes warranting required improvements (\$52,247.97)
2. Defect Security: \$52,247.97 (Surety Bond 5900949, Safeco Insurance Company of America)

Glenn Lakes, Phase 3

1. Agreement with Centex Homes warranting required improvements (\$73,767.25)
2. Defect Security: \$73,767.25 (Surety Bond 5900948, Safeco Insurance Company of America)

Inlets at Riverdale (Halyard Drive)

1. Agreement with Wilson Excavators warranting required improvements (\$8,728.10)
2. Defect Security: \$8,728.10 (Surety Bond B2767558, Reliance Insurance Company)
3. Agreement with Gator Asphalt Paving, Inc. warranting required improvements (\$4,600.00)
4. Defect Security: \$4,600.00 (Surety Bond 190434428, National Fire Insurance Company of Hartford)

Summerfield Village, Subphase C, Unit 5-A

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$7,291.44)
2. Performance Bond: \$7,291.44 (Surety Bond 08065005, Fidelity and Deposit Company of Maryland)

Summerfield Village, Subphase C, Unit 13

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$7,998.90).

REFUNDS

Susan Samson - Crosley Estate event overpayment	\$1,756.75
Justin Bloom - Crosley Estate event overpayment	\$1,230.12
Taylor Woodrow Communities - Impact Fee [CA-98-07(T)]	\$32,336.00

WARRANT LIST

Approve: April 18, 2000 through April 24, 2000
 Authorize: April 25, 2000 through May 1, 2000

AUTHORIZE CHAIRMAN TO SIGN

Transportation Office Building - Contract with Pat Cook Construction, Inc., \$2,235,913; date Performance/Payment Bonds and Power of Attorney, and accept Insurance Certificate (approved 4/4/00).

RECORD S47-1419

NEC 2400 IMX Phone Systems - Contract with Southeastern Telecom, Inc., \$446,975; accept insurance certificate (approved 4/4/00).

RECORD S47-1420

APPROVE, RATIFY, AND CONFIRM

Parks & Recreation Special Interest Classes Instructor's Agreement

Gabriel Ferrer - Tennis

RECORD S47-1421

ACCEPT

Economic Development Council Funding Agreement - Replaced Exhibit 1 to agreement (approved 12/5/99) reflecting corrected verbiage within the program areas. RECORD S47-1422

Lakewood Ranch Community Development District 1 - Approved minutes of the Board of Supervisors of the Lakewood Ranch Community Development District 1 meeting held on March 2, 2000.

(End Consent Agenda)

2000 VALUE ADJUSTMENT BOARD

Jeffery Steinsnyder, Assistant County Attorney, advised the appointment of the 2000 Value Adjustment Board members will be brought back at the next regular meeting.

ZONING

Public hearing (continued from 3/28/00) was opened to consider

PDC-99-09(Z)(P) WHISENANT FARMS, INC./ELLENTON MINI STORAGE & CAR WASH (CONTINUED TO 5/23/00 AT 9:00 A.M.)

ZONING 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 LOCATED ON 4.85 ACRES AT THE NORTHWEST CORNER OF U.S. 301 AND ELLENTON-GILLETTE ROAD, WITHIN ELLENTON COMMERCIAL SUBDIVISION ON LOT 5. Planning Commission recommended APPROVAL.

Carol Clarke, Planning Director, stated this item is continued at the request of the applicant (letter from David Haley).

(Enter Mrs. Stein)

Motion was made by Ms. Brown, seconded by Mr. Harris and carried unanimously, to continue PDC-99-09(Z)(P) to May 23, 2000, at 9:00 a.m., or as soon thereafter as same may be heard.

Public hearing (continued from 3/28/00) was held to consider

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

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 AND GRANTING SPECIAL APPROVAL FOR A PROJECT WITH A FLOOR AREA RATION (FAR) OVER .35, ON 240 ACRES LOCATED SOUTH OF PORT MANATEE, WEST OF U.S. 41, OFF ARMSTRONG ROAD.

Planning Commission recommended APPROVAL with 11 stipulations; GRANTING Special Approval for a project with a Floor Area Ratio over .35. RECORD S47-1423

Laurie Suess, Planning Department, reviewed the request and surrounding uses. The site gains access from Armstrong Road to U.S. 41 and Reeder Road through Port Manatee. Armstrong Road is an unpaved, narrow county road; therefore, Stipulation 4 requires Armstrong Road to be brought up to County standards and paved in order to serve industrial traffic. Ms. Suess pointed out the request for Special Approval for a FAR over .35 is not required, as the applicant has reduced the square footage.

The site is split into two future land use categories, with the northern part of the site as Industrial-Heavy (IH) and the southern portion as Industrial-Light (IL). Stipulation 2 specifies the range of uses allowed in the specific land use designations.

Ms. Suess displayed a site plan and stated approximately 57 acres of the site are wetlands. Inasmuch as the Hendry Tract at Port Manatee is a sensitive environmental area, Stipulation 1 requires a 50-foot undisturbed wetland buffer along the western property line to the wetland lots bordering the Hendry site.

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(Continued)

Jim Farr, George F. Young, Inc., concurred with the Stipulations presented by staff and requested approval of the request.

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 and the Manatee County Land Development Code, as conditioned herein, Mrs. Stein moved to adopt Manatee County Zoning Ordinance PDI-99-02(Z)(P) and approve the Preliminary Site Plan with Stipulations 1 through 11. The motion was seconded by Mr. Harris and carried unanimously.

RECORD S47-1424

Public hearings (continued from 3/28/00; advertised as 286.50 acres) were held to consider

PDMU-99-08(G) AKA Z-89-46(C)(R3) UNIVERSITY COMMONS

Request: Revised Zoning Ordinance and General Development Plan on 268 acres located northeast and northwest of the intersection of University Parkway and Tuttle Avenue (changes reflected in items 1. through 12. in staff report).

RECORD S47-1425

Planning Commission recommended APPROVAL.

and

ORDINANCE 00-27 (FKA 99-65) UNIVERSITY COMMONS (DRI 19)

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 items 1. through 11. in the staff report).

RECORD S47-1426

Planning Commission recommended ADOPTION.

Carol Clarke, Planning Director, stated the DRI includes The Centre at University Parkway Plaza at the northwest corner of University Parkway and Lockwood Ridge Road, the nursing home under construction on the west side of Tuttle Avenue, and the intervening undeveloped property.

Robert Pederson, Planning Department, stated that as a result of negotiations with the applicant and review by Department of Community Affairs (DCA) and Tampa Bay Regional Planning Council (TBRPC), many project features in the advertisement are no long part of the zoning document or Development Order.

Mr. Pederson displayed a General Development Plan as originally approved in June 1992. The plan was amended in January 1994 to settle an appeal by DCA.

University Commons was envisioned as a life care community. In 1999, the build-out dates for this project were extended to September 2003 for Phase I and September 2008 for Phase 2 (Ordinance 99-38). Since 1993, the market for the uses contemplated have not materialized and the current Notice of Proposed Change (NOPC) seeks to change the focus and nature of the project. The only development that has occurred to date is the skilled nursing facility in the northwest section of the development, currently under construction.

Mr. Pederson displayed an aerial photograph of the site, and a site plan. He stated the principal change is a substantial reduction in the land use totals for independent living, personal care units, skilled nursing uses, and the relocation of commercial, office, and hotel uses. In addition, the six-story independent living facilities will be eliminated and most other building heights will be reduced. The substantial buffer area along the north boundary will be preserved.

He displayed an aerial photograph depicting the project layout. He reviewed surrounding land uses and stated the site is largely an orange grove. Residential development surrounds the fringe of the DRI.

Mr. Pederson used a General Development Plan to explain the differences between the original Development Order and the current request. The applicant proposes 151 single-family detached homes west of Tuttle, 110 single-family semi-detached units adjacent to Lockwood Ridge Road, and 139 attached units between the single-family detached, semi-detached, and commercial areas to the north.

Mr. Pederson stated overall proposed changes include:

- . Reduce independent living residential units from 726 to 468
- . Reduce personal care units from 240 to 110 beds
- . Reduce skilled nursing units from 240 to 120
- . Reduce hotel rooms from 240 to 130
- . Reduce office uses from 400,000+ square feet to 200,000 square feet to accommodate the increase in commercial development by 50,000 square feet.

Discussion: Access on Lockwood Ridge Road will be gated to the residential area; emergency access at the end of the cul-de-sac to the north; residential development will have direct access to The Centre and University Square shopping centers; three accesses off Tuttle Avenue; office access will be limited to right-in/right-out, with a directional left in for southbound traffic on Tuttle into the commercial shopping center; access point is ¼ mile north of University Parkway and envisioned as the main access and location for a traffic light; connection of Broadway Avenue, between Shade Avenue (to the west) and Tuttle Avenue; etc.

Mr. Pederson distributed handouts of Updates and Changes to Ordinance 00-27 and Z-89-46(C) (R3), and outlined the changes. RECORD S47-1427

Mr. Pederson referred to the handout of Stipulation changes desired by the applicant (dated 4/25/00). Mr. Pederson stated these changes should be done on a County-wide basis through an amendment to the Land Development Code. RECORD S47-1428

Mr. Pederson stated the Transportation Department recommended the main intersection for the residential portion of the development be aligned with the main entrance to the nursing home further north, in order to have fewer entrance points on Tuttle Avenue and to remain as a full access point with signalization with the future widening of Tuttle Avenue. Mr. Pederson stated the applicant disagrees.

(Depart Mr. Harris)

Jeffery Steinsnyder, Assistant County Attorney, questioned staff on the status of the language change to both the zoning and DRI ordinance for Stipulation B.(4) regarding reservation of right-of-way for future roadway improvements.

Discussion: Developer obligated to provide improvements for access points on Tuttle Avenue, connection of Broadway Avenue, and right-of-way dedication for expansion of Lockwood Ridge Road; impact at the intersection of University Parkway and Lockwood Ridge Road; developer agreed to pay proportionate share of improvements through the prepayment of impact fees for Phase I; Phase I boundaries; improvements along Tuttle Avenue necessary to serve the project; improvements to Lockwood Ridge Road/University Parkway intersection; project buildout will improve overall traffic situation; etc.

(Enter Mr. Harris during discussion)

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

Caleb Grimes, attorney for the developer (Centex Homes), reviewed the history of the DRI. He outlined the request and stated the proposed changes decrease project impact. All land uses are being reduced with exception of commercial, which is being increased by 15 percent. He stated the developer agrees to prepay \$700-750,000 of impact fees for Phase I improvements.

Mr. Grimes agreed to the Stipulations, the changes read by Mr. Pederson, and **Stipulation B.(4)** circulated by staff, but disagrees with three Stipulations. He distributed a sheet of requested language changes to **Table 1 Footnote 6, Stipulation B.(9), and Stipulation U.(12)**. He stated the requested change to **Stipulation U.(29)** has been resolved with staff. RECORD S47-1429

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Mr. Grimes addressed **Stipulation U.(12)** regarding setbacks, stating there are no required setbacks in the PDR zoning district. He stated this design will allow the developer to build certain unit types. The request for clustering with minimal setbacks is to preserve maximum open space and to create a central recreational area as the focal point of the project. He presented a list of recently approved residential developments with side-yard setbacks less than six feet. He stated Country Oaks Phase 2 has five-foot side-yard setbacks and Greenfield Plantation has six-foot side-yard setbacks.

Discussion: Setbacks, roof overhangs, canopies; project has 50 percent open space and is a gated community; it is an internally designed project that has been downsized since initial approval; alignment of project entrance with the stub-out road at Glenbrooke Drive and Country Oaks Boulevard; residential density of project; 7½-feet, side-yard setbacks; reduced setbacks are requested in golf course communities where there is clustering; etc.

With regard to the location of the entrance point on Lockwood Ridge Road, Harry Mendenhall, Transportation Department, stated the proposal had access to a signalized intersection at the rear of the Wal-Mart at Country Oaks Boulevard; however, residents of Country Oaks have since requested that the traffic light be relocated.

Recess/Reconvene. All members present.

Bob Rutledge, county traffic consultant from King Engineering, stated Driveway C on Tuttle Avenue will be aligned farther north with the driveway of the nursing home on the western side of the property. As a compromise, Driveway C will become a right-in/right-out only, with a "pork-chop" effect to restrict access. In order to accomplish this, he stated the following changes to Z-89-46(C)(R3) are necessary:

- **Table 2 (Page 9) Improvement 7** - Delete the words "one left-turn WB" [westbound]
- **Page 33, Second line** - After the word "Parkway", add the words and southbound, directional left at intersection C (unless closure is warranted by correctable, accident experience)...
- **Page 33, Second paragraph** - At the beginning of the paragraph, add the words Except as set forth above,...

Mr. Pederson noted the change to **Table 2** must be in Ordinance 00-27.

In order to resolve the canopy issue, Mr. Grimes recommended **Table 1** reference that the allowable square footage would be 140,000 square feet of commercial in Phase 2 per County rules, with 115,000 square footage of gross reasonable area.

Discussion: Difference in interpretation of the Building Code; matter should be dealt with on an overall basis, rather than case by case.

Recess/Reconvene. All members present.

Jeffery Steinsnyder, Assistant County Attorney, read **Stipulation B.9:**

The developer shall reserve for the benefit of the HOA a 40-foot access easement from the single-family, semi-detached neighborhood at the center line of Vintage Drive to the Lockwood Ridge Road right-of-way.

Motion - Z-89-46(C)(R3)

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, Mr. Bruce moved to adopt Manatee County Zoning Ordinance Z-89-46(C)(R3) amending Ordinance Z-89-46(C)(R2), as recommended by the Planning Commission, together with the changes handed out at this meeting entitled, "Updates and Changes to Z-89-46(C)(R3) and language read by Bob Pederson, changes handed out to Stipulation B.(4), changes handed out to Stipulation L.(7) and language read by Bob Pederson, the new B.(9), modified U.(30), and changes to Table 1 and 2, as modified and agreed to by the applicant, together with U.(12), as recommended by the Planning Commission. The motion was seconded by Mr. McClash.

Motion to Amend

Mrs. Stein moved to amend the motion to adopt Stipulation U.(12) as recommended by staff. Motion to amend died for lack of a second.

Vote on Motion

Motion carried unanimously.

RECORD 547-1430

Motion - Ordinance 00-27

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(3), Florida Administrative Code, Mr. Bruce moved to adopt the findings that the proposed NOPC modifying the University Commons DRI Development Order does not constitute a substantial deviation; and adopt Manatee County Ordinance 00-27 (fka 99-65), amending Ordinance 99-38, with the following changes: the changes handed out at this meeting entitled "Updates and Changes to 00-27, together with the language read into the record by Bob Pederson, modifying certain provisions of that document; changes handed out to B.(4); changes to L.(7), together with those modifications read into the record by Mr. Pederson; the new B.(9), as previously read into the record; Table 1 and 2, as modified and agreed to by the applicant. The motion was seconded by Mrs. Glass and carried unanimously.

RECORD 547-1431

STATE ROAD 64 - MEDIAN LANDSCAPING (Cont'd)

With regard to discussion earlier in the meeting as to irrigation in the Highway Beautification Grant Application to FDOT for S.R. 64 median landscaping between 27th Street East and Morgan Johnson Road, Mr. McClash stated FDOT Secretary Twitty contacted Brian Williams, project manager. Mr. Williams advised Secretary Twitty that the project does not have to include irrigation.

Discussion: Delete irrigation from the scope; documents approved earlier in the meeting have already been processed and mailed; modify the grant at a later date to eliminate irrigation and increase the amount of native plant materials.

Motion was made by Mr. McClash and seconded by Mrs. Stein to have staff bring the item back at the next regular meeting for a modification, which will accomplish the desires of the Board. The motion carried unanimously.

Ms. Brown suggested the comments by Mr. Williams and Mr. Twitty be obtained in writing. The Board agreed.

COMMISSIONERS' COMMENTS

Water Oak Development (PDR-99-21) - Mr. Bruce stated he received a request from Keith Fraker that the public hearing be held at 5:00 p.m.

Ms. Clarke reported the hearing is scheduled for May 23, 2000, and may have been advertised; however, the request will be brought back.

Hess Gas Station (S.R. 70) - Mr. Bruce stated the Hess Station on S.R. 70 is turning into a truckstop, and vehicles are parking along the right-of-way along S.R. 70 and on private properties.

Disposition: Referred to County Administrator.

Metropolitan Planning Organization Chairmen's Coordinating Committee - Mr. McClash reported concern was raised at a meeting concerning a legislative bill which would add the Sarasota-Manatee Metropolitan Planning Organization (MPO) to the Chairmen's Coordinating Committee. The Committee, or "Super MPO" consists of representatives from MPOs in Hernando, Hillsborough, Pasco and Pinellas counties.

The bill would give committee officials from other counties the power to make final decisions on regional issues and the authority to delay or jeopardize much-needed transportation improvements in Manatee and Sarasota County. He requested the Chairman send a letter of concern to the MPO and contact state legislators to voice concern. Mr. Stephens agreed.

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(Continued)

Canal Road and 17th Street East - Ms. Brown repeated a previous request for a traffic signal at Canal Road and 17th Street.

Public Safety Complex - Mrs. Glass requested trees from the County nursery be planted on the southeast corner of the Public Safety Complex for aesthetic purposes. Swan Moody Landscaping is providing the landscaping design services free of charge.

75th Street - Village Green Wall - Mr. Stephens suggested the Board wait until the curb goes in on 75th Street before discussion on what buffering is appropriate. Mr. McClash suggested staff find out how much the Village Green community would contribute if a wall is selected. Mr. McClash stated the City of Bradenton may want to participate.

Disposition: Referred to Project Management.

Warner's Bayou - No Wake Zones - Mr. Stephens reported receiving telephone calls regarding interpretation of the Manatee and Seagrass Protection Ordinance (Ordinance 00-30 adopted 3/21/00). He reported he has asked legal staff to look at this as well as the Airboat Ordinance and the old ordinance regarding designated swimming areas.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 7/25/00

Adj.: 3:15 p.m.
/rll

