

MAY 23, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 23, 2000, at 9:10 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 (entered during meeting)
 Joe McClash
 Amy Stein

Also present were:

Jeffrey N. 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

Larry Bustle, Veterans Council, led in the Pledge of Allegiance.

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Stein, and carried 6 to 0, to approve the Consent Agenda dated May 23, 2000, with deletion of (1) Resolution 00-49-V declaring public hearing and (2) Lockwood Ridge Road Subordination of Encumbrance. Items APPROVED:

CLERK'S CONSENT CALENDARREFUNDS

Panther Ridge Communities, Ltd. - Impact Fees \$15,556

WARRANT LIST

Approve: May 16, 2000 through May 29, 2000
 Authorize: May 30, 2000 through June 5, 2000

MINUTES

January 25 and 27, 2000, and February 1, 2000

AUTHORIZE CHAIRMAN TO SIGNSatisfactions of Judgments:

Rigoberto Villacorta - Case 97-2503M(2)
 Timothy Rich - Case 95-1771F
 Charles Schalk - Case 96-1162F

Logue Road Bridge - Contract with Thomas Marine Construction, Inc., \$44,770; accept performance/payment bonds and insurance certificate (approved 3/16/00). RECORD S47-1538

AUTHORIZEWaive Return Item Fees:

Philip Riverin, \$30

FSTED Grant Trust Fund - Reimburse Port Authority Requisitions 36 and 37 to SunTrust Bank for ineligible expenses regarding New Berth 98 project (Hendry), \$28,158.03.

ACCEPT

Tampa Machinery Auction, Inc. - Continuation Certificate for Consignee Bond 09881205 to May 2, 2001, to provide auctioneering services for the sale of surplus vehicles, equipment and other personal property (Agreement 11/7/95; Addendum 1 10/6/98). RECORD S47-1539

COUNTY ADMINISTRATORPROCLAMATIONS

Adopt Proclamation designating the month of May 2000 as **Civility Month**. RECORD S47-1540

Adopt Proclamation designating May 29, 2000, as **Memorial Day**.

RECORD S47-1541

Adopt Proclamation designating May 22-29, 2000, as **Buckle Up America! Week**.

RECORD S47-1542

COMMUNITY DEVELOPMENT BLOCK GRANT

R-00-121 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING FOR THE 2000 MANATEE COUNTY NEIGHBORHOOD REVITALIZATION PROGRAM (\$750,000 for the **Palmetto/North Manatee County Enterprise Zone**).

RECORD S47-1543

SHIP LOCAL HOUSING ASSISTANCE PLAN

Approve funding assistance exceeding \$25,000 in accordance with Resolution R-96-227 for new projects under the Acquisition Demolition Construction Strategy of the Local Housing Assistance Plan: **Leslie D. Presha**, \$26,863; **Angela L. Archie**, \$46,153.

TRIDENT BUILDING SYSTEMS, INC.

Authorization to set a public hearing as required by the Tax Equity and Fiscal Responsibility Act (TEFRA) for proposed bond issue for **Trident Building Systems, Inc.**, not to exceed \$5,750,000 in tax exempt bonds.

ARTIFICIAL REEF PROGRAM

R-00-118 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AUTHORIZING THE CHAIRMAN TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE ARMY CORPS OF ENGINEERS PERMITTING AND CONSTRUCTION REQUIREMENTS FOR THE ARTIFICIAL REEF PROGRAM.

RECORD S47-1544

SUMMER CAMP TRANSPORTATION

Execute agreement with the **School Board of Manatee County** to utilize school buses for the **Summer Camp Program** (field trips, etc.) offered by Parks and Recreation (FY 2000). RECORD S47-1545

GARST PROPERTY DONATION

Execute letter to the representatives of the **Estate of Claflin Garst, Sr.**, declining the devise of approximately 26 acres of bottom lands (wetlands) contained within the Estate.

FINAL PLATS**Lakewood Ranch Country Club Village, The Masters Avenue/
Eagles Watch Way Roadways**

1. Final Plat.
2. Joinder In Declaration Only from **Lakewood Ranch Community Development District 2**.
3. Agreement with **SMR Communities Joint Venture** guaranteeing completion of required improvements (\$29,441.62).
4. Performance Bond: \$29,441.62 (Surety Bond 152992, Frontier Insurance Company).
5. Agreement with **SMR Communities Joint Venture** guaranteeing completion of Final Wearing Course of Asphalt on Roadways.
6. Interlocal Agreement with **Lakewood Ranch Community Development District 2**.
7. Supplemental Declaration.

Oneco Horizon

1. Final Plat.

Tara, Phase II Roadways

1. Final Plat.
2. Mortgagee's Joinder from AmSouth Bank.
3. Agreement with **Tara-Manatee, Inc.** guaranteeing completion of required improvements (\$19,429.10).
4. Defect Security: \$19,429.10 (Letter of Credit 3023386, Bank of America).

Trevor Subdivision

1. Final Plat.
2. Mortgagee's Joinder from Brasota Mortgage Company, Inc.
3. Mortgagee's Joinder from Chase Manhattan Mortgage Corp.
4. Notice to Buyers.
5. Agreement with **Trevor Investments, Inc.** guaranteeing completion of required sidewalks and bikeways (\$10,237.50).
6. Performance Bond: \$10,237.50 (Letter of Credit TS01, Brasota Mortgage Company).

Rosedale Highlands, Subphase B

1. Final Plat.
2. Limited Appointments of Agent for: **Terry L. Pacer; Jean J. Jordan; Robert J. and Nancy A. Golden; Jeri L. Morey; Stanley E. and Enrica M. Dymek; and Jaiprakash and Varshkumri Patel.**

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3. Mortgagee's Joinder In Declaration Only from Schroeder-Manatee Ranch, Inc.
4. Mortgagee's Joinder In Declaration Only from AmSouth Bank.
5. Mortgagee's Joinder in Declaration Only from Canadian Imperial Bank of Commerce.
6. Mortgagee's Joinder in Declaration Only from SunTrust Bank, Gulf Coast.
7. Agreement with Newton Developments, Inc. guaranteeing completion of required improvements and temporary construction easement (\$24,646.23).
8. Performance Bond: \$24,646.23 (Letter of Credit 941632, NationsBank).
9. Supplemental Declaration.

Fairways at Imperial Lakewoods

1. Final Plat.
2. Mortgagee's Joinder in Declaration Only from Mercantile Bank.
3. Mortgagee's Joinder in Declaration Only from First National Bank of Florida.
4. Agreement with Imperial Partners, Ltd. warranting required improvements (\$50,789.73).
5. Defect Security: \$50,789.73 (Letter of Credit 9100004415, First National Bank of Florida).
6. Agreement with Imperial Partners, Ltd. guaranteeing completion of required sidewalks and bikeways (\$47,550).
7. Performance Bond: \$47,550 (Letter of Credit 9100004428, First National Bank of Florida).
8. Utility Easement from Imperial Partners, Ltd.
9. Temporary Turn-Around Easement from Imperial Partners, Ltd.
10. Joinder from First National Bank of Florida.
11. Affidavit of Ownership and Encumbrances.
12. Maintenance Agreement for Paver Brick with Fairways at Imperial Lakewoods Phase 1A-1 Homeowners' Association, Inc. RECORD S47-1546
13. Maintenance Agreement for Right-of-Way Island with Fairways at Imperial Lakewoods Phase 1A-1 Homeowners' Association, Inc. RECORD S47-1547
14. Declaration of Covenants, Conditions, Easements and Restrictions.

WATERFRONTS FLORIDA

Execute agreement for non-profit services with Florida Institute of Saltwater Heritage, Inc., for renovation of the old fire house in Cortez, \$10,000. RECORD S47-1548

SARASOTA-MANATEE METROPOLITAN PLANNING ORGANIZATION

R-00-116 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF APPLICATIONS TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION ENHANCEMENT PROJECTS.

(Including **Emerson Point Park; U.S. 19 Bicycle Path; East Manatee Greenway, North; East Manatee Greenway, East; East Manatee Greenway, South; U.S. 301 Bicycle Path; Crosley Mansion and Wares Creek Multipurpose Trail; and 14th Street West Pedestrian and Median Improvements.**) RECORD S47-1549

PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY

Accept FY 2000-01 tentative budget for the Peace River/Manasota Regional Water Supply Authority; and approve Manatee County's FY 2000-01 membership contribution, not to exceed \$64,049.

UTILITY REFUND

Refund \$1,680.69 (overpayment of November 1999 bill) to Win Gray, Incorporated, account 77938-81660; service address: 104 63rd Avenue West, Bradenton, Florida.

30TH AVENUE WEST

Execute Contract for Sale and Purchase for a Warranty Deed from Lawrence and Doreen Virginiak (Parcel 216), \$2,300; and, Accept Warranty Deed and Affidavit of Ownership and Encumbrances from Lawrence and Doreen Virginiak. RECORD S47-1550
S47-1551

RIVERDALE REVISED SUBDIVISION

Accept Grant of Easement for a 15-foot utility and pedestrian access from Centex Homes; Affidavit of Ownership and Encumbrances. RECORD S47-1552

STREET VACATION - PINEHURST SUBDIVISION

R-00-15-V RESOLUTION VACATING 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, ON APPLICATION BY MANATEE COUNTY SCHOOL BOARD

(for redevelopment of **Samoset Elementary School**). RECORD S47-1553

(End Consent Agenda)

CIVILITY MONTH

Mrs. Glass presented a Proclamation designating May 2000, as **Civility Month**, to Mark Barnebey and Chip Rice. Mr. Barnebey and Mr. Rice presented a plaque promoting civility on behalf of the Florida Bar.

(Enter Mr. Harris)

MEMORIAL DAY

Mr. Stephens presented a Proclamation designating May 29, 2000, as **Memorial Day**, to Ed Carter and Larry Bustle.

CITIZENS' COMMENTS**Sidewalks and Paving**

Stella Burnett requested sidewalks on 51st Avenue East from 15th Street to U.S. 301; inquired as to street paving policy; requested sidewalks at Samoset Elementary, Louise Johnson Middle School, and any other schools needing sidewalks.

Lockwood Ridge Road

Herbert Quinn, representing Palm Aire Community Action Council, voiced concern that the Lockwood Ridge Road Extension has been ongoing and requested eminent domain proceedings begin.

City of Bradenton - Annexation

Wilhelmenia McFee expressed concern regarding annexations by City of Bradenton, stating the County should take a stand.

CONSENT AGENDA - PUBLIC HEARINGS

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 5/12/00) was opened to consider

PDR-99-21(Z)(P) RALEIGH EDWARD TRUST/WATEROAK

(CONTINUED TO 5:00 P.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 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 **RDD-4.5/WP-E/ST** TO **PDR/WP-E/ST**; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 163 LOT SINGLE FAMILY DETACHED LOTS, AND GRANTING SPECIAL APPROVAL FOR A PROJECT LOCATED IN THE WATERSHED PROTECTION OVERLAY DISTRICT; ON 60.2 ACRES LOCATED AT THE NORTHWEST CORNER OF LINGER LODGE ROAD AND BRADEN ROAD (AKA 65TH AVENUE EAST).

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 5/12/00) was held to consider

ORDINANCE 00-29 - LAND DEVELOPMENT CODE (APPROVED)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY FLORIDA AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED): AMEND CHAPTER 2, DEFINITIONS, AND FIGURE 6-1 THE LAND USE CHART, TO ELIMINATE PRINTING ESTABLISHMENTS FROM THE DEFINITION OF LIGHT MANUFACTURING, AND BUSINESS SERVICES AND CREATE NEW DEFINITIONS FOR PRINTING ESTABLISHMENTS; TO ADD THESE NEW DEFINITIONS OF PRINT SHOPS TO THE USE CHART; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

RECORD S47-1554

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Public hearing (Notices in the Bradenton Herald and the Sarasota Herald-Tribune 5/12/00) was held to consider

Z-99-19 RON PICKELSIMER (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY, ORDINANCE NO. 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.

Planning Commission recommended APPROVAL.

RECORD S47-1555

Public hearing (Notices in the Bradenton Herald and the Sarasota Herald-Tribune 5/05/00) was held to consider

ORDINANCE 00-28 - LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1 EXPANSION OF BOUNDARIES NO. 2 (APPROVED)

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ENACTING AMENDMENT 2 TO ORDINANCE 94-07; EXPANDING THE BOUNDARIES OF THE LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 1 PURSUANT TO CHAPTER 190, FLORIDA STATUTES (1999), ADDING APPROXIMATELY 84.68 ACRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING AN EFFECTIVE DATE.

RECORD S47-1556

Motion was made by Mrs. Glass, seconded by Mr. Harris, and carried 7 to 0, to approve the Consent Agenda with the motions outlined on the agenda memoranda.

(End Consent Agenda)

ZONING

Public hearing (continued from 3/28/00) was held 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; Staff recommended deletion of **Stipulations 5 and 6**.

RECORD S47-1557

Dorothy Rainey, Planning Department, presented a zoning map of the area. She also presented a revised site plan, stating that revisions were made based upon neighborhood meetings. Ms. Rainey stated the changes include: the two buildings placed diagonally with parking in the middle; a berm with landscaping; one access off Mendoza Road; one sign located west of the main drive; parking reduced from 24 paved spaces to 15, with 5 overflow spaces; and, new setbacks. The existing well will be used for irrigation and the septic tank will be relocated.

Bruce Franklin, representing the applicant, stated two neighborhood meetings were held to solicit input and address concerns. The parcel is a low intensity use, with almost 80 percent open space.

Gary Lamm, interim CEO of Hospice of Southwest Florida, Inc., stated that Hospice takes care of terminally ill patients. He stated locating the home and administrative building together is the most efficient way to operate. He submitted petitions in support of Hospice.

Peter Horstman, architect representing the applicant, presented the previous site plan (from 3/28/00) and indicated the area for overflow and emergency vehicle parking. Mr. Horstman addressed the revisions to the site plan and stated the signage will consist of one small wooden sign located at the entrance. He presented a photograph of residential-style pole lights. He presented renderings of the previous design (Mediterranean) and the new design, a Florida Ranch style. Mr. Horstman requested waiving the sidewalk requirements, as the neighbors do not want a sidewalk.

Discussion: Telephone call from **Karen Daniel** regarding notice; etc.

Speaking in opposition were: **Duchess Dailey; Kathy Eubank; Mary Dailey; Dee Anna DeLoach** (submitted a Land Use Chart); and **Tracey Suddaby** (submitted a Land Use Chart).

Robert Pederson, Planning Department, submitted a previously approved site plan (Z-89-03), which was not developed. He submitted an illustration of a bollard light.

Discussion: Limitation on size of building within a PDR; are surrounding roads paved; neighborhood must remain residential in nature; is facility licensed (Chapter 400, Part 1,) as a nursing home.

Mark Barnebey, representing the applicant, stated this facility is not licensed as a nursing home. The original design proposal was changed to give a more residential look to the building.

Based upon the staff report, the 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, motion was made by Mr. Harris and seconded by Ms. Brown, to approve **Preliminary Site Plan PDR-99-22(P)** with Stipulations 1 through 7 (as recommended by staff), adopt the Findings for Specific Approval; and adding Stipulation 8 and 9 as follows:

8. The Administrative building shall be operated as described during the public hearing. This shall include limiting general office hours to 8:00 a.m. to 5:00 p.m., Monday through Friday.
9. Prior to Final Site Plan approval, the applicant shall contribute to the Manatee County sidewalk fund, the cost of installation of a sidewalk along its frontage on Mendoza Road to build sidewalks within the same impact fee district.

Discussion: Concern with Administrative Center; rural area; septic system; least suitable site; not residential in character; etc.

Motion carried 5 to 2, with Mr. Stephens and Mrs. Stein voting nay.

RECORD S47-1558

Public hearing (continued from 4/25/00) was held to consider

PDC-99-09(Z) (P) WHISENANT FARMS, INC./LOT 5, ELLENTON MINI STORAGE AND CAR WASH

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 with 16 Stipulations. GRANT Special Approval for (1) a project located adjacent to a perennial stream, (2) a project proposing non-residential uses exceeding 30,000 square feet of gross building area, and (3) a mixed use development; ADOPT the Findings for Specific Approval; and, GRANT Specific Approval of alternatives to Sections 603.11.4.3 and 704.47.2 (except for Buildings 1A and 4) of the Land Development Code.

Aristotle Shinas, Planning Department, presented a revised list of 18 Stipulations, a zoning map and an aerial map. RECORD S47-1559

Mr. Shinas stated there is a master stormwater pond south of the property. He reviewed the surrounding zoning and he reviewed the site plan. He stated access to the site is through a commercial subdivision.

David Haley, engineer for the applicant, stated the stormwater plan will control the stormwater run-off.

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Randy Katzman, area resident, discussed flooding of the retention pond and flooding to his home. He read a letter from the U.S. Department of Transportation Engineering Division dated November 2, 1981, addressing development of the nearby shopping plaza development and stormwater retention (not submitted).

Chris Mowbray, Planning Department, stated research and site visits have revealed that four of the five undeveloped acres will flow to the retention pond, which should grant relief to Mr. Katzman.

Discussion: No impact to the shopping center; master stormwater plan for the area done in the 1980s for the entire 15 acre site; flow of stormwater capture; undersized pipes under U.S. 301; master stormwater pond not included in the subdivision plat; maintenance of stormwater system; etc.

Jeffrey Steinsnyder, Assistant County Attorney, read modified Stipulation 18:

Within 60 days of this approval, or prior to Final Site Plan, whichever occurs first, the applicant shall file with the Secretary of State, all necessary paperwork to bring current the Ellenton Commercial Subdivision, Inc.

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, Ms. Brown moved to ADOPT Manatee County Zoning Ordinance **PDC-99-09 (Z) (P)**; approve the Preliminary Site Plan with Stipulations 1 through 18, as amended; Grant Special Approval for (1) a project located adjacent to a perennial stream, (2) a project proposing non-residential uses exceeding 30,000 square feet of gross building area, and (3) a mixed use development; Adopt the Findings for Specific Approval; and, Grant Specific Approval of alternatives to Sections 603.11.4.3 and 704.47.2 (except for Buildings 1A and 4) of the Land Development Code. Motion was seconded by Mr. Harris and carried 7 to 0.
RECORD S47-1560

Staff was directed to research the piping on U.S. 301.

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 5/12/00) was held to consider

PDR/PDC-96-03 (G) (R3) [AKA PDC-98-03 (Z) (G)] TARA-MANATEE, INC.

Request: Revised General Development Plan to amend one condition of the Zoning Ordinance regarding the orientation of development on Parcel III-Y of the Tara DRI, on 1,124.21 acres, located at the southwest quadrant of S.R. 70 and I-75, extending westward to Braden River Road.

If approved, staff recommended Stipulations **VI.15** and **VI.22**.

RECORD S47-1561

Misty Servia, Planning Department, located Parcel III-Y on the General Development Plan. She advised that the applicant is requesting that the building front Tara Boulevard instead of 55th Avenue. Ms. Servia presented an elevation of the Walgreens building.

Ms. Servia advised that staff met with the Tara Homeowners' Association to address concerns with an access on Tara Boulevard. Additional improvements may be required to mitigate capacity or safety issues.

Ms. Servia discussed a letter from **William Savage**, of Savage Engineering, addressing a curb cut, which would not be approved.

Bob Schmitt, representing the applicant, stated the request was for reorientation of the building.

Larry Coffee, Board of Directors of Tara Golf & Country Club, addressed the access road from Tara Boulevard into Walgreens and the issue of safety. He provided a sketch of the Walgreens site.

Dee Holstein, representing Tara Homeowners' Association, discussed growth and safety hazards; raising the speed limit on Linger Lodge Road; opposed to reorientation of Walgreens; angle of parking spaces unattractive; buffer height being violated; etc. She submitted letter in opposition.

Mr. Bruce advised that he was in attendance at a meeting of the Tara Homeowners' Association (5/22/00).

Recess/Reconvene. All members present except Mr. McClash and Ms. Brown.

Joe Markason, Tara resident, discussed traffic concerns and parking lot ingress and egress.

Jerry Skinner, Tara resident, stated 55th Avenue is too narrow and needs a middle turn lane. He added that reorienting Walgreens would increase the need for a median cut on Tara Boulevard. He suggested this request reneges on an agreement with the developer.

Kay Woebkenberg, Tara resident, opposed the request.

Ms. Servia stated the County was not aware of a private agreement between the Homeowners' Association and the developer; however, there was a Zoning Ordinance (PDC-98-03, 9/22/98), which addressed a 10-foot buffer behind the entrance sign and landscaping for screening. The final site plan had not been submitted so it was unknown if the applicant would request an access onto Tara Boulevard; however, the Zoning Ordinance gave applicant the ability to do so.

Jerome Gostkowski, Planning Department, advised the developer had reviewed traffic on 55th Avenue, as well as expansion of the shopping center, and the connection to Stone River Road. He stated the traffic volume would trigger a right turn lane on Tara Boulevard, on the south side of State Road 70. A recent traffic analysis by Creekwood stated the intersection was operating adequately, at a level of service D. Mr. Gostkowski advised that the approval in 1998 allowed the developer to apply for the right-in right-out on Tara Boulevard.

Robert Lombardo, representing the applicant, stated the loading areas would be adjacent to the Florida Power & Light easement. He testified that the traffic conditions on Tara Boulevard were acceptable. He advised they would like to follow Stipulation 13 from the November 22, 1998, Ordinance, a copy of which he submitted.

Discussion: Would request impact traffic from shopping center; in reorienting the building would the parking be closer to the wall; Stipulation 17 called for easement to Homeowners' Association; advertisement crafted narrowly for this hearing; etc.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. Glass moved to approve the Revised General Development Plan **PDR/PDC-96-03 (G) (R3)** with staff-recommended changes to Stipulation VI.15 and new Stipulation VI.22. Motion was seconded by Mr. Harris.

Discussion: Proper buffering; proper ingress and egress not advertised; concern with traffic; Stipulation 13 important to developer; location of loading area not addressed as part of the 1998 approval; etc.

The motion carried 3 to 2, with Mrs. Stein and Mr. Bruce voting nay.

RECORD S47-1562

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(Continued)

(Enter Ms. Brown)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 5/12/00) was held to consider

PDPI-00-01(Z) (P) COLONY BAPTIST CHURCH

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **LM** TO **PDPI**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR A 4,900-SQUARE-FOOT CHURCH; ON 3.03 ACRES, LOCATED ON THE NORTH SIDE OF U.S. 301 IN ELLENTON, EAST OF 28TH AVENUE EAST AT 2920 U.S. 301.

Planning Commission recommended APPROVAL with 5 Stipulations; ADOPT Findings for Specific Approval; GRANT Specific Approval of an alternative to Section 715.3.2 of the Land Development Code; and GRANT Special Approval for a project located adjacent to a perennial stream. RECORD s47-1563

Lisa Barrett, Planning Department, presented a site plan depicting the limits of construction of the project. She distributed a revised zoning disclosure and revised Stipulation 4. RECORD s47-1564

Ms. Barrett showed photographs of the front and rear of the existing two-story home and a close-up of the chimney. She submitted elevations into the record. The church entrance does not front U.S. 301. She advised that the applicant was not in agreement with Stipulation 4 (elevations).

George Hefner, pastor of Colony Baptist Church, stated if not for the perennial stream he would not have to obtain Board approval. He showed an aerial view of the building and advised only the chimney was on the National Register, the building was not. He would like to maintain the building, not tear it down.

Carol Clarke, Planning Director, advised the rezone was required because current zoning (LM) did not allow a church. She defined a perennial stream as a lake or stream flowing at least annually.

Discussion: Elevations may change; architectural design of church to be compatible with the sugar mill chimney; possibility of eliminating Stipulation 4; intention to maintain existing building and build new building; cannot waive automated irrigation system requirement; etc.

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, Ms. Brown made a motion to ADOPT **PDPI-00-01(Z) (P)**; Approve the Preliminary Site Plan with Stipulations 1 through 3, and 5, with deletion of Stipulation 4; Adoption of the Findings for Specific Approval; Granting Specific Approval of an alternative to Section 715.3.2 of the Land Development Code, and Granting Special Approval for a project located adjacent to a perennial stream. Motion was seconded by Mr. Bruce, and carried 6 to 0. RECORD s47-1565

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notice in the *Bradenton Herald* 5/12/00 and Notice in the *Sarasota Herald-Tribune* 5/17/00) was held to consider

ORDINANCE 00-10 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY COMPREHENSIVE PLAN (MANATEE COUNTY ORDINANCE 89-01, AS AMENDED); PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (MAP 4) FROM **IL** TO **P/SP(1)** FOR CERTAIN LAND LOCATED AT 11386 BUD RHODEN ROAD, CONSISTING OF 238.8 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(**PA-00-07**: Property Owner - **Crescent Moon Enterprises, Inc.**)

Planning Commission recommended ADOPTION.

Mr. Stephens declared a conflict of interest.

Leon Kotecki, Planning Department, explained the allowable uses of IL to include assembly uses and retail uses.
(Enter Mr. McClash)

Mr. Kotecki explained the concepts of land use categories and zoning districts. Mr. Kotecki referred to an aerial of the site, which currently is a borrow pit. The existing lake was created by previous borrow pit operations. There is a 200-foot buffer of citrus trees, and the site contains two wetlands.

Mr. Kotecki advised the uses around the site include: a phosphate gypsum stack, vacant agricultural, mobile homes, a communications tower, 5 single-family homes, and citrus production. He addressed the positive and negative aspects of the request. He noted that any change of use on the site would require a public hearing.

Mark Barnebey, representing the applicant, presented a future land use map, on which he indicated the phosphate processing plant, as well as transmission lines and industrial uses. He presented four photographs of the site. He noted that the applicant had no plans to use the site as a sanitary landfill.

Mark Ogles, Vice President of Crescent Moon Enterprises, Inc., stated the Plan Amendment would allow three uses: 1) a power plant; 2) a construction debris (C&D) recycling facility; and 3) assist Port Manatee with disposal of dredge and fill material. Mr. Ogles stated proximity of a recycling landfill to rail and a port is crucial.

Glenn Scaggs and **Lyndell Scaggs**, area residents, spoke in opposition. Ms. Scaggs presented a petition with 22 signatures opposed to the amendment. She advised her well is only 300 feet from the site.

Jean Albritton, area resident, stated her concern is water quality.

Ken McCauley, representing owners of 500 acres of property on Buckeye Road, stated they would object to a sanitary landfill.

Keith Bricklemyer, representing Property Resort, Inc., owner of Gateway North DRI, stated Gateway North is a 1000-acre project approved for more than 3,400 residential units, office and commercial use. He stated rock crushers would be used to break up concrete, which would have an adverse impact. He stated there was no legal justification for the Plan Amendment. Showing a future land use map and two aerials of the area, Mr. Bricklemyer pointed out the park and school site. He stated the request was not compatible.

Discussion: Property for park and school dedicated; access road to Gateway North already under construction; Comprehensive Plan Policies 2.9.2 and 2.6.29 conflict with this request.

David McDonald, Port Director, stated this facility could be used as a dredge material site. The Army Corps of Engineers reviewed the site to evaluate future use. He stated he was speaking as the Port Director, not on behalf of the Port Authority.

Mr. Barnebey stated specific plans could not be discussed. He presented a chart and four maps of existing PS/P(1) next to residential areas. Specific site use and impacts would be addressed at the rezone hearing.

Discussion: Rezone would require a Special Permit; land uses predate present Comprehensive Plan; gas pipe lines and power plants may develop in Manatee County; must look at all potential impacts; specific uses cannot be discussed; transmittal item only; designation of Florida Power & Light plant in Parrish is PS/P(1) and Agriculture; transmit to Department of Community Affairs for objections, recommendations and comments; positive and adverse aspects of application; urban sprawl; aesthetics; IL designation a buffer; borrow pit a transitional use; earth moving permits; etc.

(Enter Ms. Brown during discussion)

MAY 23, 2000

(Continued)

Mr. Kotecki submitted four letters and one e-mail stating opposition.

Motion - Failed

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be INCONSISTENT with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, Florida Administrative Code, and the Manatee County Comprehensive Plan, Mr. McClash moved NOT to transmit Manatee County **Ordinance 00-10** [Plan Amendment PA-00-07]. The motion was seconded by Mrs. Stein, and **failed** 2 to 4, with Mr. McClash and Mrs. Stein voting aye, and Mr. Stephens abstaining.

Motion - Carried

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be CONSISTENT with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, Florida Administrative Code, and the Manatee County Comprehensive Plan, Ms. Brown moved to TRANSMIT Manatee County **Ordinance 00-10** [Plan Amendment PA-00-07]. Motion was seconded by Mrs. Glass and carried 4 to 2, with Mr. McClash and Mrs. Stein voting nay, and Mr. Stephens abstaining.

Public hearing (Notice in the *Bradenton Herald* 5/12/00 and Notice in the *Sarasota Herald-Tribune* 5/17/00) was held to consider

ORDINANCE 00-12 AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE MANATEE COUNTY COMPREHENSIVE PLAN (MANATEE COUNTY ORDINANCE 89-01, AS AMENDED); PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (SHEET 23) FROM **IL** TO **RES-6** FOR CERTAIN LAND LOCATED ON THE EAST SIDE OF 27TH STREET EAST ONE-QUARTER MILE NORTH OF 38TH AVENUE EAST, CONSISTING OF 29.1 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
(PA-00-09: Property Owner - **Anderson/Langston**)

Gerald Langston, agent for the applicant, stated he was available to answer any questions.

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be CONSISTENT with the provisions of Chapter 163, *Florida Statutes*, and the Manatee County Comprehensive Plan, Ms. Brown moved to TRANSMIT Manatee County Ordinance 00-12 [Plan Amendment PA-00-09]. Motion was seconded by Mr. McClash and carried 7 to 0.

COMMISSIONERS' COMMENTS**Moccasin Wallow Road and 71st Avenue East**

Mrs. Stein requested a warrant study for a flashing light.

3rd Avenue West and 43rd Street West

Mrs. Stein requested a warrant study for a three-way stop sign.

Perico Island (Arvida) Development

Mr. McClash referred to a memorandum from the County Attorney's office regarding Perico Island and the options available to County. He expressed concern with time frame for County Attorney to make a recommendation regarding the development of Perico Island at less intensity than approved by the City of Bradenton.

Discussion: Reschedule to next week's meeting; letter to City of Bradenton regarding County's concerns; due process; intervener with Comprehensive Plan challenge or verified complaint; would the County have approved the project; letter from Mrs. Glass in 1998 stating concerns about annexation; put item on agenda and invite City of Bradenton to the table to discuss.

MAY 23, 2000

(Continued)

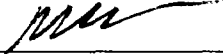
Tedd Williams, County Attorney, advised that the City's record has not been transcribed. County review of City's Comprehensive Plan and documentation approving the project needs to be done.

MEETING ADJOURNED

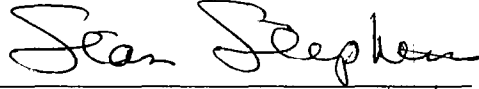
There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 9/5/00

Adj: 4:56 p.m.
/tm