

DECEMBER 19, 2000

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, December 19, 2000, at 9:10 a.m.

Present were Commissioners:

Joe McClash, Chairman
 Amy Stein, First Vice-Chairman
 Patricia M. Glass, Second Vice-Chairman
 Jane W. von Hahmann, Third Vice-Chairman
 Gwendolyn Y. Brown (entered during meeting)
 Jonathan Bruce
 George L. Harris (entered during meeting)

Also present were:

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

Invocation by Commissioner Patricia M. Glass.

All witnesses and staff giving testimony were duly sworn.

JUST FOR GIRLS

The Just for Girls choir sang a medley of Christmas carols.

AWARDS

Jane Roak, Board Records Secretary, was recognized by R. B. Shore, Clerk of the Circuit Court, and the Commissioners on her retirement from the Clerk's Office.

MANATEE COUNTY VS. PUTNAL

Tedd Williams, Jr., County Attorney, advised that a jury found in favor of the County on December 15, 2000.

CONSENT AGENDA

Mr. Bruce moved to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda, with the deletion of the **SHIP Construction Loans** (separate action). Motion was seconded by Mrs. Stein and carried 5 to 0. Items APPROVED:

CLERK'S CONSENT AGENDA**BONDS****Accept:****Riverwalk Ridge (Cypress Banks, Phase II)/Subphase I, Units 1 & 2**

1. Agreement with SMR Communities Joint Venture warranting required improvements (\$87,423.17).
2. Defect Security: \$87,423.17 (Surety Bond 929170951, Continental Insurance Company).
3. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$35,547.20).
4. Performance Bond: \$35,547.20 (Surety Bond 929170950, Continental Insurance Company) for final wearing course of asphalt.
5. Agreement with SMR Communities Joint Venture for final wearing course of asphalt on roadways.

Release:**Riverwalk Ridge (Cypress Banks, Phase II)/Subphase I, Units 1 & 2**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$1,545,004.24).
2. Performance Bond: \$1,545,004.24 (Surety Bond 152916, Frontier Insurance Company).
3. Required Improvements Agreement and Temporary Construction Easement for Private Improvements with SMR Communities Joint Venture (\$156,441.83).
4. Performance Bond: \$156,441.83 (Surety Bond 152918, Frontier Insurance Company).

REFUNDS

U.S. Department of Justice – Law Enforcement Block Grant
 (Unused funds, fines/fees, interest) \$21,838.49

WARRANT LIST

Approve: December 12, 2000 through December 18, 2000
 Authorize: December 19, 2000 through January 8, 2001

ACCEPT

Peace River/Manasota Regional Water Supply Authority – Board of Directors meeting schedule for Year 2001.

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive fee (\$25) for Richard McNally due to theft of checkbook.

COUNTY ADMINISTRATOR

LAWSUITS – DOZIER B. HILLIARD, ET AL.

Settlement and Final Judgment with William Eller, \$16,151, inclusive of statutory interest, but exclusive of costs and other expenses; and award \$1,196.25 in attorneys fees pursuant to §73.092, in the **75th Street West** eminent domain matter, Dozier B. Hilliard, et al., Case 1998-CA-1534 (Parcel 77).

30TH AVENUE WEST

Partial settlement with Bob's European for \$1,100, which represents \$600 to Red Stake Surveyor and \$500 to CC&A Architect for Parcel 148 in road widening project.

CHILDREN'S SERVICES

Approval of Children's Services **Annual Plan/Report** (FY 2001-02), including 2001-02 Collaborative Funding Application with United Way of Manatee County; and to announce the availability of \$4,200,000 of Children's Services dedicated millage. **RECORD S47-2482**

SPECIAL NEEDS RENTAL HOUSING

Execution of funding agreement and Land Use Restriction Agreement and Deed Restrictions with Coalition to Assist Supported Living, Inc. (CASL), for property located at 5029 Live Oak Circle, , \$274,321.30. **RECORD S47-2483 S47-2484**

2001 LEGISLATIVE PROGRAM

Adoption of draft 2001 State Legislative Program. **RECORD S47-2485**

MATERIALS AND SERVICES

1. **39th Street Sewer Repair** – Award IFB 01-1190DC to Kuxhausen Construction, Inc., \$32,425.
2. **Beach Signs** – Award IFB 00-8157DC to SignZoo.com for 21 regulatory and information signs at public facilities, \$28,677.
3. **Manatee Canal Dredging** – Award IFB 00-7963DC to Energy Resources, Inc., \$210,975; and subsequent execution of contract, simultaneous dating of Performance/Payment Bonds and acceptance of Insurance Certificate.

BUDGET AMENDMENT

Various Departments B-01-012
Transfer of funds; Unanticipated Revenues
Supporting Description and Detail Attached **RECORD S47-2486**

WATER TREATMENT PLANT

Execution of Work Assignment 97-31 with Black & Veatch for design services to improve chemical blending and chemical contact time at the Water Treatment Plant, \$56,968. **RECORD S47-2487**

COMPUTER AIDED DISPATCH AND RECORDS MANAGEMENT SYSTEM

Execution of Amendment One to the Agreement for a Computer Aided Dispatch and Records Management System with an Enhanced Telephony Switch with GTE Florida Business Connections Corporation, to accept the name change to **Verizon Florida, Inc.**; modify the scope of work and payment schedule and extend time for completion (to 12/31/01); increase of \$98,500, total not to exceed \$2,643,807. **RECORD S47-2488**

FIRE ALARM SYSTEM – CIVIC CENTER

Execution of Amendment Number One to Purchase Order P0001824 amending sections of the agreement with SecurityLink from Ameritech, for a fire alarm system. **RECORD S47-2489**

MORGAN JOHNSON ROAD/POMELLO PARK

Execution of (Final) Change Order 1 to IFB 99-4160DC with D.B. Construction Services, Inc., for drainage structure and water main replacement (61st Avenue East); and extend the contract by 12 days (to 9/9/00); decrease of \$17,979.30 and adjusted contract of \$158,197.30. **RECORD S47-2490**

RECLAIMED WATER PUMPBACK STATION

Execution of (Final) Change Order 2 to IFB 99-3131DC with DeJonge Excavating Contractors, Inc., for Reclaimed Water Pumpback Station and Storage Pond at the North Regional Wastewater Treatment Plant; decrease of \$105,905.54 and an adjusted contract of \$2,291,766.58. **RECORD S47-2491**

WARNER'S BAYOU BRIDGE

Execution of Change Order 3 to Work Assignment 10 with Wade-Trim, Inc., for design, service, and construction of Riverview Boulevard Bridge 134013 Project over Warner's Bayou West, increase of \$18,132, and adjusted contract of \$75,896.60. **RECORD S47-2492**

INTERACTIVE VOICE RESPONSE SYSTEM

Sole source purchase from Selectron, Inc., of upgrades of the interactive voice response system to NT-IVR, for \$24,500 plus first year annual support cost of \$5,200, total of \$29,700.

FLOTILLA 81 FACILITY

R-00-292 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING RESOLUTION R-00-30, WHICH AUTHORIZED A LEASE WITH FLOTILLA 81, INC., TO AMEND CERTAIN CONDITIONS PRECEDENT. **RECORD S47-2493**

FINAL PLATS

Indian Meadow Subdivision

1. Final Plat;
2. Notice to Buyer;
3. Conservation Easement from Mary G. Watruba, Trustee of the Mary G. Watruba Trust; and **RECORD S47-2494**
4. Agreement to Defer Completion of Required Sidewalks with Mary G. Watruba, Trustee of the Mary G. Watruba Trust. **RECORD S47-2495**

DECEMBER 19, 2000

(Continued)

River Club South Subphase V-B1

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon;
3. Agreement with I.D.L. Corporation guaranteeing completion of required improvements (\$15,399.80);
4. Performance Bond: \$15,399.80 (Letter of Credit 3024069, Bank of America);
5. Agreement with I.D.L. Corporation guaranteeing completion of required sidewalks and bikeways (\$11,352.90); and
6. Performance Bond: \$11,352.90 (Letter of Credit 3027856, Bank of America).

River Club South Subphase V-B2

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and all Dedications and Reservations Thereon;
3. Agreement with I.D.L. Corporation guaranteeing completion of required sidewalks and bikeways (\$6,922.50);
4. Performance Bond: \$6,922.50 (Letter of Credit 3027857, Bank of America);
5. Agreement with I.D.L. Corporation guaranteeing completion of required improvements (\$7,775.62); and
6. Performance Bond: \$7,775.62 (Letter of Credit 3027854, Bank of America).

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

R-00-302 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE RENEWAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE **TOWN OF LONGBOAT KEY'S EMERGENCY MEDICAL TRANSPORTATION SERVICES**; PROVIDING THE WAIVER OF THE APPLICATION SUBMISSION REQUIREMENTS AND PROCEDURES UNDER SECTION 12 OF MANATEE COUNTY ORDINANCE 91-73; PROVIDING AN EFFECTIVE DATE. RECORD S47-2496

REFUNDS

Authorize refunds, minus any outstanding billings, to:

Towne Hembree, LLC - Fireline Service Fee Refund	\$1,400.00
Kemick Construction - Sewer Facility Investment Fee	\$1,475.60
K.M. Development - Fireline Service	\$600.00

TIME PAYMENT AGREEMENTS

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

<u>Jesus and Maria Torres</u>	<u>RECORD</u> S47-2497
<u>Debra S. Hayes</u>	<u>RECORD</u> S47-2498
<u>Ricky G. and Carmen D. Wren</u>	<u>RECORD</u> S47-2499
<u>William B. Smyk and Margaret E. Hawkins</u>	<u>RECORD</u> S47-2500
<u>Lucio Gomez, Martin Gomez, and Maria Del Pilar Barrera</u>	<u>RECORD</u> S47-2501

DEEDS AND EASEMENTS

Braden Bluffs Subdivision - Drainage Easement from Arthur C. and Janet M. Earl and Robert D. and Michele M. Bowermaster for vacated right-of-way along 84th Street Court East; Affidavit of Ownership and Encumbrances; Joinder from Bank of America.

RECORD S47-2502

STREET VACATION - PALMETTO GROVE AND GARDEN COMPANY

R-00-09-V RESOLUTION DECLARING A PUBLIC HEARING ON JANUARY 23, 2001, ON APPLICATION BY JSP, INC., DANA K. PEARSON, JOANN PEARSON AND PEARSON AUTOMOTIVE, INC., TO VACATE A PLATTED RIGHT-OF-WAY IN THE PALMETTO GROVE AND GARDEN CO. SUBDIVISION. RECORD S47-2503

BRADENTON OFFICE SUPPLY BUILDING

Execution of Exercise of Option and Closing Agreement and related documents including an Environmental Site Assessment, with C. Dean Kushmer to purchase the Bradenton Office Supply Building, 530 and 538 13th Street West, \$535,000. RECORD S47-2504

EMERSON POINT

Execution of Amendment 4 to Agreement Contract SP359 with the Florida Department of Environmental Protection to revise the completion date (1/27/02) and other modifications for ongoing restoration at Emerson Point under the Ecosystem Management and Restoration Trust Fund Program. RECORD S47-2505

MANATEE AGRICULTURAL REUSE SYSTEM - LOBBYING SERVICES

Approve, ratify, and confirm a one-month extension (to 12/15/00) for the Public Works Department Manatee Agricultural Reuse System (MARS) Program Lobbying Services Agreement with Morgan, Meguire, L.C.C., \$9,000. RECORD S47-2506

MANATEE SCHOOL OF ARTS & SCIENCES, INC.

Set a public hearing as required by the Tax Equity and Fiscal Responsibility Act (TEFRA) to consider the issuance of \$1,100,000 in special revenue bonds by the City of Bradenton for the Manatee County School of Arts & Sciences, Inc.

(End Consent Agenda)

HOME RECONSTRUCTION PROGRAM

Motion was made by Mrs. Glass, seconded by Mr. Bruce, and carried 4 to 0, with Mr. McClash declaring a conflict of interest, to approve execution of Construction Loan Agreements for reconstruction of homes in accordance with Resolution R-96-227 with:

1. Juanita Randolph, \$63,080 (plus \$3,000 General Funds) at 1816 18th Street East, Palmetto. RECORD S47-2507
2. Beverly Williams, \$63,080 (plus \$3,000 General Funds) at 2212 4th Avenue East, Palmetto. RECORD S47-2508
3. Ursula Mays, \$62,500 (plus \$3,000 General Funds) at 2718 3rd Avenue East, Palmetto. RECORD S47-2509

(Enter Ms. Brown)

BRIARWOOD SUBDIVISION - SWIMMING POOLS

William Wheeler commented on the explanation he received regarding denial of a permit (discussed 8/22/00) for the swimming pools in Briarwood Subdivision. He requested changes be made to the Land Development Code regarding the formulae used to determine pool sizes.

PLANNING - CONSENT AGENDA

Motion was made by Mrs. Stein, seconded by Mr. Bruce, and carried 6 to 0, to approve the Planning Consent Agenda incorporating the language as stated in the recommended motions in the staff reports, with the deletion of **PDR-99-18(P)** (separate action). Items APPROVED:

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was opened to consider

PDR-00-15(Z)(G) DR. JAWITZ (CONTINUED TO 1/23/01 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 **RSF-2** AND **RSF-2/CH** TO **PDR** AND **PDR/CH**; PROVIDING AN EFFECTIVE DATE; AND A GENERAL DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF TWO DETACHED GARAGE STRUCTURES, ONE WITH SECOND-STORY LIVING QUARTERS; ON 1.1 ACRES LOCATED AT 5260 RIVERVIEW BOULEVARD.

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was opened to consider

PDC-00-11(Z)(P) UNIVERSITY PARK CENTER (CONTINUED TO 1/23/01 AT 9:00 A.M.)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **PDMU** TO **PDC**, RETAINING THE **ST** AND **WP-E** OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND A PRELIMINARY SITE PLAN TO ALLOW A 223,000 SQUARE FOOT SHOPPING CENTER AND 7 OUTPARCELS; ON 34.52 ACRES LOCATED NORTH OF UNIVERSITY PARKWAY ON BOTH SIDES OF HONORE AVENUE.

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was held to consider

ORDINANCE 00-61 - UNIVERSITY PARKWAY

(2ND PUBLIC HEARING ON 1/9/01 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); AMENDING THE NUMBER AND LOCATION OF ACCESS POINTS TO UNIVERSITY PARKWAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 11/22/00) was held to consider

Z-00-12 E. T. MACKENZIE

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 2.19 ACRES LOCATED ON THE WEST SIDE OF 33RD STREET EAST, 300 FEET NORTH OF 63RD AVENUE EAST.

Planning Commission recommended ADOPTION.

RECORD S47-2510

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was held to consider

PDA-98-01(G)(R) PANTHER RIDGE COMMUNITIES, LTD.

Request: Amendment to an approved General Development Plan to: **(1)** Delete the Village Center (12,000 square feet of commercial, office and other uses) from a 25-acre parcel along S.R. 70; **(2)** Increase the number of single-family residential lots in the project from 227 to 257; and **(3)** Approve an Amended Developer's Agreement to address the proposed amendments; on 842.52 acres located on the south side of S.R. 70 and C.R. 675 (Waterbury Road).

Planning Commission recommended ADOPTION with 13 Stipulations. RECORD S47-2511

(Note: Developer's Agreement was deleted from the request prior to Planning Commission)

DECEMBER 19, 2000

(Continued)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was held to consider

Z-00-06 GEORGE KREISSLE

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **HM**; PROVIDING AN EFFECTIVE DATE; ON 57 ACRES LOCATED ON THE NORTH SIDE OF WHITFIELD AVENUE, 600 FEET EAST OF U.S. 301. Planning Commission recommended ADOPTION. **RECORD** S47-2512

Public hearings (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) were held to consider

Z-89-46(C)(R-4) UNIVERSITY COMMONS - DRI 19

Revised Zoning Ordinance for University Commons to:

1. Initiate Phase II;
2. Modify land use totals to eliminate the hotel use and increase commercial use by 35,000 square feet;
3. Modify internal boundaries to increase commercial acreage by 0.8 acres and decrease the residential acreage by 0.8 acres;
4. Modify traffic circulation to:
 - a. Allow a right-in/right-out driveway on University Parkway for the commercial parcel between Tuttle Avenue and Lockwood Ridge Road;
 - b. Provide a cross access connection between the existing 30-acre commercial parcel (Centre at University Parkway) and the vacant 28.2-acre commercial parcel in Phase II;
 - c. Provide for the realignment of the required right-of-way for the Broadway Avenue extension;
5. Increase the maximum allowable height for commercial uses from 35 feet to 45 feet.
6. Relocate a proposed retention pond;
7. Amend the Zoning Ordinance definitions, conditions, and terminology to reflect the above changes and companion changes in the DRI Development Order for this project;
8. Amend the GDP to reflect the above changes; and,
9. Amend Stipulation A.(1) to authorize commencement of Phase II; on 257 acres located northeast and northwest of the intersection of University Parkway and Tuttle Avenue.

Planning Commission recommended ADOPTION.

RECORD S47-2513

and

ORDINANCE 00-52 - UNIVERSITY COMMONS DRI 19

Authorize the commencement of development in Phase II and Determination whether the following modifications to the University Commons DRI Development Order constitute a Substantial Deviation pursuant to Section 380.06, *Florida Statutes*:

- A. Modify land use totals to eliminate the hotel use and increase commercial use by 35,000 square feet;
- B. Modify internal boundaries to increase commercial acreage by 0.8 acres and decrease the residential acreage by 0.8 acres;
- C. Modify traffic circulation to:
 1. Add a new access to University Parkway, limited to right-turn in and out only;
 2. Provide a cross access connection between the existing 30-acre commercial parcel (Centre at University Parkway) and the vacant 28.2-acre commercial parcel in Phase II;
 3. Provide for the realignment of the required right-of-way for Broadway Avenue Extension.
- D. Amend the Development Order definitions, conditions, and terminology to reflect the above changes;
- E. Amend Map H to reflect the above changes; and,
- F. Amend Stipulation A.(1) to authorize commencement of Phase II; amending Ordinance 00-27, on 286.50 acres located northeast and northwest of the intersection of University Parkway and Tuttle Avenue.

Planning Commission recommended ADOPTION.

RECORD S47-2514

Public hearing (Notices in the *Bradenton Herald* 12/9/00 and *Sarasota Herald-Tribune* 12/8/00) was held to consider

PDC-99-07(P)(R) B.S. JOINT VENTURE/HESS SERVICE STATION

Request: Revised Preliminary Site Plan to delete Stipulation 1, which requires applicant to provide a northbound right-turn lane at Lakewood Ranch Boulevard located at the corner of S.R. 64 and Lakewood Ranch Boulevard on 2.18 acres. **RECORD** S47-2515

(End Planning Consent Agenda)

SINGLE AND MULTIFAMILY HOUSING REVENUE BONDS

Carol Masio McGuire, attorney for James Spearman and the Germaine Company, requested this item be deferred until there is a full Board (later in the meeting).

E. N. Fay, attorney for the Housing Finance Authority, stated the Board requested this item be reconsidered (12/12/00) and advised that if the application is not submitted by the end of the calendar year, the opportunity for funds for the LaMirada Gardens project will be missed.

ZONING

Public hearing (Notices in the *Bradenton Herald* 12/9/00 and *Sarasota Herald-Tribune* 12/8/00) was held to consider

PDR-99-18(P) LOGUE PROPERTIES

Request: Preliminary Site Plan to allow 60 lots for single-family detached homes on 20 acres located on the west side of Lockwood Ridge Road and 660 feet north of Whitfield Avenue;

Planning Commission recommended APPROVAL with Stipulations.

GRANTING Special Approval for a project which is at least partially within the WO-E.

Dan McClure, adjacent property owner, requested time to review the request.

Bo Medred, representing the applicant, stated a meeting with Bob Spencer, Mr. McClure's representative, was cancelled and requested action at this meeting.

The public hearing was continued until later in the meeting.

Recess/Reconvene. All members present.

UNIVERSITY PARKWAY AT CONSERVATORY DRIVE/COUNTRY PARK ROAD

Harry Mendenhall, Transportation Department, was available to answer questions regarding a request for a traffic signal (11/7/00) from the University Pines Homeowners Association.

Mr. Bruce moved to approve the request for a traffic signal at University Parkway and Conservatory Drive/Country Park Road. Motion was seconded by Mr. Harris and carried unanimously.

SINGLE AND MULTIFAMILY HOUSING REVENUE BONDS

Motion was made by Ms. Brown and seconded by Mrs. Stein to adopt Resolution R-00-287. The motion carried 4 to 3, with Mrs. Stein, Mr. Bruce and Mr. McClash voting nay.

R-00-287 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA OF ITS MULTIFAMILY HOUSING REVENUE BONDS (**LaMIRADA GARDENS PROJECT**) WITHIN THE MEANING OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND PROVIDING CONCEPTUAL APPROVAL WITHIN THE MEANING OF MANATEE COUNTY ORDINANCE NO. 79-6; AND PROVIDING FOR AN EFFECTIVE DATE. RECORD S47-2516

Discussion: Issuing bonds when the structures are elevated out of the floodway but the parking area remains a flood hazard; substantial amount of property would be at risk; bond issue must be closed in five months; all permits and zoning must be approved and in effect before bonds are issued; types of vehicle insurance; affordable housing is crucial; right-of-way and level of service issues; etc.

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was held to consider

PDR-96-02(Z)(G)(R) – D. B. ASSOCIATES/ANCIENT OAKS

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF 11.37 ACRES FROM **A** TO **PDR**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A REVISED GENERAL DEVELOPMENT PLAN TO ADD THE ADDITIONAL ACREAGE (11.37 ACRES) CONTAINING 15 LOTS; INCREASE THE OVERALL NUMBER OF LOTS FOR THE PROJECT FROM 231 TO 246 (AT AN OVERALL DENSITY OF 1.17 DWELLING UNITS PER ACRE); AND RELOCATE AN ACCESS POINT ON ERIE ROAD; ON 210.76 ACRES LOCATED ON THE EAST SIDE OF ERIE ROAD, 950 FEET NORTH OF 55TH STREET EAST WITH THE ENTIRE PROJECT HAVING AN OVERALL ACREAGE OF 210.76 ACRES.

Planning Commission recommended Approval with 16 Stipulations; and

GRANTING Special Approval for that portion of the project located in the UF-3 Future Land Use Category exceeding 1 dwelling unit per gross acre. RECORD S47-2517

Misty Servia, Planning Department, referred to letters of opposition from **Valrie Massey** and **Jeff and Lori Pick** (property owners to the south) with concerns of: compatibility; flooding; traffic on Erie Road; increased density; wetland preservation; protection of endangered species; and discharge of firearms. Ms. Servia relayed opposition to the project from **Robert Top** with concerns of relocated access points that may result in additional homes and lack of buffering. Ms. Servia used a slide presentation, site plan, and a landscape plan to outline this request. She stated concern for compatibility (agricultural noise and odors) and flooding.

Discussion: Agricultural zoning requires additional 35-foot setbacks; whether superior design features support increased density in a flood zone; wetland encroachments and impacts; future design of Erie Road; right-of-way; settlement agreement after action filed in Court; existing project not expired; Erie Road lots made larger; recreational areas; etc.

DECEMBER 19, 2000

(Continued)

Bill Merrill, attorney for the applicant, used a revised site plan, a site plan overlaid on an aerial, charts, an aerial map, and a Future Land Use Map to review this request. He also referred to 24 photographs of streets within Thousand Oaks Subdivision and stated the area is more suburban than rural, citing surrounding developments. Mr. Merrill stated the minimum lot size is 10,000 square feet and the greenbelt buffer has been increased to 40 feet.

Gary Altrogge, Kimley, Horn & Associates, stated the project will tie into county sewer and a 16-inch water main on Erie Road.

Discussion: Availability of water and sewer; recreation amenities; 66-foot-wide current access will become open space; buffering along Erie Road; native vegetation; etc.

Phil and Debbie Massey submitted a photograph of rotting vegetation and spoke in opposition to the project, stating concerns of: compatibility; density; setbacks; lot sizes; flooding; and protection for endangered species. **John Townsend** (property owner to the north) also spoke in opposition and expressed concern over five backyards abutting his front yard.

Discussion: Section 702.6.7 of the Land Development Code requires additional setbacks for active agricultural operations; Massey property is adjacent to the already-approved portion of Ancient Oaks; requiring notification to homeowners; etc.

Jerome Gostkowski, Planning Department, stated the project will connect the old Sunshine Dairy Road to Erie Road with an S-curve, and the applicant has an obligation to dedicate additional right-of-way on the portion that will become open space.

Mr. Merrill submitted copies of Mr. Townsend's and Mr. Pick's deeds and deed restrictions prohibiting commercial agricultural activity; nuisance noise and odors; and grazing of more than two cows or horses; and their property records cards, noting that neither property has an agricultural classification.

Chris Anderson, Biological Research Associates, stated the wetland delineation has been reviewed twice by the South West Florida Water Management District (SWFWMD) and it has been accurate both times. He stated the wildlife survey provided no evidence of any listed endangered species.

Discussion: Previously-approved access will be dedicated to homeowner's association or appropriate entity; hook-up to re-use line from water treatment plant; interneighborhood ties; combining certain lots; transfer or cluster deleted lots into main development; etc.

Ms. Servia recommended **Stipulation 17**:

17. The applicant shall relocate lots 232-236 and lots 240 and 241, as shown on the General Development Plan to the area currently known as Ancient Oaks. The minimum lot size of 10,000 square feet shall be maintained. The area where the above-mentioned lots were previously shown, shall be maintained as open space and shall be approved by the Planning Department with the Preliminary Site Plan.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code as conditioned herein, Mrs. Stein moved to adopt Manatee County Zoning Ordinance **PDR-96-02(Z)(G)(R)** with Stipulations 1 through 17 and grant Special Approval for that portion of the project located in the UF-3 Future Land Use Category, exceeding 1 dwelling unit per gross acre. Motion was seconded by Mr. Bruce and carried unanimously.

(**Note:** Motion was reconsidered later in the meeting.)

Recess/Reconvene. All members present.

PDR-99-18(P) - LOGUE PROPERTIES (Continued from earlier in the meeting)

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be consistent with the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to recommend approval of Preliminary Site Plan PDR-99-18(P) with Stipulations A.1-10; B.1-4; C.1-4; D.1-2; E.1-3; F.1-2; G.1 and grant Special Approval for a project which is at least partially within the WO-E. Motion was seconded by Mr. Harris and carried unanimously.

RECORD S47-2518

LAKERIDGE FALLS - STREET NUMBERING WAIVER

Vickie Warner, Planning Department, outlined a street numbering waiver request by Centex Homes, the developers of Lakeridge Falls. She stated Section 742.5 of the Land Development Code allows street numbering waivers when the road design is so curvilinear that number designations would be confusing. The Address Review Committee was divided and could not provide a finding of fact that emergency services would not be compromised if the street numbering waiver was approved.

Motion was made by Mr. Bruce, and seconded by Mrs. Stein, to approve the request for a waiver of street numbering in Lakeridge Falls subdivision.

Dan Center, Cedar Hammock Fire District, stated there will be an adverse impact to responses if they have to rely on street names instead of numbers. **Mark Edenfield**, Manatee County Emergency Services, advised he does not disagree with Deputy Fire Chief Center and stated there are many named streets; however, response times will remain within limits.

Discussion: Whether fire station receives the same information as Emergency Services; whether software can provide maps; developers asked to be creative in use of curvilinear roads for aesthetic value; land development code and new technology should be reviewed; traffic calming; etc.

Motion carried 5 to 2, with Mr. Harris and Mr. McClash voting nay.

Recess/Reconvene. All members present except Mrs. von Hahmann and Mrs. Glass.

ZONING

PDR-96-02(Z)(G)(R) – D.B. ASSOCIATES/ANCIENT OAKS

Carol Clarke, Planning Director, stated Stipulations 8 and 16 refer to buffering and setbacks for lots that will not exist.

Motion was made by Mr. Harris, seconded by Mrs. Stein, and carried 5 to 0, for reconsideration. (Enter Mrs. von Hahmann)

Motion was made by Mr. Harris, seconded by Mr. Bruce, and carried 6 to 0, to delete Stipulations 8 and 16 and approve **PDR-96-02(Z)(G)(R)** with 15 stipulations. RECORD S47-2519

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 12/8/00) was held to consider

PDR-00-12(Z)(P) – VIVIAN AND RONALD TRAVIS/LAND EXPERT, INC.

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **PDR**; PROVIDING AN EFFECTIVE DATE; AND A PRELIMINARY SITE PLAN TO ALLOW 243 LOTS FOR SINGLE-FAMILY DETACHED HOMES; ON 108.91 ACRES LOCATED ON THE EAST SIDE OF FORT HAMER ROAD, WEST OF GAMBLE CREEK, AND NORTH OF MULHOLLAND ROAD.

Planning Commission recommended ADOPTION with Stipulations; and, RECORD S47-2520 GRANTING Special Approval for a project partially located within the Coastal Evacuation Area.

Aristotle Shinas, Planning Department, outlined this request using a zoning map, a site plan, and a Future Land Use Map. Mr. Shinas entered a packet containing an aerial, a slide presentation, revised Utility comments, comments from Environmental Management Department and a letter from **Betti Johnson** of Tampa Bay Regional Planning Council into the record. He reviewed surrounding land uses and nearby subdivisions.

(Mr. Harris absent for a portion of the presentation; Enter Mrs. Glass)

Mr. Shinas stated mitigating factors include minimum lot sizes of 12,000 square feet; approval as a General Development Plan; increased setbacks and enhanced screening; and pavement of Mulholland Road.

Tom McCollum, Zoller, Najjar & Shroyer, submitted his resume, along with the resumes of **Steve Shroyer** and **J. William Walch**. He stated the site is surrounded by PDR-zoned land. Mr. McCollum compared the approvals of Kingsfield Subdivision, the Mable Eng project and the Twin Rivers project as to density and land in the 100-year floodplain.

Mr. McCollum requested that paving of Mulholland Road be required only as far as the end of the developed lot section and submitted **Stipulation B.4**:

- B.4 Mulholland Road, between the paved limits of Fort Hamer Road to the easterly limits of Phase 4, shall be constructed to 24 feet in width with a 5-foot sidewalk, as approved by the Transportation Department with a Right-of-Way Use Permit. Construction of this road segment shall be completed simultaneously with construction of the internal street which provides a second means of access for the project.

Ron Travis, applicant, cited the need for moderately-priced homes.

Mary Sheppard spoke in opposition to the project citing timing, compatibility, and urban sprawl.

Mr. Shinas used a Kingsfield Subdivision site plan to highlight the differences between the two projects. He submitted two photographs of the park/wetland area in Kingsfield and the houses in front of a wetland (surrounded by a privacy fence).

Discussion: Population in evacuation areas; intent of Land Development Code and Comprehensive Plan; flooding; superior design; tree preservation; clustering to limit impacts; open space; rural atmosphere; amenities; buffering; rear setbacks; density in Parrish; adjacent pasture land; etc.

(Mr. Harris absent for a portion of discussion)

DECEMBER 19, 2000

(Continued)

Mr. McCollum used an aerial to show compatibility with nearby projects and adjacent properties. He advised that ten lots were removed from the original plan, and the Planning Commission requested the project be redesigned to preserve the oak hammocks. Mr. McCollum stated lots and roads will be raised above the 100-year floodplain, with a direct evacuation route via Ft. Hamer Road to U.S. 301.

Carlos Beruff, developer, submitted a *Sarasota-Herald Tribune* article on middle-class families and affordable homes.

Mark Barnebey, attorney for the applicant, submitted a Future Land Use Map and stated development becomes more intense from west to east (towards Old Tampa Road). He noted the recreation areas will include a pool, tot lot and recreation building.

Discussion: Different versions of the Stipulations in the staff report; neighbor response; buffers; widening Ft. Hamer Road into existing backyards; four lots back up to road; notification to homeowners of road widening and bridge; high density may cause future transportation shortfall; 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, Mrs. Stein moved to adopt Manatee County Zoning Ordinance **PDR-00-12(Z)(P)**; approve the site plan to General Development Standards with Stipulations A.1 as recommended by staff; A.2 with 30-foot buffering along Ft. Hamer Road and 25-foot buffering along Mulholland Road; B.3-7; A.8 as recommended by the Planning Commission and staff; A.9-12; A.13 as recommended by the Planning Commission and staff; B.1-3; B.4 as recommended by the Planning Commission and staff; B.5-7; new Stipulation B.8 as recommended by staff; C.1-4; D.1-4; E.1-6; F.1-2 and G.1 and grant Special Approval for a project partially located within the Coastal Evacuation Area, as recommended by the Planning Commission. Motion was seconded by Mrs. von Hahmann. RECORD S47-2521

Amended Motion - Failed

Mr. Bruce moved to amend the motion to substitute Stipulation A.1, as recommended by the Planning Commission. The motion was seconded by Mrs. Glass and failed 2 to 5, with Mr. McClash, Mrs. Stein, Ms. Brown, Mr. Harris and Mrs. von Hahmann voting nay.

The original motion carried unanimously.

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

ENVIRONMENTAL IMPACT STATEMENT

Ernie Padgett, County Administrator, reported on the Board's request (12/12/00) to determine the willingness of the Army Corps of Engineers (COE) to perform an area-wide Environmental Impact Statement (EIS). Mr. Padgett stated authorization would be required from Congress or the President with the request being initiated through the Florida Congressional Delegation. He stated the Audubon Society of Florida also requested an EIS to encompass all of southwest Florida, studying the cumulative impacts of proposed mining to water, plants, and animals.

(Enter Mr. Bruce during presentation)

Mr. Padgett stated the time frame, twenty to thirty years before permit applications are made, makes it difficult to undertake a study concerning impacts to land that will be mined in the future.

IMC - FOUR CORNERS MINE

Public hearing (continued from 2/12/00) was held to consider

Z-00-07 IMC PHOSPHATES COMPANY/FOUR CORNERS MINE

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** AND **A/WP-M** TO **EX** RETAINING THE **WP-M** OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; ON 2,508 ACRES LOCATED EAST OF DUETTE ROAD AND NORTHEAST OF THE INTERSECTION OF DUETTE ROAD WITH WALKER ROAD, ALONG BOTH SIDES OF WALKER ROAD AND EXTENDING EASTWARD TO THE HARDEE COUNTY LINE, TOGETHER WITH THE LAND UNDERLYING WALKER ROAD, IF VACATED. THE PROPERTY IS COMPRISED OF TWO NON-CONTIGUOUS PARCELS LOCATED WITHIN SECTION 36, TOWNSHIP 33 SOUTH, RANGE 22 EAST, AND SECTIONS 1, 2, 11, 12, 13, AND 14, TOWNSHIP 34 SOUTH, RANGE 22 EAST.

Planning Commission recommended APPROVAL.

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, Ms. Brown moved to adopt Manatee County Zoning Ordinance **Z-00-07**. The motion was seconded by Mr. Harris and carried 5 to 2, with Mrs. Stein and Mrs. von Hahmann voting nay. RECORD S47-2522

Public hearings (continued from 12/12/00) were held to consider

ORDINANCE 00-49 – IMC PHOSPHATES COMPANY/FOUR CORNERS MINE (DRI 5)

Approval of a Substantial Deviation to the Four Corners Mine Development of Regional Impact to:

1. **Amend Section 7-Legal Description** for the addition of 2,808 acres known as the **Southeast Tract** to this DRI;
2. Allow the mining of phosphate ore on the 2,808-acre addition to the mine;
3. **Amend Sections 4-Development Components, 5-Definitions, and 6-Development Conditions** to reflect the 2,808-acre addition, to establish new or modified conditions of approval for mining within the Southeast Tract, and to ensure the Development Order will be internally consistent with all changes proposed by the applicant.
4. **Delete Conditions F.5 and K(5) 1-MA-08** pertaining to a rookery;
5. **Delete Condition K-10** pertaining to mining conditions for the 170-acre Addition;
6. **Amend the Development Order** to reflect changes in agency names, the name of the developer, and to denote stipulations that have been complied with or requirements that have been completed; and,
7. **Amend Map H** to reflect the above changes;
on 2,808 acres located north and east of Duette Road and northeast of the intersection of Duette Road with Walker Road, along both sides of Walker Road and extending eastward to the Hardee County line. The existing Four Corners Mine is located north of S.R. 62 and along both sides of S.R. 37, extending north into Hillsborough County;
Planning Commission recommended APPROVAL.

and

R-00-271 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, GRANTING APPROVAL TO IMC PHOSPHATES COMPANY FOR A **MASTER MINE PLAN AND OPERATING PERMIT** FOR THE FOUR CORNERS MINE SOUTHEAST TRACT ADDITION, TO INCLUDE SPECIFIC CONDITIONS, RESTRICTIONS AND LIMITATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Clarke submitted new **Stipulation B.6** (Ordinance 00-49) for off-site restoration and mitigation to County-owned property.

Patricia Petruff, attorney for the applicant, submitted a letter agreeing to new Stipulation B.6, and she requested an additional sentence: If developer completes its obligations, pursuant to this paragraph, developer shall not be required to construct the 70 additional acres of herbaceous marsh as described at the December 12, 2000 public hearing.

Rob Brown, Environmental Management Department, outlined revisions made to Resolution R-00-271, and stated that an additional correction will be made to the last paragraph of Page 1:

Whereas, a duly-noticed public hearing pursuant to Chapter 2-20, Code of Laws of Manatee County, was held on November 28, 2000, December 12, 2000, and December 19, 2000, to consider approving...

With approval of the Board, Mr. McClash reopened the public hearing.

Glenn Compton, representing ManaSota-88, submitted a letter and spoke in opposition to the inclusion of wetland acreage, proposed for mitigation, within the clay settling areas.

Bill Byle, representing Charlotte County Board of County Commissioners, submitted a handout and requested the Board to move cautiously when approving the permit.

Discussion: Certain wetlands trap pollutants and are not meant as a habitat for wildlife; mitigation ratio would be 2.2 to 1; eventually clay settling ponds will percolate water through to the aquifer; degradation to Horse Creek and Peace River; reevaluation at next permit cycle; incorporate findings of regional impact studies once mining has commenced; peer review of studies; etc.

Mr. Steinsnyder recommended the following sentence be added:

15. Subsequent Permit Procedure:

At operating permit renewal, if new best management practices are identified in studies subsequent to this approval, they shall be considered for incorporation into the operating permit by the Board of County Commissioners.

Motion - Ordinance 00-49

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, Chapter 380, *Florida Statutes*, and Rule 9J-2.025 F.A.C., subject to the conditions established in the Development Order, including the new Stipulation B.6, which was handed out at today's meeting, the rest of the Stipulations as in the agenda package, Ms. Brown moved to approve the Substantial Deviation to DRI #5 for the Four Corners Mine Southeast Tract Addition; and adopt **Ordinance 00-49**, with the addition of Stipulation B.6 as recommended by staff. Motion was seconded by Mr. McClash and carried 5 to 2, with Mrs. Stein and Mrs. von Hahmann voting nay.

RECORD S47-2523

DECEMBER 19, 2000

(Continued)

Motion - R-00-271

Ms. Brown moved to adopt Resolution **R-00-271**, as handed out at today's meeting with the corrected date as stated by Mr. Brown and the additional language in Section 15, granting approval to the IMC Phospates Company for Master Mine Plan and Operating Permit for the Four Corners Mine-Southeast Tract Addition, incorporating the changes as read into the record by Mr. Steinsnyder and Mr. Brown. Motion was seconded by Mr. McClash and carried 5 to 2, with Mrs. Stein and Mrs. von Hahmann voting nay. RECORD S47-2524

ENVIRONMENTAL IMPACT STATEMENT

Motion was made by Ms. Brown, seconded by Mr. Bruce, to adopt Resolution

R-00-303 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, SUPPORTING THE PREPARATION OF AN AREA-WIDE ENVIRONMENTAL IMPACT STATEMENT BY THE U.S. ARMY CORPS OF ENGINEERS FOR THE CENTRAL FLORIDA PHOSPHATE INDUSTRY.

The motion carried unanimously with the addition to submit copies to both to the Florida Congressional Delegation and the Governor's office. RECORD S47-2525

MANASOTA-88 VS. CITY OF BRADENTON AND ARVIDA CORPORATION

Jim Minix, Assistant County Attorney, recommended to intervene in the case of ManaSota-88 vs. City of Bradenton and Arvida Corporation regarding the Perico Island Development.

Discussion: Intervening would make County an active participant in the case; rights would include joining in legal arguments, reviewing discovery, examining witnesses, and participating in trials; staff would testify as to incompatibility with the County Comprehensive Plan; County would intervene on the side of ManaSota-88; Sunshine Law prohibits City from sitting down individually with Commissioners to discuss differences; impact to services, not just land use; time frame for intervention; whether court the only recourse; etc.

Motion was made by Mr. Bruce to intervene in the pending ManaSota-88 litigation against the City of Bradenton, Arvida Corporation arising out of the Perico Island Development. The motion was seconded by Mrs. von Hahmann and carried 4 to 3, with Ms. Brown, Mrs. Glass and Mr. Harris voting nay.

EVV DEVELOPMENT/CITY OF BRADENTON

Carol Clarke, Planning Director, advised that as adjacent property owners, the County received notice of a public hearing concerning property on 66th Street, south of Cortez on the east side of the road, owned by EVV Development. Ms. Clarke advised that the staff report and site plan show that water and sewer service will be provided by the County. She outlined two letters (the first to the Bradenton Planning Commission and the second to the City of Bradenton):

1. **Timber Ridge Apartments** - requesting detailed discussions regarding inter-local services for traffic, water and sewer and impact fees.
2. **Coordination of Annexation** - Pro-active stance regarding future annexations to the City, possibility of a Joint Planning Agreement, availability of County services.

Discussion: Add language to request a joint meeting; representation at the City meetings; etc.

Motion was made by Mrs. Glass, seconded by Mrs. Stein, and carried unanimously, to send the two letters with the changes as discussed.

17TH STREET AND CANAL ROAD

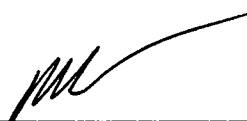
Ms. Brown reiterated a previous request for a traffic signal at the intersection .

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


 Clerk
 Adj: 7 p.m.
 Seat


 Chairman

Minutes Approved: 3/27/01