

**FEBRUARY 26, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, February 26, 2002, at 9:07 a.m.

Present were Commissioners:

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

Also present were:

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney  
Nancy Harris, Deputy Clerk,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by the Most Reverend Francis Cardenas, St. Mary's Traditional Roman Catholic Church.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of February 26, 2002, and agenda update memorandum.

[BC20020226DOC001](#)

**CONSENT AGENDA**

Upon motion by Mrs. Glass and second by Mr. Harris, the Consent Agenda was approved by a vote of 7 to 0. Items APPROVED:

**CLERK'S CONSENT CALENDAR**

[BC20020226DOC002](#)

**REFUNDS**

Bryan J. Williams – Impact Fee  
Janet M. Younger – Impact Fee

\$ 1,548.37  
\$ 1,935.46

[BC20020226DOC003](#)

**WARRANT LIST**

Approved: February 19, 2002 through February 25, 2002  
Authorized: February 26, 2002 through March 11, 2002

[BC20020226DOC004](#)

**ACCEPT**

**Parks and Recreation Special Interest Class Instructor's Agreement**

Anita Calamusa – Art Class

[BC20020226DOC005](#)

**West Manatee Fire & Rescue District – Audited Financial Statements and Annual Local Government Financial Report for FY ended September 30, 2001.**

[BC20020226DOC006](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Satisfactions of Judgments:**

George Decker – Case 01-CT-2076 and Case 01-CT-2079  
Thelma Dobell – Case 95CJ371  
Tanya Spearman – Case 01-2575T

[BC20020226DOC007](#)

**COUNTY ADMINISTRATOR**

**MULBERRY CORPORATION**

Authorize the County Attorney to enter into discussion with the Bankruptcy Trustee regarding purchase of certain assets of the estate of Case Number 01-02002-8P7.

[BC20020226DOC008](#)

**PARRISH FIRE CONTROL DISTRICT**

Execution of an interlocal agreement with Parrish Fire Control District to allow for collection and disbursement of **fire impact fees** during the plan review process, upon execution of agreement by the Parrish Fire Control District.

[BC20020226DOC009](#)

**COMMUNITY CARE FOR THE ELDERLY**

Execution of a replacement Master Agreement with West Central Florida Area Agency on Aging, Inc., for the **Community Care for the Elderly, Home Care for the Elderly, and Alzheimer's Disease Initiative Grant Programs** (1/1/02-12/31/02), which replaces the 2002 Master Agreement approved December 18, 2001.

[BC20020226DOC010](#)

**HOME RECONSTRUCTION**

Execution of Construction Loan Agreement, in accordance with Resolution R-96-227, for reconstruction of home for Claudine Macon, 506 23rd Street East, Palmetto, \$64,000.

[BC20020226DOC011](#)

**SUMMER FOOD SERVICE PROGRAM**

Authorization for Community Services staff to develop and submit an application to the Florida Department of Education for the **2002 Summer Food Service Program**.

[BC20020226DOC012](#)

**30TH AVENUE WEST**

Execution of Work Assignment 02-28 with Ardaman & Associates, Inc., for **soils and materials testing** from 7th Street West to 17th Street West, \$33,588.

[BC20020226DOC013](#)

**BUDGET AMENDMENT**

**Various Departments B-02-020**

Transfers of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail Attached [BC20020226DOC014](#)

**BUCKEYE ROAD**

Execution of Work Assignment 02-29 with Ardaman & Associates, Inc., for **soils and materials testing**, \$40,729. [BC20020226DOC015](#)

**LENA ROAD LANDFILL**

Execution of Work Assignment SW-13 with Post, Buckley, Schuh & Jernigan, Inc., for **design, bidding, and construction-phase services** for the landfill facilities, Phase II, \$425,790. [BC20020226DOC016](#)

**VEHICLE**

Authorization to issue Change Order 1 to PO P2001163 with Garber Chevrolet for the **limited slip differential option** required for the Chevrolet 12 Passenger Van to be 4x4; increase of \$252, and an adjusted total, \$29,746. [BC20020226DOC017](#)

**REFUND**

Refund \$2,400, minus any current billings, to David E. Omalley, account 78267-82105, due to billing error. [BC20020226DOC018](#)

**HOUSING FINANCE AUTHORITY**

**R-02-35** RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONCEPTUALLY APPROVING THE ISSUANCE OF HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA, **SINGLE FAMILY MORTGAGE REVENUE BONDS** (MULTI-COUNTY) IN ONE OR MORE SERIES FOR THE PURPOSE OF IMPLEMENTING ITS 2002 SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM WITHIN THE MEANING OF MANATEE COUNTY ORDINANCES 79-6 AND 91-40 IN AN AMOUNT NOT TO EXCEED \$14,000,000; AND PROVIDING AN EFFECTIVE DATE. [BC20020226DOC019](#)

**FINAL PLATS**

**Groveless Estates**

- 1. Final Plat;
- 2. Conservation Easement from Horne & Willis, Inc.; and
- 3. Notice to Buyer. [BC20020226DOC020](#)

**Kenwood Park**

- 1. Final Plat;
- 2. Mortgagee’s Joinder In and Ratification Of Subdivision Plat and All Dedications and Reservations Thereon from Bank of America, N.A.;
- 3. Agreement with Channel Holdings Group guaranteeing completion of required improvements and temporary construction easement for private improvements (\$1,209,275.96);
- 4. Performance Bond: \$1,209,275.96 (Letter of Credit GLF/P010 and Amendment 1, SunTrust Bank);
- 5. Agreement with Channel Holdings Group guaranteeing completion of required sidewalks and bikeways and temporary construction easement for private improvements (\$52,736);
- 6. Performance Bond: \$52,736 (Letter of Credit GLF/P009, SunTrust Bank);
- 7. Declaration of Covenants, Conditions, Restrictions, and Easements for Kenwood Park;
- 8. List of Holdings;
- 9. Fiscal and Budgetary Information;
- 10. Maintenance Program;
- 11. Notice to Buyers; and
- 12. Termination and Release of Easement. [BC20020226DOC021](#)

**Lakewood Ranch Country Club Village, Subphase Q (a/k/a Orchid Island)**

- 1. Final Plat;
- 2. Mortgagee’s Joinder In and Ratification Of Subdivision Plat and All Dedications and Reservations Thereon from Northern Trust Bank of Florida, N. A.;
- 3. Joinder In and Ratification Of Subdivision Plat and All Dedications and Reservations Thereon from Lakewood Ranch Community Development District 5;
- 4. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$23,465);
- 5. Performance Bond: \$23,465 (Surety Bond 929232719, Continental Insurance Company);
- 6. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$580,841.63);
- 7. Performance Bond: \$580,841.63 (Surety Bond 929232721, Continental Insurance Company);
- 8. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$103,898.39);
- 9. Performance Bond: \$103,898.39 (Surety Bond 929232720, Continental Insurance Company);
- 10. Interlocal Agreement with Lakewood Ranch Community Development District 5;
- 11. Conservation Easement from Schroeder-Manatee Ranch, Inc.; and
- 12. Supplemental Declaration by SMR Communities Joint Venture. [BC20020226DOC022](#)

**DEEDS AND EASEMENTS**

**Lakewood Ranch Commerce Park** - Conservation Easement from Russell Properties & Rentals, L.L.C., for wetlands on Lot 4, Block B, south of S.R. 64, west of Lakewood Ranch Boulevard on Portal Crossing; Affidavit of Ownership and Encumbrances; and Joinder from Wachovia Bank, N.A. [BC20020226DOC023](#)

**FLORIDA SCENIC HIGHWAY PROGRAM**

Execution of Letter of Intent to Florida Department of Transportation to apply for portions of U.S. 41/S.R. 45/Tamiami Trail, within the unincorporated area of the County, to be designated as a Florida Scenic Highway. [BC20020226DOC024](#)

**MCLEWIS BAYOU**

Execution of settlement agreement with Florida Department of Environmental Protection for McLewis Bayou Dredge Project, \$350 to be paid by contractor. [BC20020226DOC025](#)

(End Consent Agenda)

**PUBLIC HEARINGS – CONSENT AGENDA**

**ZONING**

Public hearing (continued from 1/29/02) was opened to consider

**PDR-99-02(G)(R) GAMBLE CREEK, L.C./TWIN RIVER**

(CONTINUED TO 3/26/02 AT 9:00 A.M.)

Request: Revised General Development Plan to allow:

- a. An increase of 27 lots (550 lots to 577) (with 8 additional lots along the Manatee River);
- b. An increase in net residential density from 0.61 to 0.64 dwelling units per acre;
- c. An increase in gross residential density from 0.48 to 0.51 dwelling units per acre;
- d. Reduce the minimum lot sizes for 10 percent of the project (up to 57 lots);
- e. Locate a new 3,000-square-foot clubhouse along the Manatee River;
- f. Add a private boat ramp on the Manatee River; and
- g. Allow the 25-year floodplain to be recontoured by individual lot owners rather than the developer;

on 1,224 acres located on the south side of Golf Course Road, east of Gamble Creek, and north of the Manatee River. [BC20020226DOC026](#)

**LAND DEVELOPMENT CODE**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was opened to consider

**ORDINANCE 02-25 (fka 01-56)** (CONTINUED TO 3/26/02 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); REGARDING **NUISANCE, EXOTIC PLANT SPECIES REMOVAL AND WETLAND BUFFER RESTORATION, AND OTHER ENVIRONMENTAL ISSUES**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [BC20020226DOC027](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was opened to consider

**ORDINANCE 02-24 (fka 01-40)** (CONTINUED TO 3/26/02 AT 9:00 A.M.)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...; REGARDING **WETLAND BUFFERS, EROSION AND SEDIMENTATION CONTROL, AND OTHER ENVIRONMENTAL ISSUES**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [BC20020226DOC028](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was held to consider

**ORDINANCE 02-20 (fka 01-67)** (SECOND PUBLIC HEARING TO BE HELD 3/26/02)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...; AMENDING **ACCESSORY USES, DEFINITIONS, PLOT PLAN STANDARDS, SIGN DEFINITIONS, FIGURE 6-2, OFF STREET PARKING, LANDSCAPING, HISTORIC VISTA PROTECTION, REQUIRED IMPROVEMENTS, ADVERSE IMPACTS, EASEMENTS, AND ENTRANCEWAYS**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, expressed concerns with language in Section 702.7.6, Easement Encroachments.

The public hearing was continued until later in the meeting. [BC20020226DOC043](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was held to consider

**ORDINANCE 02-18** (SECOND PUBLIC HEARING TO BE HELD 3/26/02)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...; AMENDING THE **NUMBER AND LOCATION OF ACCESS POINTS TO UNIVERSITY PARKWAY**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Carol Clarke, Planning Director, outlined a revision to Exhibit A Item 3 (permitted right-turn intersections) regarding an access point between Shade Avenue and Tuttle Avenue. She advised that an interlocal agreement with Sarasota County provided for three access points; however, Sarasota County prefers two access points. The Sarasota County Board of County Commissioners is also considering the language for this amendment, this date. [BC20020226DOC029](#)

**COMPREHENSIVE PLAN AMENDMENTS**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was opened to consider

**ORDINANCE 02-04** (CONTINUED TO 3/26/02 AT 9:00 A.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED (THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING FOR AN AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT **REMOVING ELECTRICAL GENERATION FACILITIES AS A POTENTIAL USE WITHIN THE AG/R FUTURE LAND USE CATEGORY.**

(PA-02-04 – Text Amendment)

[BC20020226DOC030](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was opened to consider

**ORDINANCE 02-03** (CONTINUED TO 3/26/02 AT 9:00 A.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; AMENDING THE FUTURE LAND USE ELEMENT TO ALLOW FOR FUTURE LAND USE MAP AMENDMENTS TO **CHANGE HEAVY INDUSTRIAL FUTURE LAND USE CATEGORIES TO RESIDENTIAL FUTURE LAND USE CATEGORIES IN THE COASTAL EVACUATION AREA** WHEN CRITERIA ARE MET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-02-03 - Text Amendment/**Palmetto Business Park**)

[BC20020226DOC031](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was opened to consider

**ORDINANCE 02-02** (CONTINUED TO 3/26/02 AT 9:00 A.M.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FROM **IL** (46.8 ACRES), **IH** (37.7 ACRES), AND **IH/CEA** AND **IH/CEA/CSVA** (65.1 ACRES) TO **RES-9** (84.5 ACRES), AND **RES-3/CEA** AND **RES-3/CEA/CSVA** (65.1 ACRES), FOR A TOTAL ACREAGE OF 149.6 ACRES LOCATED IN THE 2001 BLOCK OF U.S. 301, PALMETTO, BETWEEN CANAL ROAD AND 24TH AVENUE EAST, BEGINNING APPROXIMATELY 600 FEET SOUTH OF U.S. 301 AND CONTINUING SOUTH TO THE MANATEE RIVER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-02-02 – Property Owners: **Palmetto Business Park**)

[BC20020226DOC032](#)

Motion was made by Mrs. Glass, seconded by Ms. Brown, and carried 7 to 0, to approve the presentations upon request agenda incorporating the language as stated in the recommended motions in the agenda memoranda and staff reports, as amended in the supplemental presentation, with the deletion of **Ordinance 02-20** (separate action).

**COMMUNITY DEVELOPMENT DISTRICT - HERITAGE HARBOUR MARKET PLACE**

Public hearing (continued from 1/29/02) was opened to consider

**ORDINANCE 02-28 (fka 01-62)**

AN ORDINANCE OF MANATEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, ESTABLISHING **HERITAGE HARBOUR MARKET PLACE COMMUNITY DEVELOPMENT DISTRICT**, PURSUANT TO CHAPTER 190, *FLORIDA STATUTES*; SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Mr. Harris, seconded by Mrs. von Hahmann, and carried 7 to 0, to continue the public hearing to March 26, 2002 (at 9:00 a.m., or as soon thereafter as may be heard).

[BC20020226DOC033](#)

**ZONING**

(Court Reporter, Melissa Gromko, present)

Public hearing (continued from 1/29/02) was held to consider

**PDR-01-12(Z)(P) TOROBE CITRUS, INC./SUGAR MILL LAKES, INC.**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **PDR**; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 320-LOT SUBDIVISION FOR SINGLE-FAMILY DETACHED HOMES AT A NET DENSITY OF 4.74 DWELLING UNITS PER ACRE; AND PROVIDING AN EFFECTIVE DATE; ON 113.53 ACRES LOCATED SOUTHWEST OF THE INTERSECTION OF ELLENTON GILLETTE ROAD ON EXPERIMENTAL FARM ROAD.

Planning Commission recommended APPROVAL with 22 Stipulations; and

GRANTING Special Approval for that portion of the project which exceeds a gross density of 2 dwelling units per acre and a net density of 3 dwelling units per acre within the RES-3 Future Land Use Category.

If approved, staff recommended 20 Stipulations (revised to reflect the new site plan).

Aristotle Shinas, Planning Department, submitted a letter from Patricia Petruff, representing Coach House, Inc., stating no objection to the redesigned site plan; and an updated Zoning Disclosure Affidavit. Mr. Shinas reviewed: **(1)** the new site plan; **(2)** the zoning map; and **(3)** the aerial map.

**Tom McCollum**, representing the applicant, outlined changes to the plan: reduced to 249 lots; net dwelling unit density reduced; and lot widths/sizes increased. He noted a correction to the plan, stating the net residential density should be 3.97.

**David Maltby**, Florida Planning Studio, reviewed design changes he made to the site plan.

Discussion: Site elevation; drainage; buffers; eliminate some of the lots north of the wetland to expand the grassed play area; the overall size of the (centrally located) recreation area; etc.

(Depart Mr. McClash during discussion)

**Caleb Grimes**, representing the applicant, responded to concerns regarding the grassed play area.

(Enter Mr. McClash during presentation)

**Wes Hackett** spoke in opposition to the current design.

**Patricia Valentine** expressed concerns with flooding in the area; the privacy fence on the northern perimeter; speeding on 49th Street East; and density. She submitted 25 photographs identifying flooding that occurred following Tropical Storm Gabrielle.

Jerome Gostkowski, Planning Department, advised that the flooding identified in the photographs was due to the inadequacy of the drainage system serving The Coach House Mobile Home Park. He stated this property is not in that drainage basin and the applicant/developer has agreed that none of this property will drain to Experimental Farm Road (49th Street East).

Discussion: Amend **Stipulation 20** to "...provide a reduction of 50 percent of the allowable pre-development flow...", **striking** the words "**up to**"; the width of the buffer on the north property line is 20 feet (Stipulation 1.c.); etc.

Mr. Grimes recommended **Stipulation 20** be amended to add "and all drainage will flow to the south." He agreed to expand the grassed play area to include lots 171 and 172.

Mr. Steinsnyder recommended **Stipulation 8** be amended to add "The play area shall be expanded to include the lots identified on the site plan as 171 and 172."

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to ADOPT Manatee County Zoning Ordinance **PDR-01-12(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations 1 through 20 (with Stipulations 8 and 20 as amended); and to GRANT Special Approval for that portion of the project which exceeds a gross density of 2 dwelling units per acre and a net density of 3 dwelling units per acre within the RES-3 Future Land Use Category, as recommended by the Planning Commission. Motion was seconded by Mr. Harris and carried 7 to 0. [BC20020226DOC034](#)

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

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was held to consider

**PDR-01-19(Z)(G) TWIN RIVERS II**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** TO **PDR**; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW 425 LOTS FOR SINGLE-FAMILY DETACHED HOMES AT A DENSITY OF 0.99 DWELLING UNITS PER ACRE; PROVIDING AN EFFECTIVE DATE; ON 449.45 ACRES LOCATED ON THE SOUTH SIDE OF GOLF COURSE ROAD, EAST OF THE TWIN RIVERS DEVELOPMENT, NORTH OF THE PROPOSED RIVER CHASE DEVELOPMENT, AND 2,500 FEET WEST OF RYE ROAD.

Planning Commission recommended APPROVAL with 39 Stipulations;  
ADOPTION of the Findings for Specific Approval;  
GRANTING Specific Approval for an alternative to Section 603.7.4.5 of the Land Development Code; and  
GRANTING Special Approval for a project which is at least partially within the Coastal Evacuation Area.

Aristotle Shinas, Planning Department, submitted revised **Stipulations 2, 8, and 39**. He reviewed: **(1)** the future land use and residential distribution map; **(2)** an aerial map; **(3)** the zoning map; **(4)** the Future Land Use map; **(5)** the site plan; and **(6)** a sketch of lots fronting on Mulholland Road.

**Caleb Grimes**, representing the applicant, reviewed a General Development Plan, which was revised subsequent to the Planning Commission as a result of public comments.

Carol Clarke, Planning Director, pointed out a correction to revised **Stipulation 2**:

**2.** "...minimum of 1 acre." should read "...minimum of 1½ acres."

Mr. Grimes recommended the addition of **Stipulation 40**:

**40.** The maximum number of lots shall be 400.

**Wendy Vehling** recommended approval of this project with the stipulations.

**Robin Murray** expressed concerns with the need to extend Mulholland Road, and addressed traffic on Golf Course Road.

**Roberta Harris** expressed concerns with Golf Course Road, specifically the buffer, the lot sizes, and increased traffic. She requested the Mulholland Road extension be completed at the start of Phase Two of this project.

**Arlene Flisik** commented on the need to provide for circulation by means of bicycles.

**Diane Wardell** requested a tree survey and removal of exotic species from the wetlands. She reviewed four photographs of tree removal in Ancient Oaks Subdivision.

Discussion: Land Development Code requirements for a tree and vegetation inventory; a wildlife management plan; Comprehensive Plan requirements for removal of exotic plant species from upland areas; removal of exotics from wetlands may require a State permit; etc.

Mr. Grimes recommended the first paragraph of **Stipulation 39** be amended to "Within each area of construction, and prior to construction, for those 4-inch DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees to be preserved, i.e. those not shown on the Preliminary Site Plan..."

Discussion: Turn storage lanes at the access points; traffic capacity on Golf Course Road; extension of Mulholland Road; impact fee credits for construction of Mulholland Road to Rye Road; etc.

**Recess/Reconvene.** All members present except Mrs. Glass.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, recommended **Stipulation 41**:

- 41.** The developer shall, at the request of the County, enter into a participation agreement for the design, permitting, and construction of the extension of Mulholland Road from the project's eastern boundary to Rye Road. This participation agreement for this project shall be agreeable to the County and the developer and provide for reimbursement to the applicant for all costs not otherwise required by this development order. The County shall be responsible for any off-site drainage requirements. The County must notify the applicant by January 1, 2003, if it desires to exercise this option through the subsequent execution of a participation agreement. Nothing herein shall delay the permitting of the subdivision.

(Enter Mrs. Glass)

Ms. Clarke read new language for the first paragraph of **Stipulation 39**:

Prior to construction, grading, or tree removal from the site, required protective barriers within each area of construction shall be installed to protect all 4" DBH (trunk diameter measured at 4.5 feet from the ground) and greater trees identified for protection, that is not shown on the Preliminary Site Plan as proposed to be removed, replaced, or relocated.

Upon question by Mr. Grimes, Mr. Steinsnyder deleted "not otherwise required by this development order" from the second sentence of **Stipulation 41**.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to ADOPT Manatee County Zoning Ordinance **PDR-01-19(Z)(G)**; APPROVE the General Development Plan with Stipulations 1 through 41, including amendments to Stipulations 2, 8, and 39, as further amended during the meeting; ADOPT the Findings for Specific Approval; GRANT Specific Approval of an alternative to Section 603.7.4.5 of the Land Development Code; and GRANT Special Approval for a project which is at least partially within the Coastal Evacuation Area, as recommended by the Planning Commission. Motion was seconded by Mr. Harris and carried 7 to 0.

[BC20020226DOC035](#)

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

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was held to consider

**PDR-01-15(Z)(P) RANDALL NELSON (AKA BEVILLE POINT SUBDIVISION)**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-1/HA/CH** TO **PDR/HA/CH**, RETAINING THE HA AND CH OVERLAY DISTRICTS; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW SEVEN SINGLE-FAMILY DETACHED LOTS AT A DENSITY OF 0.65 (ADVERTISED AS 0.64) DWELLING UNITS PER ACRE; AND PROVIDING AN EFFECTIVE DATE; ON 10.76 (ADVERTISED AS 10.92) ACRES LOCATED ON THE NORTH SIDE OF HORSESHOE LOOP ROAD IN TERRA CEIA, SOUTH OF BAYSHORE DRIVE.

Planning Commission recommended APPROVAL with 20 Stipulations;

GRANTING Special Approval for a project located within: **(1)** The Coastal Evacuation Area; **(2)** The Coastal Storm Vulnerability Area; **(3)** The Coastal High Hazard Overlay District; and for **(4)** the use of individual septic tank systems within the Wastewater Treatment Collection Area;  
ADOPTING the Findings for Specific Approval; and  
GRANTING Specific Approval for alternatives to Sections 722.1.4.2 and 907.9.2.4 of the Land Development Code.

Stephanie Brooks, Planning Department, reviewed: **(1)** slides; **(2)** the future land use and residential distribution map; **(3)** the zoning map; **(4)** the Future Land Use map; and **(5)** the site plan.

(Mrs. Glass absent during a portion of the presentation; enter Mr. Harris)

Ms. Brooks submitted correspondence from **Karen Ciemniecki** and **Arlene Flisik** expressing concerns with this request, and from **John Miller** in opposition. She noted that staff amended **Stipulation 16** and added **Stipulation 21** after the Planning Commission. Ms. Brooks also submitted revisions to **Stipulation 21**, the recommended motion, and the staff report, to include a request for Specific Approval for an alternative to Section 907.9.1.7.

**Bob Schmitt**, representing the applicant, stated they have been unable to locate the study referenced in Stipulation 18; therefore, he submitted a revised **Stipulation 18**, to include language from the Comprehensive Plan with regard to septic systems in the watershed.

**Bob Lombardo**, representing the applicant, responded to comments regarding Stipulation 18 and the nitrogen removal study. He stated it is their understanding this study precipitates a lift station that requires an operating permit from individual homeowners.

Discussion: Effect of septic tank systems on the environment; what is the benefit of approving this request versus what is currently allowed on this property; etc.

(Ms. Brown absent for a portion of discussion)

Carol Clarke, Planning Director, and Janet McAfee, Project Management Director, responded to questions regarding Stipulation 21 and an assessment project to pave Horseshoe Loop Road.

Mrs. Glass relayed a message from **John Miller** in opposition to this project.

Discussion: Floodplain and velocity lines on the property; the property is in the 100-year floodplain; ground elevation; placement of drain fields; could a septic system be designed to accommodate seven homes with one drain field; setback requirements for septic tank systems; may be able to meet requirements if there were only three lots on the site; no sewer system on Terra Ceia; etc.

(Mrs. Glass absent during a portion of the discussion)

**Recess/Reconvene.** All members present.

Bill O'Shea, Environmental Management Department, referenced the following reports:  
*Sarasota Bay National Estuary Program, Point/Non-Point Source Pollution Loading Assessment, Phase I* – Prepared by Camp Dresser & McKee  
*Onsite Nitrogen Removal Systems Research/Demonstration Project, Phase I Report* – Prepared by Owen Ayres & Associates, Inc. (referenced in Stipulation 18).

Discussion: Nitrogen reduction; the Ayres report is not part of the Land Development Code; there is a policy regarding non-degradation of Terra Ceia Bay; there are other means of satisfying that policy than what is included in Stipulation 18; continue the public hearing to review both reports; need to include a requirement that the septic tanks be certified or inspected; etc.

Karen Collins-Fleming, Environmental Management Director, commented that over the last ten years there have been changes in the laws regarding septic systems. She stated there have also been new designs in the last year for on-site sewage management systems.

Motion was made by Mr. Bruce and seconded by Mrs. von Hahmann to continue **PDR-01-15(Z)(P)** to March 26, 2002, at 9:00 a.m. or as soon thereafter as possible.

Mr. Lombardo reviewed positive and negative aspects of having all seven lots on one septic tank and one drain field. He also commented that stormwater is much more of a concern than septic tanks from the standpoint of nutrient loadings into Outstanding Florida Waters. He suggested they be required to increase the criteria for treatment of the stormwater system.

Following further discussion, the motion carried 7 to 0.

[BC20020226DOC036](#)

**LORRAINE ROAD AND RYE ROAD**

Jeff Trim, Wade-Trim, Inc., reviewed slides of options/alternatives for the extension of Lorraine Road and/or Rye Road, including estimated costs for each option.

Discussion: No need to extend Lorraine Road to the north; Options 1 and 2 connecting Rye Road to Pope Road; streamline traffic flow on S.R. 64; reserve right-of-way for future needs; need for a north/south connector in the future; extension of Rye Road to Pope Road will move traffic to S.R. 70, but there is no north/south connection from there; developer of Mill Creek VII (next item) reserving right-of-way for the extension of Lorraine Road and receiving impact fee credits; extending Rye Road south to connect to Lorraine Road; etc.

Mr. Bruce moved that, for the purposes of connecting Rye Road and Lorraine Road, the County explore the southern connection south of S.R. 64, such as Option 3 under the Rye Road extension, as presented in the corridor study. The motion was seconded by Mr. McClash and carried 7 to 0.

[BC20020226DOC037](#)

**ZONING**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/15/02) was held to consider

**PDR-01-01(Z)(P) MANATEE JOINT VENTURE/MILL CREEK VII**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** TO **PDR**; AND APPROVAL OF A PRELIMINARY SITE PLAN (ADVERTISED AS A GENERAL DEVELOPMENT PLAN) FOR 259 LOTS FOR SINGLE-FAMILY DETACHED HOMES; AND PROVIDING AN EFFECTIVE DATE; ON 310.99 ACRES LOCATED EAST OF MILL CREEK PHASE VI, SOUTH OF 16TH DRIVE EAST, AND NORTH OF S.R. 64.

Planning Commission recommended APPROVAL with 27 Stipulations; ADOPTION of the Findings for Specific Approval; and DENIAL of Specific Approval of an alternative to Section 907.9.4.2 of the Land Development Code.

Aristotle Shinas, Planning Department, submitted a Zoning Disclosure Affidavit. He reviewed: **(1)** the future land use and residential distribution map; **(2)** an aerial map; **(3)** a zoning map; **(4)** a Future Land Use map; and **(5)** the site plan.

(Mrs. Stein absent during a portion of the presentation; Mr. Bruce presiding in her absence)

Discussion: Buffer between the road adjacent to lots 212 through 216 and the property to the south of that road; right-of-way needed to four-lane S.R. 64; need a sound barrier/wall adjacent to lots abutting S.R. 64; expansion of S.R. 64 to six lanes; etc.

**Caleb Grimes**, representing the applicant, reviewed issues raised during the Planning Commission hearing: **(1)** the buffer to the north (along 16th Drive East); **(2)** the location of the recreation area; and **(3)** the extension of Lorraine Road. He advised that they have agreed to increase the buffer to 50 feet along lots 117 through 120 and the Lorraine Road area, if Lorraine Road is eliminated (**Stipulation 1.b.**). He stated they have also agreed to move the recreation area (**Stipulation 9**). He submitted revisions to the stipulations to reflect those changes, as well as a sketch identifying the new location of the recreation area.

Discussion: Specific Approval for the cul-de-sac in the northeast corner; amenities in the recreation area; maintenance of the buffer on the north property line; sound barrier/wall on S.R. 64 would be adjacent to lots 251, 252, 253, and 259, not the roadway; include a stipulation to notify future residents of the expansion of S.R. 64; require a contribution to the sidewalk fund rather than deferring construction of sidewalks on S.R. 64; etc.

(Depart Mr. Harris)

**John Dill** commented on possible relocation of lots 117 through 120. He expressed concern with the use of wells or potable water for watering lawns; flooding; and the size of the lots.

(Enter Mr. Harris during presentation)

Discussion: Stipulation 21 prohibits the use of Manatee County public potable water for irrigation; use of stormwater run-off or shallow wells for irrigation; relocation of lots 117 through 120; etc.

(Depart Mrs. von Hahmann)

Mr. Shinas stated staff has no objection to the revised language in **Stipulation 1.b.** submitted by Mr. Grimes. He reviewed the sketch of the relocated recreation area, highlighting the stormwater ponds around that area. He suggested Stipulation 23 be amended to replace the reference to Lorraine Road with S.R. 64.

(Enter Mrs. von Hahmann)

Discussion: Possibility of requiring homeowners to connect to the reuse lines once they are provided; possibility of using dry lines as wet lines to irrigate from the stormwater retention; etc.

Mr. Grimes recommended the following amendments:

**Stipulation 1.a.** – Reword last sentence – “A 6’ solid decorative fence or wall designed for sound attenuation along lots adjacent to State Road 64 shall be placed 20’ inside the outside edge of the buffer with the applicable phase.”

**Stipulation 23** – **Strike** “future extension of Lorraine Road” and **replace with** “future expansion of State Road 64 to a possible six lanes”



Following further discussion regarding the deferral of sidewalks on S.R. 64, Mr. Grimes agreed to strike that from the site plan (Note 24 on Page 1 of 5).

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

Ms. Clarke recommended the addition of **Stipulations 28 and 29:**

- 28.** If identified in the PD&E Study, the developer shall dedicate up to 20 feet of right-of-way for the expansion of S.R. 64.
- 29.** If Lorraine Road right-of-way is eliminated, the developer will relocate lots 117, 118, 119, and 120 to minimize the number of lots adjacent to the existing homes at the north of the property.

Mr. Steinsnyder agreed with the changes to **Stipulations 1.a., 9, and 23.** He recommended **Stipulation 1.b.,** as submitted by Mr. Grimes, be amended as follows:

Reword the following sentence to "The north property line shall consist of a 35 foot wide greenbelt buffer (50 feet at lots 117 through 120, unless these lots are relocated due to Lorraine Road being eliminated)."

(Enter Mr. Bruce during presentation)

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, motion was made by Mr. Harris, seconded by Mr. Bruce, and carried 7 to 0, to ADOPT Manatee County Zoning Ordinance **PDR-01-01(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations 1 through 29, amending Stipulations 1.a., 1.b., 9, and 23; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval to an alternative for Section 907.9.4.2 of the Land Development Code.

[BC20020226DOC038](#)

**UNIVERSITY COMMONS – DRI 19**

Public hearings (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 2/8/02) were opened to consider

**Z-89-46(C)(R6) UNIVERSITY COMMONS/DRI 19**

Request: Revised General Development Plan and Zoning Ordinance for the University Commons DRI (Development of Regional Impact) to:

- 1. Modify 49.6 acres of the site plan at the northwest intersection of University Parkway and Tuttle Avenue to:
    - a. Delete 200,000 square feet of office space on 14.4 acres and a 110 unit Personal Care Facility and 68 unit Independent Living Units on 35.2 acres;
    - b. Add 35,000 square feet of commercial space and 250 multi-family units, 290 Independent Senior Housing multi-family units, and an 85-bed Group Care Facility (Assisted Living);
    - c. Relocate the right-in/right-out driveway on University Parkway, approximately 660 feet west of Tuttle Avenue;
    - d. Provide for an additional right-in/right-out driveway on the west side of Tuttle Avenue, approximately 1,600 feet north of University Parkway;
  - 2. Include a land use exchange mechanism for the parcel west of Tuttle Avenue and north of future Broadway Avenue to allow an exchange of 290 Independent Senior Housing multi-family units and 85-bed Group Care (assisted living) facility (14.2 residential equivalent units) for 200 multi-family units;
  - 3. Eliminate Access Point "I" (between residential and commercial uses adjacent to Lockwood Ridge Road);
  - 4. Amend the Development Order definitions, conditions, and terminology to reflect the above changes; and
  - 5. Amend the General Development Plan to reflect the above changes;
- on 257 acres located at the northeast and northwest intersections of University Parkway and Tuttle Avenue.

Planning Commission recommended APPROVAL with Stipulations [A(1) through U(5)]; ADOPTION of the Findings for Specific Approval; and GRANTING Specific Approval for an alternative to Section 710.1.5.5.3.2 of the Land Development Code.

and

**ORDINANCE 02-19 (fka 01-63)**

Request: Determination of whether the following modifications to the University Commons DRI Development Order constitute a Substantial Deviation pursuant to Chapter 380.06, *Florida Statutes*:

- 1. Modification of 49.6 acres of the site plan at the northwest intersection of University Parkway and Tuttle Avenue to:
  - a. Delete 200,000 square feet of office space on 14.4 acres and a 110-unit Personal Care Facility and 68 Independent Living Units on 35.2 acres;
  - b. Add 35,000 square feet of commercial space and 250 multi-family units, 290 Independent Senior Housing multi-family units, and an 85-bed Group Care Facility (Assisted Living);

2. Include a land use exchange mechanism for the parcel west of Tuttle Avenue and north of future Broadway Avenue to allow an exchange of 290 Independent Senior Housing multi-family units and an 85-bed Group Care Facility (assisted living) for 200 multi-family units;
  3. Eliminate Access Point "I" (between residential and commercial uses adjacent to Lockwood Ridge Road);
  4. Add a new right-in/right-out driveway on the west side of Tuttle Avenue (Access Point "Q"), south of the nursing home facility, approximately 1,600 feet north of University Parkway;
  5. Relocate the right-in/right-out driveway on University Parkway, approximately 660 feet west of Tuttle Avenue;
  6. Extend the date which the County may not down-zone or reduce the intensity or density permitted by the Development Order;
  7. Amend the Development Order definitions, conditions, and terminology to reflect the above changes; and
  8. Amend Map H to reflect the above changes;
- on 286.50 acres located at the northeast and northwest intersections of University Parkway and Tuttle Avenue.

Planning Commission recommended that the proposed NOPC (Notice of Proposed Change) modifying the University Commons DRI Development Order does not constitute a substantial deviation pursuant to Section 380.06(19), *Florida Statutes*; and ADOPTION of Ordinance 02-19.

Norm Luppino, Planning Department, reviewed: **(1)** the request for **Z-89-46(C)(R6)**; **(2)** the overall DRI plan; **(3)** the existing site plan for the northwest corner of University Parkway and Tuttle Avenue; **(4)** an aerial map; **(5)** the new site plan of the northwest corner of University Parkway and Tuttle Avenue; and **(6)** architectural renderings identifying the elevations of the proposed buildings south of Broadway Avenue. He submitted amendments to **Stipulations A.(3)**, **U.(2)e.**, and **U.(3)e.**, as well as an e-mail from **James and Barbara Nelson** opposing the requests. **Stipulation U.(3)e.** was further amended to add the word "Setbacks" to "Multi-Family Residential."

Lisa Barrett, Planning Department, reviewed the request for **Ordinance 02-19**. She advised that **Request 6** was withdrawn by the applicant. Ms. Barrett submitted a draft Notice of Proposed Change (NOPC) Report from the **Tampa Bay Regional Planning Council**.

**Caleb Grimes**, representing Cambridge 950 (the owner of the undeveloped portions of University Commons), reviewed a drawing of the site plan of the overall DRI, pointing out the differences between what was originally approved with this DRI and what is currently approved and being proposed. Mr. Grimes also commented on the overall density of the project and the types of uses in the commercial area. He reviewed the architectural renderings/elevations of the proposed buildings south of Broadway Avenue.

(Mrs. Stein and Mr. Bruce absent during a portion of the presentation; Mr. Bruce presiding in Mrs. Stein's absence)

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

**Matthew Hoffman**, Aston Care Systems, Inc., reviewed a conceptual site plan for the property north of Broadway Avenue. He submitted an information packet entitled "Aston Gardens at Pelican Marsh."

(Enter Ms. Brown during presentation)

Mr. Grimes agreed to the stipulations, with the exception of: **(1)** the stipulation restricting gas pumps in the proposed commercial location; **(2)** the requirement to limit the western-most property to office uses on the proposed commercial property; and **(3)** the setbacks on the property for senior housing, requesting a setback of 55 feet for one building on each side. He stated the 55-foot setback would not apply if that property were developed with the 200 multi-family units. Mr. Grimes reviewed an aerial map to point out the entire DRI site and the surrounding land uses.

Discussion: Relationship between the multi-family units south of Broadway Avenue and the senior housing north of Broadway Avenue; density on the properties west of Tuttle Avenue; overall density of the DRI; the single-family units east of Tuttle Avenue are restricted to people 55 and older; possibility of stipulating that the multi-family units west of Tuttle Avenue/south of Broadway Avenue be restricted to persons 55 and older; etc.

**Jamie Ebling**, representing W. G. Mills (contract purchaser of property to the west of this project), spoke in favor of the request. He submitted letters from **Lemuel Sharp** of W. G. Mills, Inc., and **Stephen W. Thompson**, representing County Line Grove Associates (current owner of property to the west of this project), supporting this project.

**Betsy Benac** spoke in favor of the request.

(Depart Mr. McClash)

**Gary Beidler** expressed concerns with the density on the property west of Tuttle Avenue; the possibility of that property being developed with 450 multi-family units; and the traffic on Tuttle Avenue. He recommended the Board reject request number two (land use exchange mechanism).  
(Enter Mr. McClash)

Mr. Luppino reviewed the original site plan of the University Commons DRI (dated 3/16/92).

Discussion: What role will the density and the commercial uses on the property west of Tuttle Avenue have on future requests in this area; etc.

Mr. Luppino responded to Mr. Grimes' comments regarding the stipulations. He stated the gas pumps are only being restricted on the property west of Tuttle Avenue. Regarding the restriction of office uses on the western-most parcel, and the setbacks on the property for senior housing, Mr. Luppino stated these restrictions are necessary to provide for transitioning.

Mr. Grimes agreed to delete **Request Two** regarding the exchange of the senior housing units/group care facility for multi-family units (north of Broadway Avenue). He stated the developer would prefer not to limit the property south of Broadway Avenue to seniors only.

Ms. Clarke, Mr. Steinsnyder, and Mr. Luppino recommended that **Stipulations A.(5) and P.(5)** be deleted from Z-89-46(C)(R6), and that Ordinance 02-19 be amended to delete **Item 3** under Section 3, Development Components.

The public hearings were continued to later in the meeting.

**HOUSE BILL 1975 – MEDICAID MATCH**

Motion was made by Mrs. Glass, seconded by Mr. Harris, and carried 7 to 0, to approve letters to Representatives Frank Peterman, Mark Flanagan, and Michael Bennett regarding House Bill 1975 requiring counties to assume an increase in costs to make up for State cuts in Medicaid Match for nursing home clients. [BC20020226DOC039](#)

**ELEMENTARY AND MIDDLE SCHOOL SITE**

Motion was made by Mr. Bruce and seconded by Mr. McClash to authorize the Chairman to sign a letter to the School Board regarding the consistency with the Comprehensive Plan of a proposed school (elementary and middle school) site on Lorraine Road.

Discussion: Coordination of parks with new schools; access points on major roadways; internal traffic movement at schools/pickup areas; is the School Board reviewing setbacks and moving schools further back from the roadways; etc.

The motion carried 7 to 0.

[BC20020226DOC040](#)

**UNIVERSITY COMMONS – DRI 19**

(Public hearings continued from earlier in the meeting)

Discussion: A stipulation is included in Z-89-46(C)(R6) that stipulates the elevations submitted into the record; office uses on this property could also affect future requests to neighboring properties; etc.

**Motion to Approve Z-89-46(C)(R6) - Failed**

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, motion was made by Mr. McClash and seconded by Mr. Harris, to APPROVE the revised General Development Plan, Z-89-46(C)(R6), with Stipulations, deleting Stipulations A(5) and P(5), approving only the 290 independent senior housing option; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for an alternative to Section 710.1.5.5.3.2 of the Land Development Code, as recommended by staff. Motion **failed** 3 to 4, with Ms. Brown, Mrs. von Hahmann, Mr. Bruce, and Mrs. Stein voting nay.

**Motion to Continue Z-89-46(C)(R6) – Carried**

Motion was made by Ms. Brown, seconded by Mrs. Stein, and carried 7 to 0, to continue Z-89-46(C)(R6) to March 12, 2002 at 9:00 a.m. or as soon thereafter as may be heard.

[BC20020226DOC041](#)

**Motion to Continue Ordinance 02-19 - Carried**

Motion was made by Mr. Harris, seconded by Mrs. von Hahmann, and carried 7 to 0, to continue Ordinance 02-19 to March 12, 2002 at 9:00 a.m. or as soon thereafter as may be heard.

[BC20020226DOC042](#)

**ORDINANCE 02-20 - LAND DEVELOPMENT CODE**

(Public hearing continued from earlier in the meeting)

Ms. Clarke reviewed amended language to the text for Section 702.7.6, Easement Encroachments, as outlined in the handout submitted by Laurie Suess of the Planning Department. [BC20020226DOC043](#)

**SCHOOL IMPACT FEES**

Mrs. Stein advised that the School Board adopted (2/25/02) a resolution for impact fees: \$1,502 for single-family homes, \$1,479 for duplexes/townhouses, \$97 for mobile homes, and \$400 for other. She stated the School Board attorney is preparing an ordinance for the County Commission, and she requested that staff assist with providing an ordinance number, a public hearing be set, and the ordinance be advertised.

Mr. McClash moved to authorize the advertising of the ordinance to set school impact fees according to the figures adopted by the School Board, and send notice to the cities to do the same. The motion was seconded by Mrs. Glass.

Discussion: Procedure for the cities to be included in a countywide impact fee; discuss this item with the cities at the Council of Governments meeting (2/28/02); etc.

The motion carried 7 to 0.

[BC20020226DOC044](#)

**INTERLOCAL ACCORD**

Tedd Williams, County Attorney, referred to his memorandum regarding an Interlocal Accord among the City of Bradenton, the City of Palmetto, and Manatee County.

Discussion: Cooperative levying of a sales tax; include the School Board in the Accord; request the School Board join the County and cities for a one-cent sales tax; sales tax would not go into effect until January 1, 2003; timing of a sales tax question on a referendum; invite the School Board to attend the Council of Governments meeting (2/28/02); concerns with sunshine law with regard to a Joint Planning Commission; the Joint Planning Commission should consist of elected officials; send a letter to State Representatives that staff members should not be part of the sunshine issue; etc.

Mr. Williams advised that a recent case included staff under the sunshine law in certain circumstances and, under the Accord, the Joint Planning Commission would be a sunshine committee.

**Motion – Sunshine Law**

Mr. McClash moved that the Chairman send a letter to the Representatives to indicate the Board's concerns about the sunshine issues with staff, and address it with the opinion that council so noted, and request that revisions be made to not force them into a sunshine issue. Motion was seconded by Ms. Brown and carried 7 to 0.

Further discussion: Purpose of the Accord as a framework for discussion between the County and the cities to come to a general agreement on specific items and then come back with interlocal agreements regarding those items; etc.

[BC20020226DOC045](#)

**COMMISSIONERS' COMMENTS**

**Roundabouts**

Mr. Bruce advised that a presentation regarding roundabouts was made to the Metropolitan Planning Organization (MPO) by Michael Walworth. He requested that Mr. Walworth be invited to make a presentation to this Board.

(Depart Ms. Brown)

**Council of Governments**

Mrs. Stein announced that discussion of the Accord at the Council of Governments meeting on February 28, 2002, will be broadcast on MGA TV that evening at 6:00 p.m. as a tape delayed program, and will be repeated several times.

[BC20020226DOC046](#)

**LEGISLATION - HOUSE BILL 1609**

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, referred to House Bill 1609 (Proposed Amendments to *Florida Statutes 163.3215/Local Government Development Orders*), stating it would change the way from which a case would be reviewed, from a writ of certiorari, when a developer challenges a denial by the Board, to a de novo hearing. New evidence can be considered, unless an independent special master is appointed to hear the Board's cases.

(Depart Mrs. Glass)

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 5 to 0, to authorize the Chairman to send a letter identifying the Board's concerns. (Letters to the Legislative Delegation: Senators John McKay and Lesley Miller, Jr.; and Representatives Mark Flanagan, Michael Bennett, and Frank Peterman, Jr.).

[BC20020226DOC047](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 8:09 p.m.  
/dev

Minutes Approved: April 2, 2002