

MARCH 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, March 26, 2002, at 9:00 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Amy Stein, Chairman (illness)

Also present were:

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

Invocation by Rev. Ron Gaudio, First Baptist Church of Gillette.

All witnesses and staff giving testimony were duly sworn.

AGENDA

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

[BC20020326DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Harris, seconded by Mr. McClash, and carried 6 to 0, to approve the Consent Agenda, incorporating the language as stated in the recommended motions in the agenda memoranda, as may have been modified in the supplemental agenda, with deletion of **Sarasota/Manatee ATMS Project** (separate action). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20020326DOC002](#)

REFUNDS

American Towers Inc. – Application Fee
J. David Cassilly, Inc. – Impact Fee

\$ 1,194.00
\$ 46,540.00

[BC20020326DOC003](#)

WARRANT LIST

Approved: March 19, 2002 through March 25, 2002
Authorized: March 26, 2002 through April 1, 2002

[BC20020326DOC004](#)

MINUTES

February 19, 2002

[BC20020326DOC005](#)

ACCEPT

Tara Community Development District 1 – Audited Financial Report for FY ended September 30, 2001.

[BC20020326DOC006](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$25.00) for Bassil L. Bassill due to bank error.

[BC20020326DOC007](#)

AUTHORIZE CHAIRMAN TO SIGN

Satisfactions of Judgments:

Joe Carmona – Case 98-CT-862 (2)
Gwendolyn Yates - Case 99-CJ-2368

[BC20020326DOC008](#)

[BC20020326DOC008](#)

Partial Release of Special Improvement Assessment Lien:

Project 5071

[BC20020326DOC008](#)

COUNTY ADMINISTRATOR

BUDGET AMENDMENT

Various Departments

B-02-023

Transfer of Funds; Unanticipated Revenue Appropriations
Supporting Description and Detail Attached.

[BC20020326DOC009](#)

MATERIALS AND SERVICES

1. Computer Aided Dispatch and Records Management Systems

- a. Sole source purchase of hardware maintenance for Public Safety and Sheriff's Office from MCS of Tampa, \$55,000; **and** execution of the Hardware Maintenance Contract;
[BC20020326DOC010](#)
- b. Sole source purchase of software maintenance for Public Safety and Sheriff's Office from Intergraph Public Safety, Inc., \$118,993.50; **and** execution of the Software Maintenance Service Contract; and
[BC20020326DOC011](#)
- c. Sole source purchase of software upgrade for Public Safety and Sheriff's Office from Intergraph Public Safety, Inc., \$60,000.
[BC20020326DOC012](#)

- 2. **Severe Duty Machete Boom Mower** – Sole source purchase from Alamo Industrial, \$86,246. [BC20020326DOC013](#)
- 3. **Street Sweepers** – Limited competition purchase of two Johnson street sweepers from Florida Municipal Equipment, Inc., \$274,830. [BC20020326DOC014](#)

REFUNDS

- 1. Refund \$476.70 to Harry K. Bell, due to overpayment. [BC20020326DOC015](#)
- 2. Refund \$536.50 to Lennar Homes, due to misread billing adjustment. [BC20020326DOC016](#)

LIBRARY

R-02-74 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR EXPANSION OF THE **PALMETTO BRANCH LIBRARY** (\$1,000,000: State, \$500,000; County, \$500,000). [BC20020326DOC017](#)

FLOOD MITIGATION ASSISTANCE PROGRAM

Execution of Flood Mitigation Assistance grant application to the Federal Emergency Management Agency (FEMA) to mitigate flood losses for the property of **Carol Loveland**, 1455 136th Street Northeast, \$813,500 (\$610,125, FEMA; \$203,375, owner.) [BC20020326DOC018](#)

FINAL PLAT

Giles Acre

- 1. Final Plat; and
- 2. Notice to Buyer. [BC20020326DOC019](#)

PARTICIPATION PROJECTS - WASHINGTON PARK

- 1. **R-02-70** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 5152, **WASHINGTON PARK** (combining parcels owned by Doris Washington). [BC20020326DOC020](#)
- 2. **R-02-69** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5152, **WASHINGTON PARK** (combining parcels owned by Doris Washington). [BC20020326DOC021](#)

OUTSIDE COUNSEL

Authorization to retain Michael H. Rosen and his law firm, Salem Saxon, as outside counsel for the purposes of meeting the County's legal needs, \$175 per hour and no charges for travel between Tampa and Bradenton. [BC20020326DOC022](#)

INTERLOCAL ACCORD

Execution of the Interlocal Accord with the School Board, City of Bradenton, City of Palmetto, City of Bradenton Beach, City of Anna Maria, City of Holmes Beach, and Town of Longboat Key for the improvement of the quality of life of the citizens. [BC20020326DOC023](#)

(End Consent Agenda)

LEGISLATION

Representative Mark Flanagan addressed Growth Management legislation (CS/SB 1906) and other legislation that included a last-minute amendment regarding landfills. He expressed concern that the legislation takes away local control to deny an application for a landfill. Mr. Flanagan stated he is writing a letter to Governor Bush requesting that he veto the bill, and suggested that the County Commission pass a resolution asking the Governor to do the same.

Discussion: How to resolve issue of last-minute amendments to legislation; have legislative delegation make local contact when such legislation comes forward; elected representatives should communicate with the County, municipalities, and the School Board on items that affect them; request legislative delegation to advise when they contemplate sponsoring legislation like this; set up work session with entire legislative delegation; growth management bill did not incorporate dialogue from County Commission and municipalities; allow local governments an opportunity to be involved in the legislative process; growth management bill benefits developers and special interest groups; Florida Association of Counties role; etc.

(Ms. Brown absent for a portion of discussion)

Motion was made by Mr. McClash, seconded by Mrs. von Hahmann, and carried 6 to 0, to send a letter to Governor Bush to request that he veto the legislation as discussed. [BC20020326DOC024](#)

James Keenen addressed the corruption of the legislative process by business interests. [BC20020326DOC025](#)

PUBLIC HEARINGS – CONSENT AGENDA

ZONING

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota-Herald Tribune* 3/1/02) was opened to consider

Z-01-13 PHIL STEWART (CONTINUED TO 4/23/02 AT 9:00 A.M.)
 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** TO **A-1**; AND PROVIDING AN EFFECTIVE DATE; ON 10 ACRES LOCATED ON THE NORTH SIDE OF UPPER MANATEE RIVER ROAD AT 1064 169TH STREET NORTHEAST. [BC20020326DOC026](#)

Public hearing (continued from 2/26/02) was held to consider

PDR-01-15(Z)(P) RANDALL NELSON (AKA BEVILLE POINT SUBDIVISION)
(APPLICATION **WITHDRAWN** BY APPLICANT)

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. [BC20020326DOC027](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota-Herald Tribune* 3/15/02) was held to consider

Z-01-20 EDWARD AND DIANNA ADAMS/ADAMS REZONE (APPROVED)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **RSF-3**; AND PROVIDING AN EFFECTIVE DATE; ON 0.72 ACRE LOCATED AT 3315 61ST STREET EAST, PALMETTO. Planning Commission recommended APPROVAL. [BC20020326DOC028](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota-Herald Tribune* 3/15/02) was held to consider

Z-86-30(R9)/DRI 17 SCHROEDER MANATEE RANCH, INC./CYPRESS BANKS
(APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE Z-86-30(G)(R8), AS AMENDED, TO AMEND CONDITION **C.(13)** OF THE ZONING ORDINANCE REGARDING THE TIMING AND SURFACE MATERIALS OF THE ROADWAY; AND PROVIDING AN EFFECTIVE DATE; ON 2,164 ACRES LOCATED SOUTH OF THE INTERSECTION OF STATE ROAD 70 AND LAKEWOOD RANCH BOULEVARD, EXTENDING EAST TO LORRAINE ROAD. [BC20020326DOC029](#)

COMMUNITY DEVELOPMENT DISTRICT - HERITAGE HARBOUR MARKET PLACE

Public hearing (continued from 2/26/02) was opened to consider

ORDINANCE 02-28 (fka ORDINANCE 01-62) (CONTINUED TO 4/23/02 AT 9:00 A.M.)

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. [BC20020326DOC030](#)

COMPREHENSIVE PLAN AMENDMENT

Public hearing (continued from 2/26/02) was held to consider

ORDINANCE 02-04 (No action required - deferred to the 2002 Plan Amendment Cycle II)

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)

[BC20020326DOC031](#)

SARASOTA-MANATEE AIRPORT AUTHORITY

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/8/02) was held to consider

ORDINANCE 02-05

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP (SHEETS 22A AND 22B) FROM **R/O/R** TO **P/SP(1)** FOR CERTAIN LAND LOCATED AT 8301 U.S. 41 SOUTH (TAMIAMI TRAIL), CONSISTING OF 6.28 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(**PA-02-05** – Property Owner: **Sarasota-Manatee Airport Authority**)

Planning Commission recommended APPROVAL.

[BC20020326DOC032](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/8/02) was held to consider

**PDMU-99-07(G)(R2) SARASOTA-MANATEE AIRPORT AUTHORITY/
SARASOTA-BRADENTON INTERNATIONAL AIRPORT**

Request: Approval of a revised Zoning Ordinance to:

1. Eliminate prior distinctions between "T-Hangars" and "Corporate Hangars" and refer to all hangars as "General Aviation Hangar Spaces";
2. Relocate 15 hangar spaces from the Airport to Outparcel 4;
3. Modify Section 5, Table 4 to allow the previously approved land uses (200 hotel rooms, 25,000 square feet office, and 25,000 square feet of auto sales) to be located on 11.07 acres of Outparcel 4 instead of 17.35 acres; and
4. Amend the General Development Plan to reflect the above changes.

The Sarasota-Bradenton International Airport is generally bounded by Tallevast Road to the north, University Parkway to the south, 15th Street East to the east, and U.S. 41 to the west, located on 1,124.2 acres. Outparcel 4 is on 17.35 acres located between the west side of the Airport and U.S. 41 (8281 through 8301 North Tamiami Trail).

Planning Commission recommended APPROVAL.

[BC20020326DOC033](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/8/02) was held to consider

ORDINANCE 02-23 (fka ORDINANCE 01-71)

SARASOTA-MANATEE AIRPORT AUTHORITY

SARASOTA-BRADENTON INTERNATIONAL AIRPORT - DRI 15

Request: A determination of whether the following changes constitute a Substantial Deviation to the Sarasota-Bradenton International Airport Development of Regional Impact Development Order:

1. Eliminate the prior distinction in the Development Order between "T-Hangars" and "Corporate Hangars" and refer to all hangars as "General Aviation Hangar Spaces";
2. Modify Section 5, Table 4 of the Development Order to relocate 15 General Aviation Hangar Spaces from the Airport to a 6.2-acre portion of Outparcel 4;
3. Modify Section 5, Table 4 to allow the previously approved land uses (200 hotel rooms, 25,000 square feet office, and 25,000 square feet of auto sales) to be located on 11.07 acres of Outparcel 4 instead of 17.35 acres;
4. Amend Map H (Sheet H4) to reflect the above changes;
5. Various other changes to the Development Order including terminology, formatting, clarification changes; and
6. Denote stipulations that have been complied with or requirements that have been completed.

The Sarasota-Bradenton International Airport is generally bounded by Tallevast Road to the north, University Parkway to the south, 15th Street East to the east, and U.S. 41 to the west, located on 1,122.31 acres. Outparcel 4 is on 17.35 acres located between the west side of the airport and U.S. 41 (8281 through 8301 North Tamiami Trail).

Planning Commission recommended APPROVAL.

[BC20020326DOC034](#)

Chris Wustefeld, area resident, spoke regarding the noise of airplane engines in the early morning hours outside the hangars.

Discussion: Staff to meet with Ms. Wustefeld to address her concerns; whether noise from airplane repair is being mitigated; the hangars are for private planes; etc.

The public hearings on **Ordinance 02-05**, **PDMU-00-07(G)(R2)**, and **Ordinance 02-23** were continued until later in the meeting.

STREET VACATIONS

1. **Oakley Subdivision** (CONTINUED TO 4/16/02 AT 9:00 A.M.)
Public hearing (Notice in the *Bradenton Herald* 3/2/02 and 3/4/02) was opened to consider **R-02-19-V** RESOLUTION ON APPLICATION BY MEDALLION HOMES GULF COAST, INC., VACATING A PORTION OF A CERTAIN DRAINAGE EASEMENT ON LOTS 48 AND 49 OF OAKLEY SUBDIVISION. [BC20020326DOC035](#)
2. **Riverwalk Village**
Public hearing (Notice in the *Bradenton Herald* 3/2/02 and 3/4/02) was held to consider **R-02-33-V** RESOLUTION ON APPLICATION BY ERIC C. AND GAIL P. VIEIRA VACATING A PORTION OF A PLATTED RIGHT-OF-WAY ON LOT 67 OF RIVERWALK VILLAGE. [BC20020326DOC036](#)

LAND DEVELOPMENT CODE

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/15/02) was held to consider

ORDINANCE 02-18 (APPROVED)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING CERTAIN PROVISIONS OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); AMENDING **THE NUMBER AND LOCATION OF ACCESS POINTS TO UNIVERSITY PARKWAY**.

Planning Commission recommended APPROVAL.

[BC20020326DOC037](#)

Public hearing (continued from 2/26/02 and Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/15/02) was opened to consider

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

(CONTINUED TO 4/23/02 AT 9:00 A.M.)

Request: Approval of a **revised General Development Plan** to allow:

- a. A reconfiguration of lots, stormwater facilities, and interconnecting neighborhood streets along the common boundary with the adjoining, and recently approved Twin Rivers II project [PDR-01-19(Z)(G)];
- b. Deletion of the 15-foot perimeter buffer along the common property line with the Twin Rivers II project; and
- c. Elimination of one access point to Golf Course Road on 1,224 acres located on the south side of Golf Course Road, east of Gamble Creek, and north of the Manatee River.

If approved, staff recommended Stipulations for a project which was **previously**:
GRANTED Special Approval for: **(1)** a project at least partially within the 25-year floodplain, Coastal High Hazard Area (CH), Coastal Evacuation Area (CEA), and Coastal Storm Vulnerability Area (CSVA) Overlay Districts; and **(2)** adjacent to a perennial stream; and which was **previously**:
GRANTED Specific Approval for alternatives to Section 907.9.4.2; and
GRANTING Specific Approval to Section 603.7.4.5.

Ms. Clarke advised that this item will be continued to April 23, 2002, at 9:00 a.m. or as soon thereafter as may be heard, due to an advertising problem. [BC20020326DOC038](#)

Motion was made by Mrs. Glass to approve the presentations upon request agenda incorporating the language as stated in the recommended motions in the agenda memoranda and staff reports (as may have been amended in the supplemental presentation), with the deletion of **Ordinance 02-05/PA-02-05, PDMU-99-07(G)(R2)**, and **Ordinance 02-23** (separate action). The motion was seconded by Ms. Brown and carried 6 to 0.

ZONING

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/15/02) was held to consider

PDW-01-01(Z)(P) GAGNON/SUNNY SHORES MARINA

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RDD-4.5/CH** AND **RSMH-4.5/CH** TO **PDW/CH**; AND A PRELIMINARY SITE PLAN FOR THE EXISTING USES AND STRUCTURES AT SUNNY SHORES MARINA; AND PROVIDING AN EFFECTIVE DATE; ON 0.47 ACRE LOCATED AT 11510 36TH AVENUE WEST, NORTH OF CORTEZ ROAD AND SOUTH OF PALMA SOLA BAY.

Planning Commission recommended approval with 20 Stipulations;

GRANTING Special Approval for a project: **(1)** located within the Coastal Evacuation Area Overlay District; **(2)** located within the Coastal Planning Area; **(3)** located within the Coastal High Hazard Area; **(4)** located in the Coastal Storm Vulnerability Area; and **(5)** involving the siting of marina-type uses;

ADOPTION of the Findings for Specific Approval; and

GRANTING Specific Approval for alternatives to Sections 603.14.8, 710.1.3.3.1, 710.1.5.1.1, 710.1.5.1.2, 710.1.5.1.3, 710.1.5.5.3.1, 710.1.5.5.5.1, 710.1.5.5.5.2, 710.1.5.5.5.4, 710.1.5.5.8, 715.3.1, 715.3.2, 715.3.3, and 710.1.1.1 of the Land Development Code.

Lisa Barrett, Planning Department, submitted a revised **Stipulation 6**, three letters of support, and petitions against the request. She reviewed: **(1)** a zoning map; **(2)** a future land use map; **(3)** an aerial map; **(4)** a preliminary site plan; and **(5)** a slide presentation. She stated the rezone would resolve Code Enforcement violations regarding the center dock, which was constructed without permits. Ms. Barrett noted that staff recommended approval of 28 boat slips, while the Planning Commission voted to recommend approval of 34 slips based on testimony of no parking problems.

Doug Means, Environmental Management Department, used aerial photographs from 1960 to 1994 to review the history of the site, noting the center dock and adjacent land uses. He noted the number of boats in the aerials, which was used to determine how the intensity had evolved. Mr. Means stated the project had no reviews from staff as it had never received the proper zoning or any site plan approval.

Discussion: Center dock appears in 1960 aerial, is missing in 1973, and reappears in 1991 aerial; only federal permits needed prior to the early 1970s; etc.

Adele Kurtz, attorney for the applicant, submitted proposed stipulations and two letters from adjacent property owners.

Recess/Reconvene. All members present except Mrs. Stein.

Donald K. (Kris) Gagnon, applicant, submitted a "message in a bottle." Mr. Gagnon reviewed a slide presentation depicting an aerial photograph taken in 1951 and photographs taken at the marina as early as 1953. He advised that a permit obtained from the Department of the Army required him to maintain the property as it was when the permit was originally issued, interpreting this to mean keeping the docks in an "E" configuration, which meant restoration of the center dock. He stated the center dock was built in 1989 under a permit to repair three smaller docks that were taken out after a storm sank boats tied up to them.

Ms. Kurtz reviewed the stipulations she submitted, which address concerns regarding parking, traffic, and boat ramp access.

Blake Logue, Philip Reedy, John Fiset, Hoyt Bloodsworth, June McKinney, and Craig Kinzer spoke in favor of the request. Mr. Reedy showed a video of the marina during a storm in September 2001 (Tropical Storm Gabrielle).

Speaking against the request were **Susan Knowles, Ronald Knowles, Charles Moss, Sharon France,** and **Steve Covey.** Mrs. Knowles submitted a petition with 97 signatures opposing the rezone, a pamphlet for Sunny Shores advertising the availability of boat slips, and a copy of the deed restrictions for Sunny Shores Subdivision. She stated a concern with having more boat slips than available parking spaces.

Robert Hoffman read a letter opposing the request. **Bonnie Zusy** spoke against the request and submitted photographs depicting signs on the boat ramp. **Joseph Bratek** submitted a newspaper article regarding the rezone request, stated the marina was built for the adjacent subdivision, and spoke against the request.

Dan Gaiser noted that staff's recommendation for angled parking will reduce the number of spaces. **Harold Olson** opposed any rezone until flooding problems are addressed and the applicant is made to remove fill dirt that prevents runoff of stormwater to the bay.

Mrs. von Hahmann read a letter from **Kenneth Meehan** (included in the staff report) in opposition.

Discussion: County-initiated rezone was withdrawn in 1997; will parking area be increased to create required parking spaces; what takes place if rezone is denied; staff input on Code Enforcement issues; how is permitting for fuel dispensing granted if this use is non-conforming; whether center dock is grandfathered; improvement of access roadways and roadway in front of marina; stormwater flow down 116th Street West; limitations on commercial marina operation; etc.

(Depart Mrs. Glass during discussion)

Ms. Barrett advised that the 1997 County-initiated rezone of the marina was withdrawn because the Consent Order issued by the Florida Department of Environmental Protection (FDEP) was not signed; however, the applicant has now signed the Consent Order.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, stated in 1997 the County recognized the grandfathering status of the two outer docks. In litigation, the Circuit Court sustained the County's position that the center dock had no vested rights, and that a permit was required.

(Enter Mrs. Glass)

Discussion: Twelve parking spaces with wheel stops will be installed; whether parking design will allow for stormwater flow; parking area will not be paved, which will increase runoff; etc.

Mike Harrison, Planning Department, stated the curb is intended to prohibit backing into the right-of-way. He stated slots could be added to allow water to move in its present course.

Discussion: Intent of the County-initiated rezone was to keep things as is; this request gives more opportunities for expanded businesses; rezone without increasing services; marina has historically been a community type of boat area; issue of ownership of the marina, which never had commercial zoning status; addition of floating docks and wooden structures at the ends of the docks is an expansion over what was allowed in the "E" configuration; etc.

Rita Mooney, Code Enforcement Chief, reviewed the violation of the center dock and stated the property must be rezoned to obtain the proper building permit for the dock. Mrs. Mooney stated the Code Enforcement Board order was upheld in Circuit Court.

Recess/Reconvene. All members present except Mrs. Stein and Mr. Harris.

Ms. Clarke reviewed potential strategies regarding the rezone request, and presented four options:

1. No Action/Denial Rezone
2. Approval without Center Dock
3. Approval with Center Dock – No Landside Improvements
4. Approve Center Dock with Landside Improvements

(Enter Mr. Harris during presentation)

Robert Pederson, Planning Department, stated a building permit was issued for the above-ground fuel storage facility in 1993.

Discussion: Determine what uses are acceptable; use of the western portion of the site; stipulate what types of repairs (boat and motor) can be made on the site; definitions for repair under the LDC; court would not enforce deed restrictions; etc.

Mr. Steinsnyder advised that, based on a final judgment resulting from litigation against the applicant's father by residents of Sunny Shores and Sagamore Estates, there is an implied easement to the waterfront over the marina property that attributes to everyone in those communities.

Discussion: Stipulation 8; uses of lower level of the manufactured home are not in compliance with Federal Emergency Management Agency (FEMA) regulations; applicant must comply with FEMA regulations; Stipulation 9 allows repair activities on the property; where will repairs occur; etc.

Ms. Kurtz noted that a letter from FDEP dated March 11, 2002, resolved the issue of the submerged lands through the execution of a Quit Claim Deed and a Submerged Lands Lease. She advised that either Option 3 or Option 4 would be acceptable. Ms. Kurtz stated concern with eliminating repairs on the upland portion of the property. She submitted a photograph of a soda machine that the applicant has on the ground floor of his home. The applicant also stores retail merchandise in this area.

Discussion: Bottom portion of the mobile home was permitted in 1980 as a block garage for a residence; FEMA requirements preclude Board from making any decision regarding use of the bottom floor of the home; pattern of unpermitted uses in the development of the property; etc.

Mr. Gagnon stated in 1989 he applied for a building permit after being told he was repairing and maintaining the docks without a permit. After finding a contractor for the work, he obtained a permit to repair three shorter docks, where five boats sank in a subsequent storm. As a result, he extended the center dock 80 feet and removed the three smaller finger docks that were too close in to shore for mooring boats.

Ms. Kurtz stated the Environmental Management Department required 50 feet of wetland buffer on the western portion of the property, which is not possible. The applicant has proposed 5 feet of buffer around the perimeter of the property along with the two storage trailers and the existing boat repair on the western portion of the site.

Discussion: Whether fuel dispensing should have been permitted; retail store under manufactured home is a FEMA violation; eliminate outside repair area and restrict activities on the site; compromise by eliminating some boat slips on center dock; allow mooring of boats only on the three finger docks, not on dock along shoreline; leave parking as is and bring back a revised site plan; allow repair of motors on the boats but not removal of motors from boats; consensus is modification of approval of center dock with no landside improvements; let center dock remain but remove smaller, floating docks; reduce number of boat slips to 28; consensus is to eliminate docks and slips along shoreline; removal of floating dock will eliminate two boat moorings; rephrase **Stipulation 9** to "Maintenance and minor repair of vessels in water shall be allowed at the marina."; post sign to limit size of boats in the marina; address issue of live-aboards; etc.

The public hearing was continued until later in the meeting.

[BC20020326DOC039](#)

SARASOTA-MANATEE AIRPORT AUTHORITY/SARASOTA-BRADENTON INTERNATIONAL AIRPORT

(Continued from earlier in the meeting)

ORDINANCE 02-05

PDMU-99-07(G)(R2) SARASOTA MANATEE AIRPORT AUTHORITY/SARASOTA-BRADENTON INTERNATIONAL AIRPORT

ORDINANCE 02-23 (fka ORD 01-71) (DRI 15) SARASOTA-MANATEE AIRPORT AUTHORITY/SARASOTA-BRADENTON INTERNATIONAL AIRPORT

Misty Servia, Planning Department, indicated the location of Ms. Wusteveld's residence on an aerial map. She met with Airport staff and Ms. Wusteveld regarding the complaint of jet engine noise. Ms. Servia stated the Airport staff will conduct noise monitoring for a limited time in Ms. Wusteveld's front yard to determine the source of the noise, and a report will be presented on May 7th.

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and the 2020 Manatee County Comprehensive Plan, Mr. Harris moved to ADOPT Manatee County **Ordinance 02-05 (Plan Amendment PA-02-05)**. The motion was seconded by Ms. Brown and carried 6 to 0.

Motion was made by Mr. Harris to continue the public hearing for **PDMU-99-07(G)(R2)** to May 7, 2002, at 9:00 a.m., or as soon thereafter as may be heard, at the Manatee County Government Administrative Center, First Floor Chambers. The motion was seconded by Ms. Brown and carried 6 to 0.

Motion was made by Mr. Harris to continue the public hearing for **Ordinance 02-23** to May 7, 2002, at 9:00 a.m., or as soon thereafter as may be heard, at the Manatee County Government Administrative Center, First Floor Chambers. The motion was seconded by Ms. Brown and carried 6 to 0.

TRAFFIC MANAGEMENT SYSTEM

Motion was made by Mr. McClash to execute an amended letter to the Florida Department of Transportation (FDOT) supporting FDOT's application for funding assistance for the Sarasota-Manatee Advanced Traffic Management System (ATMS) through the ITS Deployment Program, with the amendment to indicate inclusion of an Option B in the Financial Summary of the Application to do a project using a communication service provider. The motion was seconded by Mrs. von Hahmann and carried 6 to 0.

[BC20020326DOC040](#)

Recess/Reconvene. All members present except Mrs. Stein and Mrs. Glass.

COMMISSIONERS' COMMENTS

Global Warming

Ms. Brown noted receipt of a letter from **Joseph Siry** requesting Manatee County take initiatives involving global warming, pollution, and the Clean Power Plant Act.

(Enter Mrs. Glass)

Disposition: Agenda a report from the Environmental Management Department.

17th Street – Palmetto

Ms. Brown requested that paving of the street be placed on a future agenda.

[BC20020326DOC041](#)

TRAVEL

Ms. Brown requested authorization to travel to the NACo Conference to be held in New Orleans in July.

Motion was made by Mr. Harris to approve travel to the Conference by any Board member wishing to attend. The motion was seconded by Mrs. Glass and carried 6 to 0.

[BC20020326DOC041](#)

LAND DEVELOPMENT CODE

Public hearing (continued from 2/26/02 and Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/15/02) was held to consider

ORDINANCE 02-25 (fka ORDINANCE 01-56)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...; REGARDING **NUISANCE, EXOTIC PLANT SPECIES REMOVAL AND WETLAND BUFFER RESTORATION, AND OTHER ENVIRONMENTAL ISSUES**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

Bill O'Shea, Environmental Management Department, stated a list of nuisance exotics will be included for the second public hearing. He noted instances where Special Approval can be obtained for exceptions to the removal of nuisance exotics, and advised that the wetland buffer restoration portion of the Ordinance regarding encroachment would require restoration with native desirable plantings, in addition to improving compliance by helping to identify the wetland buffers to property owners.

Discussion: Include provision for signage in Ordinance.

Kris Gagnon spoke regarding control of nuisance exotics.

Mr. O'Shea noted that the second public hearing will be held on April 23, 2002.

[BC20020326DOC042](#)

Public hearing (continued from 2/26/02 and Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/15/02) was held to consider

ORDINANCE 02-24 (fka ORDINANCE 01-40)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...; REGARDING **EROSION AND SEDIMENTATION CONTROL**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(Note: Additional language was included in the advertising, but deleted from the Ordinance.)

Planning Commission recommended ADOPTION.

Mr. O'Shea advised that this Ordinance had been divided, with the remaining portion to be brought forward separately. This Ordinance deals with best management practices and would require the developer to submit to the Environmental Management Department, prior to construction, an Erosion and Sediment Control Program.

Kris Gagnon displayed photographs of erosion problems adjacent to the Sunny Shores Marina and in a wetland buffer area.

Discussion: Stormwater Division to follow up and clean out the drains.

Mr. Bruce noted that the second public hearing will be held on April 23, 2002.

[BC20020326DOC043](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 3/15/02) was held to consider

ORDINANCE 02-20 (fka ORDINANCE 01-67)

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.

Planning Commission recommended ADOPTION.

Laurie Suess, Planning Department, advised that parking in the right-of-way has been deleted from the Ordinance and will come back as an overall parking ordinance. Regarding fences, she noted that language was added to prohibit the use of concrete block as a fence in drainage or utility easements. Ms. Suess also noted that language was added regarding accessory equipment in easements.

Discussion: Consistency in requirements for fences and pool cages in relation to property lines; why would Transportation Department be looking at drainage function of an easement for a side yard (in Section 702.7.6.a.); etc.

Joaquin Servia, Planning Department, advised that, with a single-family home, the Transportation Department is already looking at the access and drainage permit. This department was the one finding some of the encroachments into easements.

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 consistent with the general purpose and standards of Section 503 of the Manatee County Land Development Code, Mr. McClash moved to ADOPT Manatee County **Ordinance 02-20 (fka Ordinance 01-67)**, amending the Manatee County Land Development Code (Ordinance 90-01, as amended), as recommended by the Planning Commission, with deletion of "...by the Transportation Department..." in Section 702.7.6.a. The motion was seconded by Mr. Harris and carried 6 to 0. [BC20020326DOC044](#)

CORRECTIONAL HEALTHCARE SERVICES

Rob Cuthbert, Purchasing Department, advised that the agreement (approved 3/12/02) had not yet been received from the provider. He recommended the motion be changed to state "...the motion as stated upon receipt of the agreement executed by Prison Health Services, Inc."

Motion was made by Mr. McClash, and seconded by Mrs. Glass, to execute the agreement with Prison Health Services, Inc., for the purpose of providing **correctional healthcare services** for Manatee County and the Manatee County Sheriff's Office for a three-year period for a base price of \$3,660,564 for the first year with annual adjustments not to exceed 4.5 percent, with amendment as stated. The motion carried 6 to 0. [BC20020326DOC045](#)

ZONING

PDW-01-01(Z)(P) GAGNON/SUNNY SHORES MARINA

(Continued from earlier in the meeting)

Ms. Clark read revised Stipulations:

1. A Final Site Plan shall be prepared in accordance with all Stipulations attached to this approval. This Final Site Plan shall eliminate all slips parallel to the seawall; eliminate the dock identified as existing black floating docks on the exhibit presented at the hearing; eliminate the proposed angled parking spaces and drive aisle; eliminate the non-mountable barrier adjacent to 36th Avenue West; eliminate the outdoor repair area and existing lift at the western end of the property; provide for plantings other than seagrapes; eliminate the proposed handicap parking space; and eliminate the boat hoist at the end of the center dock. The Final Site Plan shall be submitted within 90 days from approval (3/26/02). A one-time extension for submittal of Final Site Plan of up to 90 days may be granted by the Planning Director upon the applicant demonstrating with written evidence that substantial progress is being made toward preparation of that Final Site Plan.
2. Within 90 days of this approval, the following shall be removed from the site: the existing overhead lift at the west end of the property; the black floating docks; the docking facilities parallel to the seawall; and the boat hoist at the end of the center dock.
3. The total number of slips shall be limited to 30. There shall be no slips along the seawall. To limit the number of slips, handrails and No Mooring signs shall be constructed and posted where no slips are proposed or approved. The location of the handrails and signs shall be approved by EMD and the Planning Department with the Final Site Plan. Six slips shall be reserved for the residents of Sunny Shores Mobile Home Park and Sagamore Estates.
5. (Renumbered as **Stipulation 4**) The applicant shall be required to obtain a building permit for the center dock in accordance with these stipulations. Application for building permit shall be made within 60 days of Final Site Plan approval.
6. (Renumbered as **Stipulation 5**) As modified earlier in the meeting.
8. (Renumbered as **Stipulation 7**) The manufactured home and garage shall be utilized as a single-family residence. No repair of boats, retail, or office uses shall be permitted in the structure, except home office uses on the top floor related to the maintenance of paperwork generated by operation of the marina.
9. (Renumbered as **Stipulation 8**) Only maintenance and minor repair of vessels in water shall be allowed.

Ms. Clarke noted that **Stipulations 7, 10, 11, and 12** (renumbered as **Stipulations 6, 9, 10, and 11**, respectively) would remain the same, and **Stipulation 13** would be deleted. She read a modified **Stipulation 14**:

14. (Renumbered as **Stipulation 12**) The entire area west of the residence except for three 10-by 35-foot boat trailer parking spaces shall be designated as a wetland buffer and shown on the Final Site Plan. A Wetland Buffer Enhancement/Planting Plan shall be submitted to EMD for review and approval prior to the Final Site Plan. This area shall not be used for dry storage of boats or boat repair, or parking of trailers with boats.

Ms. Clarke advised that **Stipulations 15, 16, 17, 18, and 19** (renumbered as **13, 14, 15, 16, and 17**, respectively) would remain the same, and **Stipulation 20** (renumbered as **Stipulation 18**) would remain the same, with the correction of a typographical error.

Discussion: How much time to bring home into compliance; add language for compliance with FEMA regulations; etc.

Ms. Clarke read additional language to be added to **Stipulation 8** (renumbered as **Stipulation 7**):
All use of the structure shall be in compliance with applicable FEMA regulations.

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. McClash moved to ADOPT Manatee County Zoning Ordinance **PDW-01-01(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations 1 through 20 (renumbered as 1 through 18); GRANT Special Approval for a project: **(1)** located within the Coastal Evacuation Area Overlay District; **(2)** located within the Coastal Planning Area; **(3)** located within the Coastal High Hazard Area; **(4)** located in the Coastal Storm Vulnerability Area; and **(5)** involving the siting of marina-type uses; ADOPT the findings for Specific Approval; and GRANT Specific Approval for alternatives to Sections 603.14.8, 710.1.3.3.1, 710.1.5.1.1, 710.1.5.1.2, 710.1.5.1.3, 710.1.5.5.3.1, 710.1.5.5.5.1, 710.1.5.5.5.2, 710.1.5.5.5.4, 710.1.5.5.8, 715.3.1, 715.3.2, 715.3.3, and 710.1.1.1 of the Land Development Code, as recommended by the Planning Commission. This is not a new commercial marina; a new commercial marina would not have been approved; and the Stipulations imposed by the Board of County Commissioners incorporated in this motion are designed to allow the historic use without any great expansion. The motion was seconded by Ms. Brown.

Discussion: Motion to include all Sections of Land Development Code as noted in the motion in staff report; fair compromise; zoning on property in 1989 would not have allowed for a commercial marina and would not have allowed the center dock; intensity of site is being narrowed; approval of request is in best interests of the community and allows County to keep control through stipulations; etc.

The motion carried 5 to 1, with Mrs. von Hahmann voting nay.

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (continued from 2/26/02) was held to consider

ORDINANCE 02-03

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)

Planning Commission recommended TRANSMITTAL.

Public hearing (continued from 2/26/02) was held to consider

ORDINANCE 02-02

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); **IH/CEA** AND **IH/CEA/CSVA** (65.1 ACRES) TO **RES-9** (84.5 ACRES); **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 Owner: Palmetto Business Park)

Planning Commission recommended TRANSMITTAL.

Kathleen Thompson, Planning Department, reviewed the criteria which would make the site eligible for an exception as requested, and noted that no development order would be issued until the property owner has entered into an agreement with the County to provide the necessary funding for a new hurricane shelter or for an upgrade of a proposed or existing structure to meet public shelter standards. Ms. Thompson distributed new language proposed by the applicant that would modify the requirement for shelter space to be operational prior to issuance of the first residential dwelling unit Certificate of Occupancy. She stated staff found the revision acceptable.

(Depart Mrs. Glass)

Ms. Thompson reviewed a zoning map and current uses of surrounding lands, and stated staff recommended **RES-6** for the current **IL** portion of the property, rather than the **RES-9** as requested by the applicant. She reviewed the positive and negative aspects of the request and noted a deficiency in existing shelter capacities. Using a future land use map, she pointed out the only sites in the County that meet required shelter capacities, and stated the reduction in density would reduce the number of people needing to evacuate or seek shelter.

(Enter Mrs. Glass)

Discussion: Change wording in Section a).5 of Policy 2.2.2.4.5 to read 25 percent.

Betsy Benac, representing the applicant, stated the Department of Community Affairs raised the issue of a countywide shelter deficit during 1999 Plan Amendment requests for this property (PA-99-04 and PA-99-05). Due to the uncertainty of costs involved and reluctance by the School Board to mitigate shelter deficits, the text amendment (PA-99-04) was withdrawn. Ms. Benac requested the language requiring the shelter funds to be spent along with the requirement for shelter construction be amended to approval of payment in lieu of construction.

Mark Barnebey, representing the applicant, advised that the text amendment is necessary in order to accomplish the map amendment. He noted a preference for the **RES-9** rather than the **RES-6**.

Ms. Benac reviewed an aerial photograph and map of the site, and stated it is easier to accomplish a transition from light industrial using a **RES-9** rather than a **RES-6** category. She noted that impacts from the site are reduced significantly by changing from heavy industrial to residential.

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and the Manatee County Comprehensive Plan, Mr. McClash moved to TRANSMIT Plan Amendment **PA-02-03** (Ordinance 02-03) as modified today with the handout. The motion was seconded by Mrs. von Hahmann and carried 6 to 0. [BC20020326DOC046](#)

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission, and finding the request to be consistent with the provisions of Chapter 163, *Florida Statutes*, Chapter 9J-5, *Florida Administrative Code*, and the Manatee County Comprehensive Plan, Mr. McClash moved to TRANSMIT Manatee County Plan Amendment **PA-02-02** (Ordinance 02-02) as recommended by staff, with staff recommendation for **RES-6** versus **RES-9**. The motion was seconded by Mrs. von Hahmann. After discussion, the motion carried 6 to 0. [BC20020326DOC047](#)

Discussion: When item comes back with development plan, need to look at traffic light at Canal Road and U.S. 301.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 4:15 p.m.
/tb/qa/njh/klc

Minutes Approved: April 23, 2002