

APRIL 23, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, April 23, 2002, at 9:03 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 (entered during meeting)
George L. Harris
Joe McClash

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 Commissioner Amy Stein.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of April 23, 2002, and agenda update memorandum.

[BC20020423DOC001](#)

CONSENT AGENDA

Mr. McClash moved to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda, as may have been amended in the supplemental agenda, with the deletion of **Microsoft Enterprise Agreement** (separate action). The motion was seconded by Mr. Bruce and carried 6 to 0.

CLERK'S CONSENT CALENDAR

[BC20020423DOC002](#)

BONDS

North Orange Estates

Accept:

Agreement with North Orange Estates, Ltd., and Escrow Agreement guaranteeing completion of required improvements (\$74,762.50).

[BC20020423DOC003](#)

REFUNDS

FDEP Bureau of Beaches – Interest on Escrow Account

\$ 2,542.68

WARRANT LIST

Approved: April 16, 2002 through April 22, 2002

[BC20020423DOC004](#)

Authorized: April 23, 2002 through May 6, 2002

[BC20020423DOC005](#)

MINUTES

March 26, 2002, and April 2, 2002

[BC20020423DOC006](#)

ACCEPT

Lakewood Ranch Community Development District 3 – Minutes of the Board of Supervisors meeting held January 10, 2002.

[BC20020423DOC007](#)

Whitfield Fire Control District – Annual Financial Report FY ended September 30, 2001; Annual Local Government Financial Report FY 2000-2001; **and** Budget for FY 2001-2002.

AUTHORIZE CHAIRMAN TO SIGN

[BC20020423DOC008](#)

Satisfaction of Judgment:

Charla Eberly – Case 2002-CJ-201

[BC20020423DOC009](#)

COUNTY ADMINISTRATOR

PALM AIRE MUNICIPAL SERVICES TAXING UNIT

Authorize public hearing June 4, 2002, to consider Ordinance 02-32 amending Ordinance 91-59 which created the Palm Aire Municipal Services Taxing Unit.

[BC20020423DOC010](#)

REHABILITATION LOAN AGREEMENTS

1. Execution of Amendment 1 with Precision Construction Enterprises, Inc., for rehabilitation of the home of Vivian Jones; increase of \$19,603, adjusted total \$51,845.32 (which includes a 10 per cent contingency fee, contract total \$48,914.20), and increase the completion date by 7 days.
[BC20020423DOC011](#)
2. Execution of Amendment 1 with Precision Construction Enterprises, Inc., for rehabilitation of the home of C. Dianne Hessler; increase \$2,746, total \$30,723.40 (which includes a 10 per cent contingency fee, contract total \$28,180), and increase the completion date by 10 days.
[BC20020423DOC012](#)

LOCAL HOUSING ASSISTANCE PROGRAM

Execution of a Funding Agreement and Land Use Restriction Agreement and Deed Restrictions with La Mirada Gardens, Ltd., upon receipt of confirmation of the current and/or amended project site plan for **PDR-00-04 (Z) (P)**, to provide State Housing Initiative Partnership (SHIP) Funding in the amount of \$350,000; and, upon receipt of executed originals from La Mirada Gardens, Ltd.

[BC20020423DOC013](#)

STATE HOUSING INITIATIVE PARTNERSHIP

Approval of disbursement of funding assistance exceeding \$25,000 in accordance with alternative procurement procedures for new construction projects under the Construction Strategy of the Local Housing Assistance Plan for Narcisco Popoca, 2308 16th Avenue Circle East, Palmetto; \$33,651. [BC20020423DOC014](#)

CHILD DEPENDENCY GRANT-IN-AID

Execution of Agreement with the Justice Administrative Commission for reimbursement to assist in the payment of costs incurred for Dependency Counsel, \$61,251.96. [BC20020423DOC015](#)

BUDGET AMENDMENT

Various Departments **B-02-026**
 Transfer of Funds; Unanticipated Revenue Appropriations
 Supporting Description and Detail Attached [BC20020423DOC016](#)

DEBRIS MANAGEMENT SERVICES

1. Authorize negotiations based on a "Limited Competition" source selection with Ashbritt, Inc., DRC, Inc., Grubbs Construction Company, and Phillips and Jordan, Inc. [BC20020423DOC017](#)
2. Authorize negotiations with Waste Management, Inc. of Florida, the authorized collector under the existing Solid Waste Franchise Agreement. [BC20020423DOC018](#)

UTILITIES REFUNDS

Refund \$292.49 to Lechters Housewares c/o Technical Traffic Consultants, due to payment in error. [BC20020423DOC019](#)

IMPACT FEE CREDITS

Execution of Credit Authorization CA-02-01(T) **and** Final Authorization of Transportation Credit for right-of-way dedication on the southwest corner of Cortez Road and 14th Street West (U.S. 41) for **Noah Rosenberg/Splash Sunfun Beachwear, Inc.**, \$114,209. [BC20020423DOC020](#)

COMMUNITY PLANNING TECHNICAL ASSISTANCE GRANT

Execution of a Contract (DCA Contract 02-DR-32-08-51-01-003 [2/19/02]) Modification with State of Florida Department of Community Affairs (DCA), to clarify language relating to subcontracts for the Community Planning Technical Assistance (CPTA) Grant for the Urban Infill and Redevelopment Area (UIRA) to develop Housing Inventory and Strategy for the UIRA. [BC20020423DOC021](#)

FINAL PLATS

Lakewood Ranch Country Club Village, Subphase M aka Montclair and Subphase N aka Blythefield

1. Final Plat;
2. Mortgagee's Joinder from Northern Trust Bank of Florida, N.A.;
3. Joinder from Lakewood Ranch Community Development District 5;
4. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$1,752,176.08);
5. Performance Bond: \$1,752,176.08 (Surety Bond 929241928, Continental Insurance Company);
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$41,372.50);
7. Performance Bond: \$41,372.50 (Surety Bond 929241930, Continental Insurance Company);
8. Agreement with SMR Communities Joint Venture guaranteeing completion of private improvements and Temporary Construction Easement (\$465,809.88);
9. Performance Bond: \$465,809.88 (Surety Bond 929241929, Continental Insurance Company);
10. Supplemental Declaration;
11. Conservation Easement from Schroeder-Manatee Ranch, Inc. and Lakewood Ranch Golf Group, LLC; and
12. Interlocal Agreement with Lakewood Ranch Community Development District 5. [BC20020423DOC022](#)

Pillsbury Subdivision

1. Final Plat;
2. Declaration of Covenants;
3. Conservation Easement from Albert V. Pillsbury, Leonard J. Pillsbury, Charles H. Pillsbury, and Clarence L. Pillsbury; and
4. Agreement to Defer Completion of Required Sidewalks from Albert V. Pillsbury, Leonard J. Pillsbury, Charles H. Pillsbury, and Clarence L. Pillsbury. [BC20020423DOC023](#)

Preserve at Panther Ridge, Phase V

1. Final Plat;
2. Mortgagee's Joinder from Regions Bank;
3. Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required improvements (\$821,623.69);
4. Performance Bond: \$821,623.69 (Letter of Credit MBL SB 34830, Regions Bank);
5. Agreement with Panther Ridge Communities, Ltd., guaranteeing completion of required sidewalks and bikeways (\$2,496);
6. Performance Bond: \$2,496 (Letter of Credit MBL SB 34828, Regions Bank);
7. Agreement with Panther Ridge Communities, Ltd., guaranteeing required improvements and Temporary Construction Easement for private improvements (\$25,544);
8. Performance Bond: \$25,544 (Letter of Credit MBL SB 34829, Regions Bank);
9. Supplemental Declaration 4; and
10. Maintenance Agreement with Preserve Community Association for right-of-way. [BC20020423DOC024](#)

DEEDS AND EASEMENTS

Cortez Road - Warranty Deed from Splash Sunfun Beachwear, Inc., for right-of-way at the intersection of Cortez Road and 14th Street West (U.S. 41); Affidavit of Ownership and Encumbrances; and, Partial Release from The Provident Bank. [BC20020423DOC025](#)

(End Consent Agenda)

PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY

Pat Lehman, Executive Director of the Peace River/Manasota Regional Water Supply Authority (PR/MRWSA) used a slide presentation to discuss issues facing the Authority, and explained the budget development process for the Authority.

(Enter Ms. Brown during presentation; Mr. McClash absent for portion of presentation)

Discussion: Counties have done studies; put reuse water to use; scope of services and mission of PR/MRWSA; inventory of water supply and uses; future water sources; etc. [BC20020423DOC026](#)

CITIZENS' COMMENTS

Transit

James Keenen discussed the need for mass transit provisions within large developments; e.g., Harrison Ranch.

Sidewalks - 33rd Street East

William Wheeler presented photographs of the Sabal Cove (Royal Palm) apartment complex and inquired why sidewalks were not required along 33rd Street East as part of the overall plan.

Elections

Mr. Wheeler acknowledged a misunderstanding regarding absentee ballots.

Lockwood Ridge Road

Claire Brown distributed material concerning settlement of eminent domain case 1999-CA-1981, and inquired when she would receive payment.

Sarasota Bay

Sue Maddox expressed concern about limited access to the Sarasota Bay from the Village of Cortez. [BC20020423DOC027](#)

PUBLIC HEARINGS – CONSENT AGENDA

LAND DEVELOPMENT CODE

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was opened to consider

ORDINANCE 02-22 (CONTINUED TO 5/28/02 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): AMENDING CERTAIN DEFINITIONS RELATED TO AFFORDABLE HOUSING, AMENDING CERTAIN PROVISIONS REGARDING IMPACT FEES AND AFFORDABLE HOUSING, AND AMENDING CERTAIN REGULATIONS REGARDING AFFORDABLE HOUSING INCLUDING INCENTIVES AND EXPEDITED PERMITTING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [BC20020423DOC028](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was opened to consider

ORDINANCE 02-29 (CONTINUED TO 5/28/02 AT 9:00 A.M.)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...; AMENDING CERTAIN REQUIREMENTS WITHIN THE SIGN REGULATIONS REGARDING SUBDIVISION SIGNS WITHIN RIGHTS OF WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [BC20020423DOC029](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) 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. [BC20020423DOC030](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) 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.

Planning Commission recommended ADOPTION. [BC20020423DOC031](#)

COMMUNITY DEVELOPMENT DISTRICT - HERITAGE HARBOUR MARKET PLACE

Public hearing (continued from 3/26/02) was opened to consider

ORDINANCE 02-28 (fka ORDINANCE 01-62)

(CONTINUED TO 5/28/02 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. [BC20020423DOC032](#)

COOPER CREEK CENTER (DRI 14)

Public hearings (not advertised) were opened to consider

PDMU-96-01(Z)(G)(R3) COOPER CREEK CENTER

(CONTINUED TO 5/28/02 AT 9:00 A.M.)

Request: A revised Zoning Ordinance and General Development Plan to:

1. Extend the Certificate of Level of Service from December 30, 2002, to December 30, 2007;
2. Amend Condition B.(6) to add two transportation improvements;
3. Amend Air Quality Condition C.(1);
4. Amend the General Development Plan to reflect the above referenced changes; and
5. Amend definitions, conditions, and terminology to reflect the above changes on 604.68 acres located northwest of the University Parkway and I-75 intersection.

[BC20020423DOC033](#)

and

ORDINANCE 02-31 COOPER CREEK CENTER (DRI 14)

(CONTINUED TO 5/28/02 AT 9:00 A.M.)

Request: A Revised Transportation Analysis to extend the Certificate of Level of Service from December 30, 2002 to December 30, 2007; and Determination of whether the proposed modifications to the Cooper Creek DRI Development Order constitute a substantial deviation, pursuant to Section 380.06, *Florida Statutes*:

1. Amend the Development Order to recognize fully satisfied conditions;
2. Amend Condition B.(6) to add two transportation improvements;
3. Amend the Land Use Trade-Off provision to increase the amount of specified increases and decreases;
4. Amend Map H "Exhibit B" to reflect the above referenced changes; and
5. Amend definitions, conditions, and terminology to reflect the above changes on 604.68 acres located northwest of the University Parkway and I-75 interchange.

[BC20020423DOC034](#)

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was opened to consider

PDMU-01-04(Z)(G) HARRISON RANCH L.L.C., ET AL.

(CONTINUED TO 5/28/02 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 **PDMU**; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN TO ALLOW:

- A. 1,250 SINGLE-FAMILY DETACHED UNITS;
 - B. 300 SINGLE-FAMILY ATTACHED UNITS;
 - C. 38,000 SQUARE FEET OF PUBLIC USE FACILITIES AND RESIDENTIAL SUPPORT USES;
- AND

PROVIDING AN EFFECTIVE DATE ON 940.15 ACRES LOCATED ON THE NORTH SIDE OF U.S. 301, 1/3 MILE WEST OF CHIN ROAD, AND EXTENDING NORTHWARD TO ERIE ROAD.

[BC20020423DOC035](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was opened to consider

LDA-01-03 HARRISON RANCH (CONTINUED TO 5/28/02 AT 9:00 A.M.)

Request: A local development agreement to secure development rights and mitigate transportation and infrastructure (water and sewer) impacts for a mixed use development consisting of:

1. 1,250 single-family detached units;
 2. 300 single-family attached units;
 3. 38,000 square feet of public use facilities and residential support uses
- on 940.15 acres located on the north side of U.S. 301, approximately 1/3 mile west of Chin Road, and extending northward to Erie Road.

[BC20020423DOC036](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota-Herald Tribune* 4/12/02) was held to consider

Z-01-13 PHIL STEWART

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 **RSF-1**; AND PROVIDING AN EFFECTIVE DATE; ON 10.1 ACRES LOCATED ON THE NORTH SIDE OF UPPER MANATEE RIVER ROAD AT 1064 169TH STREET N.E.

Planning Commission recommended ADOPTION.

Karen Ciemniecki (during Citizens' Comments) spoke in favor of this project, but expressed concern about other projects in eastern Manatee County and connections to centralized sewer lines. She questioned road concurrency of Upper Manatee River Road and presented copies of traffic count data, a portion of the staff report, and a zoning map for Z-01-13.

Jerome Gostkowski, Planning Department, explained that a Certificate of Level of Service can be issued if the road project is within the first two years of the Capital Improvements Plan (CIP).

Later in the meeting Carol Clarke, Planning Director, provided an update from Project Management on the status of construction along Upper Manatee River Road. [BC20020423DOC037](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was held to consider

PDC-01-07(Z)(P) HARRY AND BETTY BAKKER

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1**, **RSF-6**, AND **GC** TO **PDC**; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW AN 89,585 SQUARE FOOT MINI-WAREHOUSE AND 2,400 SQUARE FEET OF ACCESSORY OFFICE; AND PROVIDING AN EFFECTIVE DATE; ON 6.1 ACRES LOCATED ON THE NORTHEAST CORNER OF S.R. 64 AND KAY ROAD.

Planning Commission recommended ADOPTION with 13 Stipulations.

[BC20020423DOC038](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was held to consider

Z-01-23 PETER AND KIM VOLE

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-1** TO **GC**; AND PROVIDING AN EFFECTIVE DATE; ON .91 ACRE LOCATED AT 8155 U.S. 301 NORTH.

Planning Commission recommended ADOPTION.

[BC20020423DOC039](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was held to consider

Z-01-17 YNR DEVELOPMENT CORPORATION

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **RSF-2**; AND PROVIDING AN EFFECTIVE DATE; ON 9.87 ACRES LOCATED ON THE SOUTH SIDE OF 17TH AVENUE N.W., 90 FEET EAST OF 89TH STREET N.W. AT 8725 AND 8733 17TH AVENUE N.W.

Planning Commission recommended ADOPTION.

[BC20020423DOC040](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was held to consider

Z-01-21 VOGEL REZONE

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 1.54 ACRES LOCATED AT 4619 37TH STREET EAST, BRADENTON.

Planning Commission recommended ADOPTION; and

GRANTING Special Approval to waive the connection by this project to public sanitary sewer system and connect to septic.

[BC20020423DOC041](#)

Public hearing (continued from 3/26/02 and Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was held to consider

PDR-99-02(G)(R2) GAMBLE CREEK, L.C./TWIN RIVER

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

The requested revisions will facilitate a continuity of design of two adjoining projects;

on 1,224 acres located on the south side of Golf Course Road, east of Gamble Creek, and north of the Manatee River.

Planning Commission recommended APPROVAL with 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.

[BC20020423DOC042](#)

Mr. Bruce moved 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 agenda). The motion was seconded by Ms. Brown and carried 7 to 0.
(End Public Hearings - Consent Agenda)

Recess/Reconvene. All members present except Mrs. Glass and Ms. Brown.

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 4/12/02) was held to consider

PDPI/PDI-01-03(Z) CRESCENT MOON ENTERPRISES

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1** TO **PDPI** AND **PDI**; AND PROVIDING AN EFFECTIVE DATE; ON 239 ACRES LOCATED AT THE SOUTHEAST CORNER OF BUCKEYE ROAD AND BUD RHODEN ROAD.

Planning Commission recommended ADOPTION with 2 Stipulations.

Erika Barrett, Planning Department, utilized zoning, future land use, and aerial maps while reviewing the staff report. She submitted an additional letter received in favor of this project.
(Enter Mrs. Glass and Ms. Brown during presentation)

Bob Greene, attorney; and **Bob Schmitt**, land planner; both representing the applicant, reviewed the project and adjoining land uses, and noted that the proposed zoning is consistent with the future land use categories. Mr. Greene read a paragraph from the staff's summary report for the record.

Mark Barnebey, attorney representing the applicant, acknowledged that any change of uses on this property would require a site plan approved by the Board. He discussed the Declaration of Covenants and Deed Restrictions, a separate agreement between the applicant and the owner of property south of the project, which addresses restrictions to potential land uses; e.g., landfills. His client does not object to including the restrictive covenants as a stipulation.

Mark Ogles, President of Crescent Moon Enterprises, submitted a variety of documents for the record (with index), and correspondence from the Southwest Florida Water Management District, to address the "historical perspective" on the property, as well as actions of the applicant. He mentioned that Mr. Mixon, adjoining property owner, supports this application.

Discussion: How legislation (CS/HB 1681) affects this request; no site plan with application; yard waste not permitted at sanitary landfill; amendment to current operating permit would be required if use of site changes; reclamation requirement under Special Permit SP-99-02; recycling versus construction and demolition debris landfill; etc.

Larry Crow, attorney representing the applicant, discussed the relevance of the referenced legislation upon this project.

William O'Shea, Environmental Management Department, discussed reclamation options.

Carol Clarke, Planning Director, outlined the timeline of the initial application and a subsequent Comprehensive Plan amendment as it relates to this property. She discussed staff's rationale for recommendation of the rezoning request.

Discussion: Uses based on current land use category; Port district; disadvantage of reviewing a rezone without a plan; stipulate that use as landfill is prohibited; proximity of site to Tampa Bay; etc.

Karen Ciemniecki (during Citizens' Comments portion) commented that precautions should be taken to ensure that environmental standards are met.

Cathryn Andress, adjacent property owner, opposed the possible use of the property as a landfill.

Ms. Barrett confirmed that the County has a chipping facility for exotic species. The material is sold or recycled. She distributed a copy of SP-99-02, and commented on the range of potential uses on this site based on the current Comprehensive Plan designations.
(Depart Ms. Brown)

Mr. Greene reiterated that the application for rezone is consistent with the Comprehensive Plan, and that a change in use or site plan will come back before the Board (in a public hearing).

(Enter Ms. Brown)

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

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, read language for a proposed **Stipulation 3**: "No classification of landfill shall be permitted as part of the General Development or Preliminary Site Plan." He cited the criteria for review of an application for planned development zoning without a plan. He also corrected **Stipulation 1** by deleting the second sentence.

(Enter Mrs. Glass)

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 to ADOPT Manatee County Zoning Ordinance **PDPI/PDI-01-03(Z)** with two Stipulations, as recommended by the Planning Commission, with the change to Stipulation 1 and the addition of Stipulation 3. The motion was seconded by Mr. Bruce.

Discussion: Cleanup of Piney Point will offer positive use of property; vision for a Port District; etc.

After discussion, the motion carried 7 to 0.

[BC20020423DOC043](#)

SNEAD ISLAND

Mrs. Glass reported that the criteria for a four-way stop at the intersection of Tarpon Road and 17th Street did not meet requirement standards; however, visibility prohibits safe maneuvering. She presented a copy of a traffic count of the area.

A motion was made by Mr. Bruce, seconded by Mrs. Glass, and carried 7 to 0, to install a four-way stop at the intersection temporarily.

UPPER MANATEE RIVER ROAD/FORT HAMER BRIDGE

Mrs. Stein reported on the outcome of meetings with several homeowners' associations regarding the proposed bridge at Upper Manatee River Road and Fort Hamer Road. Mr. McClash stated that the Metropolitan Planning Organization (MPO) must have its funding recommendations to the Florida Department of Transportation (FDOT) soon; therefore, the Board should meet prior to October (see 4/2/02) to provide recommendations to the MPO.

Discussion: Possible loss of funding; FDOT amended PD&E to recommend a 4-lane bridge; Phase I would allow for design and construction to begin; intersection improvements; etc.

Motion was made by Ms. Brown to hold a meeting to discuss the building of a 2-lane bridge. The motion was seconded by Mr. Harris.

Discussion: Evening meeting; future growth projections necessitate bridge in this location; consistent with Comprehensive Plan; etc.

After discussion, and for clarification, Mrs. Stein restated the motion: "to schedule a meeting date in May, in the evening, for the Board to make a funding decision (to maintain in the MPO pipeline, Phase I, 2-lane dollars) in the context of the MPO budget process for keeping this project in its plan." Mr. Harris concurred, and the motion carried 7 to 0.

COMMISSIONERS' COMMENTS

Constine Gillyard

Mrs. Glass reported on the recent death of Rev. Gillyard, a local educator and pastor.

3rd Avenue West, Palmetto

Ms. Brown inquired on the procedure to have a "No Trucks" designation in this area.

Traffic

Mrs. Stein requested that installation of traffic signals at the on/off-ramps of I-75 and S.R. 64 be expedited.

She also commented on the traffic lanes and road alignment at the intersection of S.R. 64 and Upper Manatee River Road/Lakewood Ranch Boulevard. Improvements to this intersection will be placed on a future meeting agenda.

Sidewalk Bonds

Mr. McClash inquired whether developer's sidewalk bonds were ever used to contribute to County road construction, and the circumstances that would trigger this use.

Braden Woods

Mr. Bruce presented a letter from the Braden Woods Homeowners Association regarding the lighting issue at Ranch Lake Plaza, and requested that Ms. Clarke coordinate a response.

17th Street East

Mr. Bruce submitted a letter from the Oneco First Baptist Church requesting "No Parking" signs. He requested that the Transportation Department investigate the request.

Building Permits

Numerous (form) letters addressed to County Commissioners and the County Administrator were submitted by Mr. Bruce concerning delays in issuance of (pool) permits by the Building Department.

Traffic Studies

Mrs. von Hahmann commented on a presentation by Peak Traffic regarding alternatives to the ITS (Intelligent Traffic System, presentation 4/16/02).

75th Street West

Mrs. von Hahmann stated she received telephone calls regarding deteriorating road repairs near the DeSoto Memorial.

63rd Avenue East

Mr. Harris provided an update of the road construction project.

Callie Elias

Ms. Brown reported that a local resident recently celebrated her 100th birthday (4/15/02).

[BC20020423DOC044](#)

MICROSOFT ENTERPRISE AGREEMENT

Motion was made by Mr. McClash, seconded by Mr. Harris, and carried 7 to 0, to execute Microsoft Enterprise Agreement with Software House International, for an estimated total of \$389,490.40.

[BC20020423DOC045](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 1:05 p.m.
/tb/pt/ml

Minutes Approved: May 21, 2002