

**MAY 28, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, May 28, 2002, at 9:04 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:

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

Invocation by Rev. William E. Gerhart, St. Philip's Anglican Church.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of May 28, 2002, and agenda update memorandum.

[BC20020528DOC001](#)

**CONSENT AGENDA**

Motion was made by Mrs. Glass, seconded by Mr. Harris, and carried unanimously, 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. Items APPROVED:

**CLERK'S CONSENT CALENDAR**

[BC20020528DOC002](#)

**BONDS**

**Covered Bridge, Phase I**

**Release:**

1. Agreement with Covered Bridge Development Corporation guaranteeing completion of required sidewalks and bikeways (\$22,241.44).
2. Performance Bond: \$22,241.44 (Letter of Credit 9921, SunTrust Bank).

**Accept:**

1. Agreement with Covered Bridge Development Corporation guaranteeing completion of required sidewalks and bikeways (\$1,856.40).
2. Performance Bond: \$1,856.40 (Letter of Credit 1223, West Coast Guaranty Bank).

[BC20020528DOC003](#)

**Greenbrook Boulevard Extension (Parcel 405 to Lorraine Road)**

**Accept:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$897,492.51).
2. Performance Bond: \$897,492.51 (Surety Bond 929246290, Continental Insurance Company).

[BC20020528DOC004](#)

**Greenbrook Boulevard Extension (S.R. 70 to Greenbrook Boulevard)**

**Accept:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements (\$1,953,942.90).
2. Performance Bond: \$1,953,942.90 (Surety Bond 929246291, Continental Insurance Company).

[BC20020528DOC005](#)

**Greenbrook Village, Subphase K, Unit 4 aka Greenbrook Haven & Unit 5 aka Greenbrook Gardens**

**Release:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$263,608.80).

**Accept:**

Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$263,608.80). This agreement is for a **one-year extension** secured by a previously accepted surety bond (929198347, 8/14/01).

[BC20020528DOC006](#)

**Inlets at Riverdale, Americas Cup Boulevard (Camlin Home Models)****Release:**

Agreement with Camlin Home Corporation guaranteeing completion of required sidewalks and bikeways (\$650 each for Lots 265, 266, 267, and 268).

**Accept:**

Agreement with Camlin Home Corporation guaranteeing completion of required sidewalks and bikeways (\$650 each for Lots 265, 266, 267, and 268). This agreement will be for a **one-year extension** secured by previously accepted cashier's checks (506124012, 506124013, 506124014 and 506124015, 1/26/95). [BC20020528DOC007](#)

**Mill Creek, Phase IV****Release:**

Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$1,250).

**Accept:**

Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$1,250). This agreement will be for a **one-year extension** secured by previously accepted cashier's check (10328714, 6/27/00). [BC20020528DOC008](#)

**Mill Creek, Phase V-B****Release:**

Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$36,649.60).

**Accept:**

1. Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$17,608.50)
2. Performance Bond: \$17,608.50 (Amended Letter of Credit S00-21, Republic Bank), **decreasing** the bond from \$36,649.60 to \$17,608.50. [BC20020528DOC009](#)

**Oakley****Release:**

1. Agreement with Medallion Homes Gulf Coast, Inc. guaranteeing completion of required sidewalks and bikeways (\$11,622).
2. Performance Bond: \$11,622 (Letter of Credit 008, Flagship National Bank). [BC20020528DOC010](#)

**Rivers Edge****Release:**

1. Agreement with R. L. Koontz Construction, Inc. guaranteeing completion of required sidewalks and bikeways (\$33,670).
2. Performance Bond: \$33,670 (Letter of Credit 1143, West Coast Guaranty Bank). [BC20020528DOC011](#)

**Riverwalk Village, Subphase F, Unit 2****Release:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$18,954).
2. Performance Bond: \$18,954 (Surety Bond 152797, Frontier Insurance Company). [BC20020528DOC012](#)

**River Woods, Phase III****Release:**

Agreement with Lennar Homes, Inc. guaranteeing completion of required improvements and temporary construction easement for private improvements (\$254,822).

**Accept:**

Agreement with Lennar Homes, Incorporated guaranteeing completion of required improvements and temporary construction easement for private improvements (\$254,822). This agreement will be for a **one-year extension** secured by a previously accepted surety bond (929186821, 5/15/01). [BC20020528DOC013](#)

**Sabal Harbour, Phase VII****Release:**

1. Agreement with Pulte Home Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$12,042.75).
2. Performance Bond: \$12,042.75 (Letter of Credit ATL/P601222, SunTrust Bank). [BC20020528DOC014](#)

**Timberly, Phases 1 & 2****Release:**

1. Agreement with Curtis S. Petzoldt and Petzoldt Construction Co. warranting required improvements (\$41,548.52).
2. Defect security: \$41,548.52 (Letter of Credit 1140, West Coast Guaranty Bank). [BC20020528DOC015](#)

**REFUNDS**

Corporate Benefit Services of America, Inc. – Bank Fees

\$ 734.94

[BC20020528DOC016](#)

**WARRANT LIST**

Approved: May 21, 2002 through May 27, 2002

Authorized: May 28, 2002 through June 3, 2002

[BC20020528DOC017](#)

**ACCEPT**

**Housing Finance Authority** – Annual Local Government Financial Report FY 2001-02 **and** Audited Financial Statements for year ended September 30, 2001. [BC20020528DOC018](#)

**AUTHORIZE CHAIRMAN TO SIGN****Corrective Document:**

**PDR-01-07(Z) (P) RICHARD CONARD/OAK HAVEN** – Correcting Section 2 to state that the Preliminary Site Plan is approved to allow 46 lots for single-family detached homes (adopted 11/27/01).

[BC20020528DOC019](#)

**Satisfactions of Judgments:**

Donald Fournier – Case 1999-797T

Tracy D. Kershner – Case 1994-2022F

Mary A. Rush – Case 2000-3968M

Sharon Smith – Case 2001-4718M

Bruce E. Tilton – Case 1999-CT-2461

[BC20020528DOC020](#)

**Telecommunications Tower** – Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to enter Real Property and Remove Abandoned Telecommunication Tower with Owner/Operator of Telecommunications Facility and Owner/Lessor of Real Property – Robert E. Anson as Trustee of the Robert E. Anson Living Trust/Acme Towers Inc. (SP-01-07).

[BC20020528DOC021](#)

**COUNTY ADMINISTRATOR****LAW ENFORCEMENT BLOCK GRANT**

1. **R-02-131** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN EDWARD BYRNE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA BLOCK GRANT FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR THE MANATEE COUNTY SHERIFF'S OFFICE **INMATE VOCATIONAL TRAINING PROGRAM III** (\$215,027); MANATEE COUNTY SHERIFF'S OFFICE **WEAPONS OF MASS DESTRUCTION FIRST RESPONDER GEAR** (\$15,577); AND **WEED AND SEED PROGRAM** (\$25,536); and
2. Authorization to sign letter to the Florida Department of Law Enforcement approving allocation of federal grant funds as noted herein.

[BC20020528DOC022](#)

**FOSTER CARE PROGRAM**

1. **R-02-133** A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE SUBMISSION AND ACCEPTANCE OF AN INTERAGENCY AGREEMENT WITH THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES; AUTHORIZING THE CHAIRMAN OR HIS DESIGNEE TO EXECUTE ALL APPROPRIATE DOCUMENTS RELATIVE TO AGREEMENT SUBMISSION AND ACCEPTANCE; AND AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES DEPARTMENT TO EXECUTE ALL APPROPRIATE DOCUMENTS REQUIRED IN CONNECTION WITH ADMINISTRATIVE FUNCTIONS OF AGREEMENT; and
2. Execute Interagency Agreement with the Florida Department of Children and Families, which will allow the County to obtain reimbursement of funds currently disbursed from the Children's dedicated millage to local agencies providing foster care services.

[BC20020528DOC023](#)

**HOME REHABILITATION**

Execution of Amendment 1 to Rehabilitation Loan Agreement for the rehabilitation of the home of Lewis E. Byrd, 510 12th Street West, Palmetto, increase of \$7,067.20, loan amount \$44,167.12 (which includes the contingency funds).

[BC20020528DOC024](#)

**MEDICAID WAIVER**

Execution of FY 2001-02 Medicaid Waiver Agreement Amendment 3 with the West Central Florida Area Agency on Aging, Inc., to establish fourth quarter Medicaid waiver spending authority with an increase of \$250,000 for the **Home and Community Based Medicaid Waiver Program**.

[BC20020528DOC025](#)

**BUDGET AMENDMENT****Various Departments**

**B-02-030**

Transfer of Funds; Unanticipated Revenue Appropriations

Supporting Description and Detail Attached

[BC20020528DOC026](#)

**ECONOMIC DEVELOPMENT COUNCIL**

Execution of Amendment Two to the FY 2001-02 Funding Agreement with the Manatee Chamber of Commerce/Economic Development Council (transferring \$10,000 to the Tampa Bay Partnership; no change in total amount).

[BC20020528DOC027](#)

**UNCOLLECTIBLE ACCOUNTS**

**R-02-132** RESOLUTION DESIGNATING CERTAIN DELINQUENT ACCOUNTS RECEIVABLE INCURRED BY PARTICULAR RECIPIENTS OF MANATEE COUNTY EMERGENCY MEDICAL SERVICES THROUGH DECEMBER 31, 1999, AS UNCOLLECTIBLE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND DESIGNATING THAT SMALL BALANCES BE ABSORBED AND ADJUSTED TO ZERO IN THE ACCOUNTS RECEIVABLE LEDGER (Resolution R-93-177 is **rescinded** and superceded by Resolution R-02-73; total adjustment to General Ledger Accounts Receivable: \$4,564,349.67).

[BC20020528DOC028](#)

**FINAL PLAT****Lakewood Ranch Country Club Village, Subphase R aka Siena and Subphase S aka Ravine**

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 improvements (\$1,383,371.60);

5. Performance Bond: \$1,383,371.60 (Surety Bond 929246287, Continental Insurance Company);
6. Agreement with SMR Communities Joint Venture guaranteeing completion of required sidewalks and bikeways (\$53,166.75);
7. Performance Bond: \$53,166.75 (Surety Bond 929246289, Continental Insurance Company);
8. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements and temporary construction easement for private improvements (\$284,057.80);
9. Performance Bond: \$284,057.80 (Surety Bond 929246288, Continental Insurance Company);
10. Interlocal Agreement with Lakewood Ranch Community Development District 5; and
11. Supplemental Declaration by SMR Communities Joint Venture. [BC20020528DOC029](#)

#### **HERITAGE HARBOUR**

1. Agreement with Harbourvest, L.L.C. guaranteeing completion of required improvements (\$1,277,520); and
2. Performance Bond: \$1,277,520 (Letter of Credit FGAC-02089, Fidelity Guaranty and Acceptance Corp.). [BC20020528DOC030](#)

#### **IMPACT FEE CREDIT**

Execution of Credit Authorization CA-01-07(T) **and** Final Authorization of Transportation Credit for B&B Suncoast Land Development, Inc./White Oak Development, for **Highland Ridge**; right-of-way dedication costs (44th Avenue East), \$131,700. [BC20020528DOC031](#)

#### **LEXINGTON SUBDIVISION**

Waive street numbering requirement for the main entrance road. [BC20020528DOC032](#)

#### **PLANNING COMMISSIONERS JOURNAL**

Approve payment for subscriptions to the "Planning Commissioners Journal" to be sent to the seven Manatee County Planning Commissioners, \$140. [BC20020528DOC033](#)

#### **15TH STREET EAST**

Execution of a Contract for Sale and Purchase for a Warranty Deed from Sharline D. Brown for sidewalk construction on 15th Street East, Parcel 5B, \$5,752. [BC20020528DOC034](#)

#### **DEEDS AND EASEMENTS**

1. **Colony Cove Lift Station 3** – Utility Easement from ROC Communities, Inc., for lift station replacement, Parcel B; Affidavit of Ownership and Encumbrances. [BC20020528DOC035](#)
2. **Cortez Road West/U.S. 41** – Deed to State of Florida Department of Transportation for right-of-way for intersection improvements. [BC20020528DOC036](#)
3. **Heritage Harbour/S.R. 64** – Warranty Deed from Harbourvest, L.L.C., for right-of-way in the northeast quadrant of I-75 and S.R. 64; Affidavit of Ownership and Encumbrances. [BC20020528DOC037](#)

#### **STREET VACATIONS**

##### **La Mirada Gardens**

**R-02-100-V** RESOLUTION DECLARING A PUBLIC HEARING ON JULY 23, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY LA MIRADA GARDENS, LTD., TO VACATE A PORTION OF A RIGHT-OF-WAY AT THE INTERSECTION OF 55TH AVENUE DRIVE EAST AND 16TH STREET EAST. [BC20020528DOC038](#)

##### **Waterbury Grape Fruit Tracts Subdivision**

**R-02-97-V** RESOLUTION DECLARING A PUBLIC HEARING ON JULY 23, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY MANATEE RIVER COMMUNITIES DEVELOPMENT, INC., TO VACATE TRACTS OR PORTIONS OF TRACTS. [BC20020528DOC039](#)

#### **LA MIRADA GARDENS**

Execution of Funding Agreement and Land Use and Deed Restriction Agreement with La Mirada Gardens, Ltd., to provide State Housing Initiative Partnership funding, upon receipt of executed originals (received), \$350,000. [BC20020528DOC040](#)

(End Consent Agenda)

#### **LOCKWOOD RIDGE ROAD - EMINENT DOMAIN**

**Claire Brown** spoke regarding eminent domain case 1999-CA-1981 and reported she is still owed money for her property on Lockwood Ridge Road. [BC20020528DOC041](#)

#### **PUBLIC HEARINGS – CONSENT AGENDA**

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

Public hearing (continued from 4/23/02) was opened to consider

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

(CONTINUED TO 7/30/02 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. [BC20020528DOC042](#)



**LAND DEVELOPMENT CODE**

Public hearing (continued from 4/23/02, and Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 5/17/02) was held to consider

**ORDINANCE 02-29**

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 REQUIREMENTS WITHIN THE SIGN REGULATIONS REGARDING **SUBDIVISION SIGNS WITHIN RIGHTS OF WAY**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.  
Planning Commission recommended ADOPTION.

Ms. Clarke stated this is the first of two hearings; the second public hearing will be June 18, 2002.

[BC20020528DOC043](#)

**COOPER CREEK CENTER (DRI 14)**

Public hearings (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 5/17/02) were held to consider

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

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.

[BC20020528DOC044](#)

and

**ORDINANCE 02-31 COOPER CREEK CENTER (DRI 14)** (APPROVED)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, RENDERING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR COOPER CREEK CENTER (RESOLUTION 85-236, AS AMENDED BY RESOLUTIONS 86-323, 87-58, 90-39, 93-300, 95-135, AND ORDINANCES 97-23 AND 99-40) ALSO KNOWN AS TBRPC DRI 103; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE; ON 604.68 ACRES LOCATED NORTHWEST OF THE UNIVERSITY PARKWAY AND I-75 INTERCHANGE.

[BC20020528DOC045](#)

**ORDINANCE 02-40 - NO PARKING** (CONTINUED TO 6/4/02)

Public hearing (Notice in the *Bradenton Herald* 5/15/02) was opened to consider

**ORDINANCE 02-40** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 01-53; TO RESCIND PARKING RESTRICTIONS ON **WIMMERLING (SIC) AVENUE**; AMENDING ORDINANCE 98-11; REGULATING THE STOPPING, STANDING OR PARKING OF MOTOR VEHICLES ON **15TH STREET WEST (PALMETTO), 35TH AVENUE WEST, 51ST AVENUE DRIVE WEST, RIVER CLUB BOULEVARD, WILLOW STREET, AND WILMERLING AVENUE**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Red Childs, Traffic Division Manager, noted the School Board should review transportation concerns prior to building new schools, as parents are parking on both sides of River Club Boulevard at Braden River Elementary School, which impedes traffic flow.

Discussion: Is staff working with Braden River Elementary school to develop a parking plan to correct the problem once the Ordinance is passed; has the School Board indicated to staff that modifications are being made at the site of the school; delete River Club Boulevard from the ordinance; etc.

The recommended motion was amended to continue the public hearing to June 4, 2002, and for staff to invite the principal and a representative from the School Board.

[BC20020528DOC046](#)

**ORDINANCE 02-41 – SPEED LIMITS**

Public hearing (Notice in the *Bradenton Herald* 5/15/02) was held to consider

**ORDINANCE 02-41**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 00-40; TO RESCIND THE ESTABLISHED SPEED LIMIT ON LAKEWOOD RANCH BOULEVARD; AMENDING ORDINANCE 84-05; TO PROHIBIT THE TRAVEL OF VEHICLES AT SPEEDS IN EXCESS OF THE ESTABLISHED LIMIT ON **26TH STREET WEST/CHURCH ROAD (PALMETTO), 27TH STREET EAST/CIRCUS STREET, 35TH AVENUE DRIVE WEST (PALMETTO), 69TH AVENUE WEST/BAY DRIVE, LAKEWOOD RANCH BOULEVARD, AND ON STREETS LOCATED IN CARLYLE AT THE VILLAGES OF PALM-AIRE SUBDIVISION**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

**Mrs. Lawrence Smith**, Leisure Lake Co-op resident, spoke of the excess speed on Church Road. She requested that the speed limit be reduced to 20 mph.

**Allen Entler**, Leisure Lake Co-op Manager, explained the co-op had previously requested the dedication of the road in order for them to pave and maintain it.

Mr. Childs noted 25 mph is in accordance with the State of Florida requirements for motor vehicle laws. He explained that speeds under 25 mph are reserved mainly for school zones.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, requested time to review the issue and research if lowering the speed limit is discretionary or mandatory; therefore, the public hearing was continued to later in the meeting. [BC20020528DOC047](#)

**ORDINANCE 02-42 - REGULATING TURNING OF MOTOR VEHICLES** (APPROVED)

Public hearing (Notice in the *Bradenton Herald* 5/15/02) was held to consider

**ORDINANCE 02-42** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 92-51; REGULATING THE TURNING OF MOTOR VEHICLES ON **26TH STREET WEST AT BAYSHORE ELEMENTARY SCHOOL, 43RD AVENUE WEST AT 26TH STREET WEST AND BAYSHORE ROAD AT PALM VIEW ELEMENTARY SCHOOL** (PALMETTO); ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE. [BC20020528DOC048](#)

**ORDINANCE 02-43 - NO THROUGH TRUCKS** (APPROVED)

Public hearing (Notice in the *Bradenton Herald* 5/15/02) was held to consider

**ORDINANCE 02-43** AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE 84-06; TO REGULATE THE TRAVEL OF CERTAIN THROUGH TRAFFIC ON **69TH AVENUE WEST/BAY DRIVE AND PENNSYLVANIA AVENUE**; ALL BEING COUNTY MAINTAINED STREETS LOCATED WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY, FLORIDA; REQUIRING THE ERECTION OF APPROPRIATE SIGNS; PROVIDING FOR VIOLATIONS AND PENALTIES; AND PROVIDING AN EFFECTIVE DATE. [BC20020528DOC049](#)

Mr. Bruce moved to approve the presentations upon request agenda as amended, incorporating the language as stated in the recommended motions in the agenda memoranda and staff reports, as amended by the supplemental agenda. The motion was seconded by Mr. Harris and carried unanimously.

(End Public Hearings - Consent Agenda)

**ZONING**

Public hearing (continued from 4/23/02) was opened to consider

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

(CONTINUED TO 6/4/02 AT 1:30 P.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.

Planning Commission recommended APPROVAL with 11 Stipulations; and GRANTING Special Approval for a project: **(1)** exceeding 30,000 square feet of non-residential building area in the RES-3 Future Land Use Categories (FLUC); **(2)** exceeding a gross density of one dwelling unit per acre and a net density of three dwelling units per acre in the UF-3 FLUC; **(3)** which is partially within the 25-year floodplain; and **(4)** which is adjacent to a perennial stream.

Norm Luppino, Planning Department, displayed a site plan and zoning map. He noted that a County-initiated Comprehensive Plan Amendment (Future Traffic Circulation Functional Classification Map) is being processed to modify the alignment of Chin Road. This will align Chin Road to intersect U.S. 301 at the project entrance and extend to Erie Road (identified in the project as Harrison Ranch Boulevard). This will create the potential for portions of the site adjacent to U.S. 301 and Erie Road to become eligible for consideration of commercial development.

Discussion: Review the standards that constitute a Development of Regional Impact; zoning should be PDR instead of PDMU based on designation of Harrison Ranch Boulevard as a local road; cattle crossing will affect the number of trips going to U.S. 301; Chin Road currently aligns with The Gardens entranceway; collector road not addressed in the Capital Improvements Program; should connect Fort Hamer Road to Moccasin Wallow Road; need for a north-south collector road; etc.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, explained that application for PDMU designation was based on commercial zoning on the front parcels obtaining access through Harrison Ranch Boulevard, which would require a Comprehensive Plan Amendment to reclassify the road as a collector road.

Carol Clarke, Planning Director, noted the applicant was advised that a Comprehensive Plan Amendment would be necessary; therefore, the request for commercial zoning is no longer part of the request.

Discussion: Comprehensive Plan issues should be addressed in another public hearing; transportation issues will be addressed in this public hearing; Fort Hamer Road intersection will be reconfigured based on the proposed bridge project; Certificates of Level of Service criteria; etc.

(Depart Mrs. Glass during discussion)

Mr. Luppino noted the applicant is proposing three single-family residential neighborhoods with varying lot sizes, large preservation conservation areas on the northern portion of the site, a fourth neighborhood for single-family attached units in the southern portion of the property, and a 10.7-acre community park to serve the entire development. Additionally, the applicant is proposing residential support and public use facilities up to 38,000 square feet at the corner of U.S. 301 and 100th Avenue East.

(Mr. Harris absent for portion of presentation; enter Mrs. Glass)

He submitted revised Stipulations and reviewed the following concerns:

1. Limited amount of detail on the General Development Plan
  - a. Land Use compatibility and transitioning
  - b. Traffic impacts for Beck Estates (100th Avenue East)
  - c. Public use and residential support
  - d. Buffer adjacent to the Gardens Manufactured Home Park
2. 25 year floodplain
3. Roadway extension to Erie Road
  - a. Road Elevations
  - b. Drainage
4. Cattle Crossing Easement
5. Environmental
  - a. Wetlands, Slaughter Creek & Wade Canal
  - b. Hazardous material
  - c. Eagle's Nest
  - d. Management Plan for removing exotic species

Mr. Luppino reviewed Stipulations 3.B., 4.C., 4.J., 4.L., 4.M., 5.E., 8.F., 9.A.6, 10.E., and 10.F as requested by the Parrish Civic Association.

(Depart Ms. Brown)

Discussion: Language in River Club DRI stipulation to bring site plans back to the Board for a public hearing; interneighborhood tie to Ancient Oaks; re-evaluate Land Development Code provisions for interneighborhood ties; etc.

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

Mr. Luppino used a preliminary site plan from Ancient Oaks (approved 12/19/00) and a zoning map to point out the interneighborhood tie.

Discussion: Pedestrian movement from one neighborhood to another; are there wetlands in the area near the interneighborhood tie that would prevent an additional tie; what year in the Capital Improvement Program (CIP) is funding for construction listed; need a stipulation for aligning Fort Hamer Road and U.S. 301; what is the possibility of joining Fort Hamer with Moccasin Wallow Road; if the Fort Hamer and U.S. 301 design concepts by the Florida Department of Transportation were taken into consideration for possible future developments; changing zoning classification to PDR would have to be readvertised; cattle crossing easement; concurrency study on U.S. 301 concluded; etc.

Jerome Gostkowski, Planning Department, noted that inasmuch as the Fort Hamer Road Bridge is not in the first two years of the CIP, the applicant could not include it in the traffic model. He confirmed that one developer is obligated to install a right-turn lane and a signal when warranted at the Chin Road and U.S. 301 intersection. He stated U.S. 301 can support all the traffic of the recently approved developments but was uncertain regarding future development. He also advised that the language in the staff report that indicates "modify the alignment of Chin Road" should indicate that an additional thoroughfare would be extended.

Sia Mollanazar, Transportation Department, addressed the concerns regarding drainage easements for maintenance and confirmed he was involved with the writing of the drainage stipulations.

**Cliff Walters**, attorney for the applicant, stated the stipulations as presented in the staff report are acceptable.

**Tom McCollum**, representing the applicant, referred to a slide presentation to describe the project and submitted revised **Stipulations 8.F.** and **4.C.** He requested adding to **Stipulation 4.C.:**

"...with emphasis on minimizing traffic from 42nd Avenue East, through the use of such devices such as emergency vehicle gate, at the east end of 42nd Avenue East."

(Depart Mrs. Glass during presentation)

Mr. Luppino reviewed the sketch of 100th Avenue East as presented by the applicant.

Discussion: Can incorporate trees and signage; off-site improvements can be done on public roads but not private ones; no problem with incorporating Stipulation 8.F.; does staff recommend Stipulation 10.F.; County Attorney does not recommend that the Board accept Stipulation 10.F.; concerned with the lack of details and lot sizes; etc.

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

**Barry Nichol**, representing Beck Estates residents, submitted a petition regarding 100th Avenue East. **Ron Hall**, also of Beck Estates, concurred with the revised stipulations as proposed by the applicant and reviewed the sketch used by the applicant for Stipulation 4.C. Mr. Hall also addressed drainage and run-off.

Discussion: Will the new road parallel to 100th Avenue East be private or public; if the new road is extended to U.S. 301, 400 feet of separation is required between two accesses; traffic going through Beck Estates; vacate areas off 100th Avenue East; etc.

(Enter Mr. Harris during discussion)

**Susan Gardner**, Beck Estates resident, requested that 44th Street East, which is adjacent to her home, be blocked to prevent traffic in the area.

**Patricia Petruff**, representing the Parrish Civic Association, reviewed the following unresolved issues:

1. Lack of detail on the General Development Plan - She requested notice of the submittal of the preliminary site plan or when a public hearing would be held;
2. Harrison Ranch Boulevard to Erie Road - She noted the proposed road would be in the 25-year and 100-year floodplains; is the timing right to extend the road to Erie Road; the traffic study is inaccurate, and if the road is built to Erie Road that it be extended to Moccasin Wallow Road at the proper time;
3. Recontouring of the 25-year floodplain in Slaughter Creek area; and
4. **Stipulation 9.A.6.** - She requested the word "burn" be deleted to allow notification of residents within 1,000 feet of the site.

Discussion: The reason for not wanting Harrison Ranch Boulevard being connected to Erie Road; should be looked at as another emergency road; future school site; collector roads are entitled to impact fee credits and Harrison Ranch Boulevard is not designated as one; make sure the Harrison Ranch Boulevard and Erie Road intersection is safe; etc.

**Stephen Thompson**, representing Valrie Massey and Robert Mayhew, presented a copy of the Easement and Restrictive Covenant Agreement with John Falkner and noted two conditions and requirements: **(1)** construction of a berm along the entire western boundary of the secondary access road; and **(2)** a 30-foot easement across the proposed secondary road (cattle crossing). He stated that with this easement there could not be a legal dedication for a public right-of-way. He requested Specific Approval for the barbed wire fence.

(Mr. Bruce absent for portion of presentation)

Discussion: Berm would obstruct water flow; assemble a list of concerns and continue hearing; cannot approve item with the question of the cattle crossing and the dedicated easement; culvert to allow the crossing; the easement can be condemned; staff to analyze language needed for the 8-foot berm and drainage issues; etc.

**Debbie Massey** acknowledged concern with the cattle crossing being in the culvert and remarked that the infrastructure cannot handle more growth.

**Phil Massey** spoke of the lack of sidewalks on Erie Road.

Mr. Luppino submitted **Stipulation A.6.** from the River Club Park Commerce project regarding preliminary site plan approvals. He requested that amenities in the park, which were not included on the General Development Plan, be stipulated. He corrected **Stipulation 10**, in that the second 10.E. should be **10.F.** Mr. Luppino recommended using staff's **Stipulation 4.C.** for modifications and used the sketch of 100th Avenue East as revised by Mr. McClash to clarify changes. He explained the vacant lots adjacent to U.S. 301 are not eligible for commercial development.

Discussion: Should include Stipulation A.6 in the motion; need a revised sketch to include lot near Mrs. Gardner; in Stipulation 9.A.6. the word "burn" has to be included per the Environmental Management Department; does the School Board use a two-mile walking radius; etc.



Mr. Luppino used an aerial map to point out the radius from Erie Road to the Buffalo Creek school site and stated it is two miles.

Mr. Gostkowski used a map to point out Chin Road, a road that currently exists on the thoroughfare map, U.S. 301, Erie Road, Moccasin Wallow Road, the future Harrison Ranch Boulevard and the concept road for Fort Hamer Road Bridge.

Larry Mau, Transportation Director, reported that 60th Avenue East would be a parallel facility once staff has finished negotiating final alignment with the owners.

Discussion: Northern tie-in is Buckeye Road; Transportation Improvement Plan in reference to U.S. 301; project will not consume all the available capacity on U.S. 301; pace of development in the area affects the concurrency; will be looking for improvements within the next 1,000 units; reserved trips coming back online; nothing in the CIP until the year 2008; right-of-way without stormwater retention; developer gives a blanket drainage easement to allow staff to modify it in the future; retention pond stipulation; road elevations; continue public hearing to work out stipulations; etc.

Mr. Walters submitted two letters in support of the project. He agreed to present his rebuttal at the continued public hearing.

Ms. Clarke reviewed the concerns to be discussed before the continuation of the hearing.

While referencing several tables, Mr. McClash requested a comparison between the generalized tables and the detailed traffic analysis and a preview of why the level of service is deemed acceptable versus the generalized tables method.

**Motion - Carried**

Motion was made Mr. Bruce, seconded by Mr. Harris, and carried 7 to 0, to continue **PDMU-01-04(Z)(G)** to June 4, 2002, for a time certain at 10:00 a.m.

**Motion – Reconsider**

Motion was made by Mr. McClash, seconded by Mr. Bruce, and carried 7 to 0, to reconsider previous motion for a time certain at 10:00 a.m.

Discussion: Change time to later in the day.

**Motion – Carried**

Motion was made by Mrs. Glass, seconded by Mr. Bruce, and carried 7 to 0, to continue **PDMU-01-04(Z)(G)** to June 4, 2002, for a time certain at 1:30 p.m. [BC20020528DOC050](#)

Public hearing (continued from 4/23/02) was opened to consider

**LDA-01-03 HARRISON RANCH**

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.  
Planning Commission recommended APPROVAL.

Motion was made by Mr. Harris, seconded by Mrs. von Hahmann, and carried 7 to 0, to continue **LDA-01-03** to June 4, 2002, at 1:30 p.m. or as soon thereafter. [BC20020528DOC051](#)

**ORDINANCE 02-41 – SPEED LIMITS**

(Continued from earlier in the meeting)

Mr. Steinsnyder read language from Chapter 316.183, *Florida Statutes*, and confirmed that it supports either 25 or 20 mph.

**Motion – Church Road**

Motion was made by Ms. Brown, seconded by Mrs. von Hahmann, and carried 6 to 1, with Mr. McClash voting nay, to approve the speed limit on 26th Street West/Church Road (Palmetto) of 20 mph.

**Motion – Ordinance 02-41**

Motion was made by Mrs. von Hahmann, seconded by Mr. Harris, and carried 6 to 1, with Mr. McClash voting nay, to adopt Ordinance **02-41**. [BC20020528DOC047](#)

**LAND DEVELOPMENT CODE**

Public hearing (continued from 4/23/02) was held to consider

**ORDINANCE 02-22** (SECOND PUBLIC HEARING TO BE HELD 6/18/02 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.

Planning Commission recommended APPROVAL.

Motion was made by Mr. McClash and seconded by Mrs. Stein to delete density bonuses from the Ordinance.

Discussion: Need to change the policy because it allows for higher density than the zoning district; bonuses give the notion that affordable housing is substandard; bonuses encourage investment in affordable housing; higher density does not have to be approved; if the density bonus is not available there may be a tendency to ask for the other incentives; rental rates are not affordable; affordable housing is needed and removing the bonus may turn away those interested in building; State's definition of low, moderate and high income; etc.

Ms. Clarke stated no action is required on this item as this is the first of two public hearings.

Mr. Steinsnyder pointed out that Chapter 420.9076, *Florida Statutes*, sets the way incentives are adopted and withdrawn.

The motion was withdrawn.

[BC20020528DOC052](#)

**COMMISSIONERS' COMMENTS**

**Pre-Application Meeting**

Mrs. Stein stated that she attended her first pre-application meeting for an expansion at her church and was very impressed with staff's professionalism.

[BC20020528DOC053](#)

(Depart Mrs. Stein; Mr. Bruce presiding)

**Ridgewood Oaks Condominium Association – Recycling Program**

Mrs. Glass stated the Association is requesting exclusion from the \$1.97 per unit fee for the County's Multifamily Recycling Program because they have their own recycling program.

Discussion: Other mobile home parks have experienced the same issue; staff to visit the mobile home park; should be rewarding communities for taking the initiative; etc.

[BC20020528DOC054](#)

**23rd Street and 7th Avenue, Palmetto**

Ms. Brown noted that a boarded-up house is surrounded by construction of affordable housing, and requested staff review for a possible code violation on this property.

[BC20020528DOC053](#)

**Washington Park Area**

Ms. Brown stated properties owned by the County, which were obtained from sewer/water line installations in the Washington Park area, are not being maintained.

[BC20020528DOC053](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 3:54 p.m.  
/tb/klc/qa

Minutes Approved: July 23, 2003