

JULY 30, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, July 30, 2002, at 9:07 a.m.

Present were Commissioners:

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

Absent was Commissioner:

Gwendolyn Y. Brown (out of town)

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. William E. Gerhart, St. Philip's Anglican Church.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of July 30, 2002, and agenda update memorandum.

[BC20020730DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Bruce, seconded by Mrs. von Hahmann, 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 amended in the supplemental agenda, with the following change:

Street Numbering Waiver – The Reserve on Braden River (deferred).

[BC20020730DOC002](#)

Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20020730DOC003](#)

BILLS FOR PAYMENT

The Bradenton Herald – Unclaimed monies (period ending 12/31/00)

\$310.56

[BC20020730DOC004](#)

WARRANT LIST

Approved: July 23, 2002 through July 29, 2002

Authorized: July 30, 2002 through August 5, 2002

[BC20020730DOC005](#)

AUTHORIZE FEE WAIVERS (UTILITIES)

Waive Fee (\$25) for Estate of Lona C. Reid due to account closed.

[BC20020730DOC006](#)

Waive Fee (\$30) for Katherine A. Brooks due to a hold placed on account in error.

[BC20020730DOC007](#)

Waive Fee (\$30) for Steward D. Wagner due to bank error.

[BC20020730DOC008](#)

AUTHORIZE CHAIRMAN TO SIGN

Satisfaction of Judgment:

Nancy and Spencer Wiles – Case 95-1098JD

[BC20020730DOC009](#)

Telecommunications Tower – Pursuant to Section 704.59.3.12.6, Land Development Code, Irrevocable License to Enter Real Property and Remove Abandoned Telecommunications Tower with Owner/Operator of Telecommunications Facility and Owner/Lessor of Real Property - PLS Properties/ACME Ft. Green tower site (SP-01-09).

[BC20020730DOC010](#)

ACCEPT

Fuel Tank – Water Treatment Plant – Contract executed by the Purchasing Director with Fueling Components, Inc., with attached Certificate of Liability Insurance \$94,567; (authorized by Resolution R-01-36, Section 3.B.(3) and delegated 2/13/01).

[BC20020730DOC011](#)

COUNTY ADMINISTRATOR

MARINE TURTLE NESTING ACTIVITY

Acceptance of Amendment 1 to agreement (4/24/01) with Anna Maria Island Turtle Watch, Inc., for monitoring marine turtle nesting activity in conjunction with the Anna Maria Island Beach Renourishment Project, \$29,702.

[BC20020730DOC012](#)

PHOSPHATE MINING APPLICATIONS

Authorize publication of notices and scheduling of public hearings to consider a proposed moratorium ordinance relating to phosphate mining applications.

[BC20020730DOC013](#)

BUDGET AMENDMENT

Various B-02-34

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

[BC20020730DOC014](#)

UTILITIES REFUNDS/FEE WAIVERS

1. Waive service fee assessed to Gene Cloud, Sr., (\$30) for returned bank item.

[BC20020730DOC015](#)

2. Refund \$117.52, minus any current billings, to George Delara, due to keying error on bank draft.

[BC20020730DOC016](#)

CREDIT AUTHORIZATIONS

1. **WIN III, LTD./Paradise Development Group, Inc.** - Execution of Credit Authorization CA-02-03(T) **and** Final Authorization of Transportation Credit for eligible road construction cost of east bound, right-turn lane off U.S. 301 in Ellenton, \$45,910. [BC20020730DOC017](#)
2. **Covered Bridge Development Corporation** – Execution of Credit Authorization CA-99-05(T) **and** Final Authorization of Transportation Credit for eligible right-of-way dedication on 60th Avenue East, north of Mendoza Road, \$93,420. [BC20020730DOC018](#)

FINAL PLATS

Sierra

1. Final Plat; and
2. Notice to Buyers. [BC20020730DOC019](#)

Woodridge Oaks

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from First National Bank of Florida d/b/a West Coast Guaranty Bank;
3. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Coastal Banc ssb;
4. Agreement with Manatee Ventures, Inc., guaranteeing completion of required improvements, \$837,875.35;
5. Performance Bond: \$837,875.35 (Letter of Credit 1212, First National Bank of Florida d/b/a West Coast Guaranty Bank);
6. Agreement with Manatee Ventures, Inc., guaranteeing completion of required sidewalks and bikeways, \$26,404.56;
7. Performance Bond: \$26,404.56 (Letter of Credit 1211, First National Bank of Florida d/b/a West Coast Guaranty Bank);
8. Required Improvements Agreement and Temporary Construction Easement for Private Improvements with Manatee Ventures, Inc., \$178,253.86;
9. Performance Bond: \$178,253.86 (Letter of Credit 1210, First National Bank of Florida d/b/a West Coast Guaranty Bank); and
10. Declaration of Maintenance and Land Use Provisions of Woodridge Oaks. [BC20020730DOC020](#)

FLORIDA PLANNING AND ZONING ASSOCIATION MEMBERSHIP

Payment for membership in the Florida Planning and Zoning Association (FPZA) for the seven Manatee County Planning Commission members, \$240. [BC20020730DOC021](#)

HEARING OFFICER

Execution of Extension of Agreement with Susan Hartmann Swartz to serve as Manatee County Hearing Officer for a one-year term ending July 11, 2003. [BC20020730DOC022](#)

2002 NEIGHBORHOOD ENHANCEMENT GRANTS

Accept the County Review Committee recommendations for grant funding (35 applications received; one application withdrawn; 32 of 34 applications recommended for some level of funding), totaling \$56,470. [BC20020730DOC023](#)

STREET NUMBERING WAIVER – HARRISON RANCH

Approval of request by the developer of Harrison Ranch PDR-01-12(Z)(P) for a waiver of the street numbering requirement to allow only the main entrance road to be named "Harrison Ranch Boulevard" as a means of identifying the subdivision. [BC20020730DOC024](#)

PARTICIPATION PROJECTS

Set a second public hearing on August 27, 2002, at 9:00 a.m., or as soon thereafter as possible, for Canal Dredging Assessment Project 6038701 in **Manalee Subdivision**, Canal Dredging Assessment Project 6009900 in **McLewis Bayou**, and Road Assessment Project 6030860 and Sewer Assessment Project 6030880 on **84th Street Northwest**. [BC20020730DOC025](#)

60TH AVENUE EAST – WATERBURY GRAPEFRUIT TRACTS

1. Accept Right-of-Way Easements and Affidavits of Ownership and Encumbrances for road maintenance from:
 - a. Aaron L. Mattes (Parcel 1);
 - b. Wendell and Dorothy C. Sandhoff (Parcel 2);
 - c. Michael and Suzanne Amey (Parcel 3), along with a Joinder from First Nationwide Mortgage Corporation;
 - d. Scott K. and Danielle M. Lindauer (Parcel 4), along with a Joinder from Cenlar;
 - e. Thomas E. McTigue and Antoinette F. Flanagan (Parcel 5), along with a Subordination Agreement from First South Bank;
2. Accept Quit Claim Deeds and Affidavits of Ownership and Encumbrances from:
 - a. Dakin Dairy Farm (Parcel 6);
 - b. Larry A. and Lisa M. Revell (Parcel 217-3), along with a Joinder from Suncoast Schools Federal Credit Union;
 - c. Jon Dobbs (Parcel 217-5), along with a Joinder from Manatee River Community Bank;
 - d. Narumon C. Dobbs (Parcel 217-5);
 - e. Chuck Butler (Parcel 217-8); and
 - f. Ronald F. Tribe (Parcel 217-9), along with a Joinder from Manatee River Community Bank.
3. Accept \$4,000 as the residents' fair cost reimbursement for completing the road upgrade. [BC20020730DOC026](#)

LAKE BRENDAN DREDGING

Execution of a (new) Temporary Construction Easement from Howard P. Horton for a temporary spoil site for dredging Lake Brendan on Bowlees Creek, with additional language. [BC20020730DOC027](#)

(End Consent Agenda)

FEE WAIVER – MIDWAY CHURCH OF CHRIST

J.B. Randall, Midway Church of Christ, requested a fee waiver to pave a small section of what is now grass and shell in the parking lot to create 18 parking spaces. He confirmed the issue is time sensitive because the church is a polling site for the elections on September 10, 2002.

Carol Clarke, Planning Director, advised that Mr. Randall requested a fee waiver for the off-street parking plan.

Following discussion, a motion was made by Mr. McClash, seconded by Mr. Harris, and carried 6 to 0, to instruct staff to bring back the item in a timely manner.

Later in the meeting Ms. Clarke noted the church previously applied for a Special Permit (approved 7/14/83) and had submitted a site plan that proposed paving the lot for additional parking spaces; therefore, no off-street parking plan is necessary. [BC20020730DOC028](#)

SARASOTA BAY

Sue Maddox, Cortez resident, addressed the lack of access to Sarasota Bay due to public rights-of-ways being blocked, or encroachments thereon.

Mrs. von Hahmann stated her correspondence on this issue was available for review.

Discussion: Place on the August 27, 2002 agenda; map of all the rights-of-ways, etc. [BC20020730DOC029](#)

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. [BC20020730DOC029](#)

ORDINANCE 02-50 - PALM AIRE MUNICIPAL SERVICES TAXING UNIT

Public hearing (Notice in the *Bradenton Herald* 7/20/02) was held to consider

ORDINANCE 02-50

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, AMENDING AND RESTATING ORDINANCE 91-59, WHICH CREATED A MUNICIPAL SERVICE TAXING UNIT KNOWN AS THE PALM AIRE MSTU; CHANGING THE BOUNDARIES OF THE MSTU; AMENDING THE DESCRIPTION OF THE SERVICES AND FACILITIES TO BE PROVIDED WITHIN THE MSTU TO INCLUDE REPLACING AND ENHANCING THE LANDSCAPING; CHANGING THE REQUIREMENT FOR AN ADVISORY BOARD FROM MANDATORY TO PERMISSIVE; AND PROVIDING AN EFFECTIVE DATE.

David Rothfuss, Assistant County Administrator, reviewed the agenda memorandum.

Speaking in favor of the Ordinance were **Herbert Quinn**, Conservatory Estates Homeowners' Association; **Jim Lehmann**, Palm Aire Country Club and the Foxpoint Homeowners' Association; and **Ralph Eiffert**, Palm Aire Communities Council, Inc.

Andy Anderson requested the Ordinance be deferred for discussion on payments, densities, and the lack of irrigation.

Motion was made by Mr. Bruce, seconded by Mr. McClash, and carried 6 to 0, to adopt Ordinance **02-50**. [BC20020730DOC030](#)

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/19/02) was held to consider

PDC-00-11(G)(R) UNIVERSITY PARK CENTER

Request: Amend Stipulation 14 of the University Park Center Zoning Ordinance to change the timing for required transportation improvements on 34.52 acres located north of University Parkway on both sides of Honore Avenue.

(Depart Mr. McClash)

Norm Luppino, Planning Department, displayed a site plan to point out the four intersections affected by the amendment to Stipulation 14, which would change timing for transportation improvements.

Discussion: Have traffic studies or traffic counts been reviewed in relation to the outparcels adjacent to Honore Avenue and University Parkway; impacts of the outparcels do not warrant the improvements until the shopping center is completed; etc.

Tom McCollum, representing the applicant, explained that usually outparcels are developed last; however, due to changes in the economy the two outparcels are proposed to be developed first.

(Enter Mr. McClash)

Patricia Petruff, representing University Park Community Association, requested denial of the amendments to Stipulation 14. She noted that another application is being reviewed which would change the remainder of the project. She reported ownership of the parcel has changed and staff is questioning if the parcels should be aggregated with the Cooper Creek project as a consolidated DRI.

Discussion: Status of the amended application; can the Board review this request at the time of the amended application; address all issues of the entire project with the new site plan; outparcels have contracts pending; etc.

Stephen Banks, local resident, commented on the trends of the retail industry.

Mr. Luppino reported two of the outparcels (a bank and a drugstore) are pending final site approval.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be **INCONSISTENT** with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to DENY the revised Zoning Ordinance **PDC-00-11(G)(R)**. The motion was seconded by Mr. Harris, and carried 6 to 0.

[BC20020730DOC031](#)

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

PUBLIC HEARINGS – CONSENT AGENDA

CYPRESS BANKS/DRI 17

Public hearings (Notices in the *Bradenton Herald* 3/29/02 and *Sarasota Herald-Tribune* 3/30/02) were opened to consider

Z-86-30(R10) SCHROEDER-MANATEE RANCH, INC./CYPRESS BANKS

(CONTINUED TO A DATE UNCERTAIN; TO BE READVERTISED)

Request: Revised General Development Plan and Zoning Ordinance to:

1. Add 61.2 acres to this DRI from the University Lakes DRI located directly south of this project;
2. Eliminate an east/west connector roadway from the internal roadway network;
3. Increase the residential acreage by 20.8 acres with no additional entitlements;
4. Increase the open space by 18.9 acres;
5. Increase the recreational acreage by 36.6 acres;
6. Decrease the right-of-way and easement acreage by 15.1 acres; and
7. Amend the General Development Plan and legal description to reflect the above changes;

on 2,226.1 acres located on the south side of S.R. 70, two miles east of I-75, more specifically, between River Club and Lorraine Road.

[BC20020730DOC032](#)

and

ORDINANCE 02-34/DRI 17 SCHROEDER-MANATEE RANCH, INC./

CYPRESS BANKS NOPC (CONTINUED TO A DATE UNCERTAIN; TO BE READVERTISED)

Request: Determination of whether the following changes constitute a Substantial Deviation to the Cypress Banks Development of Regional Impact Development Order:

1. Add 61.2 acres to this DRI from the University Lakes DRI located directly south of this project;
2. Modify the internal roadway network to eliminate an east/west connector roadway and convert this acreage to open space and recreation;
3. Increase residential acreage by 20.8 acres with no additional entitlements;
4. Increase open space by 18.9 acres;
5. Increase in recreational acreage by 36.6 acres;
6. Decrease the right-of-way and easement acreage by 15.1 acres; and
7. Amend Map H and the legal description to reflect the above referenced changes;

on 2,226.1 acres located on the south side of S.R. 70, two miles east of I-75, more specifically between River Club and Lorraine Road.

[BC20020730DOC033](#)

(Enter Mr. McClash and Mrs. Glass)

COMMUNITY DEVELOPMENT DISTRICT - HERITAGE HARBOUR MARKET PLACE

Public hearing (continued from 5/28/02) was opened to consider

ORDINANCE 02-28 (fka ORDINANCE 01-62) (CONTINUED TO 8/27/02 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.

[BC20020730DOC034](#)

LAND DEVELOPMENT CODE

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/19/02) was held to consider

ORDINANCE 02-45 (SECOND PUBLIC HEARING ON 8/27/02)

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); PROVIDING FOR AMENDMENT TO THE REQUIREMENTS AND PROCEDURES FOR OBTAINING FLOODPLAIN VARIANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

[BC20020730DOC035](#)

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/12/02) was held to consider

ORDINANCE 02-04

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

(PA-02-04 – Text Amendment)

Planning Commission recommended TRANSMITTAL.

[BC20020730DOC036](#)

(Court Reporter, Mary Frances Shultz, was present)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/12/02) was held to consider

ORDINANCE 02-13

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AN APPROVAL OF AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN FROM **AG/R** TO **P/SP(1)** FOR A SITE GENERALLY LOCATED NORTH OF STATE ROAD 62, NORTH TO THE COUNTY LINE, AND EAST OF SAFFOLD ROAD; INCLUSIVE OF THE EXISTING FLORIDA POWER AND LIGHT POWER PLANT, THE COOLING POND AND SURROUNDING PROPERTY (7,036 ACRES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-02-13 – Property Owner: **Florida Power and Light**)

Planning Commission recommended TRANSMITTAL.

Discussion: Add that Ordinance is for an electrical generation facility, etc.

[BC20020730DOC037](#)

Mrs. Glass 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, with the deletion of: **(1) PDC-00-11(G)(R) – University Park Center** (heard earlier in the meeting); **(2) Plan Amendment 02-08 (Ordinance 02-08)**; and **(3) Plan Amendment 02-06 (Ordinance 02-06)**. The motion was seconded by Mrs. von Hahmann and carried 6 to 0.

(End Public Hearings - Consent Agenda)

COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/12/02) was held to consider

ORDINANCE 02-06

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP (MAP 27) FROM **IL** TO **IH** FOR CERTAIN LAND LOCATED WITHIN THE 4300 BLOCK ON THE WEST SIDE OF LAKEWOOD RANCH BOULEVARD, GENERALLY SOUTHEAST OF THE MANATEE COUNTY LENA ROAD LANDFILL AND THE SOUTHEAST WASTEWATER TREATMENT PLANT, CONSISTING OF 27.5 ACRES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-02-06 – Property Owner: **Schroeder-Manatee Ranch, Inc.**)

Planning Commission recommended TRANSMITTAL.

Wilhelmina McFee, representing Braden Woods area residents, reviewed a letter of concerns.

Discussion: Residential area near site; Lakewood Ranch High School near site; types of traffic on the roads; etc.

Leon Kotecki, Planning Department, referenced an aerial map to highlight the site. He addressed the noise and air pollution concerns vis-à-vis Chapter 723 of the Land Development Code.

Discussion: Stipulation to limit uses in IH; industrial performance standards; adverse impact standards apply in the Heavy Manufacturing zoning district; heavy truck impact on the road; is there a proposal for a school site between State Road 70 and State Road 64; etc.

Rex Jensen, representing SMR, Inc., displayed an acreage map and explained that the desired location for the asphalt plant is near the landfill.

Discussion: Need a traffic analysis for trip generation; trips for IL versus IH; current facility is near the Evers Reservoir but the proposed one will be outside of it; etc.

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. Bruce moved to TRANSMIT Manatee County Plan Amendment 02-06 (**Ordinance 02-06**). The motion was seconded by Mrs. Glass and carried 6 to 0.

[BC20020730DOC038](#)

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/19/02) was held to consider

PDR-00-19(P) JIM HUBER/TERRA GRANDE

Request: Preliminary Site Plan to allow 47 lots for single-family detached residences on 162.9 acres located on the north side of I-275 and at the western terminus of Stotz Road, 1,000 feet west of the intersection of Center Road and Stotz Road.

Planning Commission recommended DENIAL.

Misty Servia, Planning Department, referred to a zoning map to describe the request and noted the applicant owns lots platted through the wetlands to Joe Bay. While reviewing a slide presentation, Ms. Servia reported there are no development rights for the property and the Florida Department of Transportation (FDOT) would not permit the emergency access from the cul-de-sac to Interstate 275.

Recess/Reconvene. All members present except Mr. Harris and Ms. Brown.

Marla Hough, representing the applicant, noted that this project has a lower net and gross density than the Snead Island Estates projects. She stated Specific Approval has been requested to exceed the 800-foot cul-de-sac length. Ms. Hough explained the noise and evacuation studies are not required until the final site plan according to comments by staff (dated 1/7/02). She submitted a letter from the North River Fire District, which stated no objection to the proposal.

While displaying velocity zone map, Ms. Hough stated that only one access is required for a development with less than 100 units and all lots would lie outside of the velocity zones. She presented Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) 186, 178, and 179 to identify the contour lines of Snead Island and the proposed project. She reviewed the Coastal Barrier Resource Area (COBRA) characteristics sheet and concluded by stating the Land Development Code and the Comprehensive Plan do not prohibit building in COBRA zones.

(Enter Mr. Harris during presentation)

Discussion: Board previously approved the project with the COBRA designation; vested rights; difference between FEMA maps for Terra Grande and Snead Island; if FEMA is not willing to state there is an error in the maps, how does the Board's decision correct the error; etc.

Mrs. Glass stated that a denial vote would not be related to a disagreement with Mr. Huber's representation and requested this statement be included in the motion.

Ms. Servia explained the County did not establish the COBRA designation before 1990 and both of the Snead Island Estates projects did not place any units in a COBRA zone. No permits have been issued for new construction or substantial improvements in a COBRA zone since November 16, 1990.

William Henry, Chief Assistant County Attorney, stated in his memorandum (6/27/02) he addressed the issue of whether this project could affect the flood insurance rating system for the County and in his conclusion, the floodplain management program could be found deficient if the project is approved.

Discussion: Can the FEMA map and plan be submitted for review by FEMA before a decision is made; applicant should have submitted the plan to FEMA prior to this; etc.

George Devenport, Building Official, explained the COBRA lines were not known until July 1992 when the current FIRM panels were developed. He acknowledged the U.S. Fish and Wildlife Service established the COBRA designation to preserve homes, life, and wildlife.

Stephen Simpson, Emergency Management, supported the recommendation for denial.

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 INCONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mr. McClash moved to DENY Preliminary Site Plan PDR-00-19(P), as recommended by the Planning Commission with the statement as requested Mrs. Glass. The motion was seconded by Mrs. von Hahmann and carried 6 to 0. [BC20020730DOC039](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/19/02) was held to consider

PDMU-02-02(P) COLONIAL REALTY LIMITED PARTNERSHIP

Request: Preliminary Site Plan to allow 300 multi-family dwelling units and 32,671 square feet of professional office in Phases II and IV of the Colonial project on 222.5 acres (total project) located on the east side of I-75, south of the Braden River, west of River Club, off of Town Center Parkway; Phases II and IV are located on 138 acres on the east side of I-75, north and west of the terminus of Town Center Parkway.

Planning Commission recommended APPROVAL with 32 Stipulations; and GRANTING Special Approval for: **(1)** a project located in the Watershed Protection-Evers Overlay; **(2)** a project located in the Entranceway; **(3)** for proposed net density greater than one dwelling unit per acre in the RES-1 Future Land Use Category; **(4)** a project partially located in the MU Future Land Use Category; and **(5)** a project adjacent to a perennial stream.

Misty Servia, Planning Department, submitted correspondence, and utilized a zoning map and slide presentation to describe the request.

(Mrs. Glass absent for portion of presentation)

Caleb Grimes, representing the applicant, used an aerial map and onsite preservation map to describe the site and the project. He reviewed the following concerns: **(1)** interneighborhood tie; **(2)** 100-foot buffer; **(3)** buffer area plantings; and **(4)** noise (submitted revised **Stipulation 5** and a noise study).

John Foster, **Tracy Baker**, and **Mary Sheppard** presented concerns with buffers, noise, density, and affects on the Evers Reservoir.

Robert Pederson, Planning Department, stated that elevations would be measured from the grade where the landscape materials were planted, which is on the west side of the buffer.

Discussion: Paved parking; how often are the buffers being examined; what happens if they do not meet the projected growth rate; Code Enforcement issue; landscape architect verify visits every six months; bonds; etc.

Mr. Pederson submitted a response letter from the **City of Bradenton** to staff.

Mr. Grimes presented a resume of **Christina Nance**.

Christina Nance, landscape architect with Dix.Nance, Inc. displayed a buffer cross-section sketch and addressed the buffer height growth.

Mr. Steinsnyder read additional language for **Stipulation 5**:

...greatest extent possible and that additional plantings to achieve the height requirement will be along the west side of the buffer and not throughout the buffer. Landscaping shall be guaranteed for 10% of the cost of the mature landscape buffer. The applicant shall submit certification by a landscape architect to the Environmental Management Department and the Planning Department at six-month intervals stating that the buffer is on schedule to meet this stipulation. Pruning of this area...to approval of any Final site Plan for Phases II or IV.

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 **PDMU-02-02(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1 through 32 (Stipulation 5 as amended by staff); and GRANT Special Approval for: **(1)** a project located in the Watershed Protection-Evers Overlay; **(2)** for a project located in the Entranceway; **(3)** for proposed net density greater than one dwelling unit per acre in the RES-1 Future Land Use Category; **(4)** for a project partially located in the MU Future Land Use Category; and **(5)** for a project adjacent to a perennial stream, as recommended by the Planning Commission. The motion was seconded by Mr. Bruce and carried 6 to 0. [BC20020730DOC040](#)

Recess/Reconvene. All members present except Ms. Brown, Mr. McClash, and Mrs. Stein.

(Mr. Bruce presiding)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/19/02) was held to consider

PDR-01-13(Z)(G) MCCLURE PROPERTIES, INC./STONEBRIAR

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 CONSISTING OF 6.89 ACRES FROM **A-1/WP-E/ST** TO **PDR/WP-E/ST** RETAINING THE WP-E AND ST OVERLAY DISTRICTS; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A GENERAL DEVELOPMENT PLAN ON 248.74 ACRES TO ALLOW 720 RESIDENTIAL LOTS (585-595 SINGLE-FAMILY DETACHED RESIDENCES, 125-135 SINGLE-FAMILY DETACHED RESIDENCES ON "ZIPPER LOTS" WITH ZERO-FOOT, SIDE-YARD SETBACKS), AND A RECREATIONAL AREA; THE REZONE PARCEL IS ON THE SOUTH SIDE OF THE FUTURE EXTENSION OF 63RD AVENUE EAST (HONORE AVENUE), 618 FEET WEST OF LOCKWOOD RIDGE ROAD; THE OVERALL PROJECT IS LOCATED SOUTH OF 63RD AVENUE EAST (HONORE AVENUE) EXTENSION, WEST OF LOCKWOOD RIDGE ROAD, NORTH OF WHITFIELD AVENUE EXTENSION, AND EAST OF PROSPECT ROAD.

Planning Commission recommended APPROVAL with 7 Stipulations;

ADOPTION of the Findings for Specific Approval;

GRANTING Specific Approval of Section 722.2.3.2.; and

GRANTING Special Approval for a project partially located within the Coastal Planning Area and the Evers Watershed Overlay District.

(Enter Mr. McClash)

Norm Luppino, Planning Department, submitted modified stipulations and displayed a zoning map to show thoroughfare roadways (future extension of Honore Avenue, Lockwood Ridge Road, future extension of Whitfield Avenue, future extension of Tuttle Avenue/39th Avenue and Prospect Road), and the surrounding land classifications. While displaying a revised site plan and two "zipper lot" maps, he pointed out the two eagles nests, outlined the four neighborhoods (referred to as pods), and described the "zipper lot" concept.

(Enter Mrs. Stein, presiding)

Mr. Luppino reviewed the following issues: **(1)** small lot sizes; **(2)** small setbacks; **(3)** compatibility with commercial parcel; **(4)** park locations; **(5)** rigid project design; and **(6)** impacts of adjacent roadways. He presented another site plan to explain alternatives for the Whitfield Avenue extension.

Tom McCollum, representing SouthStar Development Partners, Inc., contract purchasers, noted the "zipper lots" would be similar to town homes. While utilizing a lot line map, he requested the space between the clusters of town homes be 50 feet instead of 30 feet.

Caleb Grimes, also representing SouthStar Development Partners, Inc., submitted revised stipulations; a listing of developments with smaller front, side, and rear setbacks; and requested the deletion of Stipulation 4.E.

Discussion: Emergency access points at the cul-de-sacs; eight-foot wall near commercial parcel; is the land southeast of the project owned by the applicant; disclosure of commercial rezone; 63rd Avenue East easement; policy needed for road dedications to be reviewed by the County Attorney's office; consensus to **delete Stipulation 4.E.** as requested; etc.

(Mrs. Glass absent for portion of discussion)

Bob Conn, Gardenpatch Produce Market, requested the road in Pod "D" remain open to the public until the Whitfield Avenue extension is completed.

Mr. Luppino read modifications to **Stipulation 7.A.**: The Notice of Buyer recorded with all Final Subdivision Plats shall include a notice and a map to inform homeowners of the presence of 5 major thoroughfares that exist or will be constructed in the future, including the future extension of Tuttle Avenue to the south with the existing Tuttle Avenue in The Trails subdivision; and suggested language for a **new Stipulation 4.E.**: Streets in Pod "D" shall remain open to the public until Whitfield Avenue is complete and open to the public.

Mr. Steinsnyder read suggested language for **Stipulation 4.E.**:

A roadway connection through Pod "D" will remain open to the public from Prospect Road to Tuttle Avenue until Whitfield Avenue from Prospect Road to Tuttle Avenue is open to vehicular access.

Discussion: Space between buildings; wall around entire development; height of landscape buffer; reducing the staggered rows of canopy trees; etc.

Mr. Steinsnyder read the following amended Stipulations:

- 2.A.** Prior to each Final ~~site plan~~ Plat approval, a ~~six-foot high~~ finished decorative wall of concrete, concrete block, or Styrofoam with stucco finish for concrete block wall (or a wall or barrier of a material with similar for noise reduction properties) shall be provided or ~~bonded~~ guaranteed by performance security.
- 2.A.(1)** Along all existing or future major thoroughfare roadways, except Prospect Road and Whitfield Avenue in Pod "D" at six feet in height.
- 2.A.(2)** In Pods "A-1" and "A-2," where lots abut Woodridge Oaks at six feet in height.
- 2.A.(3)** In Pod "C," adjacent to the future pending commercial site at the corner of Lockwood Ridge Road and 63rd Avenue East (Honore Avenue) at eight feet in height.
- 2.B.** A ~~30~~ 15-foot wide landscape buffer shall be provided...and 63rd Avenue East (Honore Avenue).
This buffer shall be planted with two staggered rows of canopy trees (3" caliper, 12' in height and 4' spread) with trees in each row ~~40~~ 30 feet on center and installed or ~~bonded~~ guaranteed by performance security prior to Final Plat approval.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bruce moved to ADOPT Manatee County Zoning Ordinance **PDR-01-13(Z)(G)**; APPROVAL of the General Development Plan with Stipulations 1 through 7 (2.A. and 2.B. as revised, 4.E. as read by the County Attorney, and 7.A. as revised by staff); ADOPTING the Findings for Specific Approval; GRANTING Specific Approval for an alternative to Section 722.3.2 of the Land Development Code to complete Whitfield Avenue and the recreation facility; and GRANTING Special Approval to a project partially located within the Coastal Planning Area and the Evers Watershed Overlay District, as recommended by the Planning Commission. The motion was seconded by Mr. Harris and carried 6 to 0.

(Court Reporter, Mary Frances Shultz, was present)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/19/02) was held to consider

PDPI-02-06(Z)(P) FLORIDA POWER AND LIGHT PARRISH FACILITY

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** TO **PDPI**; PROVIDING AN EFFECTIVE DATE; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 1,100-MEGAWATT GAS-FIRED COMBINED-CYCLE POWER PLANT; ON 72.75 ACRES LOCATED AT 19050 S.R. 62, PARRISH.

Planning Commission recommended ADOPTION with 14 Stipulations; and GRANTING Special Approval for a project adjacent to a perennial stream.

Laurie Suess, Planning Department, while utilizing a zoning map, an aerial map, and a site plan, described the request and the location. She confirmed a mapping and Future Land Use Map error which will be corrected by Plan Amendment 02-13 (**Ordinance 02-13**). The plant expansion falls under the Power Plant Siting Act application because it exceeds 75 MGW of steam generating capacity. She explained the applicant has an agreement with the Southwest Florida Water Management District to allow drawdowns from the Little Manatee River up to 10 percent of the total flow above a certain level. She displayed a landscape plan and stated the highest stack height (up to 10 stacks) would be 150 feet versus the existing 499 feet of Units 1 and 2. Ms. Suess noted the applicant has submitted noise, vibration, and other environmental studies for review by staff.

Stephen Thompson, representing Florida Power and Light (FP&L), presented additional **Stipulations 15, 16, and 17**; a presentation booklet; and resumes of **Paul Plotkin, Analee Mayes, and Kennard Kosky**.

Paul Plotkin, Plant General Manager of the FP&L Manatee Power Plant, gave an overview of the project.

Discussion: Combined versus Simple cycles; simple cycle used when combined cycle is out of service; lower emissions; overall emissions in relation to net increase; project is based on demand; request a stipulation stating Unit 3 will have lower emissions; annual report; Table 3.4-1; Public Service Commission (PSC) and Florida Department of Environmental Protection (FDEP); nitrous oxide emissions; etc.

Analee Mayes, Planner with Consensus Builders, Inc., stated the project meets County standards; and **Kennard Kosky**, Golder Associates, was available to answer questions.

(Mrs. von Hahmann absent for portion of presentation; depart Mr. Bruce)

Joan Hodges and **Ed Vehling**, area residents, spoke in favor of the project.

(Enter Mr. Bruce)

Mr. Plotkin offered language for **Stipulation 18**:

Florida Power and Light shall submit an annual report to Manatee County reporting on the dispatch history of the past year of Manatee Unit 3, other similar combined cycle units operated by FP&L, and FP&L's existing Manatee Units 1 and 2. Upon request of the Board of County Commissioners (BCC), FP&L shall make a presentation to the BCC on its annual report.

Randall LaBauve, Vice-President of Environmental Services, stated it is the goal of FP&L to reduce total emissions from the site and it is possible to include in the report the same data that will be provided to the FDEP and PSC.

Ms. Clarke read alternative language for **Stipulation 18**:

The report shall demonstrate compliance with Stipulation 16 and shall explain instances where Unit 3 is dispatched after Units 1 and 2.

Following discussion, Mr. Plotkin read additional language for **Stipulation 18**:

In addition, the report shall also include annual emissions under Stipulation 16 and explain any instances where Units 1 and 2 were dispatched ahead of Unit 3.

The public hearing was continued to later in the meeting.

[BC20020730DOC042](#)

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/12/02) was held to consider

ORDINANCE 02-08

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AN AMENDMENT TO THE TRAFFIC CIRCULATION SUB-ELEMENT, PROVIDING FOR AN UPDATE OF THE TRAFFIC CIRCULATION MAP SERIES AND TABLE 5-1; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (COUNTY-WIDE).

(**PA-02-08** – Traffic Circulation Sub-Element)

Planning Commission recommended TRANSMITTAL.

Discussion: Harrison Ranch Boulevard added to Right-of-Way needs; impact fees; would like to withhold item for discussion with the public; recognize the need; is it time sensitive, etc.

Jerome Gostkowski, Planning Department, submitted a page of stipulations and used a General Development Plan of **PDMU-01-04(Z)(G)** Harrison Ranch (approved 5/28/02) to point out Harrison Ranch Boulevard.

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. McClash moved to TRANSMIT Manatee County Plan Amendment 02-08 (**Ordinance 02-08**) with the deletion of Harrison Ranch Boulevard. The motion was seconded by Mrs. Glass and carried 6 to 0. [BC20020730DOC043](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/12/02) was held to consider

ORDINANCE 02-10

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR A TEXT AMENDMENT TO ESTABLISH THE **PEACE RIVER WATERSHED** WITHIN MANATEE COUNTY AS A WATERSHED OVERLAY DISTRICT AND MODIFICATIONS RELATED TO PHOSPHATE MINING; ESTABLISHING ACCEPTED SOURCE FOR PERENNIAL STREAM; UPDATING DEPARTMENTAL NAMES AND REFERENCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(**PA-02-10** – Text Amendment)

Planning Commission recommended TRANSMITTAL.

Patricia Petruff, representing IMC Phosphates, requested changes to the following policies:

Policy 2.2.2.2.5(d) - "watersheds of" be added before Lake Manatee and the deletion of "watersheds" following Peace River;

Policy 3.2.1.3 – Delete "By 1998";

Policy 3.2.1.6 – Delete "and the Peace River watershed"; and

Policy 3.2.1.10 – Delete "By 1998"

Based upon the evidence presented, comments made at the public hearing, upon the technical support documents, 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. McClash moved to TRANSMIT Manatee County Plan Amendment 02-10 (**Ordinance 02-10**) as amended (by Ms. Petruff). The motion was seconded by Mrs. Glass and carried 6 to 0. [BC20020730DOC044](#)

ZONING

PDPI-02-06(Z)(P) FLORIDA POWER AND LIGHT PARRISH FACILITY (Continued)

Mr. Plotkin read language for **Stipulation 18**:

Florida Power and Light shall submit an annual report by April 15 to Manatee County reporting on the economic dispatch history of the past year of Manatee Unit 3, other similar combined cycle units operated by FP&L and FP&L's existing Manatee Units 1 and 2. Upon request of the Board of County Commissioners (BCC), FP&L shall make a presentation to the BCC on its annual report. The report shall also include an annual emissions comparison demonstrating what would have occurred without Unit 3 generating assuming Manatee Units 1 and 2 supplied the same megawatt hours.

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 **PDPI-02-06(Z)(P)**; APPROVAL of the Preliminary Site Plan with Stipulations 1 through 18 (15 through 17 as submitted by the applicant and 18 as read by the applicant); and GRANT Special Approval for a project adjacent to a perennial stream, as recommended by the Planning Commission. The motion was seconded by Mrs. von Hahmann and carried 6 to 0. [BC20020730DOC042](#)

COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 7/12/02) was held to consider

ORDINANCE 02-09

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR AN AMENDMENT TO INCLUDE THE PORTION OF THE **PEACE RIVER WATERSHED** LOCATED IN MANATEE COUNTY WITHIN THE WATERSHED OVERLAY DISTRICT, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(**PA-02-09** – Overlay Map Amendment)

Planning Commission recommended TRANSMITTAL.

Based upon the evidence presented, comments made at the public hearing, upon the technical support documents, 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. Bruce moved to TRANSMIT Manatee County Plan Amendment 02-09 (**Ordinance 02-09**). The motion was seconded by Mr. Harris and carried 6 to 0. [BC20020730DOC045](#)

(Depart Mr. McClash)

COMMISSIONERS' COMMENTS

Adult Entertainment

Mr. Bruce explained he has concerns regarding an adult entertainment establishment, Golden Cabaret, applying for a permit to operate at the former Steak and Ale location (on Cortez Road). He questioned how it could meet the requirements for nude dancing considering the County's restrictive ordinance. He also stated concern for the whole Cortez Road and U.S. 41 corridor being inundated with adult entertainment establishments.

(Enter Mr. McClash)

Discussion: Property values; applying for a Special Permit for alcohol consumption through the Hearing Officer; have the County Attorney provide the Board with its options; temporary moratorium; prosecution tools; vice squad; separation requirement between the performance area and the patrons; discussion with Polk County officials as to enforcement; in need of legislation, enforcement, and prosecution; etc.

Mr. Steinsnyder stated research would have to be done regarding a temporary moratorium.

Animal Services Ordinance - Nuisance Animals

Mr. Harris noted George Blake, an area resident, continues to trap nuisance animals for his neighbors and is still concerned with the fees under Ordinance 00-01.

Port District

Mrs. Glass commented that a Port District needs to be established in order to allow for more development.

Ms. Clarke stated she would look into the issue and report back to the Board.

Final Site Plans

Mr. McClash requested random final site plans approved a year or more ago be inspected for compliance. He stated a staff position is needed to complete these follow-ups.

Discussion: What about touring the sites; what about a project from three years ago; etc.

Ms. Clarke stated staff could do presentations and field work prior to placing it on an agenda for review by the Board and that a person has been hired for this position. [BC20020730DOC046](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 8:01 p.m.
/rll/qa

Minutes Approved: September 17, 2002