

AUGUST 27, 2002

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, August 27, 2002, at 9:06 a.m.

Present were Commissioners:

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

Absent was Commissioner:

- Amy Stein, Chairman

Also present were:

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

Invocation by Father Aloysius Hribsek, St. Bernard Church.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of August 27, 2002, and agenda update memorandum.

[BC20020827DOC001](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mr. Harris, 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: **Excess Property as Surplus** (deferred). Items APPROVED:

[BC20020827DOC002](#)

CLERK'S CONSENT CALENDAR

[BC20020827DOC003](#)

BONDS

Ancient Oaks, Unit 1

Accept:

1. Performance Bond: \$522,720.88 (Renewal Letter of Credit 1188, West Coast Guaranty Bank) **extending** expiration date (to 12/15/03).
2. Performance Bond: \$2,554,063.14 (Renewal Letter of Credit 1189, West Coast Guaranty Bank) **extending** expiration date (to 12/15/03).

[BC20020827DOC004](#)

Millbrook at Greenfield Plantation, Phase 3-A & 3-C

Release:

1. Agreement with B/W General Contractors, Inc., warranting required improvements (\$28,699.74).
2. Defect Security: \$28,699.74 (Letter of Credit 99-04, First South Bank).

[BC20020827DOC005](#)

University Walk

Release:

1. Agreement with University Walk, LLC, guaranteeing completion of required improvements (\$64,534.60).
2. Performance Bond: \$64,534.60 (Letter of Credit 425, SunTrust Bank).
3. Agreement with University Walk, LLC, guaranteeing completion of required improvements and temporary construction easement for private improvements (\$307,884.21).
4. Performance Bond: \$307,884.21 (Letter of Credit 424, SunTrust Bank).

Accept:

1. Agreement with University Walk, LLC, warranting required improvements (\$14,855.14).
2. Defect Security: \$14,855.14 (Cashier's Check 2327563, Bank of America).

[BC20020827DOC006](#)

REFUNDS

FDEP Bureau of Beaches – Interest on Escrow Account	\$ 5,692.98
FDLE – Edward Byrne Grant, Inmate Vocational Training Program I	\$ 553.20
Neal Custom Homes – Impact Fee	\$ 1,525.00
R.L. Koontz Construction, Inc. – Construction Drawing Fee	\$ 6,370.00
School Board of Manatee County – Permit Fees	\$ 17,100.00
Verizon of Florida – Reimbursement of E-Rate Funds	\$ 562.31

[BC20020827DOC007](#)

WARRANT LIST

- Approved: August 20, 2002 through August 26, 2002
- Authorized: August 27, 2002 through September 2, 2002

[BC20020827DOC008](#)

ACCEPT

Parks and Recreation Special Interest Class Instructor's Agreements:

- Jasmine Boss – Hatha Yoga
- Amy Flowers – Beginning, Intermediate and Advanced Stamping

[BC20020827DOC009](#)

[BC20020827DOC010](#)

Southern Manatee Fire & Rescue District – FY 2002-03 proposed budget and schedule of meeting dates. [BC20020827DOC011](#)

AUTHORIZE FEE WAIVERS (PUBLIC WORKS)

Waive Fee (\$25.00) for Ulysee Harvard due to stolen checks. [BC20020827DOC012](#)

AUTHORIZE CHAIRMAN TO SIGN

Partial Release of Special Improvement Assessment Liens:

Projects 3009; 3128; 5147; 5190; 6101. [BC20020827DOC013](#)

Satisfactions of Judgments:

Robert Corrigan – Case 1997-CF-002572

Sarah Davis – Case 2001-CJ-1815

Erma Fordham – Case 2002-CJ-1059

Craig Goldey – Case 2002-CF-91

Alberto Guerra – Case 2000-919F

William R. Kautz – Case 2001-CT-4423

Sharon Lawson – Case 2001-CJ-1839, Case 2001-CJ-2281, and Case 2001-CJ-2275

Sarah Smith – Case 1997-3177F (2) [BC20020827DOC014](#)

COUNTY ADMINISTRATOR

HOUSING FINANCE AUTHORITY

R-02-231 RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CONCEPTUALLY APPROVING THE ISSUANCE OF HOUSING FINANCE AUTHORITY OF MANATEE COUNTY, FLORIDA, SINGLE FAMILY MORTGAGE REVENUE BONDS, IN ONE OR MORE SERIES FOR THE PURPOSE OF SUPPLEMENTING ITS EXISTING 2002 SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM WITHIN THE MEANING OF MANATEE COUNTY ORDINANCES 79-6 AND 91-40 IN AN AMOUNT NOT TO EXCEED \$7,000,000; AND PROVIDING AN EFFECTIVE DATE. [BC20020827DOC015](#)

FLORIDA POWER AND LIGHT

Authorize the County Attorney to file a report with the Department of Environmental Protection regarding Expansion Unit 3 **Power Plant Siting Act** Application by Florida Power and Light. [BC20020827DOC016](#)

ADVISORY BOARD DISCLOSURE FORMS

Waive provisions of *Florida Statutes* 112.313(3) and 112.313(7) pertaining to standards of conduct for public officers, pursuant to *F.S.* 112.313(12), as such provisions pertain to the below listed members of the respective advisory boards:

- Children's Services Advisory Board** - Dr. Barbara Chadsey, Barbara Harvey, Ruth Lawler, Juanine Lowery, Ed Mulock, Patricia Petruuff, Berniece Scott, Maj. Connie Shingledecker, Dr. George Van Buren, Victoria Van Dee Loo; and
- Health Care Advisory Committee** - Dr. Martin Amundson [BC20020827DOC017](#)

MEDICAID WAIVER

Execution of FY 2002-03 Medicaid Waiver Agreement with West Central Florida Area Agency on Aging, Inc., to provide first quarter spending authority for **Home and Community Based Services** (\$245,035 first quarter payment) and provide administration and oversight of the program. [BC20020827DOC018](#)

BUDGET AMENDMENT

Various Departments

B-02-037

Transfer of Funds; Unanticipated Revenue Appropriations
Supporting Description and Detail Attached [BC20020827DOC019](#)

MATERIALS AND SERVICES

- Chemical Spray Truck** – Sole source purchase from Bartow Chevrolet Co., Inc., \$61,770.72. [BC20020827DOC020](#)
- S.R. 64 East/Landscape Median** – Award IFB 02-6071DC to South Shore Landscape, \$264,659. [BC20020827DOC021](#)

LANDFILL TIPPING FEES

Authorize placement of four 20-yard roll-offs on October 19, 2002, for the **Bayshore Area Neighborhood Cleanup**, and waive appropriate service and tipping fees. [BC20020827DOC022](#)

SURPLUS PROPERTY

- Classify excess vehicles as surplus property per *Florida Statute* 274.05 to enable appropriate disposition of said property in accordance with Purchasing Code 99-37, Section 1.106; and authorization to thereafter dispose of such property;
- R-02-203** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Ford Astro Van, Dodge Van, and Mower Deck to **Manatee County Sheriff's Office**);
- R-02-204** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (Flat-Deck Trailer and Ford Truck to **City of Palmetto**);
- R-02-205** RESOLUTION AUTHORIZING THE CONVEYANCE OF COUNTY OWNED PERSONAL PROPERTY UNDER THE PROVISIONS OF CHAPTER 125.38, *FLORIDA STATUTES* (excess vehicles to **Reflections of Manatee, Inc.**). [BC20020827DOC023](#)

UTILITY REFUNDS

- Refund \$80 to Pulte Home Corporation, due to customer overpayment. [BC20020827DOC024](#)
- Refund \$2,023.50, minus any current billings, to Robert W. Corbin, due to payment of water facility investment fee, connection, and line fees. [BC20020827DOC025](#)
- Refund \$202.01 to Thomas Burish, due to a credit adjustment. [BC20020827DOC026](#)

IMC - FOUR CORNERS PHOSPHATE MINE – DRI 5

Schedule public hearings for November 7, 2002, Planning Commission, and November 21, 2002, Board of County Commissioners, to consider the determination of substantial deviation.

[BC20020827DOC027](#)

57TH AVENUE EAST/WEST

R-02-207 A RESOLUTION OF MANATEE COUNTY, FLORIDA, DELEGATING THE AUTHORITY TO MAKE PRE-SUIT OFFERS IN EMINENT DOMAIN CASES FOR THE 57TH AVENUE EAST/WEST ROAD PROJECT, PARCELS IDENTIFIED AS EXHIBIT "A," TO THE COUNTY ADMINISTRATOR OR HIS DESIGNEE, SUBJECT TO APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS, FOR THE AMOUNT UP TO THE APPROVED APPRAISED VALUE OF THE PROPERTY SOUGHT TO BE ACQUIRED

(Property Owners: **Morgan Anderson Corp., Bruss, Eldon, Switzer, Webb, Lawn Masters of Manasota, Inc., Potalatin, Hall, Williams**).

[BC20020827DOC028](#)

DEEDS AND EASEMENTS**1. 60th Avenue East – between 225th and 217th Streets East**

a. Quit Claim Deed from Frank Moran and Jason Moran for maintenance; Affidavit of Ownership and Encumbrances, Partial Release of Mortgage from Wells Fargo Home Mortgage, Inc.;

b. Quit Claim Deed from Raymond G. Hosmer, Jr. and Sherri A. Hosmer for maintenance; Affidavit of Ownership and Encumbrances, Joinder from Bank of America; and,

c. Acceptance of \$4,000 cash as residents' fair cost reimbursement for completing road upgrade.

[BC20020827DOC029](#)

2. Manatee Agriculture Reuse Supply – Warranty Deed from Robert Walton for right-of-way required for the 63rd Avenue Booster Pump Station Site (Parcel 101); Affidavit of Ownership and Encumbrances.

[BC20020827DOC030](#)

DISPOSAL OF CONSTRUCTION DEBRIS

R-02-232 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR THE DISPOSAL OF CONSTRUCTION DEBRIS FROM THE 66TH STREET WEST STORAGE YARD BY DONATION AT NO CHARGE AS SURPLUS PROPERTY HAVING NO COMMERCIAL VALUE

(authorize Woodruff & Sons, Inc., to remove dirt, concrete, and asphalt rubble).

[BC20020827DOC031](#)

MANATEE AGRICULTURAL REUSE SUPPLY

Execution of a Contract for Sale and Purchase for a Warranty Deed from Diane T. Thayer, fka Diane Simmons-Smith, and Woodrow E. Thayer, for right-of-way for the North to Southeast Reclaimed Water Transmission Main Segment (Parcel 115), \$5,100.

[BC20020827DOC032](#)

TRAVEL

Authorization for Mr. McClash to travel to the **National Summit on Cuba** in Washington, D.C., September 16-19, 2002.

[BC20020827DOC033](#)

PORT AUTHORITY BONDS

Execution of Amended and Restated Interlocal Agreement (11/30/93) with Manatee County Port Authority related to the proposed 2002 Bonds (7/23/02), upon approval and authorization by the Port Authority.

[BC20020827DOC034](#)

LAWSUIT – TRAIL MOTEL AND MOBILE HOME PARK

Approve and authorize execution by the County Attorney of the proposed Consent Injunction in case of Manatee County v. James I. Maglione, Trustee, 2002-CA-2119; a public nuisance action filed by County Attorney's Office against the mobile home property owner.

(End Consent Agenda)

[BC20020827DOC035](#)

ROUNDBOUTS

Michael Wallwork, Alternate Street Design, consultant for the Metropolitan Planning Organization, used a slide presentation depicting roundabouts. He gave an overview regarding roundabouts, safety and operational issues, and examples of where they are working and why. He reviewed draft roundabout designs requested by the Metropolitan Planning Organization for Cortez Road/U.S. 41; Cortez Road/9th Street West; Cortez Road/5th Street West; and 43rd Street West/21st Avenue West.

Discussion followed, and staff was requested to bring back intersection design templates with respect to future land use issues as an appropriate alternative for traffic calming.

[BC20020827DOC036](#)

CITIZENS' COMMENTS**Whitfield Overlay District**

Derek Taaca, representing the Whitfield-Ballentine Manor Homeowners Association, requested that the fence and hedge provisions of the Whitfield Overlay District in the Land Development Code remain in effect to preserve and protect the neighborhood. Mr. Taaca was advised that this item is to be placed on a future agenda. Individuals who signed up to speak on this issue will be notified.

Property Assessments

Claire Brown advised that the Property Appraiser appraised value of her property is much higher than surrounding property. She distributed Manatee County Property Appraiser 2001 Real Property Record Cards (8/8/02 and 8/13/02) of two neighboring properties.

Subdivision Codes

William Wheeler stated that the approval of more subdivisions creates confusion with respect to codes and which code was in effect for any subdivision. He requested consideration of a workshop to organize this information in a user-friendly format for staff and the public.

Tree Inspection/Lexington, Whitney Meadows, and Ancient Oaks

Debbie Massey questioned the status of a previous request for tree inspection vis-à-vis approved development plans. She advised that trees are being removed in the Lexington, Whitney Meadows, and Ancient Oaks subdivisions. She submitted the Ancient Oaks subdivision tree survey and site plan, which does not conform with the actual development of the sites.

Valrie Massey, property owner adjacent to Ancient Oaks, submitted photographs (8/26/02) of large oak trees located on the Ancient Oaks site that are submerged in water and will die.

Disposition: Staff to include these subdivisions on the next agenda for review of site plans and possible code violations. Schedule a work session to review tree removal issue and a fine schedule.

Property Rights/Ancient Oaks

Robert Mayhew, 10205 Erie Road, submitted four photographs depicting a swale dug by Ancient Oaks developers, adjacent to his property which impacts the fence line. The fence line is six inches into his own property line and he is concerned that the standing water in the swale will cause damage by rotting the fence posts.

Disposition: Staff to place this item on the next agenda, if possible.

Palma Sola Causeway

Dale Schmitz stated he was advised that alcohol consumption on the Palma Sola Causeway is prohibited due to overcrowding and congestion. Due to the population explosion and congestion in the County, he suggested renaming Manatee County as Sardine County. [BC20020827DOC37](#)

CONSENT AGENDA - PUBLIC HEARINGS

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/16/02) was held to consider

PDC-01-05(Z) MCCLURE PROPERTIES, LTD.

(CONTINUED TO SEPTEMBER 24, 2002, TO BE READVERTISED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1/WP-E/ST** TO **PDC/WP-E/ST** RETAINING THE WATERSHED PROTECTION-EVERS AND SPECIAL TREATMENT OVERLAY DISTRICTS; AND PROVIDING AN EFFECTIVE DATE; ON 18.67 ACRES LOCATED AT THE SOUTHWEST CORNER OF LOCKWOOD RIDGE ROAD AND THE FUTURE EXTENSION OF 63RD AVENUE EAST (HONORE AVENUE).

Claire Brown, resident in the area, commented that a plan should be required. [BC20020827DOC038](#)

Public hearing (No Notices provided) was held to consider

PDC-01-03(Z)(P) ROSA FIORELLI/FIORELLI WINERY (WITHDRAWN)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A/WP-M/ST** TO **PDC/WP-M/ST** RETAINING THE WATERSHED PROTECTION-LAKE MANATEE AND SPECIAL TREATMENT OVERLAY DISTRICTS; AND A PRELIMINARY SITE PLAN TO ALLOW A 6,000-SQUARE-FOOT WINERY AND A 3,400-SQUARE-FOOT EATING ESTABLISHMENT; AND PROVIDING AN EFFECTIVE DATE; ON 10.16 ACRES ON THE WEST SIDE OF C.R. 675, 3/4 OF A MILE SOUTH OF S.R. 64.

[BC20020827DOC039](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/16/02) was held to consider

Z-02-03 ANGEL QUEST (ADOPTED)

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-4.5** TO **PR-S**; AND PROVIDING AN EFFECTIVE DATE ON .44 ACRE AT 2004 53RD AVENUE EAST.

Planning Commission recommended APPROVAL.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, submitted a memorandum (8/26/02) directed to Commissioner Harris dealing with a question of ex parte communication. He stated the Office of the County Attorney found none. [BC20020827DOC040](#)

LAND DEVELOPMENT CODE

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/16/02) was held to consider

ORDINANCE 02-57 (WITHDRAWN)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IMPOSING A MORATORIUM TO TEMPORARILY SUSPEND THE PROCESSING, ISSUANCE, AND APPROVAL OF ALL LICENSES, PERMITS, AND APPROVALS UNDER SECTION 707 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE (**ADULT ENTERTAINMENT USES**) FOR OR ASSOCIATED WITH ANY AND ALL SEXUALLY ORIENTED OR ADULT ENTERTAINMENT ESTABLISHMENTS, USES OR BUSINESSES; PROVIDING FOR DURATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[BC20020827DOC041](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/16/02) was held to consider

ORDINANCE 02-45 (ADOPTED)

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.

[BC20020827DOC042](#)

COMPREHENSIVE PLAN AMENDMENT

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/09/02) was held to consider

ORDINANCE 02-07 (TRANSMITTED)

ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN, ORDINANCE 89-01, AS AMENDED; PROVIDING FOR AN AMENDMENT DELETING FISCAL YEAR 2002 AND APPLICABLE DATA, AND ADDING FISCAL YEAR 2007 AND APPLICABLE DATA TO TABLES 10-1, 10-2, 10-3, AND 10-4 OF THE **CAPITAL IMPROVEMENTS ELEMENT**; PROVIDING FOR AN AMENDMENT TO TABLE 10-1, SCHEDULE OF CAPITAL IMPROVEMENT PROJECTS, FY 2002-2006, INVOLVING REVISIONS TO SCOPE, FORMAT, TIME FRAME, COSTS, FUNDING SOURCES, AND CONTENT TO TRANSPORTATION PROJECTS, DRAINAGE PROJECTS, AND MASS TRANSIT PROJECTS; PROVIDING FOR COUNTERPART AMENDMENTS TO TABLE 10-2, GENERAL GOVERNMENT FUNDING OF CAPITAL IMPROVEMENTS, FY 2002-2006; TABLE 10-3, ENTERPRISE OPERATIONS FUNDING OF CAPITAL IMPROVEMENTS, FY 2002-2006; TABLE 10-4, SUMMARY OF REVENUES AND EXPENDITURES FOR CAPITAL PROJECTS, FY 2002-2006; PROVIDING FOR THE AMENDMENT OF RELATED INFORMATION NECESSARY TO IMPLEMENT THE CHANGES TO THE CAPITAL IMPROVEMENTS SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-02-07 – Capital Improvements Element)

Planning Commission recommended TRANSMITTAL.

[BC20020827DOC043](#)

COMMUNITY DEVELOPMENT DISTRICT - HERITAGE HARBOUR MARKET PLACE

Public hearing (continued from 7/30/02) was held to consider

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

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.

Daniel Cox, representing the petitioner, was available for questions.

[BC20020827DOC044](#)

PARTICIPATION PROJECTS

Public hearing (Notice in the *Bradenton Herald* 8/7/02) was held to consider

**Road Assessment Project 6030860/Sewer Assessment Project 6030880
84th Street Northwest**

and

R-02-175 A RESOLUTION CONFIRMING ADOPTION FOR A SPECIAL ROAD AND SEWER ASSESSMENT ROLL AND ESTABLISHING SPECIAL ASSESSMENT LIENS FOR ROAD ASSESSMENT PROJECT NO. 6030860 AND SEWER ASSESSMENT PROJECT 6030880 ON 84TH STREET NORTHWEST.

[BC20020827DOC045](#)

STREET VACATIONS

Indian Meadow Subdivision (Continued to 10/1/02 at 9:00 a.m.)

Public hearing (continued from 7/23/02) was opened to consider

R-02-121V RESOLUTION ON APPLICATION BY ANITA ASSHA AND PAOLA ASSHA VACATING THE PLAT OF LOT 1, INDIAN MEADOW SUBDIVISION, EXCLUDING THE VACATION OF THE PLATTED EASEMENTS (CONSERVATION, UTILITY, AND DRAINAGE) AS DEDICATED BY THE PLAT OF SAID SUBDIVISION.

[BC20020827DOC046](#)

Waterbury Grape Fruit Tracts Subdivision (Continued to 10/1/02 at 9:00 a.m.)

Public hearing (continued from 7/23/02) was opened to consider

R-02-98V RESOLUTION ON APPLICATION BY MANATEE RIVER COMMUNITIES DEVELOPMENT CORP. VACATING CERTAIN TRACTS SITUATED WITHIN THE WATERBURY GRAPE FRUIT TRACTS SUBDIVISION.

[BC20020827DOC047](#)

Motion was made by Mr. Harris to approve the presentations upon request agenda incorporating the language as stated in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda) and with the deletion of **PDC-02-03(Z)(P)** (separate action). The motion was seconded by Mr. McClash and carried 6 to 0.

CORTEZ VILLAGE - RIGHTS-OF-WAY

Michael Wood, Planning Department, in response to a July request, discussed use of rights-of-way in Cortez Village, which provide waterfront access. He reviewed ten photographs depicting the areas and recommended to continue to allow uses within the rights-of-way consistent with the historic use of these lands and consistent with the Cortez Vision Plan.

Richard Culbreath and **Geraldine Culbreath** stated houses and docks have been there since the early 1920s. Mr. Culbreath noted that waterfront access is not denied to anyone. **Karen Bell** requested vacation of rights-of-way at several locations and a resolution to the issue.

Sue Maddox stated a lot of the uses are not historical, and personal use of public rights-of-way (for boat repair, storage of nets and traps, etc.) should not be allowed.

Mrs. von Hahmann submitted eight photographs depicting several of the historical areas in question.

Discussion: Land Development Code (LDC) violation; LDC amendment will resolve the issue; vacation of rights-of-way; historic uses; analysis of area; general zoning code began in mid-1960s; aerials with layovers; legal issues; etc. [BC20020827DOC048](#)

QUAIL RUN SUBDIVISION

Red Childs, Transportation Department, reviewed the history of traffic calming efforts in Quail Run Subdivision. He requested authorization to remove an existing speed table on 74th Avenue East and at Linden Lane at 73rd Terrace East, as the property owner has withdrawn his request. He submitted a map depicting the Quail Run Follow-Up Survey Results.

Motion was made by Mrs. Glass and seconded by Mr. McClash to approve the request.

(Depart Mrs. Glass)

Following discussion, the motion carried 5 to 0.

[BC20020827DOC049](#)

TRAFFIC CALMING PROCEDURES

Mr. McClash moved to approve the revised Procedures for Requesting Traffic Calming to include requiring signatures of support from adjacent property owners. The motion was seconded by Ms. Brown and carried 5 to 0.

[BC20020827DOC050](#)

ZONING

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/16/02) was held to consider

PDC-02-03(Z)(P) JOHN GRANT

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** TO **PDC**; AND A PRELIMINARY SITE PLAN TO ALLOW A 2,800-SQUARE-FOOT RETAIL CONVENIENCE STORE, 3,200 SQUARE FEET OF CANOPIES, AND EIGHT GAS PUMPS; AND PROVIDING AN EFFECTIVE DATE; ON 10.257 ACRES AT THE NORTHWEST CORNER OF S.R. 64 AND SOUTH DUETTE ROAD AT 2915 SOUTH DUETTE ROAD. Planning Commission recommended APPROVAL with 16 Stipulations.

Erika Barrett, Planning Department, used an aerial map depicting the surrounding agriculture area.

(Enter Mrs. Glass)

Discussion: Compatibility; logic of location; traffic count on Duette Road; limited to small commercial; buffer; lighting issue; right-of-way; etc.

Using a map from the staff report, Ms. Barrett reviewed the five-acre lot splits occurring along S.R. 64. She referred to the site plan reviewing the 35-foot buffer along S.R. 64 and Duette Road.

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

Ms. Barrett submitted a proposed **Stipulation 17** (Options A and B) regarding intensified landscaping to screen the building and gas pumps. Referring to aerial maps, Ms. Barrett pointed out the site noting the surrounding agriculture area.

(Enter Mr. McClash and Ms. Brown)

Discussion: Irrigation related to earthen berm; 35-foot buffer will move building back 15-20 feet from S.R. 64 and Duette Road; landscaping would be double the code requirement; signage stipulations; dedicating 100 feet of right-of-way on Duette Road and 120 feet of right-of-way on S.R. 64; etc.

Irving Sterling, representing the applicant, stated there were no objections to the stipulations.

Based upon the staff report, evidence presented, and 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, Ms. Brown moved to ADOPT Manatee County Zoning Ordinance **PDC-02-03(Z)(P)**; and APPROVE the Preliminary Site Plan with Stipulations 1-16 and adding 17.A, as recommended by the Planning Commission. The motion was seconded by Mrs. von Hahmann and carried 6 to 0.

[BC20020827DOC051](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 8/16/02) was opened to consider

PDR-96-15(P) MANATEE RIVER LAND PARTNERSHIP/MANATEE RIVER PLANTATION

Request: A Preliminary Site Plan to allow 493 lots for single-family detached homes at a gross density of 1.50 dwelling units per acre on 351.8 acres located south of Mulholland Road, north of the Manatee River and Gamble Creek. This project is within the Coastal Evacuation Area of the Overlay District, Coastal Planning Area, and partially within the Coastal High Hazard Overlay District and Coastal Storm Vulnerability Overlay District.

Planning Commission recommended APPROVAL with Stipulations;

GRANTING Special Approval for a project: (1) adjacent to a perennial stream; (2) within the Coastal Evacuation Area Overlay District; (3) within the Coastal Planning Area; (4) partially within the Coastal High Hazard Area; (5) partially in the Coastal Storm Vulnerability Area; and (6) partially in the 25-year floodplain;

ADOPTION of the findings for Specific Approval; and

DENIAL of Specific Approval for an alternative to Section 907.9.4.1 of the Land Development Code.

Lisa Barrett, Planning Department, used a zoning map, future land use map, site plan, and slide presentation to review the request. She noted two proposed access points off Mulholland Road and the extensive wetlands along the south property line. She recommended a complete access be provided to Mulholland Road rather than the cul-de-sac at Phase V; thereby negating the need for Specific Approval. Ms. Barrett advised that there are insufficient setbacks and buffers and referred to an elevation stating the buffer shall be in substantial conformance with drawing.

Referring to the site plan, Ms. Barrett stated there are 64 lots or portions of the lots proposed to be platted through the 25-year floodplain. She noted the applicant proposes to recontour the pre-development 25-year floodplain, so that in post-development all lots will be outside of the 25-year floodplain. The applicant proposes linear cut and fill between the lots and the river. In the event of failure of the Lake Manatee Dam, staff estimates the elevation of the river would not exceed the 25-year storm event; however, there is still concern about the maximum probable event of rainfall and staff recommended Alternate Stipulation E.6.

E.6. No lots shall be platted thru the pre-development 25-year floodplain. The Final Site Plan shall reflect the relocation of lots in the pre-development 25-year floodplain to an area outside of the pre-development 25-year floodplain. These revisions may be made administratively and will not require an amendment to the Preliminary Site Plan.

She submitted a comparison chart of recommended stipulations and e-mails received.

Caleb Grimes, attorney representing Weatherstone Development, proposed developer, submitted a request for additional presentation time. Referring to an aerial map, he pointed out the tomato fields, the vegetative wetlands, and the road system. Referring to the site plan, Mr. Grimes reviewed wetlands and wooded areas, the proposed mitigation areas for the two highly impacted wetlands; and the neighborhood phases with varied lot sizes of 55-, 65-, 70-, and 80-feet. He submitted listings of comparable single-family lot and landscape buffer sizes from recently approved subdivisions. Referring to a landscape plan, he noted a 30-foot buffer with breaks at focal points is proposed along Mulholland Road including an equestrian trail. He reviewed the lake design, which allows conveyance and additional water storage.

(Mr. McClash absent for a portion of this presentation.)

Thomas Stovall, Kimberly-Horn, Inc., explained the drainage system; and **Dana West**, Biological Research, discussed the environmental assessment of the property, the benefits of the stormwater treatment system, and the wetland setback.

Sia Mollanazar, Transportation Department, discussed the stormwater design and indicated there was no objection with the floodplain issue for this project. He stated that due to the unobstructed linear nature of the site and the numerous lakes the water will move faster to the river.

Bill O'Shea, Environmental Management Department, stated the site contains degraded wetlands that do not merit protection. The mitigation proposal with two to one ratio will benefit this site, especially the Gamble Creek portion.

William Cone, area resident, stated he is not opposed to the project but voiced concern that the stipulations for future use of large land parcels in Parrish will steal property rights.

Karen Ciemniecki, representing the Sierra Club, submitted floodplain regulations and opposed the project. Ms. Ciemniecki showed a video of the dam releasing water following a storm in 1997. She submitted six photographs taken from the mouth of the creek to the Mulholland Bridge.

Marie Hastings, Parrish Civic Association, voiced opposition due to flooding, and requested that the public potable water system be looped and tied into the Twin Rivers distribution system.

Wendy Vehling, Joan Hodges, Diane Wardell, and Dottie McChesney, Parrish Civic Association, voiced opposition to the transition of lots along Mulholland Road and flooding. They requested a 50-foot buffer, a tree survey, and at least four tot lots. They questioned the size of the recreation area and lack of parking at the canoe launch site, Special Approval, and removal of exotic species.

The Stipulations were reviewed and amended as follows:

- A.2. (Applicant Stipulation) Last sentence should read: **A 5-foot sidewalk shall be provided along the north side of Mulholland Road in areas where a full 84-foot right-of-way exists or where the County requires necessary right-of-way the applicant shall pay the cost of the acquisition of such right-of-way.**
- A.3. (Staff Stipulation) **The minimum lot size shall be 12,000 square feet with a minimum width of 100 feet for perimeter lots. The minimum lot size for interior lots shall be 8,250 square feet with a minimum width of 65 feet.**
- A.4. (Staff Stipulation) Last sentence should read: **The setback shall be measured from the residential lot line, not to include the greenbelt or landscape buffer.**
- A.6. (Planning Commission Stipulation) Delete the third sentence; and next to last sentence should read: **However, either choice must provide 100 percent opacity to a height of 10 feet within three years from Final Plat Approval.**
- A.7. (Planning Commission Stipulation) Last sentence should read: **The greenbelt must provide 100 percent opacity to a height of 10 feet within three years from Final Plat Approval.**
- A.9. (Staff Stipulation) As written.
- A.12. (Planning Commission Stipulation)
- A.13. (Planning Commission Stipulation)
- A.14. (Planning Commission Stipulation) To include no motorized crafts.
- A.15. (Planning Commission Stipulation)
- C.7. (Planning Commission Stipulation)
- C.8. (Staff Stipulation)
- E.5. (Staff Stipulation)
- E.6. (Staff Alternate Stipulation)

(Ms. Brown absent for a portion of presentation)

Mr. Grimes addressed the concerns of the public and noted that the project was designed to protect Gamble Creek.

Mr. Stovall referred to the Manatee River Plantation Post-Development Map and pointed out the 25- and 100-year floodplain boundary.

Mr. Grimes objected to the applicant paying for right-of-way as required in Stipulation A.2; but had no objection to installing the sidewalk and the 8-foot equestrian trail. Regarding Stipulation A.3, Mr. Grimes requested consideration of the applicant's proposed stipulation with additional language to include two additional breaks or park areas along Mulholland Road and keeping lot sizes as recommended by applicant.

(Mrs. Glass absent for portion of discussion.)

Discussion: 84-foot right-of-way not available on Mulholland; impact fee credit; two lane shell road with ditches along both sides; dedication of 42 feet from the center of the road; language to include County participation; buffers in surrounding developments; lot sizes along Mulholland; etc.

Mr. Grimes reviewed the items for resolution: buffers; timing for building the recreation facilities; language in Notice to Buyers; roadway at canoe launch area should be a gated emergency access; construction of Mulholland Road; Gamble Creek cleaning creates a potential permitting problem; Stipulation E.6 should include outside the post-development 25-year floodplain language.

Mrs. von Hahmann moved to continue the public hearing for **PDR-96-15(P)** Manatee River Land Partnership/Manatee River Plantation to Tuesday, September 10, 2002, at 1:30 p.m. The motion was seconded by Ms. Brown and carried 6 to 0.

[BC20020827DOC052](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 5:35 p.m.
/njh

Minutes Approved: October 15, 2002