

**SEPTEMBER 10, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, September 10, 2002, at 1:35 p.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 (entered during meeting)  
Gwendolyn Y. Brown  
George L. Harris (entered during meeting)  
Joe McClash

Also present were:

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

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of September 10, 2002.

[BC20020910DOC001](#)

**CONSENT AGENDA**

Motion was made by Mr. Bruce, seconded by Ms. Brown, and carried 5 to 0, to approve the Clerk of Circuit Court Consent Agenda dated September 10, 2002, and adopt a Proclamation. Items APPROVED:

**CLERK'S CONSENT CALENDAR**

[BC20020910DOC002](#)

**BONDS**

**Accept:**

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (24 additions, 13 deletions).

[BC20020910DOC003](#)

**REFUNDS**

Cortez Bay Development, LLC – Application Fee \$ 1,858.42  
Robin H. Seiger – Application Fee 1,861.85

[BC20020910DOC004](#)

**ACCEPT**

**Manatee County Port Authority** – Resolution PA-02-23 and FY 2002-2003 Budget.

[BC20020910DOC005](#)

**Southwest Florida Water Management District** – FY 2003 Board Meeting Calendar, boundary map, and correction to January 2003 meeting calendar page.

[BC20020910DOC006](#)

**AUTHORIZE FEE WAIVERS (PUBLIC WORKS)**

Waive Fee (\$25) for Helen W. Crossman due to bank error.  
Waive Fee (\$30) for Kathleen M. Latona due to bank error.  
Waive Fee (\$25) for Shari A. Root due to stolen mail.

[BC20020910DOC007](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Partial Release of Special Improvement Assessment Liens:**

Projects 3100; 3106; 5144

[BC20020910DOC008](#)

**Satisfactions of Judgments:**

David Bazo – Case 2001-CT-4315  
Timothy David Ray Catron – Case 2002-CT-920  
Richard Dewayne Fintel II – Case 2001-CF-1969  
Cynthia Simons – Case 2001-468JD,A  
David Timmons – Case 1994-2813T

[BC20020910DOC009](#)

**PROCLAMATION**

Proclamation designating September 11, 2002, as Tribute to Heroes Day in Manatee County, Florida.

[BC20020910DOC010](#)

(End Consent Agenda)

(Enter Mrs. von Hahmann and Mr. Harris)

**PROCLAMATION**

The Proclamation was presented to police, fire, and EMS personnel.

**FLORIDA POWER AND LIGHT**

Mr. McClash moved to request the Chairman to send a letter to the Governor, legislators, and the Department of Environmental Protection supporting the efforts of Florida Power and Light to obtain the permit for the reburn technology to reduce air pollution in Manatee County, as well as in the State. The motion was seconded by Mr. Harris and carried 7 to 0.

Discussion: Letter to be reviewed by Board of County Commissioners prior to mailing; method of delivery; representation at public hearing; copy Representative Bradley; etc.

[BC20020910DOC011](#)

**ENVIRONMENTALLY SENSITIVE LANDS**

**Mary Sheppard** thanked the Board for providing a plan (millage increase) to purchase environmentally sensitive land in northwest Bradenton (Robinson Preserve property).

[BC20020910DOC012](#)

**ZONING**

Public hearing (continued from 8/27/02) was held 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 (LDC).

If approved, staff recommends 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

APPROVAL of Specific Approval for an alternative to Section 907.9.4.1 and Section 722.3.2.3 of the Land Development Code.

**Valrie Massey** requested review of the tree preservation on this site. **Marie Hastings** reaffirmed the arguments made in a memorandum to Board members in the agenda package and stated that the 25-year floodplain issue is a major concern, as well as transitioning. **Robert Mayhew** requested that an overlay be provided by Manatee River Plantation with respect to underground utilities, piping, etc., so tree removal can be monitored. **Carol Felts** requested consideration of the Greenways Master Plan when approving development.

Discussion: Equestrian trail is a functional greenway component; include potential conflicts with Greenways Plan in staff reports; segments of corridors are established; etc.

Lisa Barrett, Planning Department, advised that staff and the applicant are not in agreement with Stipulations A.3., A.4., A.5., A.6., C.7., and C.8., which she reviewed. She submitted an e-mail from **Karen Ciemniecki** (9/9/02). Areas of concern with the plan are lot size, landscaping, and road construction.

Discussion: Stipulation A.2 indicates sidewalk will be provided if the 84-foot right-of-way exists; sidewalk trust fund; Stipulation E.6 was Board directed; recontouring; Gamble Creek flooding; Phase IV design; etc.

Sia Mollanazar, Transportation Department, referred to the site plan and discussed the stormwater design. He indicated no objection with the floodplain issue, and noted that all homes will be above the 100-year flood elevation. He stated that due to the unobstructed linear nature of the site, the numerous lakes provide adequate floodplain compensation.

Discussion: Ground water table; neutral impact; six times the storage for a 25-year storm event; thoroughfares are required to be above the 100-year flood elevation; applicant volunteered the local roads to be above the 100-year flood elevation; agriculture property with little vegetation or vista; seasonal high; etc.

Referring to the site plan, as well as a site plan from the staff report, Mrs. Stein discussed the project with respect to redesigning Phase IV.

**Caleb Grimes**, representing the applicant, referred to the aerial plan and discussed lot sizes, buffers, and the construction of Mulholland Road. Referring to the Post-Development Floodplain Location map, he addressed the 25-year storm issue stating that every lot and the roads will be outside of the 100-year floodplain.

(Mrs. Glass absent for a portion of presentation)

Mr. Grimes distributed Stipulation A.6, which proposes a set of canopy trees to become interconnected. Referring to the landscape plan, he noted the variety of higher trees, which will be interconnected and create a solid screen. Referring to an elevation plan, he proposed additional shrubs and understory trees in the buffer to obtain 80 percent opacity to a height of eight feet within three years. He discussed the applicant's proposed Stipulation A.3. and noted the deletion of two adjacent lots in Phase I and Phase II to create an open area or breaks so there is not a solid line of large houses along Mulholland Road.

Discussion followed regarding the trees and landscaping.

(Depart Ms. Brown)

**Bill Swan**, landscape architect, noted that 80 percent opacity is standard and would permit use of wax myrtle, live oak, laurel oak, juniper, underneath foundation plantings to cover the woody material, and then ground cover. The 8-foot height would camouflage the houses from traffic on Mulholland Road.

Ms. Barrett pointed out that staff Stipulation A.6 indicates the height of the berm shall be measured from above the crown of the adjoining roadway. She noted the applicant's language does not specify a berm.

Regarding Stipulations A.6 and A.7, Mr. Grimes requested 95 percent opacity, which was agreed. Due to the agreed buffers, Mr. Grimes requested the 55-foot-wide lot size along Mulholland Road. Regarding construction of Mulholland Road, he requested consideration of paving the road at the existing height. He agreed with Stipulation A.5 if proposed lot sizes are accepted. Regarding Stipulation A.4, he requested a 20-foot setback due to the solid screening.

Consensus of the Board regarding Stipulations was as follows:

- A.1.** Staff Stipulation.
- A.2.** Additional language: If adequate right-of-way does not exist, the developer shall contribute the cost of construction of the sidewalk to the sidewalk fund.
- A.3-4.** Staff Stipulations.
- A.5.** Planning Commission Stipulation.
- A.6.** Board Stipulation with additional language: The hedge and opacity requirement shall not continue in areas where there are breaks in the lots for recreation areas or roadways. Change opacity from 100 percent to **95 percent**.
- A.7.** Board Stipulation with last sentence to read: The greenbelt must provide 95 percent opacity to a height of ten feet within three years from Final Plat approval.
- A.8-11.** Planning Commission Stipulations.
- A.12.** Additional language: Prior to the sale of the first lot, a sign shall be posted on the proposed recreational tract identifying the proposed improvements for the tract.

(Enter Ms. Brown)

- A.13-16.** Staff Stipulations.
- B.1-9.** Staff Stipulations.
- C.1-6.** Staff Stipulations.
- C.7.** Planning Commission Stipulation.

Jerome Gostkowski, Planning Department, referred to an aerial map and reviewed the 25-year floodplain elevation on Mulholland Road and elevations past the second entrance of the site, as well as the requirement to raise and transition the road to the property line.

- C.8.** Planning Commission Stipulation.
- D.1-5.** Staff Stipulations.
- E.1-5.** Staff Stipulations.

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, Mrs. Glass moved to APPROVE Preliminary Site Plan PDR-96-15(P) with Stipulations A.1., A.2. (as modified at this hearing), A.3. and A.4. (staff), A.5. (Planning Commission), A.6. and A.7. (as modified by the BCC to reflect 95 percent opacity), A.8.-11. (Planning Commission), A.12. (modified today), A.13.-16. (presented by staff), B.1.-9. (presented by staff), C.1.-6. (staff), C.7.-8. (Planning Commission), D.1.-5. (presented by staff), and E.1.-5. (presented by staff); 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; ADOPT the findings for Specific Approval; and APPROVE Specific Approval for an alternative to Section 907.9.4.1 and Section 722.3.2.3 of the Land Development Code, as recommended by the Planning Commission. The motion was seconded by Mr. Harris.

Discussion: A.17 renumbered A.16; E.6. renumbered E.5; relying on the testimony of engineering staff; etc.

The motion carried 6 to 1, with Mrs. Stein voting nay due to Gamble Creek concerns.

[BC20020910DOC013](#)

**COMMISSIONERS' COMMENTS**

**Hidden Hollow Subdivision**

Mr. Bruce relayed concerns that the completion of Lockwood Ridge Road has negatively impacted the residents of Hidden Hollow with respect to stormwater issues. He noted that staff is looking into the problem.

**Myakka – Arena Facility**

Mr. Bruce advised that the developer of the Lena Road Business Park is willing to donate an arena facility for relocation. Residents of the Myakka area would like to see the facility moved to the park in Myakka. He advised that staff is reviewing the feasibility of this request. [BC20020910DOC014](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 4:05 p.m.  
/njh

Minutes Approved: November 5, 2002