

**SEPTEMBER 24, 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 24, 2002, at 9:04 a.m.

Present were Commissioners:

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

Absent was Commissioner:

George L. Harris (family illness)

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. Don Carter, Trinity Assembly of God Church.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of September 24, 2002, and agenda update memorandum.

[BC20020924DOC001](#)

**CONSENT AGENDA**

Motion was made by Mr. McClash, 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, with the deletion of Resolution **R-02-261 - Tree Replacement** (separate action).  
Items APPROVED:

**CLERK'S CONSENT CALENDAR**

[BC20020924DOC002](#)

**BONDS**

**Carlyle at the Villages of Palm-Aire, Unit 3**

**Release:**

1. Agreement with Taylor Woodrow Communities guaranteeing completion of required improvements and temporary construction easement for private improvements (\$37,801).
2. Performance Bond: \$37,801 (Surety Bond 20-85-11, American Home Assurance Company).

[BC20020924DOC003](#)

**Carlyle at the Villages of Palm-Aire, Unit 4**

**Release:**

1. Agreement with Taylor Woodrow Communities guaranteeing completion of required improvements and temporary construction easement for private improvements (\$142,861).
2. Performance Bond: \$142,861 (Surety Bond 20-85-12, American Home Assurance Company).

[BC20020924DOC004](#)

**Fairways at Imperial Lakewoods, Phase 1A-2, 1B and 2B**

**Release:**

1. Agreement with Imperial Partners, Ltd., guaranteeing completion of required improvements (\$28,670.20).
2. Performance Bond: \$28,670.20 (Surety Bond 16924, Nova Casualty Company).

**Accept:**

1. Agreement with Imperial Partners, Ltd., warranting required improvements (\$64,361.34).
2. Defect Security: \$64,361.34 (Surety Bond 16439, Nova Casualty Company).

[BC20020924DOC005](#)

**Foxbrook, Phase II**

**Release:**

1. Agreement with Cherokee Creek, Inc., guaranteeing completion of required improvements (\$1,121,196.38).
2. Performance Bond: \$1,121,196.38 (Surety Bond 400SD8465, United States Fidelity and Guaranty Company).

**Accept:**

1. Agreement with Cherokee Creek, Inc., warranting required improvements (\$56,356.20).
2. Defect security: \$56,356.20 (Surety Bond 400SR0762, St. Paul Fire and Marine Insurance Company).

[BC20020924DOC006](#)

**Hammock Place II**

**Release:**

1. Agreement with SW Florida Developers, Inc., warranting required improvements (\$32,907.35).
2. Defect Security: \$32,907.35 (Letter of Credit 995220-1 and 3 Amendments, First National Bank of Manatee).

[BC20020924DOC007](#)

**River Club South, Subphase II**

**Release:**

Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$4,606.03).

**Accept:**

1. Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$4,606.03)
2. Performance Bond: \$4,606.03 (Amendment 4 to Letter of Credit S95-31R, Republic Bank) **extending** expiration date to 10/1/03. [BC20020924DOC008](#)

**Silver Lakes fka Gold Tree Communities**

**Accept:**

1. Agreement with Lester C. Schott warranting required wetland mitigation (\$20,355).
2. Defect Security: \$20,355 (Letter of Credit 02-15, Flagship National Bank).

[BC20020924DOC009](#)

**Twin Rivers, Phase 1**

**Accept:**

1. Agreement with Gamble Creek, L.C., warranting required wetland mitigation (\$13,225).
2. Defect Security: \$13,225 (Letter of Credit 2002-02, First South Bank). [BC20020924DOC010](#)

**REFUND**

Manatee Joint Venture – Impact Fee \$5,036.10  
[BC20020924DOC011](#)

**WARRANT LIST**

Approved: September 17, 2002 through September 23, 2002  
 Authorized: September 24, 2002 through September 30, 2002 [BC20020924DOC012](#)

**ACCEPT**

**Manatee County Mosquito Control District** – Resolution setting meeting dates for FY 2002-03; Resolution adopting millage for FY 2002-03; Resolution adopting budget for FY 2002-03; and annual certified budget for arthropod control for FY 2002-03. [BC20020924DOC013](#)

**West Coast Inland Navigation District** – FY 2002-2003 Budget Summary; FY 2002-2003 Public Meeting Schedule; Resolution 2002-05 adopting the millage rate; Resolution 2002-06 adopting the budget for FY 2002-2003; and District guide map. [BC20020924DOC014](#)

**AUTHORIZE FEE WAIVERS (PUBLIC WORKS)**

Waive Fee (\$25) for Anton Lovesky due to fraudulent activity on bank account. [BC20020924DOC015](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Partial Releases of Special Assessment Liens:**

Projects 3009 (2); 3102 (2); 3129 (2); 5147 (2); 5256; 5279; 6101 [BC20020924DOC016](#)

**Satisfactions of Judgments:**

Lois Dennis – Case 2002-MM-1459  
 Christopher Halley – Case 1995-CF-58  
 Richard Mias – Case 2002-MM-3820  
 Franklin Arnold Raybuck – Case 1998-CF-2201  
 Gloria Rodrieguez & Amadeo Rodrieguez – Case 2002-CJ-1119B  
 Thelma Taylor – Case 2002-CJ-995 [BC20020924DOC017](#)

**COUNTY ADMINISTRATOR**

**MANATEE COUNTY FAIR**

Execution of License Agreement with Manatee River Fair Association for three exhibit spaces (Ayers 204-206-208) at the 2003 Manatee County Fair, \$817.50. [BC20020924DOC018](#)

**SUBROGATION CLAIM**

Acceptance of \$5,000 in full settlement of the County's medical cost lien against the recovery obtained by Palmoneada Gayheart from a third-party tortfeasor. [BC20020924DOC019](#)

**COMMUNITY CARE FOR THE ELDERLY**

Execution of Amendment 3 to Community Care for the Elderly Contract Rate Agreement 2002-3 with West Central Florida Agency on Agency, Inc., **decreasing** state funding to \$885,575. [BC20020924DOC020](#)

**MANATEE GLENS**

Execution of FY 2002-03 Non-Profit Agency Funding Agreements with Manatee Glens Corporation (10/1/02–9/30/03) for the following programs, total \$1,765,244:

1. **Adult Baker Act Services**, \$481,415; **Adult Rape Crisis Services**, \$92,211; total \$573,626;
2. **Adult Inpatient Detoxification**, \$107,500; **Adult Outpatient Detoxification**, \$107,500; **Adult Residential Detoxification**, \$195,700; total \$410,700;
3. **Youth Baker Act Services**, \$58,478; and
4. **Youth Residential Substance Abuse**, \$633,091; **Youth Outpatient Substance Abuse**, \$89,349; total \$722,440. [BC20020924DOC021](#)

**BUDGET AMENDMENT**

**Various Departments** **B-02-039**  
 Transfer of Funds; Unanticipated Revenue Appropriations  
 Supporting Description and Detail attached [BC20020924DOC022](#)

**EMPLOYEE HEALTH BENEFITS**

Approval of Medical and Dental Plan rates in accordance with the FY 2002-03 Budget. [BC20020924DOC023](#)

**SOUTHEAST SERVICE AREA WASTEWATER HYDRAULIC ANALYSIS**

Execution of Work Assignment EOR-8 with McKim & Creed, P.A., for **engineering services**, \$146,200. [BC20020924DOC024](#)

**TAX ROLL EXTENSION**

Authorization to send a letter to Ken Burton, Tax Collector, confirming Board approval to order that the tax roll be extended prior to completion of the Value Adjustment Board hearings. [BC20020924DOC025](#)

**TIME PAYMENT AGREEMENT**

Execution of Release of Time Payment Agreement on a satisfied agreement with Dennis L. and Valerie A. Herbert. [BC20020924DOC026](#)

**WATER AND SEWER SUPPLIES**

Award IFB 02-2535KK on an as-required basis to the lowest responsive, responsible bidders, meeting specifications for an estimated annual cost of \$821,062.83: Corcel Corp., \$72,638.30; Florida Industrial Products, Inc., \$53,984.76; Jim & Slim's Tool Supply, Inc., \$8,619.40; Sunstate Meter & Supply, Inc., \$424,828.39; TWC Distributors Inc., \$16,931; and U.S. Filter Distribution Systems, Inc., \$244,060.98. [BC20020924DOC027](#)

**2002 NEIGHBORHOOD ENHANCEMENT GRANTS**

Execution of Neighborhood Enhancement Grant Agreements with: Estuaries II Condominium Association, \$2,500; Oakley Homeowners Association, \$1,375; Palma Sola Park Homeowners Association, \$2,130; and Sabal Palms Condominium Association, Inc., \$2,500. [BC20020924DOC028](#)

**DEEDS AND EASEMENTS**

**Buttonwood Sewer Rehabilitation** – Utility Easements (3) from John C. Greer; Affidavits of Ownership and Encumbrances (3); Joinders (3) from SunTrust Bank, Inc. [BC20020924DOC029](#)

**THE GREAT OUTDOORS CONSERVANCY**

Authorization for Transportation and Utility Operations Departments to loan construction light trailers and donate staff time during their Oktoberfest event (9/27-29/02) at the Manatee County Fairgrounds. [BC20020924DOC030](#)

(End Consent Agenda)

(Depart Mrs. Glass)

**ORDINANCE 02-06 – COMPREHENSIVE PLAN AMENDMENT**

Noting that several people signed up to speak on proposed Ordinance **02-06 (PA-02-06, Schroeder-Manatee Ranch, Inc.)**, Mrs. Stein advised that the only action taken by the Board regarding this proposed Comprehensive Plan amendment was to vote (7/30/02) to transmit the request to the Department of Community Affairs (DCA) for comments.

Carol Clarke, Planning Director, advised that DCA comments are expected back within the next month, and the County then has 60 days to hold a public hearing.

Mrs. Stein advised that the property owner has filed a request for a zoning change (to allow an asphalt plant) for the land, and this would require public hearings before the Planning Commission and Board of County Commissioners. Mrs. Stein stated that the input received by Board members has been forwarded to the applicant, so the applicant understands the level of public displeasure.

(Enter Mrs. Glass during comments)

Discussion: Applicant could choose to withdraw the request; Tampa Bay Regional Planning Council (TBRPC) evaluates regional implications, not compatibility in a given neighborhood; due process needed in order to prevail in the event that something is turned down; there may not be comments from the TBRPC regarding regional impacts because there is an existing asphalt plant; etc.

Tedd Williams, County Attorney, stated that the Comprehensive Plan amendment is a quasi-legislative matter, and that the procedure should be allowed to take its due course.

**Clinton Miller**, representing Rosedale Subdivision, opposed Ordinance **02-06** and the proposed location of an asphalt plant near schools, a YMCA, churches, child care centers, and residential communities. He submitted and reviewed three specific requests, including a larger location and a later hour to accommodate public hearings, and an accelerated review of the Plan amendment.

Discussion: DCA comments will be made available to the public when received; reevaluate Comprehensive Plan issues relative to community input; notices for Plan Amendments and zoning matters are published in two newspapers; Planning Department's Neighborhood Registry; language used in notices is too legalistic; include explanation of proposal in layman's terms in Neighborhood Registry notices; zoning application had not been filed at the time the Comprehensive Plan amendment came forward; etc.

**Philip Marblestone** and **Lakis Pace**, area residents, stated opposition to PA-02-06.

**Wilhelmina McFee**, representing Braden Woods, requested that a list be provided of all the heavy industries that exist in the County. She also requested that applicants requesting changes under the Comprehensive Plan be required to declare the intended use of the land.

Lengthy discussion followed.

**HESS STATION – S.R. 70**

Ms. McFee stated that a Code Enforcement complaint was filed by the Braden Woods Homeowners Association in January 2002, regarding the lighting on the S.R. 70 Hess Gas Station and remains unresolved. She stated that the awning lights are still affecting residents and violate the Settlement Agreement (5/5/98) that prohibits white lights.

Mr. Williams requested that the County Attorney's Office be allowed to bring a report back at the next meeting. Without objection, the issue was set for 10:00 a.m. on October 1, 2002.

**RANCH LAKE PLAZA – TREE REMOVAL**

Ms. McFee advised that a complaint made to the County regarding illegal tree removal on this property noted erroneously that all the trees had been removed. She noted that three trees were in the right-of-way, and that a few trees remained there. Ms. McFee stated that the trees acted as both a visual and a sound barrier to S.R. 70 traffic, and requested that the trees be replaced along the area of the wall. She also requested that illegal tree removal be made a serious violation and that Section 714.1.3 of the Land Development Code remain as a deterrent to irresponsible tree destruction.

(Depart Mrs. von Hahmann during presentation)

**PROPERTY APPRAISALS**

**Claire Brown** pointed out the disparity in per acre property appraisals along Lockwood Ridge Road and that her property, assessed at \$10,040 per acre in 2001, was reassessed at \$25,000 per acre for 2002. She noted that no other assessment in the area increased, with values ranging from \$10,000 to \$25,000 per acre; however, a recent sale of 20 acres near her resulted in an increased assessment for that property. She noted that the McClure property, which is not being used agriculturally, retains an agricultural classification. Ms. Brown requested that the Property Appraiser make a presentation to the Board regarding these assessment disparities.

(Enter Mrs. von Hahmann during comments)

A presentation will be set for 9:30 a.m. on October 1, 2002.

[BC20020924DOC031](#)

**TREE REPLACEMENT – FEE SCHEDULE**

Carol Clarke, Planning Director, submitted Resolution

**R-02-261** A RESOLUTION TO AMEND THE PLANNING DEPARTMENT FEE SCHEDULE REGARDING TREE REPLACEMENT.

Ms. Clarke advised that the Resolution clarifies that payment into the Tree Trust Fund is based on the number of trees that are required for replacement.

Discussion: Replacement fees are too low for removal of large trees; add a 20 percent administrative fee; use more costly tree as a replacement benchmark; tree ordinance being reviewed; if a large tree is removed illegally, the canopy must be replaced; total approach should be to preserve trees, not getting money in the trust fund; is age and quality of tree taken into account; use of arborial actuarial analysis; provide report on use of tree funds and where replacement trees are located; whether tree funds have been used on public projects in the district where the trees were removed; funds come mainly from a forested site being developed, not illegal removal of trees; etc.

(Depart Mrs. Glass during discussion)

Michael Kenton, County forester, noted that the Land Development Code was amended in 1999 to remove the districts from the Tree Trust Fund, and the Board approves all projects funded through the Tree Trust Fund.

(Gavel to Mr. Bruce, presiding)

Motion was made by Mrs. Stein to adopt Resolution **R-02-261**. The motion was seconded by Ms. Brown and carried 5 to 0.

[BC20020924DOC032](#)

(Mrs. Stein presiding; enter Mrs. Glass)

**ZONING**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**Z-02-01 JOHN REKKAS**

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **NC-M** TO **GC**; AND PROVIDING AN EFFECTIVE DATE; ON 2.3 ACRES LOCATED AT 7700 CORTEZ ROAD. Planning Commission recommended APPROVAL.

Mr. McClash declared a conflict of interest, as his mother owns property adjacent to the site.

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, Mrs. Glass moved to ADOPT Manatee County Zoning Ordinance **Z-02-01**, as recommended by the Planning Commission. The motion was seconded by Mrs. von Hahmann and carried 5 to 0, with Mr. McClash abstaining.

[BC20020924DOC033](#)

**CONSENT AGENDA – PUBLIC HEARINGS**

**ZONING**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was opened to consider

**PDR-01-22(Z)(P) WILLIAM LINTNER/SPRINGFIELD**

(TO BE CONTINUED TO A DATE UNCERTAIN AND READVERTISED)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A** TO **PDR**; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW A 35-LOT SUBDIVISION FOR SINGLE-FAMILY DETACHED HOMES AT A DENSITY OF 2.94 DWELLING UNITS PER ACRE; AND PROVIDING AN EFFECTIVE DATE; ON 11.94 ACRES LOCATED ON THE NORTH SIDE OF 25TH STREET EAST (LYNTNOR ROAD), IMMEDIATELY SOUTH OF PARKWOOD LAKES SUBDIVISION.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, noted that due to substantial comment at the Planning Commission meeting (9/12/02), the applicant asked for a continuance in order to meet with the neighbors and redesign the project. [BC20020924DOC034](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**PDC-01-05(Z) MCCLURE PROPERTIES, INC.** (APPROVED)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **A-1/WP-E/ST** AND **PDR/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 THE 63RD AVENUE EAST (HONORE AVENUE).

Planning Commission recommended APPROVAL with one Stipulation.

**Claire Brown**, area resident, submitted copies of the 2002 Property Record Card on this parcel and objected to the rezone based on no plan being presented. Ms. Brown referenced *Florida Statute* 193.461 and stated that property, rezoned at the request of the owner to other than agricultural zoning, is no longer eligible for an agricultural classification. She noted that the 2002 tax bill on this property is only \$93.33. Ms. Brown stated the need for a mechanism to ensure that with the next appraisal, the rezoned property will automatically be ineligible for the agricultural classification.

Discussion: Whether PDC has been approved without a plan, especially with negative staff comments of possible incompatibility with adjacent future residential development; negative issues can be mitigated when property goes through public hearing; this request only allows the opportunity to have the criteria met for that zoning; property bought for \$40,000 per acre for widening Lockwood Ridge Road and used as a drainage ditch and holding pond; property does meet locational criteria because of the two classified thoroughfares; etc.

Norm Luppino, Planning Department, used a zoning map to point out this site and the future extension of Honore and 63rd Avenues along the northern portion of the property. He noted staff concern that a site plan had come in for Stonebriar [PDR-01-13(Z)(G)] with lots along the southern portion of this property, and that owing to a gas easement there, the road might have to be shifted.

Mr. Steinsnyder advised that should the road become an issue, it can be stipulated when the plan comes before the Board. [BC20020924DOC035](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**PDO-02-09(Z)(P) UNIVERSITY MEDICAL PARK III, INC.** (APPROVED)

A ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF 2.66 ACRES FROM **A-1** TO **PDO**; AND APPROVAL OF A PRELIMINARY SITE PLAN TO ALLOW 27,411 SQUARE FEET OF MEDICAL OFFICE SPACE, EXPANSION OF THE STORMWATER FACILITIES POND IN PHASE II, AND MODIFICATION OF INTERNAL TRAFFIC CIRCULATION IN PHASES 1 AND 2; AND PROVIDING AN EFFECTIVE DATE; ON 7.8 ACRES TOTAL SITE, LOCATED AT 2415 UNIVERSITY PARKWAY, AT THE NORTHEAST CORNER OF SHADE AVENUE AND UNIVERSITY PARKWAY, EXTENDING NORTH TO THE FUTURE BROADWAY (2.66 ACRES REZONE PARCEL).

Planning Commission recommended APPROVAL with 15 Stipulations; and GRANTING Special Approval for a project located within a designated entranceway.

[BC20020924DOC036](#)

**LAND DEVELOPMENT CODE**

Public hearing (Notices not published) was held to consider

**ORDINANCE 02-48**

(CONTINUED TO OCTOBER 22, 2002, AND READVERTISED)

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); REGARDING **WETLAND BUFFERS**, AND OTHER ENVIRONMENTAL ISSUES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

[BC20020924DOC037](#)

Public hearing (Notices in the *Bradenton Herald* 9/13/02 and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**ORDINANCE 02-46**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA...: REGARDING **SMALL BOAT MANUFACTURING**; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

Discussion: Why has this been proposed; concern of odors associated with boat manufacturing in light industrial; how are fumes contained; whether this is to cure a problem in the County; etc.

Mr. Steinsnyder advised that six small boat manufacturers have been unable to find suitable space in the heavy manufacturing zoning.

Discussion: List heavy manufacturing areas and show why space cannot be found in those areas; new technology does not indicate that fumes are eliminated; emissions would be closer to residential; deal with siting these businesses through the EDC (Economic Development Council); boat yard is industrial, whether or not it is small; building just purchased at Port Manatee (Rivolta Building) where boat manufacturing is occurring; possibility of siting a business at that building; etc.

Ms. Clarke noted that due to a schedule conflict, the second public hearing would be continued from October 22, 2002, when an appropriate date has been found. [BC20020924DOC038](#)

**TWIN RIVER – LOCAL DEVELOPMENT AGREEMENTS**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**LDA-99-01(R) TWIN RIVER** (APPROVED)

Request: A local development agreement to provide for upsizing of the sewer transmission lines for the Twin Rivers and seeking to extend the Certificate of Level of Service for the project. The original LDA-99-01 for Twin Rivers provided for certain development rights and mitigated the drainage (Gamble Creek cleaning), transportation (reconstruction of Golf Course Road Bridge and transportation improvements), and infrastructure (sewer connection and upsizing) impacts. The Project was approved for 550 residential lots at a density of 0.48 units per acre, a daycare, and a church. The Twin Rivers project is on 1,224 acres located on the south side of Golf Course Road, east of the Gamble Creek, west of Rye Road, and north of the Manatee River.

Planning Commission recommended APPROVAL.

[BC20020924DOC039](#)

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**LDA-02-05 TWIN RIVER II** (APPROVED)

Request: A local development agreement to provide for upsizing of the sewer transmission lines, transportation improvements including right-of-way dedication and seeking an extended Certificate of Level of Service for the Twin Rivers II Project. The project was approved for 400 single-family detached homes at a density of 0.99 units per acre. The Twin Rivers II project is on 449.45 acres located on the south side of Golf Course Road, east of Twin Rivers, 2,500 feet west of Rye Road.

Planning Commission recommended APPROVAL.

[BC20020924DOC040](#)

**COMPREHENSIVE PLAN AMENDMENT**

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

**ORDINANCE 02-02**

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED (THE 2020 MANATEE COUNTY COMPREHENSIVE PLAN); PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN FROM **IL** (46.8 ACRES); **IH** (37.7 ACRES); **IH/CEA**, **IH/CEA/CSVA** (65.1 ACRES) AND **RES-6/CEA** AND **RES-6/CEA/CSVA** (28.6 ACRES) TO **RES-9** (84.5 ACRES) AND **RES-1/CEA** AND **RES-1/CEA/CSVA** (65.1 ACRES) AND **RES-3/CEA** AND **RES-3/CEA/CSVA** (28.6 ACRES) FOR A TOTAL ACREAGE OF 178.2 ACRES, LOCATED IN THE 2001 BLOCK OF U.S. 301, PALMETTO, BETWEEN CANAL ROAD AND 24TH AVENUE EAST, BEGINNING 600 FEET SOUTH OF U.S. 301 AND CONTINUING SOUTH TO MANATEE RIVER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(**PA-02-02** – Property Owner: **Palmetto Business Park**)

Planning Commission recommended TRANSMITTAL.

Ms. Clarke noted that this amendment adds acreage and reduces the density approved under the Comprehensive Plan designation (see March 14, 2002). [BC20020924DOC041](#)

Motion was made by Mr. Bruce to approve the Public Hearings Consent Agenda, incorporating the language as stated in the recommended motions in the agenda memoranda, as may have been amended in the supplemental agenda. The motion was seconded by Ms. Brown and carried 6 to 0.

(End Public Hearings - Consent Agenda)

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

ZONING

Public hearing (Notices in the *Bradenton Herald* and the *Sarasota Herald-Tribune* 9/13/02) was held to consider

PDI-02-12(P) SPECTRUM UNDERGROUND, INC.

Request: Preliminary Site Plan to allow a 4,800 square-foot convenience store with gas and diesel pumps (9,010 square-foot combined canopy), a carwash (700 square feet), and a construction services establishment (3,000 square-foot office, 6,000 square-foot warehouse, and equipment yard); on 9.4 acres located at the southwest corner of U.S. 41 North and 73rd Street East.

Planning Commission recommended APPROVAL with 32 Stipulations;

ADOPTING the Findings for Specific Approval;

DENYING Specific Approval of an alternative to Section 710.1.5.5.5.1 of the Land Development Code; and

GRANTING Special Approval for a project: **(1)** within an entranceway; **(2)** partially located in the CH Overlay District; **(3)** partially within the CSVA Overlay District; and **(4)** a Mixed Use Future Land Use Category.

Aristotle Shinas, Planning Department, submitted a memorandum from the Stormwater Management Division regarding the drainage ditch on the west property line, and a photograph of the west property line indicating 61-foot and 75-foot setbacks. Mr. Shinas reviewed the request using the following: **(1)** a future land use and residential distribution map; **(2)** a slide presentation; **(3)** a zoning map; **(4)** a future land use map; and **(5)** an aerial photograph. He noted concerns of compatibility and transitioning, in addition to visual, noise, and dust impacts on the adjacent trailer park. Mr. Shinas explained staff's request for a 75-foot setback from the west property line.

Mike Harrison, Planning Department, reviewed equipment sites depicted in the slide presentation and identified the rock material as Florida Department of Transportation (FDOT) 57 rock and a combination of limestone and granite. Mr. Harrison stated that the rock supports heavy equipment, is cost-effective and easy to maintain, and acts to contain sediment and runoff. He stated that dust from FDOT 57 rock is negligible in an equipment yard.

Mr. Shinas reviewed photographs in the slide presentation depicting concrete areas adjacent to warehouses used by heavy equipment and noted that conveyors are used in those areas to move the equipment. Mr. Shinas also reviewed a stipulation requiring that the canopy be constructed with similar materials to those used in the principal building.

Mr. Shinas noted the warehouse area and the equipment yard on the site plan where the applicant proposed FDOT 57 rock and grass, respectively. On a second site plan, Mr. Shinas noted a line along the west side of the site that indicated staff's proposed 75-foot separation of uses and structures.

Mr. Shinas stated neighborhood concerns are hours of operation, health and air quality issues, visual impacts, and noise. He advised that a wall was requested along the west property line, and noted additional concerns in letters included in the staff report. Mr. Shinas advised that staff and the Planning Commission disagreed on **Stipulations 1.b., 1.e., 2, 3, 11.b., 11.c., and 12.**

Discussion: County is acquiring an easement to maintain the drainage ditch; ditch is in poor condition; traffic light at 73rd and U.S. 41; etc.

Jerome Gostkowski, Planning Department, advised that signalization of the intersection is a concurrency requirement for Gulf Coast Corporate Park Phase III, and it is also programmed on the TIP (Transportation Improvements Program) for installation.

Discussion: Whether light will be installed before this facility opens; this project has deferred concurrency; traffic analysis has not been done; accidents and a fatality at intersection; etc.

Carol Clarke, Planning Director, addressed the formula for a developer's contribution to a traffic signal.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, provided **Stipulation 33:**

Prior to Certificate of Occupancy, the intersection of U.S. 41 and 73rd Street East shall be signalized.

Ms. Clarke noted that she had just been advised that a right-of-way use permit is expected from FDOT at the end of the week, and the light should be installed and operational by the middle of November.

Discussion: Hours of operation of equipment yard; gas station and convenience store can operate 24 hours per day; what kind of noise will be generated from site; applicant proposes 6-foot PVC fence along west property line; 8-foot solid wall is superior as a sound buffer; 75 feet of separation is better when transitioning from commercial use to a residential area; landscaping will also help absorb sound; Stipulation 10 should prohibit truck stop activities; etc.

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

**Harlan Sunquist, Sr.**, applicant, stated that he was in agreement with staff except on **Stipulations 1.b., 1.e., 2, 3, 11.a., 11.b., 11.c., 12, 19, and 20.** Mr. Sunquist showed a photograph of a building with a corrugated metal canopy and stated that he would not be using any metals with that appearance, but wanted to use architectural metals. He displayed photographs taken along U.S. 41 depicting gas pump canopies that were constructed of architectural metals.

(Enter Ms. Brown)

Mr. Sunquist displayed a photograph of the west property line and the area maintained by Tree Lakes Resort, and stated that the project was moved further east to allow continued use of the area as a dog run. He stated that the drainage easement and setback along the west property line constitute almost 25 percent of the property for the construction services facility.

Mr. Sunquist submitted his **Stipulation 11.a.** and objected to the higher opacity recommended by staff. He stated that the gas station and convenience store need visual exposure. Mr. Sunquist used a site plan to discuss Stipulation 11.c., regarding the south property line, and stated that landscaping is not needed to buffer the site from the rest of his property.

Discussion: Landscaping would buffer the view from U.S. 41; softening the look in the entranceway; there is a 400- to 500-foot visual buffer from U.S. 41; use landscaping rather than PVC fence; fence will buffer sound and nearby neighborhood; address opacity level and timeframe; keep fence and soften with landscaping; etc.

Mr. Sunquist addressed proposed fence heights in Stipulations 11.b., 11.c., and 12, and stated that a higher fence is not needed with the berm along the west property line. He displayed a photograph depicting a masonry wall and stated that a PVC fence would also maintain a better appearance. Mr. Sunquist displayed photographs of the berm along the drainage ditch and stated that a wall placed there would be unstable.

Mr. Sunquist reviewed Stipulations **19** and **20**, and displayed photographs of the County facility on Bay Drive adjacent to Trailer Estates Mobile Home Park, noting compatibility with his request for a grass equipment area. He displayed photographs of shell-based parking areas at the facility, which he noted were not dustless. Mr. Sunquist also displayed photographs taken from the backyard of an adjacent mobile home and pointed out the 25-foot buffer from the County's equipment yard. He noted the similarities between these photographs and those of his existing equipment yard in the staff slide presentation, and stated that he has never had a dust complaint from homeowners adjacent to his business. Mr. Sunquist also displayed a photograph of the County facility on 66th Street West and pointed out that the shell-based surface is economical and low maintenance. He displayed photographs of the storage yard at that facility. He pointed out the proximity of a heavy residential area and noted that dust in an equipment yard could be controlled by irrigation installed for landscaping. He requested approval of grass and FDOT 57 rock.

**Jim Mossman**, neighboring property owner, noted concerns of dust and noise, and requested an 8-foot high, concrete block wall along the west property line with a 75-foot buffer. He also requested a traffic light at the intersection of 73rd Street East and U.S. 41. **Edna Wright**, manager of Tree Lakes Resort, concurred with Mr. Mossman.

Mr. Shinas reviewed LDC criteria for planned developments, including those for compatibility, transitioning in relation to surrounding properties, and the site being in an entranceway. Mr. Shinas also reviewed Comprehensive Plan policies relative to the site, including land use techniques such as increased setbacks to mitigate potential incompatibility.

Discussion: Comments regarding drainage easement will not require changes in any stipulations; additional comments from Stormwater Management Division resulted from discussion of placement of wall; current plans do not show a relocation of the ditch; stability of berm in respect to the potential wall; wall would be well away from the berm; whether to incorporate backs of buildings into wall; staff's design has more validity; etc.

Robert Wenzel, Planning Department, used a survey of the site to note a distance of 42 feet from the west property line to the east top of bank of the drainage ditch.

Regarding additional language for **Stipulation 10**, Mr. Steinsnyder suggested "Overnight and extended daytime customer parking of trucks..."

Mr. Sunquist read the section of **Stipulation 11.b.**, which stated that no structure shall be utilized as part of the wall, and asked that this part of the Stipulation be stricken.

Discussion: Applicant's version of Stipulation 11.b. allows for use of the buildings as part of the wall; height of gas canopy in relation to landscaping and visual appearance along U.S. 41; canopy height stipulated to be 20 feet; whether it makes sense to have concrete wall against the wall of a building; building would likely be metal; wall can be run between the buildings; etc.

Robert Pederson, Planning Department, read new language for **Stipulation 11.b.**, the last two sentences:

"...The required wall shall be set back 75 feet from the west property line. The structures may be utilized as part of the wall installed along the western limits of the equipment yard."



Discussion: Whether landscaping would be along the wall; other stipulations would still require landscaping; consensus for use of buildings as part of wall if landscaping is used; etc.

(Gavel to Mr. Bruce, presiding)

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. Stein moved to APPROVE Preliminary Site Plan PDI-02-12(P) with Stipulations 1 through 33, staff-recommended versions of those Stipulations, 10 and 11.b. as modified by this hearing and 33 as added; ADOPT the Findings for Specific Approval and DENY Specific Approval of an alternative to Section 710.1.5.5.5.1 of the Land Development Code; and GRANT Special Approval for a project: **(1)** within an entranceway; **(2)** partially located in the CH Overlay District; **(3)** partially within the CSVA Overlay District; and **(4)** a Mixed Use Future Land Use Category, as recommended by staff. The motion was seconded by Mrs. von Hahmann. Following discussion, the motion carried 6 to 0.

[BC20020924DOC042](#)

(Mrs. Stein presiding)

**COMMISSIONERS' COMMENTS**

**Cortez Schoolhouse**

Mrs. von Hahmann noted that the County was ranked very high for the grant.

[BC20020924DOC043](#)

**Tangelo Park**

Mr. Bruce noted receipt of a letter from **Bessie Vail** with a concern that Waste Management trucks are causing potholes in the private portion of 9th Street West. Mr. Bruce advised her that the County is unable to maintain private roads but requested that the County Administrator bring this to the attention of Waste Management.

[BC20020924DOC044](#)

**Florida Association of Counties**

Mrs. Stein stated that the Florida Association of Counties requested an updated list of contacts regarding Article V (court costs). She noted that James Seuffert is the contact for general policy and budget. Mrs. von Hahmann volunteered as contact person for the Board. Mrs. Stein advised that Tedd Williams, County Attorney, or his designee would be the contact person for legal issues.

**Joint Planning Committee**

Mr. McClash advised that a first meeting of the Joint Planning Committee was held regarding the annexation of the Palma Sola Golf Course. He noted that the meeting went well, and that a draft of the interlocal agreement was submitted for review. He stated that two interlocal agreements would be coming forward in the near future.

**Boat Docks**

Mr. McClash noted the need for a check and balance system for dock permits being issued in navigable waters. He noted that input is needed from the waterway community and that the waterway management study (presented 3/13/01) should be used by Planning staff as a resource.

**West Coast Inland Navigation**

Mr. McClash reported that a general permit has been issued by the West Coast Inland Navigation District (WCIND) to allow dredging for traffic sheds, and that canals are being included in the permit. He recommended to the WCIND that a work session be held to discuss the general permit and waterway studies in relation to waterway issues.

[BC20020924DOC045](#)

**Perico Harbor Marina**

Mr. McClash stated that he received an e-mail advising that the owners of Perico Harbor Marina have applied to the Army Corps of Engineers for a permit to increase the number of wet slips from 15 to 188. He voiced concern that there was no notification to the County and asked that staff question the Corps why the County was not notified. He requested that staff bring this back for an update on the status of the permit request.

[BC20020924DOC046](#)

**Emerson Point Management Plan**

Mr. McClash voiced concern that the Land Development Code (LDC) does not allow flexibility when a conservation management plan has been approved by the State, noting that certain aspects of the Code do not apply that would typically apply to a developer.

Discussion: Need for a conservation element in LDC; adopt the map of the property as the Code for that area; staff to bring back recommendations; etc.

**Florida Association of Counties – Lobbying**

Mrs. Glass noted a recent newspaper article regarding the Florida Association of Counties (FAC) lobbying the Miami Commissioners and Dade and Broward Counties to purchase a certain type of voting equipment that had not been tested in an area of any significance. She stated that the article noted the FAC would be compensated through the sale of the equipment, and voiced a concern of the appropriateness of the FAC being in any sort of business, especially in bid rigging.

Discussion: Work with staff on letter to be sent to FAC; research the matter further and report back; verify that FAC was part of it; etc.

**17th Street – Palmetto**

Ms. Brown voiced concern of the condition of 17th Street in Palmetto and stated that the street needs to be completed. [BC20020924DOC047](#)

**Dredging Projects**

Mrs. von Hahmann voiced concerns regarding dredging projects such as the private Bay Beach dredge project recently featured in a newspaper article. She stated the need for policies and review procedures for dredging projects in which the County does not participate.

Discussion: Placement of spoil material was the issue, not the dredging procedure; project was approved under WCIND; Director of WCIND has been asked to develop best management practices for spoil placement; concern of additional governmental interference; whether County would share liability if standards are set; adopt rules to address the issue of spoil material having an effect on the neighborhood; evaluate a yearly bid for dredging to get a reliable dredger; etc. [BC20020924DOC048](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 2:58 p.m.  
/tb/klc

Minutes Approved: November 12, 2002