

**OCTOBER 22, 2002**

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Tuesday, October 22, 2002, at 9:03 a.m.

Present were Commissioners:

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

Also present were:

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

Invocation by Rev. Lee Breyer, CITI Ministries.

All witnesses and staff giving testimony were duly sworn.

**AGENDA**

Agenda of October 22, 2002, and agenda update memorandum.

[BC20021022DOC001](#)

**CONSENT AGENDA**

Mr. McClash moved 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 deletion of **Cortez-Johnson Transmission Line** and **Modification to the Palmetto Point Sewer Assessment Roll** (separate actions). The motion was seconded by Mr. Harris and carried 7 to 0.

**CLERK'S CONSENT AGENDA**

[BC20021022DOC002](#)

**BONDS**

**Kew Gardens**

**Release:**

1. Agreement with Daniel Development guaranteeing completion of required improvements (\$23,331.10).
2. Performance Bond: \$23,331.10 (Letter of Credit S997035 with amendments 1 and 2, Northern Trust Bank of Florida).
3. Agreement with Daniel Development, Inc. warranting required improvements (\$44,817.38).
4. Defect Security: \$44,817.38 (Letter of Credit S997034, Northern Trust Bank of Florida).

[BC20021022DOC003](#)

**Greenfield Plantation Phase I**

**Release:**

1. Agreement with River Road Plantation Partnership guaranteeing completion of required sidewalks and bikeways (\$12,155).
2. Performance Bond: \$12,155 (Letter of Credit T521928 with Amendment 2, Barnett Bank).

[BC20021022DOC004](#)

**Greenbrook Village, Subphase L**

**Release:**

1. Agreement with SMR Communities Joint Venture guaranteeing completion of required improvements agreement and temporary construction easement for private improvements (\$178,612.12).
2. Performance Bond: \$178,612.12 (Surety Bond 929225850, Continental Insurance Company).

[BC20021022DOC005](#)

**Laurel Oak Park**

**Release:**

1. Agreement with Neal Communities of Southwest Florida, Inc., warranting required improvements (\$52,845.29).
2. Defect Security: \$52,845.29 (Letter of Credit 9903 with amendment, SunTrust Bank).

[BC20021022DOC006](#)

**Mill Creek, Phase IV**

**Release:**

1. Agreement with Manatee Joint Venture guaranteeing completion of required sidewalks and bikeways (\$1,250).
2. Performance Bond: \$1,250 (Cashier's Check 10328714 issued 6/2/00, SouthTrust Bank).

[BC20021022DOC007](#)

**Sabal Harbour, Phase IV**

**Release:**

1. Agreement with Pulte Home Corporation guaranteeing completion of required improvements and temporary construction easement for private improvements (\$78,146.10).
2. Performance Bond: \$78,146.10 (Letter of Credit ATL/P601082, SunTrust Bank).

[BC20021022DOC008](#)

**Sabal Harbour, Phase III****Accept:**

Defect Security: \$39,882.43 (Amendment 2 to Letter of Credit ATL/P600858, SunTrust Bank, extending expiration date to November 3, 2003). [BC20021022DOC009](#)

**WARRANT LIST**

Approved: October 15, 2002 through October 21, 2002

Authorized: October 22, 2002 through October 28, 2002 [BC20021022DOC010](#)

**ACCEPT****City of Palmetto**

City of Palmetto Ordinance 02-754 annexing property at 1802 21st Street West. [BC20021022DOC011](#)

**Manatee County v. Piney Point Phosphate, Inc. and Department of Environmental Protection DOAH95-005795** – Transcripts of litigation assessment meetings (12/21/95; 1/9/96; 4/25/97; 6/3/97; 12/2/97; 12/12/97). [BC20021022DOC012](#)

**South County Youth and Recreation Center v. Manatee County, Florida, 99-446** – Transcript of litigation assessment meeting (4/20/99). [BC20021022DOC013](#)

**AUTHORIZE CHAIRMAN TO SIGN**

**Wildwood Springs Reclaimed Water Main** – Contract with Stately Contractors, Inc., \$193,796.75; date performance/payment bonds and Power of Attorney and accept Insurance Certificate (approved 10/1/02). [BC20021022DOC014](#)

**Satisfactions of Judgments:**

Anthony Allen – Cases 2001-565F and 2001-1064F

Ronnie T. Smith – Case 1995-4598M

Ronnie Smith – Cases 1995-4598M and 1995-3023T

Floyd Manford – Case 1996-1060F [BC20021022DOC015](#)

**COUNTY ADMINISTRATOR****COMMUNITY CARE FOR THE ELDERLY**

Execution of Amendment 1 to FY 2002-03 Agreement with Neighborly Senior Services of Manatee, Inc., for **Alzheimer's Disease Initiative Facility-Based Respite Services**; increase of \$21,485, adjusted total \$76,584. [BC20021022DOC016](#)

**HEALTH DEPARTMENT**

Execution of FY 2002-03 contract with the Florida Department of Health for services to be provided at the Manatee County Health Department (\$13,165,921: State, \$10,318,020; County, \$1,298,765; Other Local, \$1,549,136). [BC20021022DOC017](#)

**MEDICAID WAIVER**

Execution of FY 2002-03 Medicaid Waiver Agreement Amendment 1 with West Central Florida Area Agency on Aging, Inc., to provide second quarter spending authority for **Home and Community Based Services** (\$245,035 second quarter payment). [BC20021022DOC018](#)

**BUDGET AMENDMENTS**

1. **Various Departments** **B-02-042**  
Transfer of Funds; Unanticipated Revenue Appropriations  
Supporting Description and Detail attached [BC20021022DOC019](#)
2. **Various Departments** **B-03-007**  
Transfer of Funds; Unanticipated Revenue Appropriations  
Supporting Description and Detail attached [BC20021022DOC020](#)

**FLORIDA ASSOCIATION OF COUNTIES**

Authorize payment of \$37,615 to Florida Association of Counties, Inc., for membership dues (11/1/02-10/31/03), \$29,492; and increased services related to Article V (Revision 7), \$8,123. [BC20021022DOC021](#)

**TIME PAYMENT AGREEMENTS**

Execution of, and authorization to record, Time Payment Agreements for facility investment, water connection, and line extension fees with Stephen and Melissa M. Reid (2), Stephen Reid, and Kenneth and Dana F. L. Sanchez. [BC20021022DOC022](#)

**BLAKE MEDICAL CENTER - RECYCLING GRANT**

Approve, ratify, and confirm submission of a grant application to the Florida Department of Environmental Protection (FDEP) for an innovative recycling/waste reduction project "*Green Building Strategies: Hospital Construction Project*", \$335,000 (\$200,000 FDEP; \$75,000 County in-kind; \$49,000 Blake Medical Center; \$11,000 other). [BC20021022DOC023](#)

**RETIREE MEDICAL AND DENTAL PLAN RATES**

Approve Former Employee Medical and Dental Plan rates in accordance with the FY 2002-03 Budget. [BC20021022DOC024](#)

**LAKE MANATEE DAM**

Authorize staff to issue a Request for Proposal for Construction Management at Risk Services for the construction of the renovations at the County's earthen dam. [BC20021022DOC025](#)

**FINAL PLATS****Lakeridge Falls, Phase 1C**

1. Final Plat;
2. Agreement with Centex Homes guaranteeing completion of required improvements and temporary construction easement for private improvements (\$504,770.66);
3. Performance Bond: \$504,770.66 (Surety Bond 6161787, Safeco Insurance Company of America);
4. Agreement with Centex Homes guaranteeing completion of required sidewalks and bikeways and temporary construction easement for private improvements (\$196,097.58);

5. Performance Bond: \$196,097.58 (Surety Bond 6161788, Safeco Insurance Company of America);
6. Agreement with Centex Homes guaranteeing completion of required improvements and temporary construction easement for private improvements (\$265,328);
7. Performance Bond: \$265,328 (Surety Bond 6167392, Safeco Insurance Company of America);
8. Agreement with Centex Homes guaranteeing completion of required improvements (\$295,951.50);
9. Performance Bond: \$295,951.50 (Surety Bond 6161786, Safeco Insurance Company of America);
10. Agreement for the Installation and Maintenance of Publicly Owned Facilities Underlying Privately Owned Lands with Centex Homes; and
11. Second Supplemental Declaration of Covenants, Conditions, and Restrictions for Lakeridge Falls. [BC20021022DOC026](#)

**River West Subdivision**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of a Subdivision Plat and All Dedications and Reservations Thereon from Community Bank of Manatee;
3. Mortgagee's Joinder in and Ratification of a Subdivision Plat and all Dedications and Reservations Thereon from Maria J. Baran, as Trustee of the Revocable Limiting Trust Agreement of Maria J. Baran, dated February 27, 1990;
4. Conservation Easement from C. J. Baran, Jr., and Shirley K. Baran;
5. Agreement to Defer Completion of Required Sidewalks with C. J. Baran, Jr., and Shirley K. Baran; and
6. Notice to Buyer. [BC20021022DOC027](#)

**Rosedale Highlands, Subphase B-Replat**

1. Final Plat;
2. Limited Appointment of Agent; and;
3. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from SunTrust Bank. [BC20021022DOC028](#)

**Greyhawk Landing, Phase 2**

1. Final Plat;
2. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Upper Manatee River Farms;
3. Mortgagee's Joinder in and Ratification of Subdivision Plat and All Dedications and Reservations Thereon from Betty Sue Reagan;
4. Agreement with Sam Rodgers Properties, Inc., guaranteeing completion of required improvements (\$2,707,835.65);
5. Performance Bond: \$2,707,835.65 (Surety Bond 027412 20616310, Auto Owners Insurance Company);
6. Agreement with Sam Rodgers Properties, Inc., guaranteeing completion of required sidewalks and bikeways and temporary construction easement for private improvements (\$81,576);
7. Performance Bond: \$81,576 (Surety Bond 027412 20616568, Auto Owners Insurance Company);
8. Agreement with Sam Rodgers Properties, Inc., guaranteeing completion of required improvements and temporary construction easement for private improvements (\$257,912);
9. Performance Bond: \$257,912 (Surety Bond 027412 20616569, Auto Owners Insurance Company);
10. Agreement for the Installation and Maintenance of Publicly Owned Facilities Underlying Privately Owned Lands with Sam Rodgers Properties, Inc.; and
11. First Supplement to the Declaration of Covenants and Restrictions. [BC20021022DOC029](#)

**GLENBROOKE SUBDIVISION**

Waive permitting fees, including site plan and building permit fees, for Glenbrooke Subdivision to install a subdivision sign (removed during construction of Lockwood Ridge Road).

[BC20021022DOC030](#)

**PARTICIPATION PROJECTS**

**Pomello Park**

**R-02-278** A RESOLUTION PROVIDING FOR CORRECTION OF THE SPECIAL ASSESSMENT ROLL FOR ROAD ASSESSMENT PROJECT 6033660 AS IMPOSED PURSUANT TO RESOLUTION 01-89 RECORDED IN O.R. BOOK 1698, PAGES 1665-1667, **POMELLO PARK, PHASE I** (split parcel owned by Leroy, Jr., and Stephanie McDonald, and William and Pam Roushia).

[BC20021022DOC031](#)

**Samoset**

**R-02-281** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 5147, **SAMOSSET** (assign new D.P. number 55847.0100/9 to parcel owned by Oneco Associates LLC).

[BC20021022DOC032](#)

**TRAFFIC SIGNAL MAINTENANCE AND COMPENSATION AGREEMENT**

Execution of **revised** Traffic Signal Maintenance and Compensation Agreement (9/17/02), and authorization to transmit (with Exhibit A, as revised 10/1/02), to the Florida Department of Transportation, \$21,756.

[BC20021022DOC033](#)

**EAST GLEN OFFICE PARK/S.R. 64**

(1) Warranty Deed from East Glen Professional Park, Inc., for right-of-way; Affidavit of Ownership and Encumbrances; (2) Warranty Deed from Venetian Lakes Water Company for right-of-way; Affidavit of Ownership and Encumbrances; Partial Release of Mortgage from 1st National Bank & Trust.

[BC20021022DOC034](#)

**STREET VACATION**

**R-02-259-V** RESOLUTION DECLARING A PUBLIC HEARING ON DECEMBER 3, 2002, AT 9:00 A.M., OR AS SOON THEREAFTER AS SAME MAY BE HEARD, ON APPLICATION BY SCOTT SELESKA AND DEBRA BRAMMER, TO VACATE RIGHT-OF-WAY LYING CONTIGUOUS TO A PORTION OF LOT 161, TAILFEATHER WAY AT TARA. [BC20021022DOC035](#)

**LAWSUIT**

Authorize an appeal to the Florida Second District Court of Appeal of an order issued by Judge Janette Dunnigan (10/14/02) dismissing Manatee County's motion to hold the **OuterLimits** in contempt for noise and secondary violations in the case of Manatee County v. J. Richard Kaiser Enterprises, Inc., OuterLimits, Inc., and Florida Club Concepts Limited Partnership, 1998-CA-2255. [BC20021022DOC036](#)

**TWIN RIVER AND TWIN RIVERS II**

Execution of Wastewater Participation Agreement with Gamble Creek, L.C., to improve and oversize wastewater system components to serve future occupants of this development site, \$409,036.75. [BC20021022DOC037](#)

(End Consent Agenda)

**SHERIFF**

Representatives from the Manatee County Sheriff's Office read a letter of appreciation to the Board for supporting the Sheriff's Office budget for salary increases in FY 2002-03. [BC20021022DOC038](#)

**CORTEZ-JOHNSON TRANSMISSION LINE**

Mr. Bruce remarked that the visual aesthetics are impacted along S.R. 70, U.S. 301, and Cortez Road corridor due to Florida Power & Light transmission lines being installed above ground for the Cortez-Johnson Transmission Line.

Motion was made by Mr. McClash and seconded by Mr. Harris to approve execution of Coordination Agreement with Florida Power & Light Company.

Discussion: No regulatory authority to require that lines be buried; disruption to businesses; etc.

After discussion, the motion carried 6 to 1, with Mr. Bruce voting nay. [BC20021022DOC039](#)

**VIETNAMESE POT-BELLIED PIGS**

**Paul Brosam** disagreed with the designation of miniature pot-bellied pigs as farm animals (10/1/02). He stated he was not notified of the meeting where a report was presented for consideration of a County-initiated Land Development Code (LDC) amendment to consider the pigs as pets.

Motion was made by Mr. Harris and seconded by Mr. McClash to direct staff to amend the LDC. Following discussion, the motion was amended to schedule a work session prior to setting hearings regarding amending the LDC; that any action by Code Enforcement be stayed until a final decision is made by the Board; and that drafts of other communities' ordinances be reviewed. The motion carried 6 to 1, with Mrs. Stein voting nay. [BC20021022DOC040](#)

**CITIZENS' COMMENTS**

**Judicial Center**

**William Wheeler** read a letter from **Ernest S. Marshall**, Federation of Manatee County Community Associations, opposing demolition of the existing jail to construct a new Judicial Center. Mr. Wheeler remarked that he prefers the Judicial Center be located outside city limits.

**Perico Harbor Mraina**

**Marilyn Stasica** stated her opposition to the proposed expansion of the Perico Harbor Marina. **Paul Brosam** mentioned that a bald eagle was spotted near the marina.

**Property Assessments**

**Claire Brown** remarked that she has requested records from the Property Appraiser's Office regarding an agricultural classification on a parcel of property, and explanation of how the assessment was derived.

**Tree Preservation**

**Arlene Flisik** supported the County's efforts to monitor the destruction of trees in new housing developments. Carol Clarke, Planning Director, mentioned that trees, designated on site plans to be preserved, are verified by staff at the end of construction. Ms. Flisik also opposed the **Perico Harbor Marina** expansion. [BC20021022DOC041](#)

**PARTICIPATION PROJECT - PALMETTO POINT**

Motion was made by Ms. Brown, seconded by Mrs. von Hahmann, and carried 7 to 0, to adopt

**R-02-279** A RESOLUTION MODIFYING THE SPECIAL ASSESSMENT ROLL FOR SEWER ASSESSMENT PROJECT 2502 **PALMETTO POINT** (assign new D.P. number 22416.0005/9 to a parcel owned by Manatee County Nursery Schools, Inc.). [BC20021022DOC042](#)

**CHILDREN'S SERVICES ADVISORY BOARD**

The floor was opened for nominations for two appointments to the Children's Services Advisory Board.

**Nominations:**

Elizabeth Morrison - by Mrs. Stein  
 Edwin Mulock - by Mr. McClash  
 Patricia Petruff - by Mr. Harris  
 Nanette Prevost - by Mr. Bruce  
 Richard Kinyon - by Mr. Bruce

By a majority of votes, **Edwin Mulock** and **Patricia Petruff** were reappointed.

A yearly meeting with the Advisory Board was suggested to discuss the funding recommendations of the Children's Services Advisory Board. [BC20021022DOC043](#)

**HISTORIC PRESERVATION BOARD**

The floor was opened for nominations for two appointments to the Historic Preservation Board (terms to expire 10/06).

**Nominations:**

Allen Garner - by Mr. Bruce  
 Ellen Bell - by Mr. Harris

A motion was made by Mr. Bruce, seconded by Mr. Harris, and carried 7 to 0, to reappoint **Allen Garner** and **Ellen Bell**. [BC20021022DOC044](#)

**PUBLIC HEARINGS – CONSENT AGENDA**

Mr. Bruce moved 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). The motion was seconded by Mr. Harris and carried 7 to 0.

**LAND DEVELOPMENT CODE**

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/11/02) was held to consider

**ORDINANCE 02-48** (SECOND PUBLIC HEARING ON 11/19/02)

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): REGARDING WETLANDS, WETLAND MITIGATION, WETLAND BUFFERS, AND CONSERVATION EASEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

Discussion: Interpretation of Ecosystems Management Plans; variable-width buffers; quality of wetlands; wetlands considered during design of development; restoration of wetlands; etc.

Bill O'Shea, Environmental Management Department, noted that the language concerning variable width buffers exists in the Comprehensive Plan. Criteria for approval of such buffers consider like types when determining configuration. [BC20021022DOC045](#)

(Depart Mrs. von Hahmann)

**ZONING**

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/11/02) was held to consider

**PDR-01-23(Z)(P) BOWEN/NORTHWOOD PARK**

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** TO **PDR**; AND A PRELIMINARY SITE PLAN FOR 110 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; AND PROVIDING AN EFFECTIVE DATE; ON 39 ACRES LOCATED ON THE NORTH SIDE OF 69TH STREET EAST, SOUTH OF I-275, AND WEST OF I-75 AT 4020 69TH STREET EAST.

Planning Commission recommended ADOPTION with 22 Stipulations; and GRANTING Special Approval for a project adjacent to a perennial stream. [BC20021022DOC046](#)

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/11/02) was held to consider

**Z-02-04 KENDAR MARSAC, LLC**

ZONING ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM **RSF-4.5** TO **PR-M**; AND PROVIDING AN EFFECTIVE DATE; ON .80 ACRE LOCATED AT 5315 24TH STREET COURT EAST, 600 FEET WEST OF THE S.R. 70 AND U.S. 301 INTERSECTION AT THE SOUTHEAST CORNER OF S.R. 70 AND 24TH STREET COURT EAST.

Planning Commission recommended ADOPTION. [BC20021022DOC047](#)

(Enter Mrs. von Hahmann)

**STREET VACATION – WARNER’S SUBDIVISION**

Public hearing (Notice in the *Bradenton Herald* 9/23/02 and 9/30/02) was held to consider

**R-02-211-V** RESOLUTION ON APPLICATION BY MARY MARSH LASSETER AND MEGAN MAE MILLER VACATING LOT 12 OF THE PLAT OF WARNER’S SUBDIVISION. [BC20021022DOC048](#)

(End Public Hearings – Consent Agenda)

**ORDINANCE 02-46 - LAND DEVELOPMENT CODE**

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/11/02) was opened to consider

**ORDINANCE 02-46**

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 SMALL BOAT MANUFACTURING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

Motion was made by Mrs. von Hahmann, seconded by Mr. Harris, and carried 7 to 0, to continue the public hearing for Ordinance **02-46** to November 19, 2002, at 1:30 p.m., or as soon thereafter as same may be heard, at the Manatee County Administrative Center, First Floor Chambers.

[BC20021022DOC049](#)

**ORDINANCE 02-14 - COMPREHENSIVE PLAN**

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/11/02) was held to consider

**ORDINANCE 02-14**

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 SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FROM **RES-16** TO **ROR** FOR CERTAIN LAND ON 2.54 ACRES LOCATED AT 1435, 1439, 1501, 1505, 1509, 1521, 1525, 1527, 1601, 1605, AND 1611 38TH AVENUE WEST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**(PA-02-14: Property Owners - Lefmark/BVT Bradenton Associates)**

Planning Commission recommended ADOPTION.

Leon Kotecki, Planning Department, reviewed the staff report while displaying future land use, zoning, and aerial maps of the site.

(Mr. McClash absent for a portion of presentation)

Discussion: Unsafe structures on site; Code Enforcement; etc.

**Betsy Benac**, representing the applicant, summarized the request and discussed projected future redevelopment of this site based on a plan to be reviewed at a later date. She referred to intersection improvements planned by the Florida Department of Transportation at this site.

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. Harris moved to ADOPT Manatee County Ordinance **02-14/Plan Amendment PA-02-14**. The motion was seconded by Ms. Brown and carried 7 to 0.

[BC20021022DOC050](#)

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

(Court Reporter, Carol Cason, present)

**CYPRESS BANKS/DRI 17**

Public hearings (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/7/02) were opened to consider

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

Request: Revised General Development Plan and Zoning Ordinance to:

1. Add 106.0 acres to this DRI from the University Lakes DRI, which is directly south of Cypress Banks;
2. Rezone 326.1 acres (known as the Taylor Ranch) located along the east side of Lakewood Ranch Boulevard, south of this project from **A/WP-E/ST** to **PDMU/WP-E/ST** and add to the General Development Plan;
3. Relocate an east/west connector roadway approximately 1.5 miles to the south in the internal roadway network, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change identified owners and developers of the project;
9. Amend the legal description to reflect the above changes; and

10. Amend the Zoning Ordinance definitions, conditions, and terminology to reflect the above changes;  
on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.  
Planning Commission made NO RECOMMENDATION.

and

**ORDINANCE 02-34/DRI 17 SCHROEDER-MANATEE RANCH, INC./  
CYPRESS BANKS NOPC**

Request: Amended Development Order for the Cypress Banks Development of Regional Impact making the following changes and a determination of whether the following changes constitute a Substantial Deviation to the Cypress Banks Development of Regional Impact Development Order pursuant to Section 380.06(19) *Florida Statutes*:

1. Add 106.0 acres to this DRI from the University Lakes DRI, which is directly south of Cypress Banks;
2. Add 326.1 acres to this DRI (known as Taylor Ranch) which is along the east side of Lakewood Ranch Boulevard, south of this project;
3. Modify the internal roadway network to relocate an east/west connector roadway approximately 1.5 miles to the south, and convert acreage from the previous roadway location to open space and recreation;
4. Increase residential acreage by 153.9 acres with no additional entitlements for residential development;
5. Increase open space by 174.8 acres;
6. Increase recreational acreage by 112.4 acres;
7. Decrease right-of-way and easement acreage by 9.0 acres;
8. Change authorized agent for the project;
9. Change identified owners and developers of the project;
10. Amend the Development Order definitions, conditions, and terminology to reflect the above changes;
11. Amend the legal description to reflect the above referenced changes; and
12. Amend Map H to reflect the above referenced changes;

on 2,597 acres located on the south side of State Road 70, two miles east of Interstate 75, more specifically, between the River Club DRI and Lorraine Road, and north of the University Lakes DRI.  
Planning Commission made NO RECOMMENDATION.

Misty Servia, Planning Department, submitted: a draft letter from the Tampa Bay Regional Planning Council; a letter from the Department of Community Affairs, and letters from the public. She described changes to the DRI area using a Revised Master Development Plan and utilized slides to review the staff report.

(Enter Mr. Harris during presentation)

**Caleb Grimes**, attorney for the applicant, outlined three issues for consideration: **(1)** adjustment of the boundary between the University Lakes DRI and the Cypress Banks DRI; **(2)** addition and rezone of the Taylor Ranch parcel; and, **(3)** relocation of the east/west connector roadway. By consensus, the only issue of dispute was determined to be the proposed east/west roadway.

Mr. Grimes discussed the history of the east/west roadway at its current location. As a result of the addition of the Manatee Fruit Company parcel [Z-86-30(G)(R8), 3/28/00] and the Taylor Ranch parcel into the DRI, the proposed roadway configuration is possible. Referring to an aerial photograph of the site, he indicated the areas of wetland impact along both the current and proposed roadways. He noted that the internal roadway would serve the residents of Lakewood Ranch traveling east and west.

Discussion: Gated roadways in a Community Development District (CDD); impact to wetlands; new school site; etc.

**Joe Grimail**, traffic consultant for the applicant, described the traffic analysis utilizing three land use alternatives. He pointed out that the east and west terminus of the current road alignment has limited benefits for travel east of Lorraine Road and west of Lakewood Ranch Boulevard.

**Rex Jensen**, President of Schroeder-Manatee Ranch, Inc. (SMR), commented that the current roadway location was based on the property owned by SMR at the time of approval.

Discussion: Trip counts; roadway ties between communities; school district boundaries; intersection improvements; traffic volume; etc.

(Mrs. Glass absent for a portion of discussion)

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

Mr. Grimail distributed a chart listing traffic counts for the year 2040 on S.R. 70 and University Parkway factoring both east/west roadway options. **Pat Neal**, owner of the Taylor Ranch parcel, explained the statute regulating a CDD. Mr. Grimes added that the CDD builds and maintains the road, and restrictions, such as gates, are permitted; however, access cannot be denied to anyone. Based on their studies, the east/west roadway is not deemed necessary to serve this development. He submitted revised language for Condition C.(8) of the Development Order (Ordinance 02-34).

Jamie Althouse, Associate County Attorney, concurred with the explanation of CDD roads; however, she pointed out that consent must be given by the local governing body (Board of County Commissioners) for the roads to be gated.

Discussion: Gates on public roads; safety and security; purpose of the east/west roadway; etc.

**John Clarke**, SMR, discussed the vision for the community and opposed the current location of the east/west roadway.

Residents of various Lakewood Ranch communities, **Paul Vasapoli, Heidi Cox, Pam Mathis, Bernadette Moran, Vincent Moran, Lori Marek, Colette O'Neill, George Walther, Katherine Walther, Jo Anne Dain, Lisa Gadonniex, Hidayet Kutat, and Al Taylor**, spoke in opposition to the current roadway location. The following issues were cited: safety; useless for travel by general public; proximity to residential community; disturbance to wildlife and wetlands; noise and pollution; disruption to community lifestyle; traffic control; schools; etc.

(Mr. McClash absent for portion of public comment)

**Ed Vogler**, representing Pat Neal, discussed development of the Taylor Ranch parcel, including use of security control devices (gates).

**Nancy Grammes**, resident of Riverwalk Oaks, distributed a petition opposing the current roadway configuration. **Steve Johansen**, Lakewood Ranch resident, questioned the rationale for an east/west roadway; however, if it is needed, he supported a gated roadway. **Charles Loiseau** favored the current roadway location. **Arlene Flisik** supported relocation of the east/west roadway to minimize wetland impacts, but urged caution due to the proximity of an eagle's nest.

Ms. Servia displayed a Flood Zone Area map with current neighborhoods identified, and estimated the locations of the current and proposed roadways. She referred to Conditions D.(13) and D.(15) from the zoning ordinance, which would serve to minimize wetland impacts at either location.

Bill O'Shea, Environmental Management Department, discussed the wetland crossings of both roadway locations. He confirmed that the current location would be suitable for a greenway should a roadway not be built there. Mr. O'Shea pointed out the approximate location of the eagle's nest.

Larry Mau, Transportation Director, displayed the Revised Master Development Plan (dated February 2002) and submitted a letter from **Lombardo, Skipper & Foley, Inc.**, confirming reservation of right-of-way for the current roadway alignment. He presented a neighborhood map and noted the approximate location of the current road. Utilizing a future land use map and a street grid overlay from 75th Street West to 26th Street West between Manatee Avenue and Cortez Road, Mr. Mau compared the internal roadway systems of the West Bradenton and Lakewood Ranch areas. He submitted an alternative alignment for an internal connector road.

**Wiatt Bowers**, County traffic consultant, reported on the relevance of each roadway option to current road deficiencies and discussed level of service.

Discussion: Density vs. intensity regarding comparison of Lakewood Ranch to West Bradenton; level of service on University Parkway; who will utilize the internal east/west road; road connections west of Lakewood Ranch Boulevard and east of Lorraine Road; emergency services; congestion on arterial roadways; etc.

Mr. Grimes and Mr. Jensen responded to concerns discussed. Mr. Jensen acknowledged that the current road alignment is disclosed on sales brochures.

(Mrs. von Hahmann absent for portion of presentation)

Discussion: Consideration of alternative alignment; sections of east/west road were approved through previous plan; Taylor Ranch parcel not platted; option for road without gates; etc.

Carol Clarke, Planning Director, distributed a map outlining the CDD districts in the Lakewood Ranch development (of which Cypress Banks is a part). There is an agreement addressing gates on roads in CDD 5, in which a portion of the proposed roadway would be located.

Mr. Neal relayed his desire to build a gated community through the Taylor Ranch property and requested that the Board take action.

Motion was made by Mr. McClash to continue the public hearings on **Z-86-30(G)(R10)** and Ordinance **02-34/DRI 17** to October 29, 2002, at 1:30 p.m., or as soon thereafter as same may be heard. The motion was seconded by Mr. Bruce and carried 7 to 0.

[BC20021022DOC051](#)  
[BC20021022DOC052](#)

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



**PERICO HARBOR MARINA**

Doug Means, Environmental Management Department, reported on the application to the U.S. Army Corps of Engineers (ACOE) and Florida Department of Environmental Protection (FDEP) by Perico Harbor Marina, LLC, to convert an existing marina with 240 dry slips and 15 wet slips into a 188 wet-slip marina facility. He noted that the deadline for offering comments to the ACOE is October 23, 2002. During his report he displayed a map, a current site plan, an aerial photograph, a plan depicting proposed docks, and an aerial depicting signage for seagrass and manatees.

Discussion: City of Bradenton unaware of application; manatee protection and seagrass mitigation plans; administrative approval; no upland development; mitigation on sovereign lands; etc.

Motion was made by Mr. McClash to allow staff to comment to the Corps (ACOE) in regard to Perico Harbor Marina; to work in conjunction with the County Attorney's Office to protect our interest in being a party to the actions by the Corps and State, and to state our concerns as far as destruction of seagrass, oysters, mangroves, and other environmental destructions; that this dredging project is not of public interest; is going to create higher pollution from marina activities than the existing marina activities; will be an endangerment to the manatees; cause loss of benthic communities, which is the bottom communities; is not consistent with the County's Comprehensive Plan, if it was developed within the property of the County; have staff comment on the City's Comprehensive Plan; and that the County has not been properly notified and involved in the application process. The motion was seconded by Ms. Brown.

Mr. Bruce requested the motion include that the Corps conduct a public hearing. Mr. McClash and Ms. Brown agreed.

Following discussion, the motion carried 7 to 0.

[BC20021022DOC053](#)

**STREET VACATION**

**Waterbury Grape Fruit Tracts Subdivision**

Public hearing (continued from 10/1/02) was held to consider

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

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, submitted a Declaration of Covenants and Restrictions executed by the applicant to be recorded with the Resolution.

Motion was made by Mr. Bruce, seconded by Mrs. Stein, and carried 7 to 0, to adopt Resolution **R-02-98-V**.

[BC20021022DOC054](#)

(Depart Mrs. von Hahmann)

**PHOSPHATE MINING MORATORIUM**

Second public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 10/6/02) was held to consider

**ORDINANCE 02-59**

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, IMPOSING A MORATORIUM RELATING TO PHOSPHATE MINING APPLICATIONS, PETITIONS AND REQUESTS; PROVIDING FINDINGS; PROVIDING FOR APPLICABILITY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR DURATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommend DENIAL.

Karen Collins-Fleming, Environmental Management Director, outlined major differences between the existing mining Ordinance (81-22) and the draft mining Ordinance (02-27), and staff response to industry concerns. She noted changes made to draft Ordinance 02-27 since the last public hearing.

(Enter Mrs. von Hahmann during presentation)

**Patricia Petruff**, representing IMC Phosphate Company, opposed the moratorium, noting that there is no immediate public health, safety, or welfare issue. The moratorium would affect business property rights and the overall business plan for the future. She submitted a letter and discussed proposed revisions to the moratorium ordinance.

(Mr. McClash absent for portion of presentation)

Discussion: Radiation standards; moratorium imposed on acceptance versus approval of new application; etc.

**Robert Kinsey**, IMC Phosphate Company, opposed the moratorium.

A note from **Elizabeth Bharucha**, Sierra Club, was read in favor of the Ordinance. **Alan Behrens**, DeSoto Citizens Against Pollution, Inc., and **Margaret Barnes**, League of Women Voters of Manatee County, spoke in favor of the Ordinance. **Felicia Tappan**, Duette resident, spoke of noise, traffic, mining in setbacks, safety of wells, and environmental impacts.

**Ralf Brooks**, attorney for ManaSota-88, spoke in favor of the moratorium and relayed accounts from similar ordinances in other jurisdictions.

(Depart Mrs. Glass and Mrs. Stein; Mr. Bruce presiding)

**Arn Hanson**, **Tom McGarr**, and **Chris McGarr**, residents of Duette, spoke of declining property values, threats to the environment, and endangerment to wildlife from mining operations. A letter from **Mary Alice** and **Monica Lester**, who favored the moratorium, was submitted.

(Enter Mrs. Glass and Mrs. Stein, presiding)

**Becky Ayech**, Environmental Confederation of Southwest Florida, commented favorably concerning the moratorium Ordinance.

(Depart Ms. Brown)

Maureen Sikora, Assistant County Attorney, submitted and discussed alternative ordinance language, and discussed the version submitted by Ms. Petruff.

(Enter Ms. Brown)

Motion was made by Mrs. von Hahmann, seconded by Mrs. Stein, and carried 7 to 0, to adopt Ordinance **02-59**, imposing a temporary moratorium on new phosphate mining applications.

[BC20021022DOC055](#)

### **COMMISSIONERS' COMMENTS**

#### **Desoto Memorial**

Mrs. von Hahmann received a report of trespassing and vandalism near the memorial.

#### **Alcoholic Beverages**

Mrs. Stein requested a report on an ordinance that would put limits on the outdoor consumption of alcoholic beverages near schools and churches.

[BC20021022DOC056](#)

### **MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 5:59 p.m.  
/pt/ml

Minutes Approved: December 3, 2002