

## FEBRUARY 3, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:04 a.m.

Present were Commissioners:

Carol Whitmore, Chairman  
John R. Chappie, First Vice-Chairman  
Lawrence E. Bustle, Jr., Second Vice-Chairman  
Michael Gallen, Third Vice-Chairman  
Robin DiSabatino  
Donna Hayes  
Joe McClash

Also present were:

Sarah Schenk, Deputy County Attorney  
Diane Vollmer, Board Records Supervisor,  
representing R. B. Shore, Clerk of Circuit Court

Invocation by Pastor Tom Winter, Elwood Park Baptist Church.

All witnesses and staff giving testimony were duly sworn.

### AGENDA

Agenda of February 3, 2011, and agenda update memorandum.

[BC20110203DOC001](#)

### CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried unanimously, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda. Items APPROVED:

#### CLERK'S CONSENT CALENDAR

[BC20110203DOC002](#)

#### BONDS

##### Cortez Landings

**Release** Agreement Guaranteeing Completion of Required Sidewalks and Bikeways **and** Performance Bond (Surety Bond 1014072 and associated rider[s]), \$21,580.65.

##### Greenfield Plantation, Phase I

[BC20110203DOC003](#)

**Release** Agreement Warranting Required Wetland Mitigation **and** Defect Security (Letter of Credit 522024 [fka T522024] and associated amendment[s]), \$58,165.39.

##### Lakewood Ranch Country Club Village, Subphase EE, Unit III-A and III B-1

[BC20110203DOC004](#)

1. **Release** Agreement Guaranteeing Completion of Required Improvements – Final Lift of Asphalt, \$23,159.50.
2. **Accept** Agreement with Neal Communities Land Development, Inc., Guaranteeing Completion of Required Improvements – Final Lift of Asphalt. This agreement is for a **one-year extension** to December 15, 2011, and is secured by a previously accepted Surety Bond and Verification Certificate (SU5024898), \$23,159.50.
3. **Release** Agreement Guaranteeing Completion of Required Improvements – Final Lift of Asphalt, \$32,760.
4. **Accept** Agreement with Neal Communities Land Development, Inc., Guaranteeing Completion of Required Improvements – Final Lift of Asphalt. This agreement is for a **one-year extension** to December 15, 2011, and is secured by a previously accepted Surety Bond and Verification Certificate (SU5024899), \$32,760.

(Note: This action corrects scrivener's errors in agreements accepted October 26, 2010. The incorrect expiration dates (12/15/10) were inadvertently attached to those agreements.)

[BC20110203DOC005](#)

**Trailer Estates Marina**

**Release Agreement Warranting Required Wetland Mitigation System and Defect Security (Letter of Credit 152 and associated amendment[s]), \$13,282.50.**

**REFUNDS**

Utility Customer 99977-127983 – Fee Waiver [BC20110203DOC006](#)  
\$731.49

**WARRANT LIST**

January 25, 2011, through February 2, 2011. [BC20110203DOC007](#)  
[BC20110203DOC008](#)

**ACCEPT**

**Eagle Pointe Community Development District – Financial Report for FY ended September 30, 2009.** [BC20110203DOC009](#)

**Contract Documents (Pursuant to Manatee County Code, Chapter 2-26):**

1. **2010 Emergency Generators, Group 3 – Contract with Henriquez Electric Corporation, \$248,840; Performance and Payment Bonds; and Certificate of Insurance.** [BC20110203DOC010](#)
2. **Alzheimer’s Disease Initiate – Respite Service – Addendum Two to Agreement with Tidewell Home Health LLC, dba Approved Home Health; increase of \$4,006, adjusted total \$103,007.** [BC20110203DOC011](#)
3. **Community Care for the Elderly – Homemaker Service – Addendum One to Agreement with All Stat Home Health; decrease of \$14,900, adjusted total \$33,100.** [BC20110203DOC012](#)
4. **Community Care for the Elderly – Homemaker Service – Addendum One to Agreement with Home Instead Senior Care; decrease of \$4,392, adjusted total \$75,583.** [BC20110203DOC013](#)
5. **Community Care for the Elderly – Personal Care Service – Addendum One to Agreement with Home Instead Senior Care; increase \$4,380, adjusted total \$17,380.** [BC20110203DOC014](#)
6. **Community Care for the Elderly – Respite Service – Addendum Two to Agreement with Tidewell Home Health LLC dba Approved Home Health, increase of \$14,882, adjusted total \$74,892.** [BC20110203DOC015](#)
7. **Lincoln Park Splash Pad and Restroom Pavilion – Contract with DeLesline Construction, Inc., \$480,000; Performance and Payment Bonds; and Certificate of Liability Insurance.** [BC20110203DOC016](#)
8. **Professional Services for Survey and Land/Aerial Mapping – Exhibit “B” to Addendum One to Contract with ZNS Engineering LC for underground utility location surveys. Exhibit “B” was inadvertently omitted when Addendum One was approved on December 15, 2009.** [BC20110203DOC017](#)
9. **Professional Website Services for the Bradenton Area Convention and Visitors Bureau – Addendum Five to the Agreement with Miles Media Group, Inc., amending Exhibit “B” Rate Schedule and Compensation to include SilverPop Deployment Service at \$0.01/email.** [BC20110203DOC018](#)

(End Consent Agenda)

**ZONING**

Public hearing (Notices published) was opened to consider

**PDR-10-11(Z)(P) MML II LLC & MEDALLION COUNTRY CLUB LWR LLC/CANOE CREEK (CONTINUED TO APRIL 7, 2011)**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE) RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; REZONING APPROXIMATELY 304.09 ACRES ON THE NORTH AND SOUTH SIDES OF GOLF COURSE ROAD AROUND ITS INTERSECTION WITH JIM DAVIS ROAD AT 14355 GOLF COURSE ROAD, PARRISH, FROM A/NCO TO THE PDR ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY; APPROVING A PRELIMINARY SITE PLAN FOR 896 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY,

AND PROVIDING AN EFFECTIVE DATE.

Mr. McClash moved to continue the public hearing for **PDR-10-11(Z)(P)** to April 7, 2011, at 9:00 a.m., or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, First Floor Chambers. The motion was seconded by Mr. Chappie and carried 7 to 0. [BC20110203DOC019](#)

Public hearing (continued from 1/6/11 and Notices published) was held to consider

**Z-10-08 HONDA CARS OF BRADENTON REZONE**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 2.4 ACRES ON THE EAST SIDE OF U.S. 41, AT 5515 14TH STREET WEST, BRADENTON, FROM **RMF-9** TO THE **GC** ZONING DISTRICT; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mrs. DiSabatino moved to ADOPT Manatee County Zoning Ordinance **Z-10-08**, as recommended by the Planning Commission. The motion was seconded by Mr. Chappie and carried 7 to 0. [BC20110203DOC020](#)

Public hearing (Notices published) was held to consider

**PDMU-06-16(P)(R4) UNIVERSITY PARKWAY PROPERTIES LLC/UNIVERSITY GROVES**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND PRELIMINARY SITE PLAN REVISING STIPULATION 4K TO MODIFY AREA III (TOWNHOME RESIDENCES) TO ALLOW AN OPTION FOR RECREATION AREA IMPROVEMENTS AT UNIVERSITY GROVES SUBDIVISION ON APPROXIMATELY 142.15 ACRES ON THE NORTH SIDE OF UNIVERSITY PARKWAY, WEST OF TUTTLE AVENUE, EXTENDING APPROXIMATELY 1,000 FEET WEST OF SHADE AVENUE AND NORTHWARD TO THE OAK GROVE SUBDIVISION IN THE PDMU ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Staff recommended APPROVAL with Stipulations.

Discussion: Have existing residents been notified of the request, which will affect the neo-traditional neighborhood; removing amenities could become a trend due to the market; amenities are a quality of life feature; this request is market driven; etc.

**Betsy Benac**, representing the applicant, noted the project was approved for mixed-use. The single-family phase has been built. The applicant is requesting not to build the clubhouse and pool, which will only affect the townhome portion of University Groves. The townhomes are platted but not built, and the recreational amenities are not a part of the Notice to Buyers. This request is due to uncertainty of whether the residents could support the amenities. Parking spaces are built, the recreation area will remain, and once the townhomes are built, the residents can decide which amenities to support.

**Howard Camp**, agent for the applicant, noted in the Declaration of Covenants the single-family portion states if an amenity or clubhouse is built residents may have access if they have paid their pro-rata share of the operating costs.

Discussion: 78 townhomes are proposed in this phase; has the phase been advertised to include the swimming pool; Declaration of Covenants will be amended following the approval; the area reserved for the swimming pool and clubhouse will be the common/amenity area for the townhomes; typically the County looks at recreational amenities internal to subdivisions; the final site plan will be modified based on the action today; staff recommended the open space; would like the area to have sod and be fenced to allow for recreational play; would like the residents to decide on how to use the open space; etc.

Bob Schmitt, Planning Department, stated this is an interim solution, and if the owners wish to have amenities, it will be reflected on a future site plan. The project is neo-traditional, and having an option for the swimming pool and clubhouse does not degrade the neo-traditional concept. In the future, staff would like amenities to be determined by the homeowners.

Discussion: Government should not dictate the amenities to the residents; topic for work session; tot lots and activities for older children; not a requirement in the Land Development Code; setting aside a certain amount of land for recreation; in the future will have notes on plans citing areas for recreation uses; etc.

Based upon the staff report, evidence presented, comments made at the public hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. Hayes moved to ADOPT Manatee County Zoning Ordinance **PDMU-06-16(P)(R4)**; amending and restating Ordinance PDMU-06-16(P)(R3); and APPROVE the Preliminary Site Plan with conditions for a project that were previously granted Special Approval for a project in the RES-6, MU, and ROR Future Land Use Categories, and a project that was previously granted Specific Approval for alternatives to Sections 603.11.4.3, 702.6.10, 710.1.6, 714.8 and 702.6.8 of the Land Development Code; as recommended by staff. The motion was seconded by Mrs. DiSabatino and carried 7 to 0.

[BC20110203DOC021](#)

#### COOPER CREEK - DRI 14

Public hearing (Notices published) was held to consider

##### ORDINANCE-11-07 COOPER CREEK

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, RENDERING AN AMENDED AND RESTATED DEVELOPMENT ORDER PURSUANT TO *CHAPTER 380, FLORIDA STATUTES*, FOR COOPER CREEK CENTER (RESOLUTION 85-236, AS AMENDED BY RESOLUTIONS 86-323, 87-58, 90-39, 93-300, 95-135, AND ORDINANCES 97-23, 99-40, 02-31, AND 05-54), ALSO KNOWN AS TBRPC DRI 103; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Staff recommended ADOPTION.

Lisa Barrett, Planning Department, submitted revised Ordinance 11-07. Residents surrounding the site and within Cooper Creek DRI were noticed regarding the corrections to the Development Order (approved 5/19/09).

Motion was made by Mrs. DiSabatino, seconded by Mrs. Hayes, and carried 7 to 0, to ADOPT Ordinance 11-07.

[BC20110203DOC022](#)

#### ZONING

Public hearing (continued from 1/6/11) was opened to consider

##### PDR-03-30(P)(R) GAMBLE CREEK ESTATES (CONTINUED TO MARCH 3, 2011)

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING AN AMENDED ZONING ORDINANCE AND PRELIMINARY SITE PLAN, REVISING STIPULATIONS REGARDING THOROUGHFARE RIGHT-OF-WAY DEDICATIONS, IMPACT FEE CREDITS, BUFFERS, LANDSCAPING, NATURAL RESOURCES, BUILDING SETBACKS, NUMBER OF LOTS, LOT SIZES, LOT DIMENSIONS, BUILDING HEIGHT, BUILDING COLOR, PUBLIC

WATER AND SEWER UTILITIES, IRRIGATION WATER, STORMWATER MANAGEMENT, ACCESS, PARKS, RECREATION FACILITIES, FIRE HYDRANTS, CONTAMINATION BY HAZARDOUS MATERIALS, LAND CLEARING, REMOVAL OF OLD HOUSES EXISTING PRIOR TO PLATTING, LIGHTING, TREE PROTECTION, NATIVE VEGETATION, AND EDUCATIONAL FACILITY IMPACT FEES, APPLYING TO APPROXIMATELY 164 ACRES IN GAMBLE CREEK ESTATES LOCATED NORTH OF GOLF COURSE ROAD AND WEST OF SPENCER PARRISH ROAD IN THE PDR ZONING DISTRICT; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

Discussion: Have staff provide more information on the changes; need clarity on setbacks and density; etc.

At the request of the applicant, Mr. McClash moved to continue the public hearing on **PDR-03-30(P)(R)** to March 3, 2011, at 9:00 a.m., or as soon thereafter as same may be heard. The motion was seconded by Mr. Chappie and carried 7 to 0. [BC20110203DOC023](#)

Public hearing (continued from 1/11/11) was held to consider

**PDR-07-06(Z)(P) INSIGNIA BANK, LLC/EAGLE TRACE SUBDIVISION**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING THE OFFICIAL ZONING ATLAS (ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE), RELATING TO ZONING WITHIN THE UNINCORPORATED AREA; PROVIDING FOR A REZONE OF APPROXIMATELY 60.87 ACRES ON THE SOUTH SIDE OF STATE ROAD 64, APPROXIMATELY 1/2 MILE WEST OF POPE ROAD AT 1808 JOHN TAYLOR ROAD, BRADENTON, FROM A TO THE PDR ZONING DISTRICT; AND APPROVING A PRELIMINARY SITE PLAN FOR 131 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL with Stipulations.

A revised future land use map, zoning map, and an aerial were submitted with the agenda update memorandum.

Ms. Barrett reported the applicant is requesting the rezone for 131 single-family lots. Due to a foreclosure, the property reverted to the bank, which is requesting approval of the site plan as originally proposed.

**Robert Lombardo**, representing the applicant, utilized maps from the staff report (future land use, aerial, zoning), overall site plan, partial preliminary site plan, and a colored site plan to discuss the temporary emergency access being constructed from Pope Road to the project prior to platting the 101st lot, Specific Approval request in lieu of two means of access, dedication of right-of-way along the southern portion of project, approval of the traffic study with minor changes, and an easement pertaining to the second means of access.

Discussion: The shell road (going west from Pope Road) will be the temporary emergency access; setbacks and amenities (option only); how to prevent the same notice situation similar to that of 44th Avenue East; location of the impacted wetland; future mitigation area is upland now and will be marshlands in the future; tying this project in with other mixed-use in the future; Pope Road is a major thoroughfare and could possibly have a Pope Road and Lakewood Ranch Boulevard connection; inter-neighborhood ties to the south and west; will there be language in the Notice to Buyers regarding the roads and the temporary emergency access (Stipulation F.1); temporary emergency access will start on Lot 24 and extend to Pope Road; signage for proposed

road; Public Works staff should address road issues; does the County have standards regarding dead-end roads being hammerheads or cul-de-sacs; need guidelines for how long roads can be considered temporary; etc.

Ms. Barrett noted the applicant is seeking Specific Approvals for the 15-foot greenbelt buffer (along the main entrance), two means of access for over 100 units, and sidewalks on both sides of the street. The clubhouse and swimming pool are cited on the site plan as optional; however, language could be added as **Stipulation F.1.g**: The clubhouse and pool are optional and may not necessarily be built.

Mr. Lombardo stated the applicant is willing to post signage at the stub out regarding the future road (22nd Avenue East), but is unwilling to pave an additional 1,300 square feet of shell road.

Tom Gerstenberger, Public Works Department, noted staff is agreeable to the private emergency access gate as proposed by the applicant.

**Motion - Approval**

Based upon the staff report, evidence presented, comments made at the public hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, as conditioned herein, Mr. Bustle moved to ADOPT Manatee County Zoning Ordinance **PDR-07-06(Z)(P)**; APPROVE Preliminary Site Plan with Stipulations A.1, B.1-2, C.1-3, D.1-2, E.1-4, and F.1; and GRANT Special Approval for a project exceeding one dwelling unit per acre in the UF-3 Future Land Use Category; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to Sections 603.7.4.5, 712.2.8, and 722.1.4.3 of the Land Development Code as recommended by the Planning Commission; and Stipulation B.3 as recommended by staff. The motion was seconded by Mrs. Hayes and carried 5 to 2, with Mr. Gallen and Mr. McClash voting nay.

**Motion**

Mr. McClash moved for a transportation policy to be presented to the Board and highlight the dead-end policies that are included therein. The motion was seconded by Mr. Gallen.

(Gavel to Mr. Chappie, presiding)

**Motion - Amendment**

Ms. Whitmore moved to amend the motion for Commissioners to meet with staff regarding Mr. McClash's request and for the information to be brought back at future work session. The motion to amend was seconded by Mrs. Hayes. Following discussion, the motion to amend carried 5 to 2, with Mr. Gallen and Mr. McClash voting nay.

**Motion - Carried**

The motion, as amended, carried 7 to 0.

[BC20110203DOC024](#)

(Gavel to Ms. Whitmore, presiding)

**COUNTY COMMISSION MEETINGS**

Mr. McClash moved when the Board meets for meetings and work sessions in Chambers that they be aired on television as a service to the public. The motion was seconded by Mr. Gallen.

Discussion: The proposed action is a current policy; work sessions on the fourth floor are not televised, and they should be due to content discussed; etc.

Mr. McClash and Mr. Gallen agreed to amend the motion to include "as long as it does not exceed the current annual budgeted funds or contract for MGA." The motion carried 7 to 0.

[BC20110203DOC025](#)

**COMMISSIONERS' COMMENTS****Wetlands**

Mr. McClash requested criteria be established by the Board before approval of wetlands utilizing the overriding public benefit or interest criteria.

Discussion: "Overriding public benefit" will be discussed at work session on March 22; Ringhaver Heavy Equipment administrative permit; etc.

Sarah Schenk, Deputy County Attorney, explained that the definition of overriding public benefit will be in flux until an ordinance is adopted,. [BC20110203DOC026](#)

**Saunders Road (63rd Avenue East)**

Mrs. DiSabatino reported trucks are traveling on Saunders Road/63rd Avenue East near the Cascades Subdivision despite "No Truck" signs being posted.

Discussion: Sheriff's Office has been contacted; work session topic; staff will look at increasing setbacks and looking at decibels on thoroughfares as part of the Land Development Code update; study by Renaissance Group will be looked at again; public workshops will allow public input on variety of issues; etc. [BC20110203DOC026](#)

**Trailer Estates – Architectural Review Committee**

Mrs. DiSabatino thanked John Barnott, Building Director, for flagging lots in Trailer Estates, requiring owners seeking permits to show a Certificate stating they have been before the Architectural Review Committee. [BC20110203DOC026](#)

**2011 Manatee County Fair**

Mr. Gallen announced Mayor Shirley Bryant, City of Palmetto, gave him shopping bags for each Commissioner depicting the mural recently unveiled at the 2011 Manatee County Fair. [BC20110203DOC026](#)

**Tampa Bay Area Regional Transportation Authority**

Mrs. Hayes announced the Tampa Bay Area Regional Transportation Authority (TBARTA) bumper stickers are available and currently displayed on 50 Pinellas County transit buses. [BC20110203DOC027](#)

**Leadership Manatee Program – Chamber of Commerce**

Mrs. Hayes stated Leadership Manatee met on February 2, and commended them on their efforts. [BC20110203DOC026](#)

**33rd Street East – Truck Trailers**

Mrs. Hayes spoke to Sheriff Brad Steube regarding parking truck trailers on 33rd Street East. Residents who live in the area should contact the Sheriff's Office if a parked trailer is observed. [BC20110203DOC026](#)

**Creekwood DRI**

Mrs. Hayes spoke to a business owner who wants to expand his business, which is located within the Creekwood DRI. She questioned if this would be an administrative issue.

John Osborne, Planning Director, stated he spoke to the business owner, and because the business is in the DRI, the expansion request would have to come before the Board. [BC20110203DOC026](#)

**Red Light Camera – S.R. 70 and Tara Boulevard**

Mrs. Hayes noted she is waiting for the installation of the camera at the intersection of S.R. 70 and Tara Boulevard. [BC20110203DOC026](#)

**Robinson Farms – Ordinance 10-02**

Ms. Schenk announced the Administrative Hearing for Robinson Farms is scheduled for the week of February 14, 2011. [BC20110203DOC026](#)

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Adj: 11:04 a.m.  
/vj/qa

Minutes Approved: March 15, 2011