

APRIL 7, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:03 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
Susan G. Romine, Board Records Director,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Pastor Peter Swanson, Love Serves International.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of April 7, 2011, and agenda update memorandum.

[BC20110407DOC001](#)

CONSENT AGENDA

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to approve the Consent Agenda incorporating the language as stated in the recommended motions in the agenda memoranda. Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20110407DOC002](#)

BONDS

Accept:

Sheriff's Public Employees and Deputy Sheriff's Blanket Bonds (9 additions, 13 deletions).

[BC20110407DOC003](#)

Cortez Landings

1. **Release** Required Improvements Agreement and Temporary Construction Easement for Private Improvements - Landscape and Irrigation, \$157,953.59.
2. **Accept** Agreement with Manatee County Habitat for Humanity, fka Cortez Landings LLC, Guaranteeing Required Improvements and Temporary Construction Easement for Private Improvements. This agreement will be for a **one-year extension** (expiring 2/7/12), secured by a previously accepted Performance Bond (Surety Bond 1014070), \$157,953.59.
3. **Accept** Endorsement to Surety Bond 1014070, changing the company name from Cortez Landings LLC, to Manatee County Habitat for Humanity, \$157,953.59.

[BC20110407DOC004](#)

Gamble Creek Estates

Release Agreement Warranting Required Improvements - On-site Infrastructure Improvements, **and** Defect Security (Surety Bond B98815017232 and associated rider[s]), \$232,356.32.

[BC20110407DOC005](#)

Gamble Creek Estates - Fort Hamer Road

Release Agreement Warranting Required Improvements - Infrastructure Improvements, **and** Defect Security (Surety Bond B98815017233 and associated rider[s]), \$15,418.15.

[BC20110407DOC006](#)

Gamble Creek Estates – Golf Course Road

Release Agreement Warranting Required Improvements – Infrastructure Improvements, and Defect Security (Surety Bond B98815017234 and associated rider[s]), \$50,449.38.
[BC20110407DOC007](#)

Greenbrook Village, Subphase GG, Unit 2 (aka Greenbrook Terrace)

1. Release Agreement Warranting Required Improvements – Final Lift of Asphalt and Defect Security (Surety Bond 5030699 and associated rider[s]), \$1,420.89.
2. Release Agreement for Final Wearing Course of Asphalt on Roadways. [BC20110407DOC008](#)

Lakewood Ranch Boulevard Force Main, Parts A & C

Release Agreement Warranting Required Improvements – Infrastructure Improvements, and Defect Security (Surety Bond 5031057 and associated rider[s]), \$508,484.68.
[BC20110407DOC009](#)

Lakewood Ranch Business Park (44th Avenue East Portion)

1. Accept Verification Certificate to Defect Security (Surety Bond 5030260), \$65,448.55.
2. Accept Verification Certificate to Defect Security (Surety Bond 5030262), \$7,885.29.

Lakewood Ranch Business Park, Phase II

Accept Verification Certificate to Defect Security (Surety Bond 5030259), \$67,093.35.
[BC20110407DOC010](#)

Lorraine Road (4-Lane Improvements)

Accept Verification Certificate to Defect Security (Surety Bond 5030166), \$196,521.64.
[BC20110407DOC011](#)

Mandalay, Phase I

Release Required Sidewalk and Bikeways Agreement and Temporary Construction Easement for Private Improvements and Performance Bond (Letter of Credit 9661027093/00003, fka S03-32, and associated amendment[s]), \$44,022.20.
[BC20110407DOC012](#)

Mill Creek, Phase VII-B

1. Release Required Improvements Agreement and Temporary Construction Easement for Private Improvements – Lot Front Replacement Trees, and Performance Bond (Surety Bond 5027934 and associated rider[s] or verification certificate[s]), \$38,007.
2. Accept Agreement with Mill Creek VII Investors LLC, Guaranteeing Required Improvements and Temporary Construction Easement for Private Improvements, \$38,007.
3. Accept Performance Bond (Letter of Credit 9661683748-00001, Branch Banking and Trust Company), expiring June 12, 2012, \$38,007.
[BC20110407DOC014](#)

Moccasin Wallow Regional Force Main

Release Agreement Warranting Required Improvements – Infrastructure Improvements and Defect Security (Surety Bond 87-74-90), \$312,773.11.
[BC20110407DOC015](#)

Northwood Park

1. Release Agreement Warranting Required Improvements – Final Lift of Asphalt and Defect Security (Surety Bond 5032280), \$5,754.46.
2. Release Agreement for Final Wearing Course of Asphalt on Roadways (County Maintained Roadways).
[BC20110407DOC016](#)

Oakhurst Subdivision

Release Required Improvements Agreement and Temporary Construction Easement for Private Improvements – Shell Path and Performance Bond (Letter of Credit 1015), \$6,592.
[BC20110407DOC017](#)

Ranch Lake Plaza

1. Release Required Improvements Agreement and Temporary Construction Easement for Private Improvements – Lot Front Replacement Trees.
2. Accept Agreement with Ranch Lake Plaza, Inc., Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Lot Front Replacement Trees. This Agreement will be for a **one-year extension** (expiring 5/12/12), secured by a previously accepted Performance Bond (Letter of Credit 9661017284-00002, fka S00-47), \$5,768.
3. Accept Performance Bond (Amendment to Letter of Credit 9661017284-00002 fka S00-47, Branch Banking & Trust Company) **reducing** the amount from \$21,481.68 to \$5,768.
[BC20110407DOC018](#)

River Plantation, Phase 2

Release Required Improvements Agreement and Temporary Construction Easement for Private Improvements – Wetland Mitigation **and** Performance Bond (Surety Bond 104493943), \$230,487.22. [BC20110407DOC019](#)

Turnbury Park Apartments

Release Agreement Guaranteeing Performance of a Wetland Mitigation System **and** Performance Bond (Surety Bond 3S 924-594-00), \$6,210. [BC20110407DOC020](#)

Twin Rivers, Phase II

1. **Release** Required Improvements Agreement and Temporary Construction Easement for Private Improvements – Lot Front Replacement Trees.
2. **Accept** Agreement with Gamble Creek LC and Twin Rivers II LC, Guaranteeing Required Improvements and Temporary Construction Easement for Private Improvements – Front Lot Landscaping. This Agreement will be for a **one-year extension** (expiring 3/20/12), secured by a previously accepted Performance Bond (Letter of Credit 9660080071/00009 fka 9660080071/00005), \$44,599. [BC20110407DOC021](#)

Twin Rivers, Phase III

1. **Release** Required Improvements Agreement and Temporary Construction Easement for Private Improvements – Lot Front Replacement Trees.
2. **Accept** Agreement with Gamble Creek LC and Twin Rivers II LC, Guaranteeing Required Improvements and Temporary Construction Easement for Private Improvements – Front Lot Replacement Trees. This Agreement will be for a **one-year extension** (expiring 4/30/12), secured by a previously accepted Performance Bond (Letter of Credit 9660829064-00015 fka 9660829064-00018), \$52,530. [BC20110407DOC022](#)

REFUNDS

Utility Customer 192976-45995 – Refund/Fee Waiver \$696.77

WARRANT LIST

March 29, 2011 through April 6, 2011 [BC20110407DOC023](#)
[BC20110407DOC024](#)

ACCEPT

Trailer Estates Park & Recreation District – Financial Report for FY ended September 30, 2010, and 2011-12 Budget approved March 21, 2011. [BC20110407DOC025](#)

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

1. **Community Care for the Elderly – Homemaker Service** – Addendum Two to Contract with Tidewell Home Health LLC, dba Approved Home Health; increase of \$18,002 for FY 2010-11, adjusted total \$121,107. [BC20110407DOC026](#)
2. **Community Care for the Elderly – Personal Care Service** – Addendum Three to Contract with Tidewell Home Health LLC, dba Approved Home Health; increase of \$38,883 for FY 2010-11, adjusted total \$153,709. [BC20110407DOC027](#)
3. **Community Care for the Elderly – Respite Service** – Addendum Three to Contract with Tidewell Home Health LLC, dba Approved Home Health; increase of \$12,000 for FY 2010-11, adjusted total \$86,892. [BC20110407DOC028](#)
4. **Community Care for the Elderly – Personal Care Service** – Addendum Two to Contract with Home Instead Senior Care; decrease of \$2,992 for FY 2010-11, adjusted total \$14,388. [BC20110407DOC029](#)
5. **Oneco Terrace, Sunniland, and Kirk Haven Waterline Replacement, Phase 2** – Change Order 2 to Agreement with Harris McBurney Company; increase of \$194,984.46, adjusted total \$873,962.12; and an additional 120 calendar days for a revised completion date of July 9, 2011. [BC20110407DOC030](#)

(End Consent Agenda)

ZONING

Public hearing (Notices published) was opened to consider

PDR-11-01(Z)(P) LAND EXPERTS, INC., MANAGING MEMBER OF TAMPA BAY EQUITY FUND LLC/WILDERNESS CROSSING (AKA MAPLE LEAF) (CONTINUED TO 5/5/11)

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 37.29 ACRES LOCATED ON THE NORTH SIDE OF UPPER MANATEE RIVER ROAD, APPROXIMATELY 1.5 MILES WEST OF RYE ROAD NORTHEAST, AT 14641 UPPER MANATEE RIVER ROAD, FROM A-1 TO THE **PDR** ZONING DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 68 SINGLE-FAMILY DETACHED RESIDENTIAL UNITS; 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.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to continue the public hearing for **PDR-11-01(Z)(P)** to May 5, 2011, at 9:00 a.m., or as soon thereafter as same may be heard. [BC20110407DOC031](#)

Public hearing (Notices published) was held to consider

PDPI-10-14(Z)(G) MANATEE COUNTY/LAKEWOOD RANCH PARK IMPROVEMENTS

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 16.7 ACRES AT THE SOUTHWEST INTERSECTION OF LAKEWOOD RANCH BOULEVARD AND MALACHITE DRIVE, AT 5350 LAKEWOOD RANCH BOULEVARD, BRADENTON, FROM A AND A/ST TO THE **PDPI** AND **PDPI/ST** ZONING DISTRICT; APPROVE A GENERAL DEVELOPMENT PLAN FOR IMPROVEMENTS TO THE EXISTING LAKEWOOD RANCH DISTRICT PARK INCLUDING RECREATION FACILITIES, STORMWATER, AND PARKING FACILITIES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (16.7± ACRES REZONE; 148.18± GENERAL DEVELOPMENT PLAN).

Planning Commission recommended APPROVAL with Stipulations.

Lisa Barrett, Building and Development Services Department, displayed a zoning map (from staff report) to point out the area to be rezoned, which is 16.7 acres along Malachite Drive.

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, as conditioned herein, Mr. McClash moved to ADOPT Manatee County Zoning Ordinance **PDPI-10-14(Z)(G)**; APPROVE the General Development Plan with Stipulations A.1-6, B.1-4, C.1-2, and D.1; GRANT Special Approval for a project: (1) partially within the Evers Watershed Protection Overlay District; and (2) a non-residential project exceeding 30,000 square feet in a residential Future Land Use Category; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to Sections 704.44.1.1, 715.3.2.c.1 (omitting required shrubs only), and 722.1.4.3 of the Land Development Code, as recommended by the Planning Commission. The motion was seconded by Mrs. Hayes and carried 7 to 0. [BC20110407DOC032](#)

Public hearing (Notices published) was held to consider

PDR-11-02(P) ROSEDALE ADDITION

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT PERTAINING TO APPROXIMATELY 237.3 ACRES SOUTH OF THE FUTURE 44TH AVENUE EXTENSION, WEST OF LAKEWOOD RANCH BOULEVARD, AND EAST OF THE EXISTING ROSEDALE HIGHLANDS SUBDIVISION IN THE **PDR** ZONING DISTRICT; APPROVING A NEW PRELIMINARY SITE PLAN FOR 475 SINGLE-FAMILY DETACHED LOTS; 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.

Discussion: Incentives for using Florida-friendly landscaping; safe walking conditions for children on busy roads such as 44th Avenue East Extension and Lakewood Ranch Boulevard; what was approved previously; how will the project transition with this request; information on 44th Avenue East Extension; Notice to Buyers; will these residents have access to amenities in the previous phase; etc.

Ms. Barrett displayed a site plan and a black and white site plan to discuss changes from the previous site plan, including removing the golf course and adding 169 lots. Previous stipulations (e.g. trees and emergency access to the south) have been dealt with through the design of the new site plan. To the north along 44th Avenue East, she recommended a stipulation for a 40-foot-wide buffer with enhanced landscaping and a wall.

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, as conditioned herein, Mrs. Hayes moved to ADOPT Manatee County Zoning Ordinance **PDR-11-02(P)**; APPROVE the Preliminary Site Plan with Stipulations A.1-4, B.1-7, C.1-4, D.1, and E.1; GRANT Special Approval for a project: (1) a gross density exceeding one dwelling unit per acre in the UF-3 Future Land Use Category; and (2) a net density exceeding one dwelling unit per acre in the RES-1 Future Land Use Category; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to Sections 603.7.4.5, 722.1.4.3, 907.9.2.4, and 907.9.4.2 of the Land Development Code, as recommended by the Planning Commission. The motion was seconded by Mr. Gallen.

Discussion: Specific Approvals are listed in the staff report; if the project has a previous approval, would like to see that information in the staff report; sidewalks in the development are being limited to one side of the street; etc.

The motion carried 7 to 0.

[BC20110407DOC033](#)

Public hearing (Notices published) was held to consider

PDMU-10-16(Z)(P) PROVIDENT NATIONAL PROPERTY GROUP/WOODBROOK MIXED-USE COMMUNITY

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 THE REZONING OF APPROXIMATELY 95.11 ACRES AT THE SOUTHEAST CORNER OF LOCKWOOD RIDGE ROAD AND HONORE AVENUE, BRADENTON, FROM **PDC/WP-E/ST** AND **PDR/WP-E/ST** ZONING DISTRICTS TO THE **PDMU/WP-E/ST** ZONING DISTRICT, RETAINING THE EVERS RESERVOIR WATERSHED PROTECTION AND SPECIAL TREATMENT OVERLAY DISTRICTS; APPROVING A PRELIMINARY SITE PLAN FOR 213 LOTS FOR SINGLE-FAMILY DETACHED RESIDENCES; AND A COMMERCIAL COMPONENT CONSISTING OF 28,800 SQUARE FEET (ON 5.51± ACRES) TO INCLUDE: RETAIL SALES, RESTAURANT WITH OPTION FOR DRIVE-THRU, BANK WITH DRIVE-THRU, PROFESSIONAL OR MEDICAL OFFICE AND PERSONAL SERVICE USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A LEGAL DESCRIPTION, AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL with Stipulations.

Discussion: Residents in Cascades Subdivision concur with the changes (previous site plan approvals); Specific Approvals; residents do not want a fast food restaurant; 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, as conditioned herein, Mrs. Hayes moved to ADOPT the Manatee County Zoning Ordinance **PDMU-10-16(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations A.1-8, B.1-3, and C.1-11; and GRANT Special Approval for a project: (1) in the Evers Watershed Reservoir Protection and Special Treatment Overlay Districts; and (2) a mixed-use project in the RES-6 Future Land Use Category; ADOPT the findings for Specific Approval; and GRANT Specific Approval for an alternative to the minimum width required for alleys in Section 201 of the Land Development Code, as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0.

[BC20110407DOC034](#)

Public hearing (Notices published) was held to consider

PDMU-05-19(G)(R3) NORTHWEST SECTOR DRI 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE PDMU-05-19(Z)(G)(R) AND PDMU-05-19(Z)(G)(R2), BY AMENDING THE FOLLOWING: (1) UPDATE PHASING TO REFLECT LEGISLATIVELY APPROVED EXTENSIONS; (2) UPDATE THE EXPIRATION DATE FOR THE CERTIFICATE LEVEL OF SERVICE; (3) ALLOW AN OPTION FOR ZERO LOT LINES AS AN ALTERNATIVE; (4) AMEND THE ORDINANCE DEFINITIONS, CONDITIONS, AND TERMINOLOGY TO REFLECT THE ABOVE CHANGES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. THE SITE IS GENERALLY EAST OF LAKEWOOD RANCH BOULEVARD, SOUTH OF 44TH AVENUE EAST EXTENSION, WEST OF LORRAINE ROAD, AND NORTH OF S.R. 70. A 39.3-ACRE PARCEL IS WEST OF LAKEWOOD RANCH BOULEVARD (1,518.9± ACRES).

Planning Commission recommended APPROVAL.

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, as conditioned herein, Mrs. Hayes moved to APPROVE Manatee County Zoning Ordinance **PDMU-05-19(G)(R3)**, amending Ordinances PDMU-05-19(Z)(G)(R) and PDMU-05-19(Z)(G)(R2), as recommended by staff. The motion was seconded Mr. Gallen and carried 6 to 1, with Mr. McClash voting nay.

[BC20110407DOC035](#)

PORT MANATEE ENCOURAGEMENT ZONE

Public hearings (Notices published) were held to consider

PDEZ-08-19(Z)(G)(R2) PORT MANATEE ENCOURAGEMENT ZONE, AREA A

(SECOND PUBLIC HEARING SCHEDULED ON 5/5/11).

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 THE REZONING OF APPROXIMATELY 55.5 ACRES IN THE GENERAL AREA OF SOUTH DOCK STREET, U.S. 41 AND HARLEE ROAD, AT 12257 U.S. 41 NORTH, 12291 U.S. 41 NORTH, 13838 HARLEE ROAD, AND 12205 U.S. 41 NORTH, FROM **HM** TO THE **PDEZ** ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 55.5± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (55.5± ACRE REZONE; 325.5± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN – AREA A).

Planning Commission recommended APPROVAL.

[BC20110407DOC036](#)

and

PDEZ-08-20(Z)(G)(R2) PORT MANATEE ENCOURAGEMENT ZONE, AREA B

(SECOND PUBLIC HEARING SCHEDULED ON 5/5/11).

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 THE REZONING OF APPROXIMATELY 39 ACRES GENERALLY LOCATED NORTHEAST OF PORT MANATEE ON THE EAST SIDE OF U.S. 41, NORTH OF BUCKEYE ROAD AND SOUTH OF THE COUNTY LINE, PALMETTO, FROM A TO THE PDEZ ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 39± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT-RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (39± ACRE REZONE; 1,041± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN - AREA B).

Planning Commission recommended APPROVAL.

[BC20110407DOC037](#)

and

PDEZ-08-21(Z)(G)(R2) PORT MANATEE ENCOURAGEMENT ZONE, AREA C

(SECOND PUBLIC HEARING SCHEDULED ON 5/5/11).

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 THE REZONING OF APPROXIMATELY 120.5 ACRES GENERALLY LOCATED SOUTH OF PORT MANATEE ON THE WEST SIDE OF U.S. 41, NORTH OF BISHOP HARBOR ROAD/MOCCASIN WALLOW ROAD FROM PDR AND LM TO THE PDEZ ZONING DISTRICT AND APPROXIMATELY 35.2 ACRES GENERALLY LOCATED SOUTH OF I-275 ON THE WEST SIDE OF U.S. 41, FROM PDMU TO THE PDEZ ZONING DISTRICT, FOR A TOTAL ACREAGE OF 155.7± ACRES; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 155.7± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (155.7± ACRE REZONE; 254.7± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN - AREA C).

Planning Commission recommended APPROVAL.

[BC20110407DOC038](#)

and

PDEZ-08-22(Z)(G)(R2) PORT MANATEE ENCOURAGEMENT ZONE, AREA D

(SECOND PUBLIC HEARING SCHEDULED ON 5/5/11).

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 THE REZONING OF APPROXIMATELY 57 ACRES GENERALLY LOCATED SOUTH OF BUCKEYE ROAD ON THE EAST SIDE OF U.S. 41, NORTH OF 113TH STREET EAST, FROM LM TO THE PDEZ ZONING DISTRICT; APPROVING A REVISED GENERAL DEVELOPMENT PLAN TO INCLUDE THESE 57± ACRES AND ADD ADDITIONAL USES TO THE ENTIRE SITE FOR A MIXTURE OF INDUSTRIAL, INDUSTRIAL SUPPORT, AND PORT RELATED USES; SUBJECT TO STIPULATIONS AS CONDITIONS OF APPROVAL; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE (57± ACRE REZONE; 190± TOTAL ACRES FOR GENERAL DEVELOPMENT PLAN - AREA D).

Planning Commission recommended APPROVAL.

[BC20110407DOC039](#)

Mr. McClash noted steps are needed to protect the future Port Connector Road and requested staff look at preliminary site plans before they are approved administratively.

Motion

Motion was made by Mr. Bustle, seconded by Mr. Chappie, and carried 7 to 0, to approve **PDEZ-08-19(Z)(G)(R2) – Area A, PDEZ-08-20(Z)(G)(R2) – Area B; PDEZ-08-21(Z)(G)(R2) – Area C, and PDEZ-08-22(Z)(G)(R2) – Area D.**

Sarah Schenk, Assistant County Attorney, stated no action was necessary for the items, and the second public hearings are scheduled on May 5, 2011.

Motion - Rescinded

Motion was made by Mrs. Hayes, seconded by Mr. McClash, and carried 7 to 0, to rescind the previous motion.

(End Presentations Upon Request)

ZONING

Public hearing (continued from 2/3/11) was opened to consider

PDR-10-11(Z)(P) MML II LLC & MEDALLION COUNTRY CLUB LWR LLC/CANOE CREEK (CONTINUED TO 5/5/11)

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.

Motion was made by Mrs. Hayes, seconded by Mr. McClash, and carried 7 to 0, to continue **PDR-10-11(Z)(P)** to May 5, 2011, at 9:00 a.m., or as soon thereafter as same may be heard.

[BC20110407DOC040](#)

Public hearing (Notices published) was held to consider

PDC-10-15(Z)(P) PETZOLDT, CURTIS & BURNSIDE, KENT/XPRESS STORAGE – U.S. 301 NORTH

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 3.2 ACRES ON THE WEST SIDE OF OLD TAMPA ROAD, AND SOUTH SIDE OF U.S. 301 NORTH, AT 8407 AND 8431 U.S. 301 NORTH, PARRISH FROM **PR-M/NCO** TO **PDC/NCO**, ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY DISTRICT; APPROVING A PRELIMINARY SITE PLAN FOR 43,284 SQUARE FEET FOR MINI-WAREHOUSE SPACE AND KIOSK; 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.

Mike Carter, representing the applicant, displayed an aerial and a site plan to point out the site location, surrounding uses, Parkwood Subdivision, access roads, and the stormwater management system, which is permitted and constructed. The site will use the existing access on Old Tampa Road as the primary entrance. The project will not have exterior

storage, boats, or recreational vehicles. Customers will utilize an automated system to access the site. Neighborhood meetings were held to address the concerns regarding stormwater management, noise, and light. The existing stormwater management system allows for 4,000 square feet more impervious surface than the proposed site plan. Landscaping will be enhanced on Old Tampa Road to provide additional buffering, and a photograph shows the existing, eight-foot opaque fence that abuts Parkwood Subdivision. The buildings will mitigate noise from Old Tampa Road and U.S. 301.

Stephanie Moreland, Building and Development Services Department, was available for questions.

Discussion: Hours of operation; no deliveries at night; the facility will be under 24-hour recorded video surveillance; fence and buffer is along the residential property; will the Specific Approval for the setbacks affect the ability of the stormwater retention pond to hold water; staff should look at the Land Development Code parking criteria to prevent Specific Approval requests; original request was for a 20-foot-wide buffer; realignment of Old Tampa Road; how will the drainage issues be solved; etc.

Tom Gerstenberger, Public Works Department, reported the buildings will be outside the top of the bank of the retention pond; therefore, they will not impact the storage capacity.

Mr. Carter stated that post-development, the site will not discharge to adjoining properties.

Mr. Gerstenberger stated the primary concern is the swales along Old Tampa Road. During an intense rain, overtopping or sheet flowing can occur across the property and to Parkwood Subdivision. The grading will be reviewed with the final site plan to determine what can be done to prevent runoff from draining into the subdivision and how to convey the runoff.

Discussion: Want a memorandum from staff addressing sheet flow on Old Tampa Road; commercial activity at storage facilities; 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, as conditioned herein, Mr. McClash moved to ADOPT Manatee Zoning Ordinance **PDC-10-15(Z)(P)**; APPROVE the Preliminary Site Plan with Stipulations A.1-3 and B.1-3; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for alternatives to Sections 710.1.6, 715.3.2, 702.6.8, 604.10.3.4 and 603.10.3.6 of the Land Development Code, as recommended by the Planning Commission. The motion was seconded by Mrs. Hayes and carried 7 to 0. [BC20110407DOC041](#)

COMMISSIONERS' COMMENTS

Federal Emergency Management Agency (FEMA)

Mr. McClash questioned if the Federal Emergency Management Agency is exempting property from a Special Flood Hazard Area in Lakewood Ranch County Club Village, Subphase EE, as referenced in the letter dated March 29, 2011. [BC20110407DOC042](#)

Real Estate Market

Mrs. DiSabatino reviewed real estate market statistics. [BC20110407DOC043](#)

Homeowner Meetings

Mrs. DiSabatino reported she has had several meetings with homeowners and three concerns were mentioned: code enforcement, speeding, and noise violations. [BC20110407DOC044](#)

Form-Based Code – City of Bradenton

Ms. Whitmore stated the County should consider looking at the form-based code especially since a project was approved with zero lot lines (PDMU-05-19(G)(R3) Northwest Sector).

John Osborne, Building and Development Services Department, explained form-based code is used in cities and smaller areas without a certain theme. Staff will meet with residents and seek input regarding the design of their area prior to the LDC rewrite. It would be difficult to implement a form-based code Countywide due to design conflicts (diversity and area housing types).

Discussion: Zero lot lines have been used in Planned Development; market drives the look of a product; City of Bradenton plans to implement form-based code in Community Redevelopment Areas (CRA); form-based code may work in areas the County wants to revitalize (e.g. Cortez Village); form-based code can be prescriptive or very open; the County does not have licensed American Institute of Architects to review site plans, vertical elevations, etc., for consistency in form-based code standards; City of Holmes Beach design recommendations in CRAs; etc.

(Note: Commissioners' Comments continued later in meeting)

[BC20110407DOC045](#)

LEGISLATION

Motion was made by Mr. McClash, seconded by Mrs. Hayes and carried 7 to 0, to approve Nick Azzara, Information Outreach Coordinator, to send thank you letters to the legislators and the Governor for seeing them during a lobbying trip to Tallahassee. Mrs. DiSabatino thanked Cari Roth, lobbyist, and Mr. Azzara for their time in Tallahassee.

[BC20110407DOC046](#)

NEIGHBORHOOD REVITALIZATION

Mr. Chappie questioned what could be done to revitalize or redevelop existing neighborhoods that have been deteriorating. The County should provide incentives for development, redevelopment, developers, or neighborhood associations.

Discussion: Decreasing permitting fees for residents; cost a factor in today's economy; how to help residents; Bayshore Gardens has high number of foreclosures and good example of a neighborhood in need of revitalization; impact fees create disincentives; purchase foreclosed homes and rent without improvements; need to find ways to make financing more attractive; having non-profit agencies buy, fix, then sell homes; included Bradenton City Council in work session; concentrate on urban core; residents who bought homes with unpermitted additions are unable to sell homes without paying the permit fees; the Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation; neighborhood revitalization can be done over time; etc.

Mr. Chappie requested a work session dedicated to this subject as soon as possible.

Discussion: Information is being put together for the "How Will We Grow" presentations with focus on the urban core; spend time on existing neighborhoods; need closure on this subject and unsure if it can be addressed with the "How Will We Grow" presentation; etc.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 7 to 0, to recommend comments made by Mr. Chappie on the information requested for staff to put on a work session..

[BC20110407DOC047](#)

COMMISSIONERS' COMMENTS (Continued)

Manatee Educational Television (METV)

Mr. Gallen announced METV's documentary "Through the Tunnel," will be shown at the Sarasota Opera House (Sarasota Film Festival) on April 14, 2011. The documentary about Lincoln Memorial High School football at the onset of integration won the Best Historical Documentary Award at the DocMiami International Film Festival last year.

[BC20110407DOC044](#)

CareerEdge

Mrs. Hayes met **Mireya Eavey**, Executive Director of CareerEdge, at a recent Suncoast Work Force Meeting. CareerEdge was started after receiving a \$1 million grant from the Knight Foundation to provide training and job placement services.

[BC20110407DOC044](#)

Land Use Items

Sarah Schenk, Deputy County Attorney, suggested for the benefit of the public and the record, that Mr. Osborne introduce the project, and the Planner place a map under the overhead camera during land use items.

Discussion: The Planning Commission should be informed of this suggestion as well; etc.

[BC20110407DOC044](#)

Joint CRA Meeting

Mr. Chappie announced a Joint CRA Meeting will be held at the Central Library on April 26, 2011, at 5:30 p.m.

Discussion: Lack of incremental funding for projects on the books; investing in existing neighborhoods to increase revenue coming back to the neighborhoods; Sheriff's Office reported crime around the Pride Park area is down; take years to see the efforts of investments; would like a report from the Sheriff's Office, because the community feels safer; should invite contractors/developers to the work session; etc.

[BC20110407DOC044](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 10:40 a.m.
/mr/qa

Minutes Approved: May 10, 2011