

OCTOBER 6, 2011

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:01 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, Assistant County Attorney
Susan G. Romine, Board Records Director,
representing R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Herb McMillan, First Church of the Nazarene.

All witnesses and staff giving testimony were duly sworn.

AGENDA

Agenda of October 6, 2011, and agenda update memorandum.

[BC20111006DOC001](#)

CONSENT AGENDA

Motion was made by Mr. Bustle, seconded by Mrs. DiSabatino, and carried 7 to 0, to approve the Consent Agenda incorporating the language in the recommended motions in the agenda memoranda (as may have been amended in the supplemental agenda). Items APPROVED:

CLERK'S CONSENT CALENDAR

[BC20111006DOC002](#)

BONDS

Cortez Subdivision

Release Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Securing Common Areas (Landscaping, Irrigation, Tot Lot, and Fencing); **and** Performance Bond (Letter of Credit 2005-005 and any associated amendment[s]), \$117,584.80. [BC20111006DOC003](#)

Country Club East at Lakewood Ranch, Subphase PP, Unit 1 aka Camargo, Unit 2 aka Hazeltine, and Unit 3 aka Royal Valley

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Final Lift of Asphalt, \$418,084.42.
2. **Accept** Agreement with Country Club East Investors LLC Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Final Lift of Asphalt. This agreement is for a **one-year extension**, (expires 10/7/12) secured by a previously accepted Performance Bond (Surety Bond 5034311), \$418,084.42.
3. **Accept** Verification Certificate for Performance Bond (Surety Bond 5034311), \$418,084.42. [BC20111006DOC004](#)

Country Club East at Lakewood Ranch, Subphase QQ, Unit 2 aka Secret Harbor

1. **Release** Agreement Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements - Securing Paving, Grading, Potable Water, Irrigation, Sanitary Sewer, Final Lift of Asphalt, and miscellaneous improvements, \$1,251,604.91.

2. **Accept** Agreement with Country Club East Investors LLC Guaranteeing Completion of Required Improvements and Temporary Construction Easement for Private Improvements – Final Lift of Asphalt. This agreement is for a **one-year extension**, (expires 12/14/12) secured by a previously accepted Performance Bond (Surety Bond 5038905), \$50,873.76.
3. **Accept** Reduction Rider and Verification Certificate for Performance Bond (Surety Bond 5038905) **reducing** the amount from \$1,251,604.91 to \$50,873.76.
4. **Accept** Agreement with Country Club East Investors LLC for Final Wearing Course of Asphalt on Roadways. [BC20111006DOC005](#)

Country Meadows, Phase II

Accept Agreement with Superior Asphalt, Inc., Warranting Required Improvements – Final Lift of Asphalt; **and** Defect Security (Surety Bond 929523523), \$4,115.

Ringling Warehouse

Release Agreement Guaranteeing Performance of a Wetland Mitigation System; **and** Performance Bond (Surety Bond 400SK6514 and any associated rider[s]), \$28,750. [BC20111006DOC006](#)

Sheffield Glenn

Release Agreement Warranting Required Improvements – Securing Water and Wastewater Collection System; **and** Defect Security (Surety Bond 1037811 and any associated rider[s]), \$91,253.63. [BC20111006DOC007](#)

University Parkway Widening (I-75 Interchange to Lakewood Ranch Boulevard)

Release Agreement Warranting Required Improvements – Securing Infrastructure Improvements; **and** Defect Security (Surety Bond 5033860 and any associated rider[s]), \$409,976.26. [BC20111006DOC009](#)

WARRANT LIST

September 20, 2011, through October 5, 2011 [BC20111006DOC010](#)

MINUTES

August 23, 2011, and September 1, 2011 [BC20111006DOC011](#)

ACCEPT

1. **Harrison Ranch Community Development District** – Annual Financial Audit Report for FY ended September 30, 2010. [BC20111006DOC012](#)
2. **Lakewood Ranch Community Development District 1** – Meeting and Workshop dates for FY 2012. [BC20111006DOC013](#)
3. **Manatee County Mosquito Control District** – Resolutions setting Meeting Dates, Adopting Millage, Adopting FY 2011-12 Budget, and Certified Budget for FY 2011-12. [BC20111006DOC014](#)
4. **Southern Manatee Fire and Rescue District** – Resolution 2011-07 adopting FY 2011-12 Budget, and Meeting Dates for FY 2012. [BC20111006DOC015](#)
5. **University Place Community Development District** – Meeting Dates for FY 2012. [BC20111006DOC016](#)
6. **West Coast Inland Navigation District** – FY 2011-12 Budget Summary, Public Meeting Schedule, Resolutions 2011-06 and 2011-07 adopting the millage rate (.0394) and FY 2011-12 Budget, and District Guide Map. [BC20111006DOC017](#)
7. **West Manatee Fire and Rescue District** – Resolution 2011-12 Adopting FY 2011-12 Budget. [BC20111006DOC018](#)

Administrative Contract Adjustments (Pursuant to Resolution R-07-189):

2010 Emergency Generators – Group 1 – Adjustment 1 (Final) to Contract with Windemuller Technical Services; decrease of \$55,957.85, adjusted total \$408,399.15.

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

1. **Bus Bench Advertising** – Amendment 2 to Agreements with Lions Club of Bradenton, Bradenton Jaycees, Boys and Girls Club of Manatee County, Inc., Manatee County Girls Club, Inc., and Metropolitan Systems, Inc., extending the expiration date 90 days (10/1/11-12/13/11). [BC20111006DOC020](#)
2. **Clearview Manor Waterline Improvements** – Change Order 1 to Contract with Volt Telecommunications Group, Inc., adding 45 calendar days for a final completion date of September 22, 2011. [BC20111006DOC021](#)

3. **Lift Station Rehab Group 2** – Contract and Addendum 1 with Canio Construction LLC; \$271,034; Performance Bond, Payment Bond, and Certificate of Liability Insurance. [BC20111006DOC022](#)
4. **Manatee Convention Center and Visitors Bureau – Electrical Remodeling Project** – Contract and Addendums 1 and 2 with Electrical Engineering Enterprises, Inc., \$632,076.62; Performance Bond, Labor and Material Payment Bond, and General Liability Insurance. [BC20111006DOC023](#)
5. **Subscription Fees for Electronic Patient Care Reporting (ePCR)** – Contract with ESO Solutions, Inc. [BC20111006DOC024](#)

(End Consent Agenda)

REDISTRICTING – COUNTY COMMISSION DISTRICTS

David Miner suggested the Board join the School Board in establishing an Independent Boundary Council for redistricting County Commission and School Board district boundaries.

Discussion: School Board is considering the County Commission districts; Deputy County Administrator Karen Windon is the contact; School Board is working with County staff; citizen input; politics should not be a part of the process; 44th Avenue East section is proposed to be removed from District 4; etc. [BC20111006DOC025](#)

PLANNING COMMISSION

The floor was opened for nominations to appoint one member to the Planning Commission:

Nominations

Steve Belack – by Mr. McClash

William Conerly – by Mr. Bustle, Mrs. DiSabatino, and Mrs. Hayes

Amara Cocilovo – by Mr. Gallen

Motion was made by Mr. McClash, seconded by Mrs. Hayes, and carried 7 to 0, to close nominations. **William Conerly** was appointed by a majority vote. [BC20111006DOC026](#)

ZONING

Public hearing (continued from 9/1/11) was opened to consider

PDR-11-03(Z)(P) SHUNN-SHION CHUNG/SPRINGFIELD 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 ±11.91 ACRES ON THE NORTH SIDE OF 25TH STREET EAST (LYNTNOR ROAD), APPROXIMATELY 2,380 FEET EAST OF 80TH AVENUE EAST (ROYAL PALM WAY), PARRISH FROM THE **A/NCO** TO THE **PDR/NCO** ZONING DISTRICT, RETAINING THE NORTH CENTRAL OVERLAY DISTRICT; AND APPROVAL OF A PRELIMINARY SITE PLAN FOR 26 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.

Motion was made by Mrs. DiSabatino, seconded by Mr. Bustle, and carried 7 to 0, to continue the public hearing for **PDR-11-03(Z)(P)** to November 3, 2011, at 9:00 a.m., or as soon thereafter as same may be heard. [BC20111006DOC027](#)

PARRISH LAKES DRI 28

Public hearing (continued from 7/26/11) was opened to consider

ORDINANCE 11-18 – PARRISH LAKES DRI 28

Request: Approval of a new Development of Regional Impact to allow:

- a. 3,300 residential units;

- b. 400,000 square feet of retail; and
- c. 50,000 square feet of office.

The applicant also requests approval of a Land Use Equivalency Matrix (LUEM) to allow conversion between various approved uses, within specific ranges.

This DRI is proposed in two phases; Phase 1, which includes 1,500 residential units and 250,000 square feet of retail, with a build-out date of 2020, and Phase 2, which includes 1,800 residential units, 150,000 square feet of retail and 50,000 square feet of office, with a build-out date of 2030. Specific Approval is requested for both Phases 1 and 2.

The Parrish Lakes DRI is located generally south of Moccasin Wallow Road and north of Erie Road, approximately 1 mile east of I-75. The adopted Future Land Use is Mixed Use (MU), and the current zoning is A (General Agriculture), A-1 (Suburban Agriculture) and A/NCO (General Agriculture/North Central Overlay District) (±1,155 acres).

Motion was made by Mrs. Hayes, seconded by Mr. Gallen, and carried 7 to 0, to continue the public hearing for Ordinance 11-18 to December 1, 2011, at 9:00 a.m., or as soon thereafter as same may be heard. [BC20111006DOC028](#)

ZONING

Public hearing (Notices published) was held to consider

Z-11-06 SHEILA D. LEACH/SWEETBERRIES 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 0.17 ACRES (PART OF A 0.57± ACRE PARCEL), ON THE NORTHWEST CORNER OF S.R. 64 (MANATEE AVENUE WEST) AND 45TH STREET WEST, AT 4500 MANATEE AVENUE WEST, BRADENTON, FROM THE RSF-4.5 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 Manatee County Land Development Code, Mrs. DiSabatino moved to ADOPT Manatee County Zoning Ordinance Z-11-06, as recommended by the Planning Commission. The motion was seconded by Mrs. Hayes and carried 7 to 0. [BC20111006DOC029](#)

Public hearing (Notices published) was held to consider

PDMU-11-10(P) AUTO ZONE #4931

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, APPROVING A PRELIMINARY SITE PLAN FOR A 7,381-SQUARE-FOOT COMMERCIAL RETAIL ESTABLISHMENT (AUTO PARTS STORE) ON APPROXIMATELY 0.95 ACRES ON THE NORTHEAST CORNER OF 31ST STREET COURT EAST AND S.R. 70 (53RD AVENUE EAST), APPROXIMATELY 2,172 FEET EAST OF U.S. 301 AND 620 FEET WEST OF 33RD STREET EAST, AT 3111 53RD AVENUE EAST, BRADENTON; 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.

Stephanie Moreland, Building and Development Services Department, explained the applicant requested Specific Approvals for reduction of: (1) tree replacement sizes; (2) east side-yard setback (the building will have no windows or doors on the east side, which will minimize

adverse impacts on residential properties); and (3) east perimeter buffer and roadway buffer on 31st Street Court East.

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. Hayes moved to APPROVE the Preliminary Site Plan PDMU-11-10(P) with Stipulations A.1-4, B.1-2, and C.1; ADOPT the Findings for Specific Approval; and GRANT Specific Approval for an alternative to LDC Sections 603.11.4.3, 714.8.7, 715.3.2, and 715.3.4, as recommended by the Planning Commission. The motion was seconded by Mr. Gallen and carried 7 to 0. [BC20111006DOC030](#)

Public hearing (Notices published) was held to consider

PDR-02-28(P)(R4) BOUGAINVILLEA PLACE

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AMENDING ORDINANCE PDR-02-28(P)(R2) PERTAINING TO APPROXIMATELY 38.78 ACRES ON THE EAST SIDE OF 60TH AVENUE EAST AND SOUTH OF 29TH STREET EAST AT 2603 60TH AVENUE EAST, ELLENTON, IN THE PDR ZONING DISTRICT; APPROVING ORDINANCE PDR-02-28(P)(R2), TO AMEND STIPULATION A.10 TO MODIFY THE MINIMUM FRONT YARD SETBACKS; SETTING FORTH FINDINGS; PROVIDING A LEGAL DESCRIPTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. Staff recommended APPROVAL.

Lisa Barrett, Building and Development Services Department, stated the revision is to amend **Stipulation A.10**.

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 Manatee County Land Development Code, Mr. Gallen moved to ADOPT Manatee County Zoning Ordinance **PDR-02-28(P)(R4)**; amending and restating Ordinance PDR-02-28(P)(R2) to amend Stipulation A.10 for a project that was previously granted Special Approval within the entranceway, as recommended by staff. The motion was seconded by Mrs. DiSabatino and carried 7 to 0. [BC20111006DOC031](#)

LAND DEVELOPMENT CODE

Public hearing (continued from 9/1/11) was opened to consider

ORDINANCE 11-29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; REGARDING LAND DEVELOPMENT; AMENDING THE MANATEE COUNTY LAND DEVELOPMENT CODE (ORDINANCE 90-01, AS AMENDED); REGARDING CHAPTER 2, DEFINITIONS OF **REDEVELOPMENT AND VETERINARY CLINIC**; AMENDING SECTION 704.66 REGARDING **LOT DIMENSIONS OF SERVICE STATIONS AND OTHER GAS PUMP LOCATIONS**; AMENDING OTHER PROVISIONS AS NECESSARY FOR INTERNAL CONSISTENCY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

John Osborne, Building and Development Services Department, stated the Land Development Code affirms that a veterinary clinic must be soundproofed, but does not give details on what soundproofed means. Staff relies on the noise ordinance for enforcement.

Bob Schmitt, Building and Development Services Department, reported the veterinarian community has been vocal on this item because they board many animals prior to hurricanes, and they want to be able to board animals for one to two weeks.

Discussion: General standard of animals per square-foot; veterinarians were unaware of the 10 animal limit; not in favor of limiting the number of animals; noise; community standards; sound proofing has improved; nuisance ordinance; electric charging stations; fire safety and generators are pre-empted by State Statute; etc.

Mr. McClash requested clarification on the difference between the number of gas pumps for convenience stores/car washes and service stations (Section 704.66.6, page 4 of the Ordinance). He questioned 150 feet of frontage and an access driveway within close proximity of an intersection especially near a major roadway.

Mr. Schmitt stated the language for convenience stores and car washes, and services stations will be simplified in the Land Development Code amendments.

Tom Gerstenberger, Public Works Department, reported that in the vicinity of the Auto Zone project (approved earlier in meeting) two local streets form a loop, and there is cross access between the project and Windows Décor. Access to the Auto Zone project from S.R. 70 would have required a permit from the Florida Department of Transportation.

(Depart Mr. Chappie)

Discussion: Before the next hearing, staff will notify the veterinarians and terminology and frontage requirements will be discussed; etc.

Motion was made by Mr. McClash, seconded by Mrs. DiSabatino, and carried 6 to 0, to continue the public hearing for Ordinance 11-29 to November 3, 2011, at 9:00 a.m., or as soon thereafter as same may be heard.

[BC20111006DOC032](#)

Recess/Reconvene. All members present.

HERITAGE HARBOUR (FKA HERITAGE SOUND) – DRI 24

Public hearings (Notices published) were held to consider

ORDINANCE 11-31

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 THE HERITAGE HARBOUR DEVELOPMENT OF REGIONAL IMPACT (ORDINANCE 10-47); AKA TBRPC DRI 240; INCLUDING A DETERMINATION OF WHETHER THE FOLLOWING CHANGES CONSTITUTE A SUBSTANTIAL DEVIATION TO THE HERITAGE HARBOUR DEVELOPMENT OF REGIONAL IMPACT (DRI) IN RESPONSE TO THE OWNER'S SUBMITTAL OF A NOTICE OF PROPOSED CHANGE (NOPC): (1) AN EXTENSION TO THE EXPIRATION DATE OF THE CERTIFICATE OF LEVEL OF SERVICE; (2) AN EXTENSION TO THE BUILD-OUT DATE AND THE DEVELOPMENT ORDER EXPIRATION DATE; (3) AN EXTENSION TO THE BUILD-OUT DATE FOR PHASE II; AND 4) AN AMENDMENT TO THE LAND USE EQUIVALENCY MATRIX; PROVIDING FOR DEVELOPMENT APPROVAL, CONDITIONS, AND OBLIGATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended ADOPTION.

and

PDMU-98-08(G)(R5) HERITAGE HARBOUR

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT, AMENDING ORDINANCE PDMU-98-08(Z)(G)(R4) TO APPROVE CHANGES TO THE GENERAL DEVELOPMENT PLAN AND ORDINANCE AS FOLLOWS: (1) AN EXTENSION TO THE EXPIRATION DATE OF THE CERTIFICATE OF LEVEL OF SERVICE; (2) AN EXTENSION TO THE BUILD-OUT DATE FOR PHASE II; AND (3) AN AMENDMENT TO THE LAND USE EQUIVALENCY MATRIX; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

THE HERITAGE HARBOUR DRI IS GENERALLY LOCATED AT THE INTERSECTION OF I-75

AND S.R. 64, SOUTH OF THE MANATEE RIVER, AND WEST OF UPPER MANATEE RIVER ROAD (2,784.7± acres).

Planning Commission recommended APPROVAL.

(Note: The proof of publication and the Ordinance title are different)

Katie LaBarr, Building and Development Services Department, stated the intent is to exchange residential land uses in the Land Use Equivalency Matrix. She read **Stipulation K.5**: Notwithstanding the ability to exchange among residential unit types, per the Land Use Equivalency Matrix, no increase in multi-family units or single-family semi-detached shall be permitted into the Coastal High Hazard Area (CHHA).

Based on questions, Ms. LaBarr stated the Land Use Equivalency Matrix in Exhibit 15 (page 33 of Ordinance) is the correct matrix.

Jason Henbest, representing the applicant, stated there were no intentions to increase density in the CHHA; the applicant wanted flexibility in the mix of uses.

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, Mr. McClash moved to find the applicant has rebutted the presumption by clear and convincing evidence that the proposed changes as described in the NOPC to the DRI Development Order does not create a Substantial Deviation in accordance with *Section 380.06, Florida Statutes*, and ADOPT Ordinance **11-31**, as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0. [BC20111006DOC033](#)

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. McClash moved to APPROVE Manatee County Zoning Ordinance **PDMU-98-08(G)(R5)** with new **Stipulation K.5**; APPROVE the revised General Development Plan; and GRANT Special Approval for a project in the MU Future Land Use Category; as recommended by the Planning Commission. The motion was seconded by Mrs. DiSabatino and carried 7 to 0. [BC20111006DOC034](#)

LOCAL DEVELOPMENT AGREEMENT

Public hearing (Notices published) was held to consider

LDA-11-03 MANATEE FRUIT COMPANY/CROSSROADS AND PENINSULA BAY LANDS (FIRST OF TWO PUBLIC HEARINGS; SECOND HEARING SCHEDULED OCTOBER 11, 2011)

Approval of LDA-11-03 relating to Manatee Fruit Company's Crossroads and Peninsula Bay Lands; recognizing past contributions of rights-of-way and other lands for road projects by the applicant; providing for future dedications of certain rights-of-way and other lands for road projects by the applicant upon request of the County; allowing such past and future dedications to be credited towards proportionate share mitigation for the purposes of meeting transportation concurrency requirements for the future development of the included lands; recognizing alternatively that such future contributions may be entitled to an award of impact fee credits in accordance with the County's Land Development Code; and allowing the applicant to utilize proportionate share mitigation as a means to meet transportation concurrency requirements at the time the included lands are to be developed. The lands included are: (i) approximately one thousand four hundred twenty-two (±1,422) acres of real property located in unincorporated Manatee County, Florida, at and near the intersections of 75th Street West with Cortez Road and 53rd Avenue West; and (ii) approximately three hundred twenty-seven (±327) acres of real property located in unincorporated Manatee County, Florida, on the north side of Cortez Road and south of Palma Sola Bay. In total, the

included lands can be developed pursuant to the current zoning and without any further site plan approvals by the Board of County Commissioners with a maximum of nine hundred seven (907) residential units for a current maximum gross density for the included lands of 0.52 units per acre. The current maximum permitted height for all uses on the included lands is thirty-five (35) feet.

Dan Schlandt, Deputy County Administrator, submitted a revised LDA and explained the LDA is to establish a mechanism for resolving a long-term issue with transportation concurrency in this area. This will allow the applicant to meet transportation concurrency requirements through proportionate share mitigation. He addressed additional aspects of the LDA.

Bill Clague, Deputy County Attorney, stated the LDA resolves a long-standing dispute with Manatee Fruit Company, Inc., regarding a different LDA that created a backlog on the County's concurrency management system. The LDA will allow the County to acquire right-of-way without having to go through the condemnation process.

Caleb Grimes, representing Manatee Fruit Company, Inc., utilized a map to point out the location and acreage for the LDA. He reviewed the steps Manatee Fruit Company, Inc., pursued before the completion of the LDA. The lawsuit will be dismissed upon approval of the LDA. Manatee Fruit Company, Inc., has entered into an agreement with IMG Academies LLP, for 110 acres for expansion of the academies.

Tony Rodriguez, Building and Development Services Department, noted the acreage is in the urban core, and to the east of the site is a transportation grid network. Right-of-way commitments in the LDA will make sure that existing roadways (expansion of 53rd Avenue West and 75th Street West from Cortez Road to 53rd Avenue) are in the Comprehensive Plan. Once Manatee Fruit Company's plans are put into effect, staff will look at the roadway network to analyze and mitigate the impacts.

Mr. Schlandt explained the County hindered growth in the area due to LDA-06-04(R) Long Bar Pointe and the legal dispute with Manatee Fruit Company. The LDA will correct this issue.

Mr. Osborne reported that concerns of residents have been addressed.

Discussion: Working with IMG Academies; missing Exhibit C; language in Section 4.1.B., should be clarified that the applicant will pay to reconstruct County facilities; review the Comprehensive Plan regarding the six lanes of 75th Street West, from Cortez Road to 53rd Avenue West; smart growth; etc.

Mr. McClash disclosed he owns property in the area and requested the County Attorney's Office brief him on whether he can vote. Mr. Gallen disclosed his wife is employed by IMG Academies. Ms. Schenk confirmed it would not be a conflict of interest for Mr. Gallen or Mr. McClash to vote on the item (10/11/11). [BC20111006DOC035](#)

LAND DEVELOPMENT CODE AMENDMENT

Mr. Osborne reported comments received from review agencies and the Development Review Committee are being finalized. The final draft will be submitted to the County Attorney's Office for review, and staff will prepare for a work session. He thanked Mr. Gerstenberger for his work addressing engineering issues. Public hearings are planned the first quarter in 2012. [BC20111006DOC036](#)

COMMISSIONERS' COMMENTS

Port Citrus

Mr. Bustle announced the Urban Land Institute and several Citrus County Commissioners will be touring Port Manatee. Fred Busack, Heartland Regional Transportation Authority (2/22/11 meeting), has been helping Citrus County establish Port Citrus, which has been approved by the State Legislature. [BC20111006DOC037](#)

Real Estate

Mrs. DiSabatino updated the Board on the current real estate trends.

[BC20111006DOC037](#)

Harlee Middle School

Mrs. DiSabatino reported the Early Out Program will be taking place at Harlee Middle School every Wednesday and the students will be reading books.

[BC20111006DOC037](#)

Employment Opportunities

Mrs. DiSabatino announced Marshalls is hiring for all positions and that seasonal hiring has begun early. She recommended the services of the Suncoast Workforce Board.

[BC20111006DOC037](#)

TARA BRIDGE

Mr. Chappie noted on June 6, 2009, a motion was made to bring back a report removing the four-lane portion on Tara Boulevard from the Comprehensive Plan, and to date, this has not been addressed.

Discussion: Research was emailed to all Commissioners; the Comprehensive Plan has Tara Boulevard listed as four lanes; Long-Range Transportation Plan has Tara Boulevard listed as two lanes; work session scheduled for December 1, 2011; the bridge is an unfunded requirement; two Commissioners have asked for the work session; waste of taxpayer money to keep discussing this; Comprehensive Plan changes must be through the public hearing process; etc.

Motion was made by Mrs. DiSabatino, seconded by Mr. Bustle, and carried 6 to 1, with Ms. Whitmore voting nay, to cancel the work session on December 1, 2011, for the Tara Bridge.

Mr. McClash moved to change the Comprehensive Plan to reduce the lanes for the Tara Bridge from four to two as proposed. The motion was seconded by Mrs. Hayes.

Ms. Schenk clarified the motion to state:

To direct staff to initiate Comprehensive Plan amendment to change the Tara Bridge right-of-way plan from four lanes to two lanes. Mr. McClash and Mrs. Hayes agreed, and the motion carried 7 to 0.

Discussion: Public hearing will not address whether to build the Tara Bridge; confirm if 75th Street West is in the Comprehensive Plan as four lanes or six lanes; etc.

[BC20111006DOC038](#)

JOHN H. MARBLE CENTER – BIBLE BAPTIST CHURCH

Mrs. DiSabatino stated she has changed her opinion (from 9/20/11) on whether Bible Baptist Church will provide an overriding public benefit. Church representatives reviewed the services and programs they offer when she visited the site. She submitted an estimate for \$8,548 for an air conditioning compressor.

Motion

Mrs. DiSabatino moved to replace the compressor up to \$8,548 with the Church paying and then be reimbursed. The motion was seconded by Mrs. Hayes.

(Depart Ms. Whitmore; Mr. Chappie presiding)

Sarah Schenk, Deputy County Attorney, advised that a motion to reconsider is necessary before a new motion can be made.

Mr. Chappie requested discussion before a motion to reconsider.

Discussion: Mrs. DiSabatino visited the site with the church and former Commissioner Jonathan Bruce; setting a precedent; contract stating "as is" in regard to the building; other non-profit agencies, such as Manasota ARC, have needs but could not pay for the repairs;

misunderstanding about what should have been repaired by the County; County owns the building; the motion should include the intent to take the funds out of reserves for contingency; need a motion to reconsider; staff should be in attendance for the discussion; void the franchise agreement and reopen the Requests for Proposals; etc.

(Enter Ms. Whitmore during discussion, presiding)

Motion - Call the Question

Motion was made by Mr. McClash and seconded by Mr. Gallen, to call the question.

Discussion was held regarding which question was being called.

Ms. Schenk recommended Mrs. DiSabatino withdraw the motion to replace the compressor, and make a motion to reconsider the September 20, 2011, motion. If the motion to reconsider passes, then a motion could be made regarding replacing the compressor.

Mrs. DiSabatino stated the dollar amounts in her motion were different than the September motion.

Motion - Withdrawn

Mrs. DiSabatino withdrew the original motion (for up to \$8,548), and Mrs. Hayes agreed.

Motion - Reconsidered

Motion was made by Mrs. DiSabatino and seconded by Mrs. Hayes, to reconsider the item for the Bible Baptist Church.

(Note: The motion being reconsidered is: to authorize the County to repair the air conditioner at the John H. Marble Center, at a cost not to exceed \$10,000).

Motion - Call the Question

Motion was made by Mr. McClash to call the question. There was no second to the motion.

The motion to reconsider carried 4 to 3, with Mr. Bustle, Mr. Chappie, and Ms. Whitmore voting nay.

(Note: The motion now on the floor is: to authorize the County to repair the air conditioner at the John H. Marble Center, at a cost not to exceed \$10,000).

Discussion: Other agencies wanted an opportunity to lease the facility; staff should be present for discussion; building was going to be demolished; staff indicated that the Church knew about the condition of the compressor; etc.

Rob Eschenfelder, Deputy County Attorney, noted that the agreement with the Church authorized certain programs.

Tedd Williams, County Attorney, explained that the motion on the floor includes a not-to-exceed cost of \$10,000, and earlier Mrs. DiSabatino indicated an up to \$8,548 figure. He recommended a motion to amend the motion to include the lower figure.

Motion - Amended

Motion was made by Mrs. DiSabatino to amend the motion on the floor (for the County to repair the air conditioner), to appropriate up to \$8,548 to replace the compressor at the John H. Marble Center. The motion was seconded by Mrs. Hayes.

Ms. Whitmore clarified the original motion stated staff would replace the compressor and the new motion does not.

Motion - Substituted

Mr. Chappie made a substitute motion to take this under consideration after lunch so staff has time to come to Chambers. Mr. Bustle seconded the motion.

Following discussion, the substitute motion **failed** 3 to 4, with Mrs. DiSabatino, Mr. Gallen, Mrs. Hayes, and Mr. McClash voting nay.

Motion - Call the Question

Motion was made by Mr. McClash to call the question (to have the County pay \$8,548 to replace the compressor). There being no second, the motion died.

Vote

The motion carried 4 to 3, with Mr. Bustle, Mr. Chappie, and Ms. Whitmore voting nay.

[BC20111006DOC039](#)

ROBINSON TREE FARM

Mr. McClash requested that staff review the land use covenant restriction that allows 20 units (200 acres adjacent to Robinson Preserve). He questioned if there is a more appropriate future land use classification.

[BC20111006DOC037](#)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Adj: 11:53 a.m.
/vj/qa

Minutes Approved: November 21, 2011