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referred to 3/13/84

BOCC 3/08/84

I. RECONSIDERATIONS (PUBLIC HEARINGS)

A. ZONING ATLAS AMENDMENTS

1. Z-83-75 (Reconsideration)

ALFRED S. MARIANI & E. STAN SALZER

I. GENERAL INFORMATION

- a. Request:
 - TO: A-1 (Suburban Agriculture District)
 - FROM: A (General Agricultural District)
- b. Location: End of Country River Drive, approximately one-half mile from Old Tampa Road.
- c. Site Area: 107± Acres

II. SUMMARY RECOMMENDATIONS

Staff objects to this request for the following reasons:

The request represents a five-fold increase in density in an area without an adequate transportation network and access, and without centralized utilities. Approval of rezoning is likely to result in the receipt and processing of a subdivision plat which appears inconsistent with The Manatee Plan and the minimum requirements of the Land Development Code regarding secondary access and cul-de-sac lengths.

The Planning Commission initially deferred action on this request to enable the applicant to find a secondary means of access to the site. The Planning Commission felt that because the parcel was basically landlocked, direct secondary access might be unobtainable. Eventually the Commission agreed that secondary access could be addressed at the time of plat review by the provision of a paved "stub-out" to an adjacent undeveloped parcel for the future and logical extension as development occurs. The Planning Commission felt that development trends and timing were appropriate, given the location of River Wilderness Country Club PDR adjacent to this site. Therefore, the Planning Commission recommends APPROVAL.

The Board of County Commissioners denied the request (see attached Minutes), then later voted to reconsider the request after the applicant informed the Commissioners that another means of access had been found. The reconsideration request has been noticed properly for public hearing.

III. SITE AND VICINITY CHARACTERISTICS

- a. Site Characteristics: The property is currently undeveloped.
- b. Access: Access is via Country River Drive, a two-lane, paved, County maintained, rural road and from Old Tampa Road, a two-lane, shell, County maintained, rural thoroughfare.
- c. Vicinity Characteristics:

	<u>Land Use</u>		<u>Zoning</u>
North:	Vacant	North:	A, PDR
South:	Vacant	South:	A, PDR
East:	River Wilderness	East:	PDR
West:	Country River Estates, Vacant	West:	A-1, A

IV. MANATEE PLAN REVIEW

a. Consistency:	Consistent	Inconsistent	Review Not Required	Analysis Required
Sector/Corridor Designation	[x]	[]	[]	[]
Land Use Compatibility	[x]	[]	[]	[]
Development Trends/Timing	[]	[x]	[]	[]
Environment	[x]	[]	[]	[]
Public Facilities				
Utilities	[x]	[]	[]	[]
Transportation	[]	[x]	[]	[]

b. Conclusion: This request appears inconsistent with The Manatee Plan.

c. Analysis:

1. Sector: The site lies within the East County Agricultural Sector. One (1) unit per acre is a permissible density in this Sector if adequate public facilities are available.
2. Development Trends/Timing: The site, if rezoned to A-1, would constitute a five-fold increase in density in an area where the density ranges from one unit per two acres to one unit per five acres. The site is located in an area without centralized utility services and at the end of an already excessively long cul-de-sac, approximately one-half mile long. Secondary access does not exist or appear likely in the short term future. Aside from Country River Estates, zoned A-1 and River Wilderness Country Club, zoned PDR, all surrounding zoning is -A-. Higher intensity zoning does not appear appropriate at this time.
3. Land Use Compatibility: In terms of land use, the proposed zoning appears compatible with surrounding uses and consistent with The Manatee Plan.
4. Transportation: The Manatee Plan and the Land Development Code require that adequate access be provided to new residential areas. The subdivision regulations of the Land Development Code require that cul-de-sacs not exceed 800 feet. Additionally, secondary access is strongly recommended. To approve a rezoning allowing a five-fold increase in lots and density will result in the subsequent processing of a subdivision plat which appears inconsistent with The Manatee Plan and the minimum requirements of the Land Development Code.

VI. PLANNING COMMISSION PUBLIC HEARING

a. COMMENTS AND CORRESPONDENCE - (11/02/83)

OPPOSITION

Riley Carl, 2807 Country River Drive: " I live in Country River Estates going on two years. Some of the people have lived there many more years. We are not totally objecting to the subdivision itself. If any of you drove out Old Tampa Road under the present conditions, it is a disaster zone. In wet weather small cars can barely get through there. When you are driving you have to stay well behind another car to see. It would be almost insane to let construction traffic go down there in wet weather. For several years on that road here that comes off of Old Tampa Road is a road that Mr. Kipp's company built, he does have an 8" pipe line going down through there. We appreciate it very much, however, children play on that road and there are 25 children that play on that road. It is an atmosphere out there that we cannot restrain our children for a cement truck to be flying down there at 45 m.p.h. What we object to is for these people to use Country River Drive to take their trucks and building equipment for

commercial use when we have for the last several years used it almost for a park. We object very strongly."

Harriatt Smith, 11111 Country River Drive: "I adjoin the property. I am not against the subdivision. My main objection is I don't want our road to be the construction road. They need another access road. Most others have two roads into their land. We are talking 160 cars going up and down one road. We would like to see another road put in before this is approved. Maybe they cannot get it. This is eighty (80) more houses. We have one junior high school there. There are 38 children in each of my son's classrooms. We have no schools. I am upset that we have no more schools in the area before we have more houses."

Marti Smith, 11004 Country River Drive: "We have lived out there for five years. We are against the use of the road. It is a paved road but when the County mows the property on their side, they chip a little of the pavement each time. If they use our road for construction traffic and no one is home all day, people will see that no one is home. In case of an emergency our road could be blocked and we could not get out. We moved because my son was getting sick from lead poisoning due to traffic on the interstate three blocks away. We were told that our road would not be used as a main entrance into a subdivision. Please consider this and come out there and see it."

Carole Jones, 2808 Country River Drive: "Country River Drive is not a straight street. There is a very difficult curve. I do not want to endanger the lives of my children with our road being used as a construction road."

Lani Jo Hirschberg, 11105 Country River Drive: "My main objection is the road. We do not want that road used for a construction road. In an emergency situation it is dangerous. "

b. PETITION

One (1) petition IN OPPOSITION bearing 38 names.

There were thirteen (13) people in OPPOSITION at the hearing.

c. PLANNING COMMISSION ACTION

(11/02/83) - DEFERRAL to December 14, 1983 by a vote of 5 to 0.

VI. PLANNING COMMISSION PUBLIC HEARING

a. COMMENTS AND CORRESPONDENCE - (12/14/83)

OPPOSITION

Marty Smith, Country River Drive: "Like I told you the last time, we are not really opposed to the zoning itself, it is the road, the use of our road which is now a dead end road, it is a very nice road but it is not that great. Like I said before, when the mowers come out I don't care how thick they say it is, it is about that thick. We feel that with all the construction traffic going up and down it is just going to tear it up. I don't care if they have 25 mile an hour speed limits, they are going to be on a time schedule and they are going to go through there and nothing will stop them. What happens if they rezone it and then they can't get in that way, we really do not want any construction traffic to go down our road. It is too dangerous. We were told that would be developed down there but our road would not be used for an access, we were told they would come in on Old Tampa Road or Fort Hamer Road. It is not our fault and we should not have to suffer because Mariani and Salzer are going to develop down there. There are a lot of other people here that live on the road and they are all opposed to it."

Riley Carl, Country River Drive: "I just wanted to remind the Board that the reason you delayed this was to find out if they

could get another access before you made a decision. The gentleman over here hit the nail on the head, right now we could demand that they find this access, we gave them thirty days to do this, they have not accomplished anything. I talked to Mrs. Gillis myself, which is the lady that owns all the parcels on the north side, she is not really in favor of doing anything. The gentleman over here at the last meeting suggested that they may look into the end of 25th now. I think that before they spend any more money or get any trucks out there they start working on their property we ought to have another access, this ought to be done now, not later on when all these families have to give up their work, we would have to come back and do all the maintenance. We would like to ask you to get the access now, the A-1 zoning is no problem."

b. PLANNING COMMISSION ACTION

(12/14/83) - APPROVAL by a vote of 7 to 2.

VII. BOARD OF COUNTY COMMISSIONERS ACTION

(1/12/84) - DENIAL by a vote of 3 to 2 (See Board of County Commissioners Minutes attached).

(1/12/84) - Request to reconsider the petition on March 8, 1984, Approved by a vote of 5 to 0 (See Board of County Commissioners Minutes attached).

(COMMISSIONER CHANCE)

JANUARY 12, 1984

Z-83-75 ALFRED MARIANI & E. STAN SALZER - A-1 DENIED

Request: Rezone from A to A-1 on 107 acres at the end of Country River Drive, approximately 1/2 mile from Old Tampa Rd. Planning Commission recommended APPROVAL.

Public hearing (notice published in The Bradenton Herald 12/21/83) was opened for the purpose of considering

MANATEE COUNTY ORDINANCE NO. Z-83-75:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A TO A-1; PROVIDING AN EFFECTIVE DATE.

Planning staff objected to this request for the following reasons:

1. The request represents a five-fold increase in density in an area without an adequate transportation network and access, and without centralized utilities.
2. Approval of rezoning is likely to result in the receipt and processing of a subdivision plat which appears inconsistent with The Manatee Plan and the minimum requirements of the Land Development Code.

During presentations by Tom McCoom and Dan Zoller of Zoller & Najjar Engineering, and Bill Kipp, it was pointed out that they propose to use Country River Estates Road as entrance to their development.

Speaking in opposition to the use of Country River Drive as sole access, construction traffic were:

Marti Smith, Katheryn Cason and Harriet Smith. Marti Smith also submitted a letter from Lani Jo & Thomas Hirshberg, and ten persons responded to request for indications of opposition; Harriet Smith said she felt the schools in the area are already overcrowded.

Bob Carl submitted:

- (1) petition from property owners in Country River Estates requesting other access roads be required before construction begins; that the new development be compatible with the two-acre lots in the present subdivision;
- (2) petition from owners and residents of property located on/off Old Tampa Road (regular users of the Road) suggesting points to be considered before approval of the rezone request
- (3) pictures of Old Tampa Road and Country River Drive;
- (4) letter from Grady & Linda Kicklighter objecting to Country River Drive being used for construction traffic and sole access to the proposed development.

Louise Godfrey and Lloyd Hagaman, residents near the area, suggested secondary access roads and Bill Kipp advised that he has been pursuing this possibility.

(Depart Chairman Chance; Vice-Chairman Fletcher presiding)

Dan Zoller stated they would be willing to commit to a secondary access prior to any construction.

Having considered the staff report, Planning Commission recommendation and comments made at the public hearing, Mr. Chetlain moved to deny Manatee County Ordinance No. Z-83-75. Motion was seconded by Mrs. Glass.

(Enter Mr. Chance)

Voting "Aye" were Mr. Chetlain, Mrs. Glass and Mr. Vickers. Mr. Chance and Mr. Fletcher voted "Nay". Motion carried.

(Depart Mr. Chetlain)

The Vice-Chairman relinquished the gavel to the Chairman.

JANUARY 12, 1984

Z-83-75 ALFRED MARIANI & E. SALZER - RECONSIDERED/CONTINUED
(Denied earlier in the meeting)

Bill Kipp, representing the applicant, advised that they may have worked out an agreement for a secondary access road and requested the Board to reconsider.

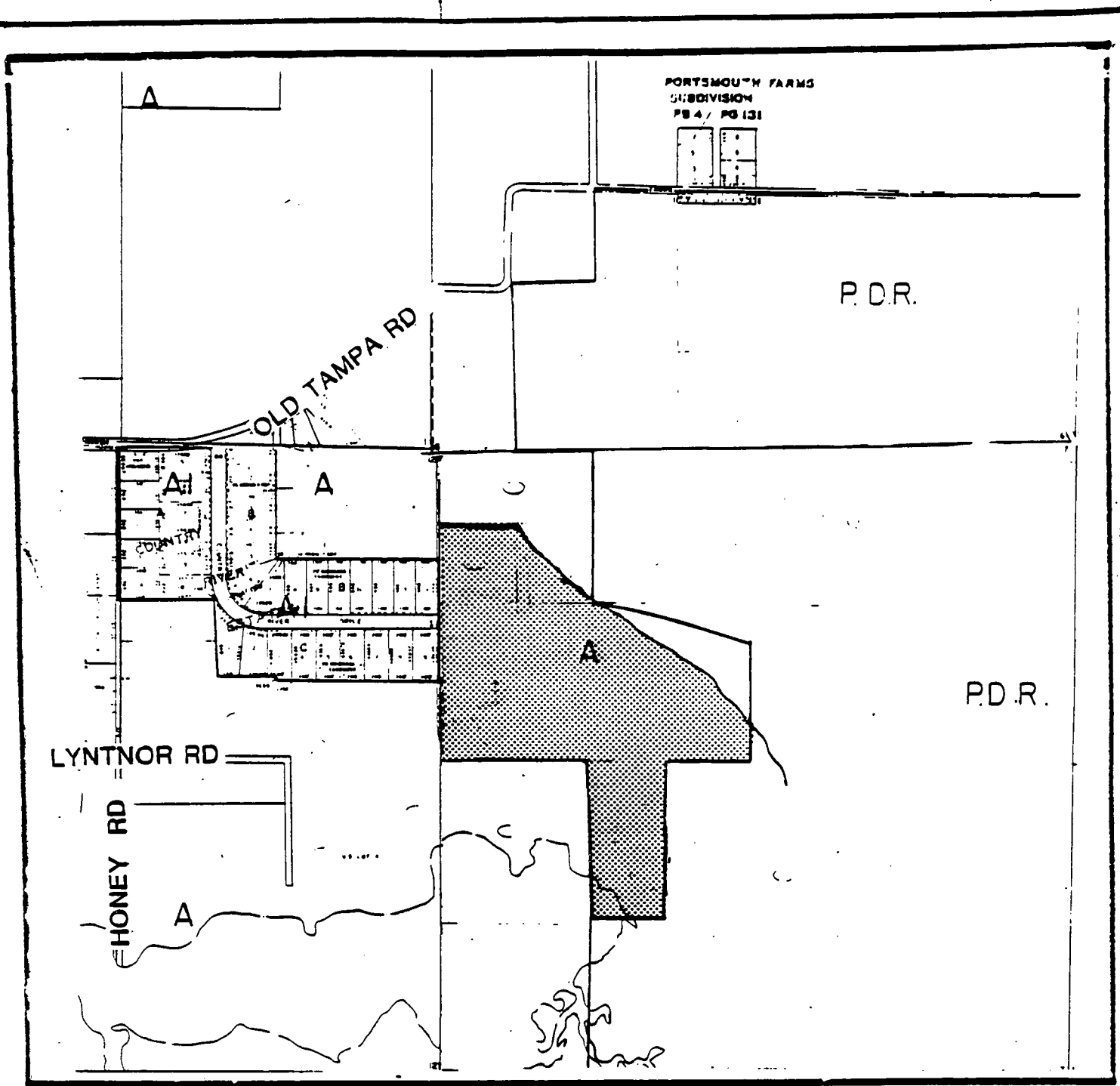
Motion was made by Mrs. Glass to reconsider petition Z-83-75. Motion was seconded by Mr. Fletcher and carried unanimously.

Motion was made by Mrs. Glass to continue the public hearing to March 8, 1984. Motion was seconded by Mr. Chetlain and carried unanimously.

ORDINANCE 83-41: AMENDMENT OF THE MANATEE PLAN/LAND USE ELEMENT

Public hearing (notice published in The Bradenton Herald 12/21/83) was opened for the purpose of considering proposed Ordinance 83-41 amending the Land Use Element of The Manatee Plan (South County Industrial area).

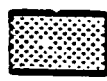
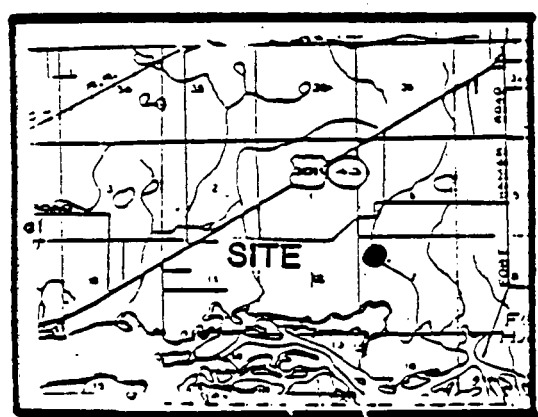
•(Note: Ordinance not submitted for the record).



SCALE IN FEET 1"=1200'

SECTION, TOWNSHIP, RANGE

7-34-19



AREA OF CONSIDERATION

107 ACREAGE (±)

PROJECT NO: Z-83-75

PROPOSED USE: _____

EXISTING ZONING: A

PROPOSED ZONING: A-1

REQUESTED BY: MARIANI/SALZER

COMMISSIONER: MR. CHANCE

46. 1
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AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND
NOTIFICATION BY MAIL TO CONTIGUOUS PROPERTY OWNERS

STATE OF Florida
COUNTY OF Manatee

BEFORE ME, the undersigned authority, personally appeared _____
Benjamin H. Dawson, who, after having been first duly
sworn and put upon oath, says as follows:

1. That he is the Agent for the Owner (owner, agent for owner,
attorney in fact for owner, etc.) of the property identified in the application for
Official Zoning Atlas Amendment No. Z-83-75, to be heard on
March 8, 1984, and as such, is author-
ized to execute and make this Affidavit and is familiar with the matters set forth
herein and they are true to the best of his knowledge, information and belief.
2. That the Affiant has caused the required public notice sign be posted
pursuant to Manatee County Ordinance No. 81-4, on the property identified in
said application and said sign was conspicuously posted 0 feet from the front
property line on the 8 day of February, 1984.
3. That the Affiant has caused the mailing of the required letter of notifi-
cation to contiguous property owners pursuant to Manatee County Ordinance 81-4,
by 1st Class Mail, on the 8 day of February, 1984,
and attaches hereto as a part of and incorporated herein, copies of said letters
of notification.
4. That Affiant is aware of and understands that failure to adhere to the
provisions of Manatee County Ordinance No. 81-4 as it relates to the above matters
may cause the above-identified application and any public hearing held thereon to
be ineffective and a nullity.

FURTHER YOUR AFFIANT SAITH NOT.

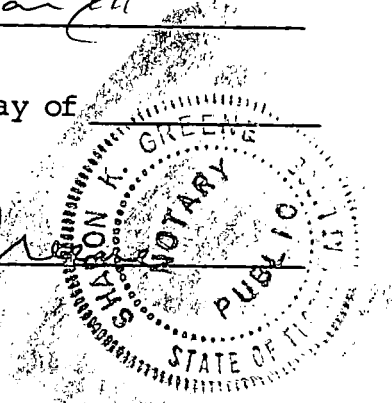
Ben H. Dawson

SWORN TO AND subscribed before me on this 9 day of _____
February, 1984.

Sharon K Green

My Commission Expires:

Notary Public, State Of Florida At Large
My Commission Expires Dec. 20, 1986
Bonded By SAFECO Insurance Company of America



Board of County Commissioners
Manatee County
Bradenton, Florida

Re: Z-83-75, Alfred S. Mariani and E. Stan Salzer
(A to A-1)
Public Hearing Date - 3/8/84 - 9:00 A.M.

Dear Commissioners:

We, being property owners and residents of Country River Estates, once again express our opposition to the rezoning of the property referred to in application No. Z-83-75, until property for another access road has been purchased and the road has been built, pursuant to County standards, and ready for use.

The developers of this property have been advised to do this since our first hearing on this matter in November, 1983. This is now the fourth hearing and there have been no changes. We understand this present hearing date was requested because they stated they had "sufficient evidence" to suggest that such a road would be provided. We would urge you to consider that "suggestions" will not do, nor good intentions, but ONLY a deed in hand with a commitment to you that this second access road will be built and ready to use before any development takes place as planned.

We would remind this Board that none of the other considerations, such as overcrowded area schools, inadequate county facilities and the paving of Old Tampa Road, have yet been remedied.

Based on all the above, we express our opposition to this rezoning request, and thank you for your consideration in this matter.

Respectfully submitted,

Residents of Country River Estates

Property Owner

Address:

Eileen Nielsen

2908 Country River Dr.
Parish, Fl. 33564

William C. Nielsen

2908 Country River Drive
Parish, Fl 33564

Mr. & Mrs. Grady Kucklichter

3008 Country River Drive
Parish, Fl. 33564

Yhergel Ras

3108-Country River Dr.
Parish, Fl. 33564

Arthur Ras

3108 Country River Dr.
Parish Fl. 33564

Mr. & Mrs. C. F. Weldon

3208 Country River Dr
Parish Fla. 33564

Mr & Mrs. Norman Jones

2808 County River Dr.
Parish, Fl. 33564

Mr. Francis A. Mikulic Jr.

10708 Country River Dr.
Parish, Fl. 33564

Oliver P. Nielsen

10708 Country River Dr.
Parish, Fl 33564

Frank H. Anderson

10903 Country Rv. Dr.
Parish, Fla 33564

Andrea K. Anderson

10903 Country River Dr.
Parish, Fl 33564

Harriett Smith

11111 - Country River Dr
Parish Fl. 33564
PO Box 397 Ellenton, Fl 33532

Property Owner

Address and Phone Number

Paul D Smith

PO Box 37 Ellenton FL 33532
(1111 - Country River Drive)

Beth Wiley

1112 - Country River Dr
Parrish Fl. 33564

John Wiley

Same ↓

Thomas G. Fushberg

11105 Country River Dr
Parrish, FL 33564

Maye J. Wenger

10708 Country River Dr.
Parrish, FL 33564

Loen L. Coyle

3207 Country River Dr
PARRISH, FL 33564

Donna Coyle

3207 County Fl 33564

Norman E. Smith II

11004 COUNTRY RIVER DR.
PARRISH, FLA. 33564

Martha L Smith

11004 Country River Dr
Parrish 33564

William H. Cargile

10808 Country River Dr.
Parrish, Fla. 33564

Maxine P. Cargile

10808 COUNTRY RIVER DR
PARRISH, Fla. 33564

J. McCall

2807 Country River Dr
Parrish 33564

J. McCall

2807 Country River Dr.
Parrish 33564

John E. V. / Catherine V. V.

11105 Normandy Cir
Temple Terrace, FL 33617