

#2

approved V/H 50

BOCC 3/08/84

2. Z-84-14 (Reconsideration)

BAKKER, INC. & HARRY & BETTY BAKKER

I. GENERAL INFORMATION

- a. Request:
  - TO: WP/ST/R-1B (Watershed Protection Overlay/Special Treatment Overlay/One Family Residential District).
  - FROM: WP/ST/A-1 (Watershed Protection Overlay/Special Treatment Overlay/Suburban Agriculture District).
- b. Location: South side of Palm Aire Drive.
- c. Site Area: 1.8± Acres

II. SUMMARY RECOMMENDATIONS

The initial request contained two (2) parcels. This reconsideration is only for the northern parcel which was originally identified as Parcel No. 1. Site No. 1 was originally requested from WP/ST/A-1 to WP/ST/R-1A. The applicant is now requesting WP/ST/R-1B for Site No. 1. The report has been modified to delete reference to Parcel No. 2 and the reconsideration request for Parcel No. 1 has been noticed properly for public hearing.

Staff does not object to this request for the following reasons:

The site has direct frontage on Palm Aire Drive and will not generate a large traffic problem on this local residential street. The requested zoning is consistent in terms of unit type and lot area with surrounding development.

III. SITE AND VICINITY CHARACTERISTICS

- a. Site Characteristics: The subject property is currently undeveloped.
- b. Access: Access to the property is from Palm Aire Drive, a two-lane, County maintained, local residential street.
- c. Vicinity Characteristics:

<u>Land Use</u>		<u>Zoning</u>	
North:	Single Family	North:	R-3B/WP/ST
South:	Vacant	South:	A-1/WP/ST
East:	Single Family	East:	R-3B/WP/ST
West:	Vacant, Single Family	West:	R-3B/WP/ST

IV. MANATEE PLAN REVIEW

- a. Consistency:
 

	Consistent	Inconsistent	Review Not Required	Analysis Required
Sector/Corridor Designation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Land Use Compatibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Development Trends/Timing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Facilities				
Utilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- b. Conclusion: This request appears consistent with The Manatee Plan.

c. Analysis:

1. Sector/Corridor: Single family uses are listed as primary uses in the Developing South County Sector.
2. Land Use Compatibility: The sites are bordered on three sides by Palm Aire which is zoned R-3B but developed primarily as single family homes on 10,000 square foot lots. However, adjacent to the site fronting on Palm Aire Drive are duplex villas located on 10,000 square foot lots as well. R-1B allows 1200 square feet minimum dwelling units on 10,000 square foot minimum lots. The proposed rezoning appears compatible with these surrounding developments.

VI. PLANNING COMMISSION PUBLIC HEARING

a. COMMENTS AND CORRESPONDENCE (12/14/84)<sup>3</sup>

OPPOSITION

Herbert Sarett, 2919 Palm Aire Drive: "We look out on the present parcel which was supposed to be a conservatory and we were lead to believe there was going to be one for 99 years. We do want to point out a few things particularly about parcel 1 and that is the proposed R-1A is not compatible with the existing area. Homes on Palm Aire Drive are a select choice of property and the homes there are at least 150' frontage and most of the square footage runs about 1400 square feet. Even the condominiums have 150' frontage and more than 50 feet in between them. The setbacks required for R-1A is too small and it will allow homes which are practically on Palm Aire Drive, the homes there are setback at least 30' from the road and we feel that parcel 1, if it is rezoned in view of problems that now exist with parcel 1 and 2 should at least be rezoned R-1B. This would allow at least a home that is fairly nice and compatible with the homes on Palm Aire Drive. The statement that the R-1A is compatible is incorrect and the homeowners and people that live in that area strongly object to lots and homes that would be allowed by R-1A."

Mr. Dix, 7561 Timberlake Drive: "We don't oppose the development but are trying to protect the entrance. The land which is about 40 acres back there, 10.7 of which was sold and we were under the impression that it was not going to be used when we purchased our property. We question if only 10.7 acres will be used other than the 40, if 40 acres are used you could plot 100 lots and that is basically our concern."

Martha Fletcher, Conservatory Drive: "I'm interested in what Mr. Hagaman shows as the 2nd access way. All I wanted to know if it is at the end and the size of the development, we would like them to be in conformity with the houses that are there because we have houses that are in excess of \$200,000 and if we get a box at \$40,000 or something like that it would not be very compatible with what is there now."

b. PLANNING COMMISSION DISCUSSION

The Planning Commission discussed the minimum dimensional requirements as they relate to the R-1A district. It was felt that those minimums were incompatible with the way Palm Aire has developed.

Currently, the only access to site #2 (see map) is via a 50' County right-of-way between lots 30 and 31 on Timberlake Drive. No other means of access is available. The Planning Commission felt that this was not an appropriate primary means of access and that to disperse traffic through a secondary means of access is necessary. The way the parcel was divided precludes a secondary means of access.

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c. PLANNING COMMISSION ACTION

(12/14/83 ) - DENIAL by a vote of 8 to 1.

VII. BOARD OF COUNTY COMMISSIONERS ACTION

(1/12/84) - DENIAL by a vote of 4 to 1 (See Board of County Commissioners Minutes attached).

(1/23/84) - APPROVED for Reconsideration of Site No. 1 ONLY (See letter).

(COMMISSIONER VICKERS)

†

JANUARY 12, 1984

ZONING (CONT'D)

Z-84-14 BAKKER, INC. & HARRY & BETTY BAKKER - DENIED

Request: Rezone from A-1/WP/ST to R-1A/WP/ST and R-1B/WP/ST on 1.8 acres (R-1A request) and 9.0 acres (R-1B request) west of Timber Lake Drive and south of Palm Aire Drive.

Planning Commission recommended DENIAL.

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

MANATEE COUNTY ORDINANCE NO. Z-84-14:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST TO R-1A/WP/ST AND R-1B/WP/ST; PROVIDING AN EFFECTIVE DATE.

Planning staff had no objections to this request.

Ed Storms, Assistant Planning Director, and Mark Barnaby, attorney for the applicants, advised the current request is R-1B/WS/ST zoning for both parcels.

David Haley (Larson Engineering) and Mr. Barnaby stated the access to the southern parcel will be through a fifty foot County right of way and they are willing to pave that right-of-way.

Jerome Gostkowski advised that since the Planning Commission hearing, the applicant had agreed to provide a secondary access via a fifty foot right-of-way when development occurs.

(Enter Mrs. Glass and Mr. Chetlain)

Lloyd Hagaman, Vice-President of FPA Corporation and General Manager of Palm Aire of Sarasota, objected to the access via the fifty foot right-of-way to the south of the second parcel. He was under the impression that if that right-of-way was not used for the extension of Tallevast Road it would revert back to Palm Aire.

Herbert Sarett, representing other residents of Palm Aire, requested the rezone be denied.

Having considered the staff report, Planning Commission recommendation and the comments made at the public hearing, Mr. Vickers moved to deny Manatee County Ordinance Z-84-14. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. Chance, Mr. Chetlain, Mrs. Glass and Mr. Vickers. Mr. Fletcher voted "Nay". Motion carried.

HARLLEE, PORGES, BAILEY & DURKIN, P.A.

ATTORNEYS AT LAW

1205 MANATEE AVENUE WEST

BRADENTON, FLORIDA 33508

P. O. BOX 9320

TELEPHONE 748-3770

AREA CODE 813

THOMAS E. DURKIN  
(1944-1983)

JOHN P. HARLLEE, III

GREGORY J. PORGES

RICHARD H. BAILEY

CURTIS D. HAMLIN

MICHAEL M. HAMRICK

Mark P. Barnebey

Robert C. Schermer

Please reply to P. O. Box 9320

January 27, 1984

Mr. Larry Frazier, Director  
Manatee County Planning  
and Development Department  
212 Sixth Avenue East  
Bradenton, FL 33508

Re: Zoning Atlas Amendment Application Z-84-4

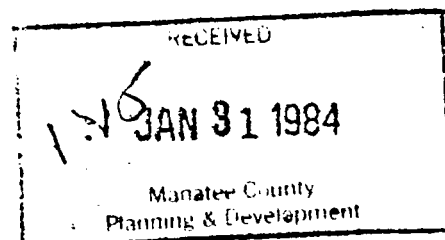
Dear Mr. Frazier:

On behalf of Mr. Harry Bakker, I hereby request that the Zoning Atlas Amendment Application Z-84-4 presently before Manatee County for R-1B zoning be amended to include only Parcel #1 of the original application. The legal description for that parcel is as follows:

See Schedule "A" attached hereto.

This change is consistent with my statements to the County Commission at their meeting on January 24, 1984, where they voted to reconsider the application if the zoning amendment was limited to Parcel #1. The Board deferred any decision on the rezoning application until sufficient notice could be given to surrounding property owners.

It is Mr. Bakker's wish that the rehearing on this application be held as soon as possible. Therefore, I am requesting that this application be placed on the earliest Board agenda possible. I have enclosed a check in the amount of \$35 to cover republication



Mr. Larry Frazier, Director  
January 27, 1984  
Page Two

Re: Zoning Atlas Amendment  
Application Z-84-4

costs which may be incurred in preparing for this hearing. I will also mail the appropriate notices to the adjacent property owners and post the notice on the property upon being notified that the sign has been prepared by your Department.

If you have any questions or comments regarding this request, please feel free to contact me.

Thank you for your time and cooperation,

Sincerely,

HARLEE, PORGES, BAILEY & DURKIN, P.A.

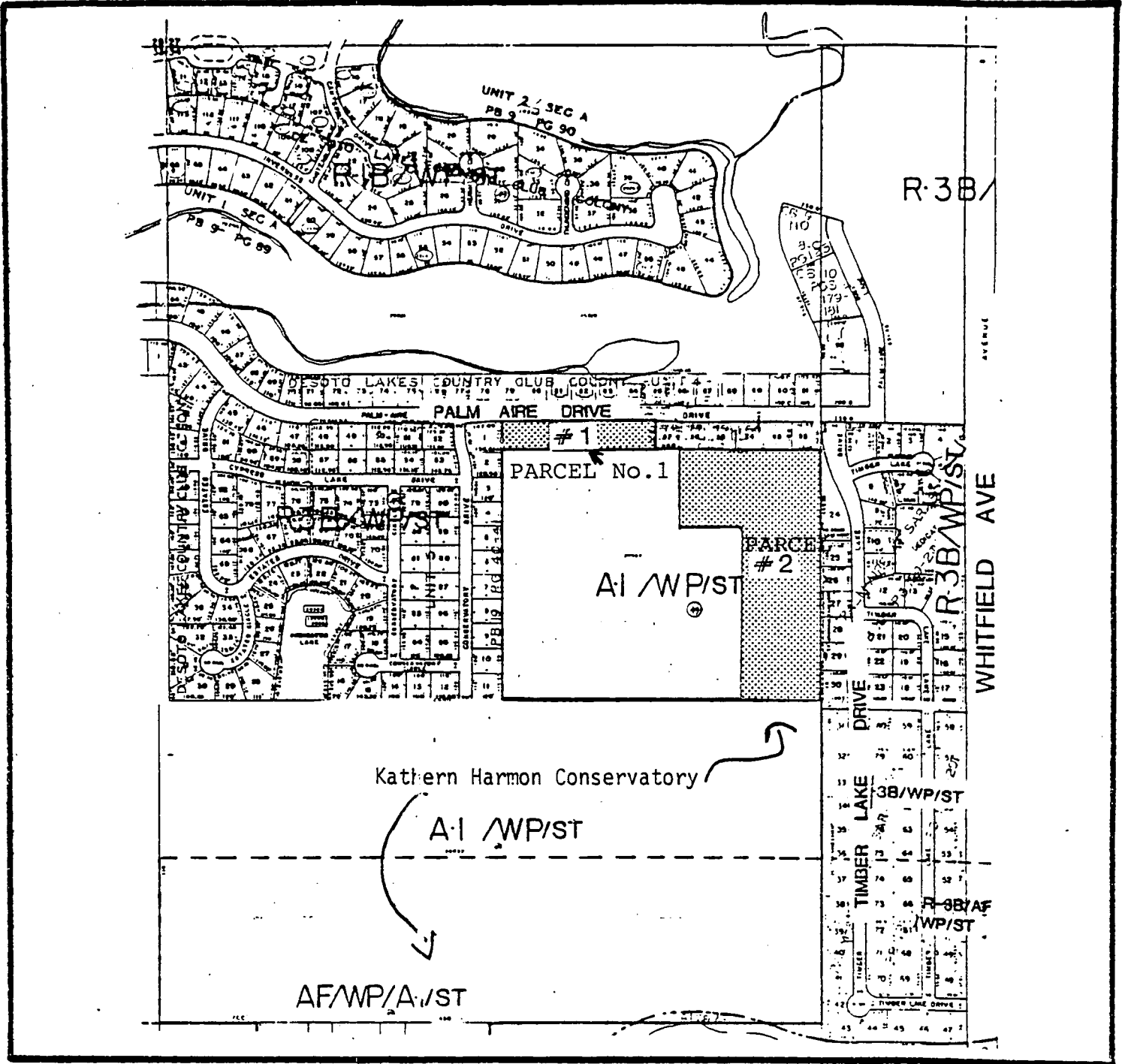
*Mark P. Barnebey*

Mark P. Barnebey

MPB:cr

Enclosure

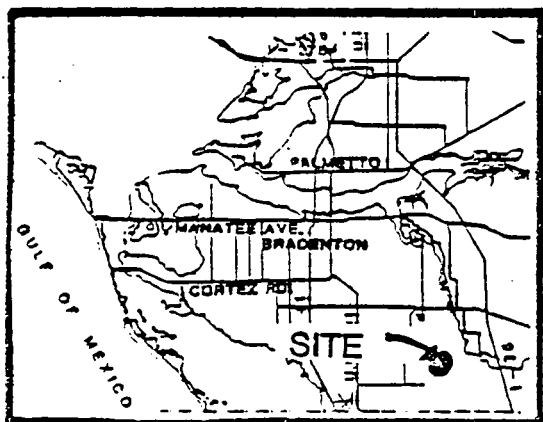
cc: Mr. Harry Bakker  
Mr. David Haley



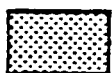
SCALE IN FEET 1"=600'

SECTION, TOWNSHIP, RANGE

34-35-18



#1 TO R-1A  
#2 TO R-1B



AREA OF CONSIDERATION

10.73 ACREAGE (±)

PROJECT NO.: Z-84-14

PROPOSED USE:

EXISTING ZONING: A-1/WP/ST

PROPOSED ZONING: R-1A/WP/ST, R-1B/WP/ST

REQUESTED BY: BAKKER, INC.

COMMISSIONER: MR. VICKERS

Manatee County #2  
CLERK OF THE CIRCUIT COURT

Richard B. "Chips" Shore

ROOM 234 - MANATEE COUNTY COURTHOUSE - BRADENTON, FLORIDA 33505 - TELEPHONE (813) 748-4501

March 9, 1984

Nancy Kavanaugh, Chief  
Bureau of Laws  
Department of State  
The Capitol, Room 1802G  
Tallahassee, Florida 32301

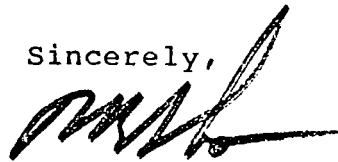
Dear Ms. Kavanaugh:

Enclosed are two certified copies of Ordinance Z-84-14 adopted by the Board of County Commissioners Manatee County, Florida, in open session March 8, 1984.

- ORDINANCE NO. Z-84-14:
- 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 WP/ST/A-1 (WATERSHED PROTECTION OVERLAY/SPECIAL TREATMENT OVERLAY/SUBURBAN AGRICULTURE DISTRICTS) TO WP/ST/R-1B (WATERSHED PROTECTION OVERLAY/ONE FAMILY RESIDENTIAL DISTRICTS); PROVIDING AN EFFECTIVE DATE.

Please stamp both copies with the date filed by the Office of the Secretary of State, retain one copy of the Ordinance for your file and return one copy to my office.

Sincerely,



R. B. Shore

RBS:mp  
enc: (2)  
cc: Board Records



3.00 RECEIVED  
FEB 10 1984

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 \_\_\_\_\_  
MARK P. BARNEBEY, who, after having been first duly  
sworn and put upon oath, says as follows:

1. That he is the Agent (owner, agent for owner,  
attorney in fact for owner, etc.) of the property identified in the application for  
Official Zoning Atlas Amendment No. Z-84-14, 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 12 feet from the front  
property line on the 1<sup>ST</sup> 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 1<sup>ST</sup> 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.

Mark P. Barnebey

SWORN TO AND subscribed before me on this 10th day of February  
1984.

Hannelore Rose  
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES AUG 19 1985  
BONDED THRU GENERAL INS. UNDERWRITERS