

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	Mediation - Comprehensive Plan Amendment - PA-10-02/Proposed Ordinance No. 10-02 - Robinson Farms	TYPE AGENDA ITEM	County Attorney Consent Agenda
DATE REQUESTED	July 27, 2010	DATE SUBMITTED/REVISED	July 20, 2010
BRIEFINGS? Who?		CONSEQUENCES IF DEFERRED	It is necessary to schedule a mediation to comply with the statutory requirement.
DEPARTMENT/DIVISION	County Attorney's Office	AUTHORIZED BY TITLE	Tedd N. Williams, Jr., County Attorney <i>JNW</i>
CONTACT PERSON TELEPHONE/EXTENSION	James A. Minix x3750 Sarah A. Schenk x3750	PRESENTER/TITLE TELEPHONE/EXTENSION	James A. Minix, Chief Deputy County Attorney x3750 Sarah A. Schenk, Deputy County Attorney x3750 <i>7/20/10</i>
ADMINISTRATIVE APPROVAL	<div style="position: relative; height: 40px;"> APPROVED IN OPEN SESSION JUL 27 2010 BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA </div> <div style="text-align: right; font-size: 1.2em; font-family: cursive;"> <i>JNW 7/20/10</i> </div>		

ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
<p>I move to authorize the County Attorney's Office and a County Commissioner or the County Administrator through his designated staff, including John Osborne, to attend the mediation scheduled as required by Florida Statutes.</p>


ENABLING/REGULATING AUTHORITY Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
<p>Chapter 163, Part II, Florida Statutes, Section 163.3181(4), Florida Statutes (2009).</p>

BACKGROUND/DISCUSSION
<ul style="list-style-type: none"> On June 17, 2010, the Board's vote regarding Comprehensive Plan Amendment Application 10-02, filed by Robinson Farms, Inc., and Bochi Properties, LLC, resulted in a tie vote 3 to 3 (Commissioner Getman absent). The application requested an amendment to the Future Land Use Map from the RES-1 to RES-3 FLUC for 28± acres located outside the Coastal High Hazard Area but within the Coastal Evacuation Area as depicted on recent maps prepared by the Tampa Bay Regional Planning Council. The Board continued this matter to the next regular meeting which was scheduled for June 21, 2010 in order to enable the opportunity for a full Board to be present. On June 21, 2010, there were still only 6 Commissioners present (Commissioner Getman absent) such that the application was deemed denied as a result of the tie vote. Section 163.3181(4), Florida Statutes, requires the County to afford an opportunity for a property owner to request mediation if the local government denies the property owner's request for an amendment to the Comprehensive Plan. The local government is required to comply with the property owner's request for

mediation.

- The attorney representing the applicant, Mr. Vogler, filed a timely request for such mediation on June 28, 2010.
- In order to comply with the statutory requirements, the County Attorney's Office scheduled a mediation with a professional mediator, Gary Larsen, to be held on August 19, 2010.
- At the conclusion of the mediation, a report of the mediator will be submitted to the Board for consideration. In the event the Board elects to reconsider this matter, a public hearing would have to be scheduled and advertised for adoption of an ordinance before the Board to amend the Comprehensive Plan. It is unclear at this time whether the Department of Community Affairs will accept the Comprehensive Plan amendment if adopted for processing and consideration by the agency.

COUNTY ATTORNEY REVIEW	
Check appropriate box	APPROVED IN OPEN SESSION
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials:)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input checked="" type="checkbox"/>	OTHER - Prepared by County Attorney's Office - SAS

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
		Emailed Jim Minix 7/28/10 	
COST:		SOURCE (ACCT # & NAME):	
COMMENTS:		AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	