

5/1/62

Mr. William Garland, attorney representing the Bayshore Service Station (AMOCO), spoke in objection to the petition, and questioned the jurisdiction of the Planning and Zoning Commission in the matter, saying this was properly a variance request, since the petitioner was expanding onto new property with a non-conforming gasoline service station, and such request should be brought before the Board of Zoning Appeals.

After much discussion between Commission members, Mr. Garland, the petitioner, and the County Attorney,

Mr. Cromer moved to continue the public hearing until May 15th, and have the matter referred to the County Attorney for a decision on whether or not the Planning Commission has jurisdiction in the matter. Mr. Gregory seconded the motion.

HEARING CONTINUED.

NEW BUSINESS

#S-40. MANASOTA INDUSTRIAL PARK. Request for 90-day extension of Preliminary Plat.

UNANIMOUSLY APPROVED.

#S-43. LAKESIDE TRAILER TOWN, UNIT TWO. Request for 90-day extension of Preliminary Plat.

UNANIMOUSLY APPROVED.

SAN REMO SHORES, UNIT III. Request for 90-day extension of Preliminary Plat.

UNANIMOUSLY APPROVED.

#S-47. CORAL SHORES SUBDIVISION, UNIT I. Approval of Final Plat.

Mr. Schneider moved, seconded by Mr. Siegert, that the Final Plat of Coral Shores Subdivision, Unit I be approved, subject to approval by the County Attorney of Escrow Agreement on completed improvements.

UNANIMOUSLY APPROVED AND RECOMMENDED TO GOVERNING BODY FOR APPROVAL.

#S-48. LaPLATA PARK. Approval of Final Plat.

Mr. Gregory moved to approve the Final Plat of LaPlata Park and recommend approval of the County Commission. Mr. Siegert seconded the motion.

UNANIMOUSLY APPROVED AND RECOMMENDED TO THE GOVERNING BODY FOR APPROVAL.

#S-49. FLAMINGO CAY, UNIT ONE. Approval of Final Plat.

Mr. Gregory moved to approve the Final Plat of Flamingo Cay, Unit One, and recommend approval to the County Commission, subject to approval of Escrow Agreement by the County Attorney on completed improvements. Mr. Cromer seconded the motion.

UNANIMOUSLY APPROVED AND RECOMMENDED TO THE GOVERNING BODY FOR APPROVAL.

Mr. Wilder read a letter of resignation dated April 17, 1962, from Mr. Malcolm Duggan, Planning and Zoning Commission member, effective immediately, said letter being on file in the Planning Office.

Mr. Gregory made a motion, seconded by Mr. Cromer, that a letter of appreciation be sent to Mr. Duggan for his services to the Planning and Zoning Commission.

UNANIMOUSLY APPROVED.

Mr. Wilder read an invitation from the Cedar Hammock Fire Control District to an Open House at the new fire station, to be held on May 5, 1962, and urged all Planning and Zoning Commission members to attend.

MEETING ADJOURNED: 4:10 P.M.

Louis F. Schneider
Louis F. Schneider, Secretary

D. Vincent Wilder
D. Vincent Wilder, Chairman

PLANNING AND ZONING COMMISSION

May 15, 1962

The regular meeting of the Planning and Zoning Commission convened at 1:30 P.M., with Chairman D. Vincent Wilder presiding.

Commission members present were: Messrs. Wilder, Siegert, Cromer and Gregory. Also present were: Mr. Vines, Planning Director; and Mr. Cleary, County Attorney.

CONTINUED PUBLIC HEARINGS

#R-63. Commission-initiated petition to rezone from R-1AA to R-1AB approximately 180 acres lying south of Oneco Road between Highways 301 and 41, encompassing Oneco Terrace, Sunniland and Kirkhaven Subdivisions, and other vacant land.

Mr. Gregory gave an oral report from the Rezone Committee recommending the following:

Begin at a point on the centerline of 53rd Avenue East 1328.32 feet West of the center of U. S. Highway 301; go south 1333.30 feet; thence West 3195 feet, more or less; thence North 1341 feet to the centerline of 53rd Avenue East; thence East 3195 feet, more or less, to the Point of Beginning, located in Section 13, Township 35 South, Range 17 East, Manatee County, Florida, from R-1AA to R-1A. AND:

Begin at a point on the centerline of 53rd Avenue East 1980 feet, more or less, East of U. S. Highway 41; thence go East 2805 feet; thence South 1341 feet; thence West 2785 feet, more or less; thence North 1320 feet, more or less, to the Point of Beginning, located in Sections 13 and 14, Township 35 South, Range 17 East, Manatee County, Florida, from R-1AA to R-1AB.

Mr. Al Snapp, representing himself and Mr. Griffin, owners of approximately 22 acres of vacant land, which was proposed for R-1AB zoning, stated that he was in favor of the rezoning, and offered to deed restrict all parcels of land sold from said tract to 1,000 square feet to conform with the upgraded rezoning of the adjacent property proposed for R-1A rezoning, although he would like to utilize the 7500 square foot lots permitted under R-1AB zoning.

Mr. Cromer moved to close the public hearing on Rezone Petition #R-63, seconded by Mr. Gregory. APPROVED.

Mr. Gregory made a motion to adopt the Rezone Committee's recommendations and recommend approval to the County Commission. Mr. Cromer seconded the motion.

UNANIMOUSLY CARRIED AND RECOMMENDED TO THE GOVERNING BODY FOR APPROVAL.

#N-21. DUANE LEE. Petition to construct a 30' x 75' addition to a non-conforming gasoline service station located at 5929 - 14th Street, West.

Mr. Wilder read the following report from County Attorney Kenneth Cleary: "In regard to this petition, it should be properly before the Board of Zoning Appeals, since we are not concerned with a non-conforming use except to the extent that the service station is non-conforming because of the 750-foot setback requirement. It appears that this is similar to a setback problem and therefore should go before the Zoning Appeals for a variance. If the plans are changed so that all of the new construction would take place on the premises formerly owned by the petitioner, there would be no reason for appearing before either Board."

Mr. Gregory made a motion that petition #N-21 of Duane Lee be stricken from the Agenda and the application fee refunded to the petitioner. Mr. Siegert seconded the motion.

UNANIMOUSLY APPROVED.

NEW PUBLIC HEARINGS

#SE-25. RIVERDALE REVISED SUBDIVISION. Petition for approval of site for temporary sewage treatment plant on Lot 250, Riverdale Revised Subdivision, recorded in Plat Book 10, Page 44 of the Public Records of Manatee County, Florida.

Mr. William Bishop, Engineer, representing the Carolyn Company, owner of Riverdale Subdivision, explained the location of the proposed sewage treatment plant, the size of the lot, and stated that the proposed site would be utilized on a temporary basis for not longer than 24 months. He said that the economic development of Riverdale was dependent upon construction of the plant, the installation being a requirement of F.H.A.

5/15/62

Objections from several adjacent residential lot owners were presented to the Commission, devaluation of property being the main concern of those objecting.

Mr. Bishop stated that 23 lots within 330 feet of the proposed sewage plant were individually owned.

Mr. Wilder suggested that Lot 254 or Lot 255 might be more suitable for location of the plant, said lots being substantially removed from the affected property owners.

Mr. Cleary, County Attorney, interjected at this point, stating that he would strenuously object to and would advise the County Commission to prohibit the issuance of any permits for the proposed utilities, or for any new houses until the Carolyn Company met their financial obligations for paving and drainage in the western portion of Riverdale, as decreed by a recent court order.

Mr. Gregory suggested that the matter be referred to the Committee and the staff to work with the Carolyn Company Engineers to come up with a more suitable location for the sewage treatment plant in order to protect the affected property owners.

Mr. Cleary advised the Commission that if a new plant site was to be considered, that the new location would have to be advertised before approval.

Mr. Cromer made a motion to close the public hearing on petition #SE-25. Mr. Gregory seconded the motion.
APPROVED.

Mr. Cromer made a motion to deny petition #SE-25, as the site location for the proposed sewage treatment plant would be detrimental to the surrounding properties which were purchased prior to the date of this public hearing. Mr. Siegert seconded the motion.

UNANIMOUSLY APPROVED. PETITION DENIED.

✓
#SE-26. RIVERDALE REVISED SUBDIVISION. Petition for approval of a water treatment plant on Lot 834, Riverdale Revised Subdivision, recorded in Plat Book 10, Page 44, Public Records of Manatee County, Florida; Also, beginning at the SW corner of Lot 834, Riverdale Revised Subdivision, run thence South 87.88 feet; thence South 89° 20' 43" East 120.94 feet; thence North 87.88 feet to the southeast corner of said Lot 834; thence North 89° 20' 43" West along the south line of said Lot 834, 120.94 feet to the Point of Beginning, Manatee County, Florida.

Mr. William Bishop, Engineer, representing the Carolyn Company, owners of Riverdale Subdivision, stated that this particular site for the water treatment plant had been selected because it occupied a central position in the subdivision and was a satisfactory place for a well supply.

There were no objectors present.

Mr. Gregory moved to close the public hearing on petition #SE-26, seconded by Mr. Siegert. APPROVED.

Mr. Gregory then made a motion to refer Special Exception petition #26 to the Comprehensive Plan Committee for study and recommendations. Mr. Cromer seconded the motion.

UNANIMOUSLY APPROVED. REFERRED TO COMMITTEE FOR STUDY AND RECOMMENDATION.

✓
#SE-27. JOE ALLEN. Petition to grant a Special Exception for a retail gas sales and distribution business located in an M-1 District on the following described property:

From the SE corner of SW 1/4 of NW 1/4 of Section 18, Township 34 South, Range 18 East, go northerly along the East line of said SW 1/4 of NW 1/4 a distance of 97 feet to the northerly R/W line of U. S. Highway 301; thence go westerly along said northerly R/W line a distance of 350 feet; thence go northerly along the West line of a 50-foot road and along a line parallel to the East line of said SW 1/4 of NW 1/4 300 feet for a P.O.B.; thence continue northerly along the West line of said 50-foot road and parallel to the said East line of the SW 1/4 of NW 1/4 a distance of 150 feet; thence go westerly along a line parallel to the said North line of U.S. Highway 301 a distance of 300 feet to a point; thence go southerly and parallel to the easterly line of said SW 1/4 of NW 1/4 a distance of 150 feet to a point; thence go easterly parallel to the northerly R/W line of U. S. Highway 301 a distance of 300 feet to the P.O.B., Manatee County, Florida.

5/15/62

Mr. Allen explained his petition and the location of the proposed business, stating that the quonset hut now located on the property would be used for storage of supplies and a sales office, and that there would be a fenced tank area to the west and rear of the building for outside gas storage.

There being no objectors present,

Mr. Gregory moved to close the public hearing on #SE-27, seconded by Mr. Cromer. APPROVED.

Mr. Gregory made a motion to approve the petition of Joe Allen, #SE-27, and recommend approval to the County Commission. Mr. Cromer seconded the motion.

UNANIMOUSLY CARRIED AND RECOMMENDED
TO THE GOVERNING BODY FOR APPROVAL.

#R-64. LAMPKIN LABORATORY. Commission-initiated petition to rezone the following described property to correct an error made on the Official Zoning Map in 1955:

Begin at the SE corner of SE 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East; go West along the centerline of 9th Avenue Northwest (Palma Sola South Loop Road) a distance of 414 feet; thence North 218 feet; thence West 906 feet to the East line of SW 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East; thence North along said line 1102 feet (to the south line of NE 1/4 of SE 1/4 of said Section); thence East 330 feet; thence South 110 feet; thence East 990 feet (to the east line of SE 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East); thence South 1210 feet, more or less, to the Point of Beginning, Manatee County, Florida, from A-Agriculture to M-1; Also: Begin at the SE corner of SW 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East; go West along the centerline of 9th Avenue Northwest (Palma Sola South Loop Road) a distance of 329.3 feet more or less to the western line of Highpoint Subdivision; thence North 528 feet; thence West 330 feet; thence North 792 feet (to South line of NW 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East); thence East along said 1/4 1/4 line 660 feet; thence South along the East boundary of Highpoint Subdivision a distance of 1320 feet to the Point of Beginning, Manatee County, Florida, from M-1 to A-Agriculture; Also: From the SE corner of SW 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East, go West 330 feet for a P.O.B.; thence go West 330 feet along the centerline of 9th Avenue Northwest (Palma Sola South Loop Road); thence North 528 feet; thence East 330 feet; thence South 528 feet to the Point of Beginning, Manatee County, Florida, from M-1 to A-Agriculture; Also: The North 300 feet of SW 1/4 of SW 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East; Manatee County, Florida, from M-1 to A-Agriculture; Also: NW 1/4 of SW 1/4 of SE 1/4 of Section 24, Township 34 South, Range 16 East, Manatee County, Florida, from M-1 to A-Agriculture.

There being no objectors present,

Mr. Cromer moved to close the public hearing on Rezone Petition #R-64, seconded by Mr. Gregory. APPROVED.

Mr. Gregory then made a motion to approve Rezone Petition #R-64 and recommend approval to the County Commission. Mr. Siegert seconded the motion.

UNANIMOUSLY CARRIED AND RECOMMENDED
TO GOVERNING BODY FOR APPROVAL.

#R-65. GUY D'AMELIO. Petition to rezone the following described property located in McCollum's Lake Subdivision, from R-1AA to M-2 Industrial for the manufacture of fiberglass boats:

Lots 37, 38, 39 and 40 of McCollum's Lake Subdivision, as recorded in Plat Book 4, Page 49, Public Records of Manatee County, Florida; Less that part of Lot 40, to wit: Begin at a point found by measuring from the NE corner of the SW 1/4 of NW 1/4 of Section 10, Township 35 South, Range 17 East, South 89° 46' East along the northerly line of said Subdivision a distance of 443.0 feet to the NW corner of Lot 40 of said Subdivision; thence South 0° 05' West along the westerly line of said Lot 40 a distance of 250.0 feet to the above-mentioned point of beginning; thence continuing along the westerly line of said Lot 40 a distance of 148.9 feet to the northerly right-of-way line of 47th Avenue West; thence South 84° 10' East along the northerly right-of-way line of said 47th Avenue West, a distance of 100.52 feet; thence leaving said northerly right-of-way line North 0° 05' East and parallel to the westerly line of said Lot 40 a distance of 125.0 feet; thence North 71° 10' West a distance of 105.66 feet to the aforementioned point of beginning, Manatee County, Florida.

Mr. Frank Schaub, attorney representing the petitioner, explained the location of the property and stated it was the desire of the petitioner to relocate the business known as Mitchell Plastics, owned by the son-in-law of the petitioner, to the new location in McCollum's Lake Subdivision due to expansion of business. He also stated that the property in question was adjacent to a shell pit on the west and an industrial park on the north. He said all operations would be indoors and there would be no smoke, dust, fumes or odors; and that his client was not seeking the M-2 zoning for other than his present business of building fiberglass boats. Mr. Schaub stated that such M-2 zoning would not be spot zoning, since his client's property already abutted an industrial zone.

Mr. Oliver Chichester, adjacent property owner, presented a petition signed by 65 property owners in the subject area in opposition to the rezoning, said petition now on file in the Planning Office.

Several property owners spoke in opposition to the rezoning, citing the traffic and noise factors; devaluation of individual properties; the present noise and odors from the boat works in the Cedar Hammock Industrial Park to the north of the proposed site in question; the availability of other M-2 industrial sites in the county; and the threat that rezoning to M-2 would bring in other heavy industrial businesses allowed in the M-2 District.

Mr. Russell Mitchell, owner of the proposed boat business, stated that the proposed building would be 80' x 120'; and if his business prospered, he might need 200' x 300' of ground space.

Mr. Wilder read into the record a letter of objection from the Cedar Hammock Civic Association; and a letter from the Committee of 100 in favor of the petition, both letters being on file in the County Planning Office.

Mr. Cromer moved that the public hearing on Petition #R-65 be closed, seconded by Mr. Gregory. APPROVED.

Mr. Cromer then made a motion to refer Rezone Petition #R-65 to the Rezone Committee for study and a report at the June 5th meeting. Mr. Siegert seconded the motion.

UNANIMOUSLY APPROVED. REFERRED TO THE REZONE COMMITTEE FOR STUDY AND REPORT.

PETITIONS AWAITING DECISION

#N-20. A. M. LEACH, INC. Petition to construct a 40' x 60' addition to a non-conforming gasoline service station located at the southeast corner of 35th Street and Manatee Avenue West.

Mr. Wilder read the following report from the County Attorney: "The Commission is bound in the above matter by Section 18, Page 35, Non-Conforming Uses, which states "..... and such use may be extended or expanded by additional buildings or additions to existing buildings....." It would appear that the intent is that these buildings would have to be on the same property which was non-conforming, and an expansion onto land of a different zoning classification would in effect amount to rezoning, and in this case would amount to rezoning a parcel of less than 100,000 square feet as required by the Ordinance. Additionally, the requested use is not allowed in the R-2 District and the Commission cannot grant a use in any zone which is not permitted by the Ordinance."

Mr. Leach requested an opinion on the possibility of expansion of his gasoline station on the property already zoned C-1. Mr. Cleary recommended that the petitioner bring in new building plans.

Mr. Cromer moved to continue the decision on Petition #N-20 of A. M. Leach, Inc., seconded by Mr. Gregory.

UNANIMOUSLY APPROVED. DECISION RESERVED.

NEW BUSINESS

#S-50. PEACOCK SUBDIVISION, SECOND ADDITION. Approval of Final Plat. Mr. Vines stated that the plat was in order and recommended approval.

Mr. Gregory moved to approve the Final Plat of Peacock Subdivision, Second Addition and recommend approval to the County Commission. Mr. Cromer seconded the motion.

UNANIMOUSLY APPROVED AND RECOMMENDED TO THE GOVERNING BODY FOR APPROVAL.


PALM VIEW PLACE SUBDIVISION. Mr. Vines brought up for discussion the plat for Palm View Place Subdivision. He explained that the area was improperly zoned for a subdivision, now being zoned C-1 and Agriculture, and recommended that the Planning Commission initiate action to rezone the property to R-1AB.

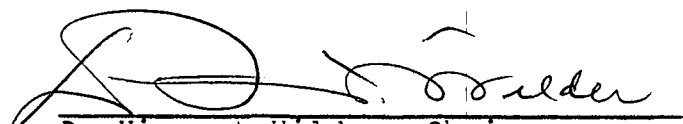
5/15/62

Mr. Gregory made a motion to refer the matter to the Rezone Committee for study and advertisement for public hearing. Mr. Siegert seconded the motion.

UNANIMOUSLY APPROVED. REFERRED TO
THE REZONE COMMITTEE FOR ACTION.

MEETING ADJOURNED: 4:07 P.M.


Louis F. Schneider, Secretary


D. Vincent Wilder, Chairman