

NOVEMBER 30, 1978

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Courthouse, Bradenton, Florida, Thursday, November 30, 1978.

Present were Commissioners

L. E. Driggers, Chairman  
Patricia M. Glass, Vice Chairman  
L. S. Parrish  
L. H. Fortson, Jr.  
C. E. McGavic

Also present were

E. N. Fay, County Attorney  
D. B. Collier, County Administrator  
L. Frappier, Deputy Clerk, representing R. B. Shore, Clerk

Representing various news media were Betty Kohlman, St. Petersburg Times; Mark Todd, Sarasota Herald Tribune; Norma Gill, Bradenton Herald; Colin Moore, The Islander; Ralph Janotti, WTRL; and/or various other agents who entered during the meeting.

The meeting was called to order by the Chairman.

PERSONNEL: MANNING LEVEL CHANGES

Upon motion by Mr. Fortson, seconded by Ms. Glass, Resolution was unanimously adopted authorizing amendment to Manning Levels by job classification as follows:

Parks & Recreation Department  
Director, Multi-Purpose Center  
Classification from 0 to 1  
Department from 122 to 123

RESOLUTION RECORDED

PURCHASING DEPARTMENT

William Mullon, Purchasing Director, submitted recommendation as follows:

Parks & Recreation Department  
Award bid on Front End Loader to  
Case Power & Equipment Company - \$36,150.00

Mr. Fortson recommended and moved to accept the low bid. Motion was seconded by Mr. Parrish and carried unanimously.

CAYMAN TOO SUBDIVISION - BOND

Mr. Fay submitted a new Bond from William Ross, Developer, evidenced by Certificate of Deposit No. 20774-6 (Inter-City National Bank) in the amount of \$11,500 as security on completion of improvements in Cayman Too Subdivision, with request that existing bond of \$54,549 be released. Motion was made by Mr. Fortson that the new bond be accepted and existing bond be released. Motion was seconded by Mr. Parrish and carried unanimously.

EXCHANGE OF PROPERTY: CO. SCHOOL BOARD

At the request of Mr. Fortson, action on exchange of property with School Board (County property in Palma Sola for school property in Whitfield Estates) was DEFERRED pending Dr. Bashaw's further review with the School Board regarding possible outright sale of property.

BILLS FOR PAYMENT

Upon motion by Mr. Parrish, seconded by Mr. McGavic, the following bills were unanimously approved for payment:

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## Jack Zickafoose Financial Services:

1. Service Fee, Workman's Compensation - \$7,500.00
2. Accident Claim (Driver Adams) 87.90
3. Accident Claim (Driver Unkown) 65.40

Payment of invoice to W. R. Frizzell, Architects, (\$18,016.71) was DEFERRED pending receipt of explanation of charges.

LAWSUIT: CITY OF PALMETTO/WATER SERVICE

The Chairman announced that a work session was scheduled for Monday, December 4, at 9:00 a.m. for discussion of lawsuit by City of Palmetto (re: Water Service) and all interested parties are being invited.

ZONING

Recommendations of the Planning Commission were submitted by Charles Carrington, Planning Director, and Bill Swan, Planner.

HOUSEMOVING PERMIT (B. WHISENANT)

Motion was made by Mr. Parrish to approve application of

B. Whisenant to move a building from 1121 Leffingwell, to SR 62 across from power plant. Premoving No. 18515.

Motion was seconded by Mr. Fortson and carried unanimously.

HOUSEMOVING PERMIT (R. HESSLER)

Motion was made by Mr. Fortson to approve application of

R. Hessler to move a building from Airport property by dog tract to 1824 30th Avenue, East. Premoving No. 18608.

Motion was seconded by Mr. McGavic and carried unanimously.

HOUSEMOVING PERMIT (CLIFF McDONALD)

Motion was made by Mr. McGavic to approve application of

Cliff McDonald to move a building from 215 2nd Ave., East, Bradenton, to 5415 14th Ave. Dr., West, Bradenton. Premoving No. 18724.

Motion was seconded by Mr. Parrish and carried unanimously.

HOUSEMOVING PERMIT (L. McDONALD)

The Chairman stated for the record that the housemoving permit for L. McDonald, scheduled for Thursday, 11/30/78, was approved by the Board on Tuesday, 11/28/78.

HOUSEMOVING PERMIT (JERRY SEARLES)

Motion was made by Mr. Fortson to approve application of

Jerry Searles to move a building from 2653 Bahia Vista, Sarasota, to ½ mile off Rye Road on SS of Pipeline Road. Premoving No. 18588

Motion was seconded by Mr. Parrish and carried unanimously.

LAWSUIT: FLAMINGO CAY/ZONING (HIGH SEAS RESTAURANT)

The County Attorney referred to a lawsuit between the owners of High Seas Restaurant at Flamingo Cay in connection with property zoned R-3 and a portion rezoned to C-1. He advised that the owners have offered to compromise the suit by agreeing that

they would have no objection, if the judge is willing, to enter a final judgment finding that the property that is now R-3 should be Neighborhood Commercial. They then could put in the parking lot without having a new change in zoning.

Upon question, Mr. Carrington stated he had reviewed the site plan with the representatives for the restaurant that is under construction, not only the site plan that was originally submitted which meets parking requirements, but the new configuration which encroaches into a more restrictive residential district. It was his opinion that in order for parking in the commercial zone to encroach into the residential zone, the residential property would have to be rezoned to a commercial classification.

Motion was made by Mr. Fortson that the offer be rejected. Motion was seconded by Mr. Parrish and carried unanimously. The County Attorney stated he would communicate the Board's decision to the attorneys for the developers.

SE-1148 TAMPA WHOLESALE COMPANY - DEFERRED

Request: Special Exception to permit construction of a gasoline station in a C-1 district for an indefinite period of time on 4.37 acres on 15th Street East (US 301 & 51st Avenue East), Oneco.  
 Planning Commission recommended APPROVAL with stipulations.

This item was DEFERRED indefinitely at the request of the petitioners.

R-933 C. EDWARD & DORIS S. PORTER - APPROVED

Request: Rezone from R-1AA district to PR district for Professional Offices on 2.84 acres (CORRECTION: .52 acres) on 3633 26th Street West.  
 Planning Commission recommended APPROVAL with following stipulations:

1. The dedicated right of way, of the access of these properties, shall be 50'
2. The access road shall be built to Manatee County Urban Residential standards with curb and gutter.
3. The petitioner work with the Planning Dept. on proposed site plan development.

Mr. Fortson moved to approve R-933 (by adoption of the appropriate Resolution) with the stipulations as outlined, seconded by Mr. Parrish, and carried unanimously.

RESOLUTION RECORDED

ZONING  
 R-933

R-934 C. EDWARD & DORIS S. PORTER - APPROVED

Request: Rezone from R-1AA district to R-3 district for Professional Offices (CORRECTION: FOR APARTMENT BUILDINGS) on 2.84 acres (CORRECTION: 2.35 acres) on 3633 26th Street West.  
 Planning Commission recommended APPROVAL with recommendation the petitioner work with Planning Department on proposed site plan development.

Mr. Parrish moved to approve R-934 (by adoption of the appropriate Resolution). Motion was seconded by Mr. McGavic and carried unanimously.

RESOLUTION RECORDED

ZONING  
 R-934

R-944 CORTEZ ISLAND COVE ASSOC. - DEFERRED

Request: Rezone from R-1 district to P.U.D.  
on 64 acres on 114th St. W., Cortez Rd. W.  
Planning Commission recommended APPROVAL.

P.U.D. #11 CORTEZ ISLAND COVE CONDOMINIUM - DEFERRED

Request: Preliminary plat approval of Planned Unit  
Development on 64+ acres on 114th St. W.,  
Cortez Rd. W.  
Planning Commission recommended APPROVAL  
with following provisos:

1. The developer shall widen Cortez Road to include left turn lanes and acceleration-deceleration lanes at both proposed entrances and line up the west entrance with existing 115th Street West.
2. A conceptual approval by all necessary reviewing departments involving the dredge and fill permit associated with the development of the marina and related facilities shall be obtained prior to final plan approval.
3. Additional plantings (i.e. trees and shrubs) and selective clearing of existing vegetation shall be approved by the appropriate reviewing in order to insure adequate buffering of the proposed development prior to final plan approval.
4. County sewer facilities shall be available prior to any issuance of building structure permits. Issuance of a building permit for each phase shall be predicated on the ability of Manatee County Utility System being able to provide services.
5. Due to insufficient sewer services being available to support the total planned unit development, each phase shall be self-supporting and include improvements and amenities normally associated with an approved P.U.D.

John Benson, Consulting Engineer was available to answer any questions re R-944 and P.U.D. #11, as well as William Bush, Developer, Dick Murphy, Architect and Planner, and others associated with the project. Dick Murphy presented slides of the proposed buildings. Mr. Benson stated the owners have emphasized their intent to preserve and protect the natural vegetation to the greatest possible degree, and explained all the specifics of the project. The Condominium would be built in three stages consisting of saleable units only, not rental. It would consist of 5 phases of 116 multi-family units each for a total of 580 units to be built over a five-year period. Each phase consists of one 7-story building and supporting facilities.

Expressing opposition to the project were: Ernest S. Marshall, President Elect for the San Remo Shores Civic Assoc.; Andrew Liedecker, resident; Virgil Wheatley, President of San Remo Shores Assoc.; Lawrence Bearse, 4202 38th Ave., W; Tom Pinkerton, San Remo Shores; Mary Green, resident; who expressed concerns regarding adequate sewage facilities, traffic hazards, Fire Dept. capabilities, problems in evacuation on Cortez Road, and impact on school systems. Wyman Coarsey, resident, expressed concern on the impact of such a development on the environment and on established life of residents of Fishing Village of Cortez, many of whom earn their livelihoods by commercial fishing.

Eric Robertson, Area Developer, commended the developers on the project.

Letters in opposition to R-944 and P.U.D. #11 were received from Hilda Quy, Vice President of The Izaak Walton League of America, dated 11/25/78; and from Gloria Rains, Vice Chairman for Manatee County, Manasota-88, dated 11/14/78.

Following lengthy discussion, motion was made by Mr. Fortson that R-944 and P.U.D. #11 be DEFERRED pending an indepth study by the Planning Commission with Manatee County Utilities and Highway Engineering as to the impact on other projects in that area and South County. Motion was seconded by Mr. Parrish and carried unanimously. The Chairman stated a work session will be conducted after the study is completed at which time the Consulting Associates and Developers will be invited.

RECESS/RECONVENE

After a brief recess, the meeting reconvened with all members present.

SE-1156 DIANE & VICTOR EARL - APPROVED

Request: Special Exception to permit a mobilehome in an -A- district for an indefinite period of time on 4.92 acres on 702' South of Myakka-Wauchula Rd. North of Myakka City.  
Planning Commission recommended APPROVAL.

Motion was made by Mr. Fortson that SE-1156 be approved. Motion was seconded by Mr. Parrish and carried unanimously.

SE-1157 ROCK OIL COMPANY OF FLA., INC. - APPROVED

Request: Special Exception to permit a gasoline station in conjunction with a convenience store in a C-1 district for a permanent period of time on 2.54 acres located 134' West of SW intersection of 20th St., W. and 44th Ave., W (Cortez Road).  
Planning Commission recommended APPROVAL with following stipulations:

1. A 6' wood fence be constructed, in addition to the required 8' landscape buffer, along the east property line.
2. No left turn lane shall be allowed on Cortez Rd. Parking and landscaping plans must be approved by the Planning Department prior to issuance of a building permit.

Motion was made by Mr. Fortson that SE-1157 be approved with stipulations outlined by the Planning Commission. Motion was seconded by Mr. McGavic and carried unanimously.

SE-1159 ROBERT SPAIN/JACKSON McDANIEL - DEFERRED

Request: Special Exception to permit a gasoline station in conjunction with a convenience store in a C-1 district for a permanent period of time on 1.14 acres located East of 26th St., W and approx. 900' South of 44th Ave., W.  
Planning Commission recommended APPROVAL with following stipulations:

1. Circulation, Parking and Landscaping Plans be approved by the Planning Department prior to issuance of a building permit.
2. No left turns be allowed on 26th St. W.
3. Right turn only signs be posted at both ingress/egress points.

The Planning Director stated he received a letter dated 11/22/78 from Robert Boylston, Agent for Robert Spain, requesting that SE-1159 be withdrawn. Tom Howe was present and advised the Board he was acting as agent for J. McDaniel, owner, and that letter substantiating this fact had been submitted to the Planning Director. A letter dated 11/24/78 was received from John and Mable Patterson, 4611 27th St., W., in opposition to SE-1159. Mr. Andrew Liedecker, speaking from the audience, pointed out there were already four gas stations in that area.

Upon request by Mr. Fortson, action was DEFERRED until 12/14/78 to give him an opportunity to view the site.

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SE-1163--HARALD A. ERNST AND WALTER LOICK -  
TERRA SIESTA MOBILEHOME PARK - APPROVED

Request: Special Exception to permit expansion of utility settling pond for Terra Siesta Mobile Home Park in an -A- district for an unspecified amount of time on 41.4 acres located 1320' West of Erie Rd. & US Hwy 301.

Planning Commission recommended APPROVAL with waiver of site and engineering plans required in Section 6, paragraph 16, subsection 3 (Earthmoving).

Bud Randle, Pollution Control Director, recommended approval due to the urgency of the matter.

Motion was made by Mr. Parrish that SE-1163 be approved. Motion was seconded by Mr. Fortson and carried unanimously.

SE-1164 CREEKWOOD INVESTORS, LTD. - APPROVED

Request: Special Exception to permit a golf course and related recreation facility in an -A- district for a permanent period of time with a requested time waiver of 4 years to complete 25% of the proposed construction on 150.09 acres located North of SR 70 and East of proposed route of I-75. Planning Commission recommended APPROVAL.

Upon question, Dan Zoller, Agent for Creekwood Investors, stated they will start development of the mobilehome park first and it will be sometime before the golf course will be constructed.

Motion was made by Mr. Fortson that SE-1164 be approved. Motion was seconded by Mr. Parrish and carried unanimously.

SE-1165 JOHN C. BURKE - APPROVED

Request: Special Exception to permit a child care center in a R-1A district for five years plus five years may be granted at the discretion of the Planning Dept. with a time waiver of one year to complete 25% of the proposed construction on 1.80 acres on 6807 5th Ave. NW. Planning Commission recommended APPROVAL with the following stipulations:

1. Parking and landscaping be approved by the Planning Department prior to issuance of a building permit.
2. Applicant include in plans an 8' buffer with a hedgerow and trees every 75' on the east border of the property to insure adequate buffering between the proposed use and the abutting single family residence.

Pat Cunningham, Attorney, and John Burke were present to answer any questions. Mr. Burke stated hours would be 6:30 a.m. to 6:00 p.m., five days per week, accommodating 20-25 children.

Motion was made by Mr. Fortson that SE-1165 be approved with the stipulations as outlined. Motion was seconded by Mr. McGavic and carried unanimously.

SE-1166 LOWELL NOWLAND - APPROVED

Request: Special Exception to permit a C-2 use in a M-1 district for a moving and storage business for an unspecified period of time.

Planning Commission recommended APPROVAL with the recommendation that parking and landscaping plans be approved prior to issuance of a building permit.

Motion was made by Mr. Fortson that SE-1166 be approved. Motion was seconded by Mr. Parrish and carried unanimously.

78-S-6(F) - OAKWOOD ACRES - APPROVED

Request: Approval of final plat of a single family subdivision (8 lots) on 10 acres bordered on the West by Tuttle Ave. & approx. 1/4 mile South of Tallevast Rd.

Planning Commission recommended APPROVAL.

Motion was made by Mr. Parrish that 78-S-6(F) be approved. Motion was seconded by Mr. McGavic and carried unanimously.

78-S-41(P) - PALMA SOLA PINES II - APPROVED

Request: Approval of preliminary plan of a single family subdivision (30 lots) on 8.8 acres bordered on the West by Palma Sola Blvd. & approx. 300' North of 27th Ave. W.

Planning Commission recommended APPROVAL with a waiver of the recreation requirements.

John Beck, Attorney, was present to answer any questions.

Motion was made by Mr. Fortson that 78-S-41(P) be approved with a waiver of the recreation requirements. Motion was seconded by Mr. Parrish and carried unanimously.

TROPICAL GARDENS TRAVEL TRAILER PARK

Mr. Carrington requested the Board make recommendations regarding Tropical Gardens Travel Trailer Park located at 53rd Ave. & 12th (near Manasota Memorial Park). Site was approved T-E zoning previously and has Preliminary Plan approval. Improvements have not been made in the park and the owners are requesting temporary approval by the Board to permit operation during "the season" for a period not to exceed 120 days. Mr. Carrington recommended the motion limit the operation to no more than 120 days and restricted to self-contained units for over-night use only. Health Department has requested that, if approved, stipulation be made for either on-site or off-site arrangements for water and sewage dumping.

John Lorang, owner, stated he has made arrangements with the Bay Station (Poor Old Mac's) for dumping and water. Ralph Niffenegger, Health Department, expressed concern that Poor Old Mac's would be overloaded as a dumping site to handle the 136 spaces in the park. Bud Randle, Pollution Control Director, expressed his concern this would be setting a precedent and others would expect the same exception. There was considerable discussion as to whether this would be setting a precedent and whether it would be in violation of State laws, Health laws, or County procedures. Mention was made of the possibility of splitting the impact fee by developing and servicing the project in phases. Mr. Lorang stated he could not afford the \$20,000 impact fee for the water and sewage as his bank would not approve his loan due to the fact that construction by the County is not complete on 53rd Avenue.

Mr. McGavic suggested that the County Administrator meet with the appropriate department heads to work up a solution to present to the Board. Motion was made by Mr. McGavic that this item be DEFERRED until Thursday, December 7, 1978, and seconded by Ms. Glass.

Voting "Aye" were: Mr. Fortson, Ms. Glass, Mr. McGavic and Mr. Parrish. Voting "No" was Chairman Driggers stating he was opposed to deferring this item since he felt the decision could have been made at that time.

Motion carried.

I-75 & STATE ROAD 64 - RELOCATION 36" WATER MAIN

Mr. Pittman read his recommendation dated 11/30/78 concerning relocation of 36" water main located at I-75 and State Route 64. Bids are scheduled for opening on Friday, December 1, 1978; however the Florida Department of Transportation recommends a pre-bid conference due to the complex coordination required. Since there is insufficient time to comply with this recommendation, he requested authorization to advertise a revised request for bids which will include a pre-bid conference (to be held December 7, 1978). The new bid opening would be December 19, 1978.

Motion was made by Mr. Fortson that the proposal to readvertise for bids be accepted, seconded by Ms. Glass, and carried unanimously.

BUDGET AMENDMENT

Upon motion by Ms. Glass, seconded by Mr. McGavic, Resolution was unanimously adopted authorizing item to item transfers, as follows:

Parks, Beach & Recreation

From: Reserve for Contingency

To: Health Insurance; FICA Taxes; Retirement  
Contributions; Regular Employees;  
Operating Supplies, Utilities; Office  
Equipment

\$16,660.00

RESOLUTION RECORDED S6-40

MEETING ADJOURNED

There being no further business, the meeting was declared adjourned.

Attest:

Approved:

  
Clerk

  
Chairman

Adj. 12:58 P.M.