

MARCH 27, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, March 27, 1980 at 9:01 a.m.

Present were Commissioners:  
Patricia M. Glass, Chairman  
Lamar S. Parrish, Vice-Chairman  
Claude E. McGavic  
Louis E. Driggers

Absent was: L. H. Fortson, Jr.

Also present were:  
E. N. Fay, Jr., County Attorney  
David B. Collier, County Administrator  
Peter Ramsden, Finance Director, representing R. B. Shore,  
Clerk of Circuit Court

Representing the various news media were Betty Kohlman, St. Petersburg Times; Mark Todd, Sarasota Herald-Tribune, and others who entered during the meeting.

The meeting was called to order by Chairman Glass.

Riverview, J. R. Eppers Subdivision

VACATION OF STREET: PORTION OF ELM STREET (80-V-1)

Public hearing was declared open for the purpose of hearing application (80-V-1) by C. B. and Betty D. Edwards for vacation of a portion of Elm Street, a/k/a 8th Street East, between 44th Avenue and 45th Avenues; Riverview, J. R. Eppers Subdivision, said property being all that portion of Elm Street lying between Lot 12, Block "E"; and Lot 7, Block "I", Riverview, J. R. Eppers's Subdivision.

John Pettigrew, Attorney for the Petitioners, who has talked with Emergency Medical Services in regard to their ability to provide services, pointed out that the plat contains a connecting road to the south.

There being no one else to speak on 80-V-1, the public hearing was declared closed.

Motion was made by Mr. Parrish to approve 80-V-1 vacating the street (by adoption of the appropriate resolution). Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION S9-92

Riverview, J. R. Eppers's Subdivision

VACATION OF STREET: PORTION OF CEDAR AND ELM STREETS (80-V-2)

Public hearing was declared open for the purpose of hearing application (80-V-2) by Thomas J. and Joan Larkin for vacation of a portion of Cedar Street (9th Street East) and a certain portion of Elm Street (8th Street East) described as that portion of Cedar Street located between Lot 5, Block A, and that portion of Elm Street located between Lot 6, Block E, and Lot 1, Block I, as shown on the plat of Riverview Subdivision.

Sam Hardee, agent for Mr. Larkin and purchaser of the lots, was available to answer any questions.

There being no one to speak on 80-V-2, the Chairman declared the public hearing closed.

Motion was made by Mr. Parrish to approve 80-V-2 vacating the street (by adoption of the appropriate resolution). Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION S9-93

South Braden Castle Camp

VACATION OF STREET: 15TH, 16TH & 18TH STREETS EAST

Motion was made by Mr. McGavic and seconded by Mr. Driggers to adopt a resolution scheduling a public hearing on April 24, 1980 to consider petition of

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HELEN SMITH, 80-V-3 (Vacation of 15th, 16th and 18th Streets East, lying north of the railroad right of way and south of 12th Avenue East in Sec. 32, Twp. 34S Rge. 18E)

Motion carried unanimously.

RECORD RESOLUTION S9-94

PARKING WAIVER (JARVIS)

Charles Carrington, Director, Planning and Development Department, submitted a request from Ron Jarvis for a waiver of eight parking spaces for a warehouse at 3407 US 41 N in Palmetto, and reported that the Planning Department has no objections to the request.

Motion was made by Mr. McGavic to approve the request for a waiver of eight parking spaces, and authorize the County Attorney to prepare the necessary resolution. Motion was seconded by Mr. Parrish and carried unanimously.

ZONING

Recommendations of the Planning Commission were submitted by Charles Carrington, Director, Planning and Development Department, and Bruce Siciliano, Planner.

R-80-2 RAY E. & BARBARA JOHNSON - REZONE TO C-1 - APPROVED  
(Ray E. Johnson, Agent) Request: To change present zoning from -A- district to C-1 on .31 acre located at 104 - 49th St. E., Palmetto in order to bring a parcel owned by one individual into a unified zoning classification.  
Planning Commission recommended APPROVAL.

Ray Johnson, Agent, was available to answer any questions.

Motion was made by Mr. McGavic to approve R-80-2 (by adoption of the appropriate resolution). Motion was seconded by Mr. Driggers and carried unanimously.

RECORD RESOLUTION

R-80-5 SARASOTA PARKSIDE, INC. - REZONE TO T-3 - DEFERRED  
(Zoller & Najjar Engineering, Inc., Agent) Request: To change present zoning from -A- district to T-3 on 20 Acres located N.W. of the intersection of Bayshore Rd. & U.S. 41 to permit a travel trailer park.  
Planning Commission recommended APPROVAL per Rezone Committee findings as follows:  
1. The Committee is concerned that location of the sewage and wastewater treatment facility in the extreme southern portion of the property, as shown in a preliminary conceptual plan, would impose unnecessary nuisance features on the property owner(s) to the south. In addition, an adequate buffer area should be installed to properly protect the owner(s) to the south from any additional nuisances. The Committee recognizes that these concerns can be dealt with at the time of preliminary plan approval.

R-80-6 SARASOTA PARKSIDE, INC. - REZONE TO C - DEFERRED  
(Zoller & Najjar Engineering, Inc., Agent) Request: To change the present zoning from -A- district to -C- on 1.8 acres located NW of the intersection of Bayshore Rd. & U.S. 41 to permit a neighborhood commercial operation.  
Planning Commission recommended APPROVAL per Rezone Committee findings as follows:  
1. Given the extensive development of travel trailer parks in the general vicinity (especially south on Bayshore Road) some neighborhood commercial development to serve the needs of the area might be appropriate. However, it is recommended that access to the subject property be developed in conjunction with the proposed travel trailer park to the south.

Consideration was given to R-80-5 and R-80-6 simultaneously.

Concern was expressed regarding the compatibility of a travel trailer park adjacent to the existing groves due to spray drifting from the groves toward the park.

Tom McCollum, Zoller and Najjar Engineering, was available to answer any questions.

After discussion, there were no objections to deferring action on R-80-5 and R-80-6 until the next regularly scheduled Zoning meeting to afford the petitioner an opportunity to contact the grove owners regarding their concerns.

SE-80-5 CECIL & DOLLY WHITTAKER - CARE FACILITY - APPROVED  
(Cecil Whittaker, Agent) Request: Special Exception to permit a residential care facility for 11 residents on 1.25 acres located at 6607 Pine Ave. E., for a period of ten years plus ten years to be granted at the administrative discretion of the Planning Director.

Planning Commission recommended APPROVAL in compliance with Section VI, Paragraph 14, of the Manatee County Zoning Ordinance with the following stipulations:

1. That installation of required parking (five spaces) be completed within nine days.
2. The residential care facility be limited to eleven (11) residents including resident staff.

Cecil Whittaker, owner, was present and requested the special exception include the addition of two "live-in" staff members.

James Freyvogel, Program Specialist with the Department of Health and Rehabilitative Services, submitted the State of Florida Department of Health and Rehabilitative Services Inspection Report and Certificate of License. He spoke in favor of the Special Exception.

Motion was made by Mr. Driggers to approve SE-80-5 as recommended by the Planning Department with the addition of two staff persons for a total of 13 residents. Motion was seconded by Mr. Parrish and carried unanimously.

REEDER FARMS - OPERATING PERMIT - APPROVED  
(Dewey A. Dye, Jr. Agent) Request: Operating Permit for major earthmoving (borrow pit) on 120 acres zoned -A- located South of Port Manatee and West of Reeder Road.

Mr. Carrington clarified the fact that Reeder Farms previously appeared before the Board and was granted a special exception, (3/13/80) but failed to apply for the operating permit at that time.

He reported that the Planning Staff has reviewed the Master Plan and it appears to meet all the requirements of the Manatee County Zoning Ordinance. Due, however, to the scale of the project, and to insure that this activity will be reasonably compatible with surrounding uses and that any nuisance features involved are suitably buffered from adjacent uses, staff recommends the following stipulations be attached to the Operating Permit.

1. As part of the approval of the Operating Permit and prior to the initiation of reclamation activities, the applicant shall submit a Detailed Reclamation Plan for the borrow area in accordance with the following requirements:
  - a. For the purposes of establishing an area which will sustain fish and wildlife and to provide a measure of non-structural water quality maintenance, the applicant shall establish as part of the borrow pit reclamation a littoral zone below the mean water level along the shoreline meeting the following requirements:
    - (1) The total area of the zone(s) shall be equivalent to 15 percent of the total surface area of the lake at the mean water level.

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- (2) The littoral zone shall be clustered over areas not exceeding 50 percent of the shoreline perimeter to insure adequate access for maintenance and other land use purposes. The littoral zone(s) shall be sloped at 7:1 below the water line to a depth not to exceed four feet.
  - (3) All other portions of the lake perimeter not sloped at 7:1 to meet littoral zone requirements shall be sloped 3:1 below the mean water level.
  - (b) For the purposes of insuring water quality control and provide for a measure of long term water quality maintenance, the applicant shall construct a perimeter berm and swale system designed to intercept and filter overland stormwater runoff before allowing it to discharge in the lake, meeting the following requirements.
    - (1) The perimeter swale shall have a minimum slope of .3 percent.
    - (2) Side slopes on the swale shall be no less than 4:1.
    - (3) Spreader spillways to the lake from the berm and swale system shall be provided at regular intervals not to exceed 200 feet.
  - (c) In connection with the preparation of the Detailed Reclamation Plan the applicant shall utilize the services of the Manatee River Soil and Water Conservation District.
2. The applicant has applied for a ten year time period for this Operating Permit. Since SE-80-2, permitting the borrow pit, was approved for five years with provisions for an extension of five additional years, Staff recommends the Operating Permit be for the same period.

Mr. Carrington submitted a letter from Harry S. Ely, Director, Highway and Engineering, dated March 25, 1980, stating that the County Highway Department has a tentative agreement with Reeder Farms covering maintenance and restoration of Reeder Road and that this department has no objection to the Special Exception (Operating Permit) with the following stipulation:

The pit operation shall not commence before a final draft of the agreement is acceptable to the County Engineer and the County Attorney and on file at the Highway Department.

Jerome Gostkowski, County Highway Department, reported that the haul route will be through Reeder Road and Piney Point Road to U.S. 41, and that he has a tentative agreement regarding the impact on these roads which needs approval of the County Attorney.

Dewey Dye, Jr., speaking for Reeder Farms, reported the agreement was prepared in conjunction with the Highway Department's recommendations, and he recommended it be incorporated into the Operating Permit as a condition of the permit.

Motion was made by Mr. McGavic to approve the Performance Bond (\$18,000, Anderson Contracting Co., Inc, Principal; Federal Insurance Company, Surety) and the Operating Permit with the stipulations outlined by the Planning Staff and Highway Department. Motion was seconded by Mr. Parrish and carried unanimously.

N-80-1 LESTER IBASFALEAN - NON-CONFORMING  
BUILDING AND PARCEL - APPROVED

(Lester Ibasfalean, Agent) Request: To permit reconstruction and expansion of a nonconforming building and parcel zoned R-1A on .14 acre located at 4219 129th St W. Planning Commission recommended APPROVAL.

Lester Ibasfalean, was available to answer any questions.

Mr. Driggers moved to approve N-80-1. Motion was seconded by Mr. Parrish and carried unanimously.

79-S-42(P) - (AMEND) PALMA SOLA WOODS SUBDIVISION - APPROVED  
(Donald R. Dietch, Developer) Request: Amendment of approved preliminary plat on 4.4 acres North of 20th Ave. West and West of 75th Street W., for 13 single family lots. Planning Commission recommended APPROVAL.

Mr. Carrington stated the preliminary plat was approved on December 27, 1979, for 12 lots and that Planning staff had no objections to adding one additional lot.

Motion was made by Mr. McGavic to approve 79-S-42(P). Motion was seconded by Mr. Parrish and carried unanimously.

80-S-5(P) - MOORHEAD COMMERCIAL BUSINESS PARK SUBDIVISION - APPROVED

(R. E. Nelson, Agent) Request: Preliminary Plat approval of a commercial subdivision consisting of 22 light industrial lots on 16.2 acres zoned M-1 located at 12th Ave. E. & U.S. Hwy. 301.

Planning Commission recommended APPROVAL with waiver of sidewalk and recreation requirements.

Mr. Parrish moved to approve 80-S-5(P) with waiver of sidewalk and recreation requirements. Motion was seconded by Mr. McGavic and carried unanimously.

RECESS/RECONVENE

After a brief recess, the Board reconvened with all members present except Mr. Fortson.

80-S-6(P) - LONG CREEK SUBDIVISION - DEFERRED

(Dewey A. Dye, Jr., Agent) Request: Preliminary plat approval of a single family subdivision consisting of 55 single family lots on 1631.63 acres zoned -A- located East of Myakka-Wachula Rd., North of Myakka City.

Planning Commission recommended APPROVAL with a waiver of sidewalk, recreation and fire protection requirements. The Planning Commission also wishes to inform the Board of County Commissioners that a majority of the Commission opposes the concept of the proposed project.

Mr. Carrington stated that the subdivision will contain 49 ten-acre tracts, 4 one-acre tracts, and 2 two-acre tracts.

Lengthy discussion followed regarding that fact that this is not a typical subdivision since it will be divided into parcels which are much larger than normal subdivisions; the impact it would have on the school system and law enforcement system; preparation of an environmental impact study; whether the County has violated the urban growth policy; meeting other guidelines beyond those required for normal subdivisions; and applying the OPUG (Optimum Urban Population and Growth) policy to the project.

There were no objections to the announcement by the Chairman that Mr. Fortson had requested action be deferred two weeks to afford him an opportunity to be present.

Mr. McGavic pointed out that there are two issues involved in this request:

1. The appropriateness of the preliminary plat (whether it meets the County's rules, regulations, and standards).
2. The impact of a project of this nature in the eastern most parts of the County.

Upon question, Dewey Dye, representing the developers, advised that a starting date for construction of the project will be at least 6 months as it is necessary to obtain a DER permit, and possibly a Corp of Engineers permit. He further stated that he does not feel

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OPUG requirements should be placed on the project if the Board has not been using that policy in the past. He requested that, if the Board decides to defer action, the project be deferred three weeks to afford him an opportunity to be present.

Speaking in favor of 80-S-6(P) were Anna Gayle and Carl Baskin, Palmetto.

Speaking in opposition to 80-S-6(P) were Neal McClure, City of Bradenton; Gene Jones, Bill Roberts, Scott Chestnut, G. T. Bray, Mike Bryant, Kelly Parks, Jerry Parks; Kathy Bailey, and Nancy Spaniel, Myakka City.

Others speaking on the proposed subdivision were Billy Tucker, President of the Civic Association in Myakka City, Jim Parks, resident of Manatee County, Larry Albritton, Myakka City, Keith Ludwig, Myakka City, Rose Albritton Myakka City, George Hooper, Planning Commission member, and Joyce Hall, Myakka City.

Mr. Driggers recommended action be deferred for an indefinite period of time until the developer can give a presentation of the full scope of his plans.

Dewey Dye, stated that the developer is prepared to do whatever is necessary to get the plat approved and, if the County has legitimate concerns regarding the proposed project, he can respond to them if the staff can point out these concerns.

Mike Darnell, Developer, and President of Small Farm Development Corporation, stated that he has met with numerous individuals regarding this project as well as attending the last two Planning Board meetings; that Mr. Tucker was advised that they will not proceed with the project for at least one to two years and that meetings with the Myakka residents will be arranged as things begin to progress. Upon question, he stated he was in the process of acquiring another parcel of the property in question which would make Small Farm Development the sole owners of the 1631.63 acres.

Mr. Darnell advised that the agencies involved in funding the project are: Economic Development Administration, Farmers Home Administration of the Department of Agriculture, Community Services Administration and the Department of Labor.

Mr. McGavic suggested that, during this period of delay, the staff review the subdivision in terms of the Comprehensive Plan Draft, in terms of the impact this project will have on existing reasonable services and facilities, and after discussions with the developers on these issues, make recommendations to the Board.

Motion was made by Mr. Driggers to defer action until May 1, 1980, to afford the petitioner an opportunity to present additional findings to the Board. Motion was seconded by Mr. Parrish and carried unanimously.

#### RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:15 p.m.

The Board reconvened at 1:23 p.m. with all members present except Mr. Fortson.

#### MENTAL HEALTH CENTER

Motion was made by Mr. Driggers, seconded by Mr. Parrish, to authorize the Chairman to sign a letter to the Manatee Council on Aging, Inc., supporting the merger of the Information and Referral Service with the Crisis Line Service. Motion carried unanimously.

W. R. GRACE AND COMPANY (OPERATING PERMIT)

The Planning Director reported that the Planning Department has received an application from W. R. Grace and Company for an operating permit for Four Corners Mine; that the application appears to be complete, with the exception of the Reclamation Bond and a demonstration of financial responsibility.

It was the concensus of the reviewing staff (including Health Department, Highway Department and Planning and Development) that the Board should now consider whether a consultant should be hired to assist staff in reviewing the application, particularly in the areas of hydrology, radiation, mining and reclamation engineering; and that it is possible some expertise may be needed in review of air and water quality, protection of environmental sensitive areas and wetlands and reclamation soil stabilization.

O. E. Randle, Pollution Director, reported that the County Administrator had advertised for consultants, but that no one suitable for the position was found.

He further stated that it was his understanding the Personnel Director was to ask the Board about the possibility of upgrading the salary or changing the job description in order to attract a qualified individual.

Following discussion as to whether the Operating Permit is in harmony with the Master Mining Plan that has been approved as part of the DRI and Special Exception, Dewey Dye, representing W. R. Grace, stated that the Mining Ordinance requires the major review process take place with the approval of the special exception and development order; that the operating permit is an administrative function and is necessary only to state that the Mining Plan complies with all the conditions that are in the development order and the special exception. He pointed out that the application is complete and the time limit of 90 days is now in effect. He stated that a reclamation bond has not been posted as the County has not yet determined the appropriate amount.

Mr. Carrington suggested that if a consultant is hired, there be one lead consultant, and portions of the work on which he is not fully knowledgeable be subcontracted.

The County Attorney suggested the Board declare this an emergency and contact a firm as opposed to hiring an individual.

After considerable discussion, the Pollution Control Director and Planning Director were instructed to provide a list of individuals or firms that could provide expertise in the areas of concern, and submit recommendations to the Board on Tuesday, April 1, 1980.

UTILITIES - 201 FACILITIES PLAN GRANT AGREEMENT/AMENDMENT

Upon motion by Driggers, seconded by Mr. McGavic, the Board unanimously adopted a Resolution accepting a Federal grant increase in the amount of \$60,343, for a total offer of \$519,271 from the U.S. Environmental Protection Agency to be applied to the 201 Facilities Plan Grant Agreement (PL 92-500) and authorized the Chairman to sign the Grant acceptance.

RECORD RESOLUTION S9-95  
RECORD AGREEMENT S9-96

LEGISLATION: HOUSE BILL NO. 5200, FAIR HOUSING AMENDMENT ACT

The County Attorney brought to the attention of the Board House Bill No. 5200, Fair Housing Amendment Act of 1979, presently under consideration by the U.S. House of Representatives which would give a federal agency control over local zoning and real estate transactions. He made reference to previous instructions from the Board to prepare a resolution so that Manatee County could go on record taking a position on this matter, and recommended that Planning and Development have some input in preparing a resolution.

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After discussion, the County Attorney was authorized to prepare a resolution stating opposition to the Bill.

CLERK'S CONSENT CALENDAR

Upon motion by Mr McGavic, seconded by Mr Driggers, the Clerk's Consent Calendar dated March 27, 1980 was unanimously approved as follows:

BOND

Approve Driveway Permit No. 6009, Charles Winhelm \$250.00

BILLS FOR PAYMENT

Refund: Spike's Plumbing, Inc.(Building Permit) \$ 14.00  
Bay-Con General Inc. (Elwood Park Booster St.) 100,082.00

and to defer action on the following, pending further information:

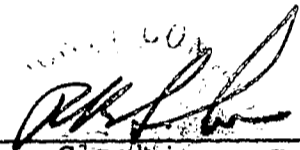
Rusty Plumbing, Inc. (MCUS Elevated Tank #3) \$ 7,348.68  
Rusty Plumbing, Inc. (MCUS Elevated Tank #2) 8,041.82

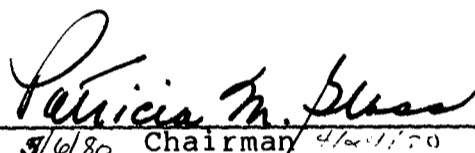
MEETING ADJOURNED

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

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
3/27/80 Chairman 4/2/1980

Adj: 2:09 p.m.

