

APRIL 24, 1980

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, April 24, 1980 at 9:02 a.m.

Present were Commissioners:

Patricia M. Glass, Chairman
Lamar S. Parrish, Vice-Chairman
L. H. Fortson, Jr.

Commissioners Louis E. Driggers and Claude M. McGavic were absent.

Also present were:

Alan Prather, Associate County Attorney
R. B. Shore, Clerk of Circuit Court

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

The meeting was called to order by Chairman Glass.

LEGISLATION: BLOOD BANK

After comments by Commissioner Parrish and discussion on proposed legislation to abolish blood banks, Chairman Glass volunteered to express the Board's concern to Gary Knuckles, Lobbyist for the Board.

BRADEN CASTLE CAMP SUBDIVISION:

VACATION OF STREETS (80-V-3, SMITH)

Public Hearing was opened for the purpose of considering the application by Helen Smith (80-V-3) for vacation of a certain portion of 15th, 16th and 18th Streets, East, lying north of the railroad right of way and south of 12th Avenue East in Section 32, Township 34S, Range 18E, Braden Castle Camp Subdivision, as per plat recorded in Plat Book 2, Page 114.

The Planning Director read a letter from Roger Conley, Attorney for the Petitioner, dated April, 1980, requesting the petition be withdrawn.

Public Hearing was closed.

Motion was made by Mr Fortson to grant the request for withdrawal of 80-V-3. Motion was seconded by Mr Parrish and carried unanimously.

ZONING ORDINANCE (Z-117, SWIMMING POOL FENCE) AMENDED

Public Hearing was opened for purpose of considering proposed amendment of Section VI, Manatee County Zoning Ordinance (Z-117), as it pertains to the fencing of swimming pools (published in The Bradenton Herald 4/7/80).

Charles Carrington, Planning Director, read the proposed amendment, and was available to answer any questions.

No one spoke on the amendment and the public hearing was continued to Tuesday, April 29th, so that a full board might be present for consideration of the proposal.

TALLEVAST HOMELAND SUBDIVISION (80-V-4) - VACATION OF PLAT

Upon motion by Mr Fortson, seconded by Mr Parrish, a resolution was unanimously adopted establishing a public hearing date of May 22, 1980, 9:00 a.m., to hear 80-V-4, application of Horizon Associates to vacate a portion of the plat of Tallevast Homeland Subdivision.

RECORD RESOLUTION S9-163

PRIVATE WAY (PIES)

Upon motion by Mr Fortson, seconded by Mr Parrish, a resolution was unanimously adopted to approve a 38.5 foot easement deemed adequate under the present circumstances to serve as a private way for access

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to proposed private school facilities to be located upon real property described in a certain Warranty Deed to Gerald E. and Sharon R. Pies, dated July 4, 1979, recorded in the Official Records Book 954, Page 747 of the Public Records of Manatee County.

RECORD RESOLUTION S9-164

PRIVATE WAY (GODWIN)

Upon motion by Mr Fortson, seconded by Mr Parrish, a resolution was unanimously adopted approving a 35 foot easement deemed as adequate under present circumstances to serve as a private way for access for an additional building site to be located upon the real property described in a certain Warranty Deed to Robert D. Godwin, dated May 9, 1979, and recorded in the Official Records Book 945, Page 1897 of the Public Records of Manatee County.

RECORD RESOLUTION S9-165

U.S. POSTAL FACILITY - EAST BRADENTON (ONECO)

The Planning Director submitted comments on a study being conducted by the United States Postal Service in connection with the proposed construction of a new postal facility in East Bradenton to serve the anticipated growth and to expand carrier delivery service to the Oneco area.

Due to local concerns being focused on loss of community identity, which may result from discontinuing the use of the Oneco postmark, he suggested upgrading the existing post office to a full service facility, retaining its current location and postmark as the best alternative. He recommended, however, that action be deferred until later in the meeting so that Bruce Hossfield, who has handled the research, can make a more detailed presentation.

ZONING

Charles Carrington, Director, Planning and Development, and Bruce Siciliano, Planner, submitted recommendations of the Planning Commission, and suggested that rezone petitions be heard, but continued until such time as there is four-fifths representation of the Board to take final action.

R-80-08 H & F PROPERTIES - REZONE TO C-1 - DEFERRED
(Deferred from 4/10/80 at the request of petitioner)

Jim Loadman, representing the petitioner, stated that the previous problem (which involved the closing of the transaction) has been resolved.

Action was deferred to May 8, 1980.

R-80-12 IRMA V. SCHEID - REZONE TO M-1 - DEFERRED
(J. Roger Bone, Agt) Request: To change the present zoning from A to C district on 3.93 acres on SR 64 E., 1000' west of Upper Manatee River Road to permit a small grocery store, feed store and other neighborhood commercial uses.
Planning Commission recommended APPROVAL.

Mr Carrington reported that two letters in opposition and 22 letters and a petition with 32 signatures in favor of the request are on file.

There being no objections to the request by Roger Bone, representing the petitioner, that comments be deferred until Mr Driggers, in whose district the property is located, can be present, action was deferred to May 8, 1980.

R-80-13 HUGO R. & BETSIE G. GREISEN - REZONE TO M-1 DEFERRED
(Hugo Greisen, Agt) Request: To change the present zoning from A to M-1 on 3 acres at the corner of U.S. 41 and Frog Echo Road to permit a custom boat building operation.

Planning Commission recommended DENIAL:

1. Proposed zoning change represents spot zoning and is incompatible with surrounding uses.
2. Traffic would be channeled on a circuitous route of back roads which are structurally inadequate for repetitive heavy truck traffic.

Mr Greisen, Agent, and Carole Thompson, employee of the boat building operation, spoke in support of the request. Mr Greisen outlined the proposed use of the land, the existing uses of the surrounding properties, and advised that, after the construction of a six-foot fence by the State in connection with I-75, the property will have no access to U.S. 41; that the adjacent land is zoned for a trailer park (195 trailer spaces) which likewise will not have access to U.S. 41 and will generate more traffic than the boat building business.

Ms Thompson advised that five to eight persons will be employed and a maximum output of thirteen boats per year is anticipated.

Mr Parrish stated that, in his opinion, this proposal is not incompatible with the surrounding area, but constitutes the best use of the land under the circumstances.

Action was deferred to May 8, 1980.

R-80-16 TRAPP CORP. - REZONE TO P.U.D. - DENIED

(Zoller & Najjar Engineering, Inc, Agt) Request: To change the present zoning from R-1B to P.U.D. on 34.99 acres north of and adjacent to 9th Avenue N.W. 1320 ft west of the intersection of 9th Avenue N.W. and 75th Street W. to permit a Planned Unit Development of 130 units.

Planning Commission recommended APPROVAL.

The Planning Director requested that if R-80-16 is favorably considered, the Board give conjunctive consideration to:

80-1(P) PINE MEADOW - P.U.D. (NOT CONSIDERED)

(Trapp Corp., Developer; Zoller & Najjar Engineering, Inc, Agt) Request: Preliminary Plan approval of a Planned Unit Development of 130 duplex condominium units at location noted in R-80-16 above.

Planning Commission recommended APPROVAL.

Mr Carrington made reference to opposition expressed at the Planning Commission hearing by: Dolly Young, Ray Lopez, Thomas Gallen and Joseph E. Duennes, and stated that questions had been raised by Nick Baden.

In support of the petition, Tom McCollum, Director of Planning for Zoller & Najjar Engineering, Inc., and John Kirsch, Design Consultant for Trapp Corporation, gave presentations of the proposed development, and were available to answer any questions.

Commissioner Fortson submitted 24 letters received in opposition to the development.

By a show of hands, about thirty persons in the audience expressed opposition to the P.U.D. and some of those who spoke in opposition were: Bruce Van Dyne, Dolly Young, Thomas Gallen, Charley Cucci, Fred Haverland, Jake Rump, and Joe Ferrell, Attorney for Catalina Enterprises.

Motion was made by Mr Fortson to deny R-80-16. Motion was seconded by Mr Parrish and carried unanimously.

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RECESS/RECONVENE

After a brief recess, the Board reconvened with all the members present except Mr Driggers and Mr McGavic.

SE-1268 GARDNER - EXTENSION OF TIME - APPROVED
(Carl Lasater, Agt) Request: One year extension on construction time on the project (retail nursery approved 12/13/79).

Planning Director recommended approval.

Motion was made by Mr Fortson to approve the request for a one-year extension (to April 24, 1981). Motion was seconded by Mr Parrish and carried unanimously.

R-80-17 JOHN IBASFALEAN - REZONE TO C-1 - DEFERRED
(Jerome Pratt, Agt) Request: To change the present zoning from R-1A to C-1 to permit a retail garden and lawn supply store on the southeast corner of Manatee Ave W. & 47th St W on .41 acre.
Planning Commission recommended DENIAL.

The Planning Director noted that in the Planning Commission hearing, in addition to a 61-signature petition, 30 individuals in the audience stood to indicate their opposition, and that O. E. Randle, Peggy McLain, Hazel Trueblood and Bob Scheffler spoke against the request.

Harris Rhyne, Attorney for the petitioner, requested the petitioner's presentation be deferred to May 8, 1980, for full Board representation.

Present and speaking in opposition to R-80-17 were Bill Nicholas, Hazel K. Trueblood, O. E. Randle and John Banville.

After discussion, action was deferred to May 8, 1980.

R-80-18 IZETTA JAMISON - REZONE TO T-1 - DEFERRED
(Thomas Stewart, Agt) Request: To change the present zoning from R-1AA to T-1 district to permit a mobile home park on 1.84 acres on the north side of Little Pittsburg Road, immediately east of vacated 1st St.
Planning Commission recommended APPROVAL.

Tom Stewart, Attorney for the petitioner, advised that originally this was a joint petition by Izetta Jamison and Bob Quinn, who was a contract purchaser; that the transaction has been completed and Mr Quinn is the sole continuing petitioner.

No one spoke on the petition and action was deferred to May 8, 1980.

R-80-19 WM H. HAMILTON, III - REZONE TO C-1 - DEFERRED
(R.E. Nelson, Agt) Request: To change the present zoning from A to C-1 on .7 acre on U.S. 19 north of 49th Street, E. to bring a parcel owned by one individual into a unified zoning classification.
Planning Commission recommended APPROVAL.

R.E. Nelson, Agent, representing Mr Hamilton, President of Conservation Consultants, Inc., outlined the request and reported that the corporate office facilities of the firm will be built on the parcel.

There were no objections to the petition and action was deferred to May 8, 1980.

SE-1270 RICHARD A. BLOCH - SELF SERVICE

GASOLINE PUMP ISLAND - DEFERRED

(Robert D. Maddox, Agt) Request: Special exception to permit the installation of self-service gasoline pump island and related equipment at an existing convenience store (Li'l General) on .34 acre at 4215 U.S. 301, Ellenton. Planning Commission recommended DENIAL in that the property lacks sufficient area to meet County parking requirements.

The Planning Director reported that Francis Burgess spoke in opposition, and a petition with 300 signatures in opposition was submitted.

Mr Maddox, agent for Mr Bloch and an employee of the Li'l General Store as corporate gasoline manager, spoke in support of the petition, and requested a variance to the parking ordinance requiring 15 spaces.

Mr Parrish declared a conflict of interest in that his brother's property in Tropical Harbor adjoins this property, and requested action be deferred for full-Board representation.

Action on SE-1270 was deferred until May 8, 1980.

SE-80-06 HUGH L. TWIGGS - LAWN MOWER REPAIR - APPROVED

(Hugh L. Twiggs, Agt) Request: Special Exception to permit a home occupation (lawn mower and small engine service) on .44 acre at 307 48th St. Ct. E, Palmetto. Planning Commission recommended APPROVAL on a yearly basis at the administrative discretion of the Planning Director, with the condition that any complaints or other nuisance factors detected shall result in reconsideration of the Special Exception by the Board of County Commissioners.

Mr Twiggs stated that he is 70 percent disabled, and that his neighbors have no objection to a lawn mower shop there. He submitted a petition with seven names in support of it.

Mr Carrington pointed out that the special exception will be granted solely to Mr Twiggs, and recommended that if the Board considers the petition favorably, the motion include a waiver of Section VI, paragraph 33, d, of the County Zoning Ordinance.

Mr Fortson moved that the Planning Commission recommendation be approved on SE-80-06 and to waive that provision of the home occupation ordinance which requires the occupation be inside the existing building. Motion was seconded by Mr Parrish and carried unanimously.

SE-80-13 RICHARD E. ELZERMAN - PLANT NURSERY - DEFERRED

(Richard E. Elzerman, Agt) Request: Special Exception to permit a wholesale plant nursery in an R-1A district on 16.3 acres on K. Hubbard Road, 300 yards west of U.S. 19, for a permanent period of time. Planning Commission recommended APPROVAL.

The Planning Director reported that Ralph Haben and Hugh Burke spoke in opposition at the Planning Commission hearing.

Chairman Glass read a letter from Ralph Haben, attorney for his mother, Mrs Johnny C. Haben, to be filed as written objection to SE-80-13 and advising that Mr Elzerman is using a well that is located on the Haben property. He further objected to the increase of truck traffic the business would generate on local roads.

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Mr Elzerman and his attorney, Jack Hawkins, pointed out the location of the property on an aerial map of Terra Ceia Island and gave a historical report of events transpiring since the purchase of the property by Mr Elzerman in 1959.

Mr Elzerman stated that he bought the property with an 8-inch well on it, but that investigation revealed that pipes from the well ran underneath the ground to about fourteen feet on to the adjoining property, but that it was a partnership well when it was put in; that he has made improvements on the well and it may be utilized by others if so desired.

Hugh Burke requested action be deferred for two weeks and invited the Commissioners to view the property.

There were no objections to the recommendation by Mr Parrish that action be deferred one week (to May 1st).

SE-80-15 WOODLEIN ENTERPRISES - 2-COP - DEFERRED

Request: Special Exception to be granted to Charles Dalton, Jr, to permit consumption of beer and wine (2-COP) on the premises, (Charlie's Homestyle Bar-B-Q, on .44 acre at 5600 Manatee Avenue W. Planning Commission recommended APPROVAL for an indefinite period of time with following stipulations:

1. No beer or wine will be sold for "take out".
2. No beer will be sold in cans or bottles.
3. Beer and wine will be sold as an accompaniment to food purchased for on-premises consumption.

Mr Carrington stated that Mr Dalton agreed to the stipulation in correspondence dated February 15, 1980.

Mr Dalton was available to answer any questions.

Action was deferred until May 8, 1980, in order that Mr McGavic, in whose district the property is located, might be present.

SE-80-18 SARASOTA MANATEE AIRPORT AUTHORITY -
94TH AERO SQUADRON RESTAURANT - DEFERRED

(Trimm/Clark, A.E.P. Inc., Agt)

Request: Special Exception to be granted to the Sarasota Manatee Airport Authority Specialty Restaurants Corp. to permit construction of the 94th Aero Squadron Restaurant on 5.586 acres of airport property, east of U.S. 41, for a permanent period of time with 12 months to complete 25 per cent of construction.

Planning Commission recommended APPROVAL with stipulations:

1. Prior to approval, the applicant provide proof of easement providing access to the site.
2. At the time of building permit application, off-street parking and landscape plans and a tree removal/relocation plan shall be submitted and approved (170 parking spaces).
3. Use of barbed wire will require a waiver of Section VI paragraph 24 of the Zoning Ordinance and the use of barbed wire shall be for aesthetic purposes and shall be positioned so the public cannot have direct access to it.
4. All required site improvements shall be installed and inspected prior to the issuance of the Certificate of Occupancy.

Mr Carrington relayed a request by the petitioner to defer SE-80-18 until the easement referred to in stipulation No. 1 has been processed.

There were no objections, and action was deferred until May 8, 1980.

SE-80-20 RONNIE CONNER - MOBILE HOME - APPROVED
(Ruth Holm, Agt) Request: Special Exception to permit a mobile home on 5.04 acres on Singletary Road, 5 miles west of Myakka City, in an -A- district.
Planning Commission recommended APPROVAL, for a period of 5 years, plus an additional 5 years at the administrative discretion of the Planning Director.

Mrs Holm was available to answer any questions.

Motion was made by Mr Fortson and seconded by Mr Parrish to approve the recommendations of the Planning Commission and grant the special exception to Ruth Holm. Motion carried unanimously.

SE-80-21 BECKY FORRESTER - HOME OCCUPATION DRAPERY BUSINESS - APPROVED
(Becky D. Forrester, Agt) Request: Special Exception to permit a home occupation for a drapery business on .20 acre at 5612 42nd St East in a R-1AA district.
Planning Commission recommended APPROVAL for a period of 5 years plus an additional 5 years at the administrative discretion of the Planning Director.

Ms Forrester was available to answer any questions and submitted a petition with eleven signatures of adjoining property owners stating no objections.

Motion was made by Mr Fortson and seconded by Mr Parrish to approve SE-80-21 as recommended. Motion carried unanimously.

SE-80-22 LAWSON & VIANNA WILSON - BRAIDENTOWN LODGE NO. 99, F & A M - APPROVED
(R.E. Nelson, Agt) Request: Special Exception to permit a lodge facility (Braidentown Lodge No. 99, F & AM) in an R-1 district on 2.6 acres at 600 30th Avenue W. for a permanent period of time.
Planning Commission recommended APPROVAL.

Charles Carrington read a memorandum from Commissioner McGavic dated April 18, 1980, recommending approval of SE-80-22.

Motion was made by Mr Parrish to approve SE-80-22. Motion was seconded by Mr Fortson and carried unanimously.

78-S-13(F) RIVERVIEW PINES SUBDIVISION, UNIT I
(Riverview Pines, Inc., Developer; Zoller & Najjar Engineering, Inc., Agt) Request: Final Plat approval of a subdivision of 11 single family units on 7.69 acres 1000 feet east of the intersection of 71st St NW & Riverview Blvd, south of and adjacent to Riverview Blvd.
Planning Commission recommended APPROVAL.

Based on the recommendation of the Planning Director, 78-S-13(F) was deferred, pending completion of the subdivision agreement and the posting of a security bond.

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80-S-10(P&F) PINE BAY FOREST SUBDIVISION - APPROVED

(National Development Corp., Developers; Zoller & Najjar Engineering, Inc., Agt) Request: Preliminary and Final Plat approval of a single family subdivision of four lots on 3.59 acres northwest of intersection of 81st St. W. and Manatee Ave., east of Palma Sola Bay. Planning Commission recommended APPROVAL with the waiver of sidewalk and recreation requirements.

There was no opposition to the planned development and Richard Olson, representative of National Development Corporation, submitted security in the amount of \$6,864.00 (cashier check No. 178374) to cover the completion of all improvements.

Motion was made by Mr Fortson to approve 80-S-10 (P&F) as recommended and accept the security bond. Motion was seconded by Mr Parrish and carried unanimously.

80-S-13(P&F) FLORIDA EXCEL SUBDIVISION - APPROVED

(Florida Excel, Inc., Developer; Leo Mills & Associates Inc., Agt) Request: Preliminary and Final Plat approval of a commercial subdivision of 3 commercial lots on 4.37 acres north of Florida Blvd, and west of U.S. 41. Planning Commission recommended APPROVAL with waiver of sidewalk, recreation and fire protection requirements.

Maurice Goodnight, Secretary/Treasurer, Florida Excel, Inc. was available to answer any questions. Chairman Glass, in whose district the property is located, recommended approval.

Motion was made by Mr Fortson to approve 80-S-13(P&F) as recommended by the Planning Commission. Motion was seconded by Mr Parrish and carried unanimously.

Mr Goodnight advised that a fire hydrant had been installed on the property.

P.U.D. 80-1(P) PINE MEADOW - NOT CONSIDERED

(Ref. R-80-16)

Request Preliminary Plan approval of a Planned Unit Development of 130 duplex condominium units on 34.99 acres north of and adjacent to 9th Ave N.W., 1320' west of the intersection of 9th Ave and 75th St W.

The Planning Director advised that denial of R-80-16 earlier in this meeting negates consideration of this item.

RECESS/RECONVENE

The meeting was declared recessed until 1:30 p.m.

The Board reconvened at 1:37 p.m. with all the members present except Mr Driggers and Mr McGavic.

HOUSEMOVING PERMITS (CLINE; GRAHAM)

Motion was made by Mr Parrish and seconded by Mr Fortson to approve HM-80-6, application for

Larry Cline - to move a building from 811 59th St N.W.
to Cline Road, 1/2 mile west of Verna-
Bethany Road.
Pre-moving No. 27191

Motion carried unanimously.

Motion was made by Mr Fortson and seconded by Mr Parrish to approve HM-80-7 application for:

Angus Graham - to move a building from 218 2nd Avenue E.
to 2711-13 5th St. E., Bradenton
Pre-moving No. 27350

Motion carried unanimously.

Motion was made by Mr Parrish and seconded by Mr Fortson to approve
HM-80-08, application for:

Angus Graham - to move a building from 219 3rd Avenue E.
to 2717-19 5th St. E., Bradenton
Pre-moving No. 27349

Motion carried unanimously.

U. S. POSTAL FACILITY - EAST BRADENTON, (ONECO)

In connection with the proposal concerning a new postal facility
in the East Bradenton area (deferred earlier in the meeting), Bruce
Hossfield, Planner, stated that the first proposal that the Post
Office made was to expand the existing facility and make it a branch
of the Bradenton post office.

He pointed out, however, that language in a letter to the U. S.
Postal Service, prepared for the signature of the Chairman,
indicates that the preference at this time is to upgrade the
facility and retain the postmark (Oneco). In response to a question
from Mr Parrish, he verified that there is sufficient vacant land
to the west and to the north of the present building for expansion.

There were no objections to recommendation by Mr Parrish that the
news media publish the fact that action has been deferred to
Tuesday, May 2, 1980, pending input from the Oneco residents.

GAMBLE MANSION AREA - HISTORICAL DISTRICT

Due to the inability of Ms Murray Harrison to be in attendance in
connection with her request for recognition of the Gamble Mansion
area as a Historical District, action on this matter was deferred
to the following Tuesday, April 29th.

PERSONNEL MANNING LEVEL/AMENDED (LIBRARY)

Upon motion by Mr Fortson, seconded by Mr Parrish, a resolution was
unanimously adopted amending the authorized Manning levels as
follows:

<u>LIBRARY</u>	<u>PAY</u> <u>GRADE</u>	<u>SALARY RANGE</u>		<u>AUTHORIZED NO.</u> <u>OF EMPLOYEES</u>		<u>DEPARTMENT</u>	
		<u>MIN</u>	<u>MAX</u>	<u>FROM</u>	<u>TO</u>	<u>FROM</u>	<u>TO</u>
Library Aide I	08	3.59	4.93	7	6		
Library Aide II	14	4.03	5.90	7	8	69	69

RECORD RESOLUTION S9-166

CENSUS, U.S.

After a brief discussion, it was the concensus of opinion that the
Census count of Manatee County residents with Sarasota addresses
has no bearing on the population count, funding, etc as it involves
Manatee County.

CLERK'S CONSENT CALENDAR (APRIL 24, 1980)

Motion was made by Mr Fortson, to approve (1) Clerk's Consent
Calendar dated April 24, 1980:

BONDS

Driveway Permit No. 7148
George Moore, \$350.00 - Accept.

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BILLS FOR PAYMENT

Marcus Myers - Gun Permit Program (Scott)	\$ 10.00
Century Consultants Ltd (RFP Specifications/expenses)	1,167.28
Manatee Memorial Hospital (Welfare)	10,520.20
Manatee Memorial Hospital (OB Clinic)	3,235.32
Manatee Memorial Hospital (OB Clinic)	4,812.98
Manatee Memorial Hospital (OB Clinic)	3,619.54

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT - AUDIT

Accept audited financial statement for fiscal year 1978-79
prepared by Ernst & Whinney, CPA's.

- (2) Payment to Gloria Jean and Benjamin J. Harris:
(Ins. claim - Zickafoose Financial Services) \$900.00

Motion was seconded by Mr Parrish and carried unanimously.

MEETING ADJOURNED

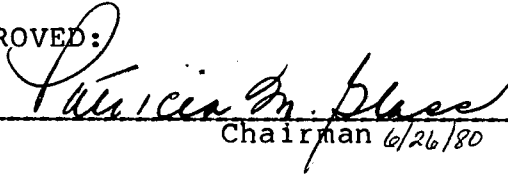
There being no further business, the meeting was declared adjourned.

Attest:



Clerk

APPROVED:



Chairman 6/26/80

Adj: 1:51 p.m.

