

FEBRUARY 25, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, February 25, 1982 at 9:08 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman
Edward W. Chance, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.

Absent was: Patricia M. Glass

Also present were:

Keith Roberts, Assistant County Attorney
Robert F. Fernandez, Acting County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

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

Invocation by Father Gorr, St. Joseph's Catholic Church.

The meeting was called to order by Chairman Vickers.

PLANNING: PUBLIC HEARING PROCESS

Larry K. Frazier, Director, Planning Department, submitted a report dated February 22, 1982, outlining action which will be taken by the Planning staff to strengthen the public hearing process and to facilitate flow of information to the Board.

DRIVEWAY PERMITS

Jack Costello, builder, on behalf of Mrs. Jaster, requested issuance of a driveway permit. Action was deferred until later in the meeting.

PLANNING: CONSULTING AGREEMENTS (IMPACT ASSESSMENT STUDY)

Mr. Frazier recommended approval of two Consultant Agreements with James E. Frank, not to exceed \$5,000, and Adley Associates of Sarasota, not to exceed \$7,500, for planning services related to the Impact Assessment Fee Study.

Mr. McGavic moved that the recommendation of the Planning Director be accepted and the Chairman be authorized to execute the contracts. Motion was seconded by Mr. Chance and carried unanimously.

RECORD AGREEMENTS S31-1017
S31-1018

HOUSEMOVING (BADEN)

Motion was made by Mr. Fletcher to approve housemoving request

HM-82-2 RAY BADEN to move a building from 3501 26th Street West to 301 99th Street Northwest.

Motion was seconded by Mr. Chance and carried unanimously.

ZONING

Bruce Siciliano submitted recommendations of the Planning Commission.

81-S-27 GERALDSON SUBDIVISION - F/PLAT - APPROVED

Request: Final subdivision plat approval of 5-lot subdivision on 6.01 acres located at the northeast corner of the intersection of 99th Street Northwest and 9th Avenue Northwest.

Planning Commission recommended APPROVAL.

Mr. Fletcher moved to approve Final Subdivision Plat No. 81-S-27, Geraldson Subdivision. Motion was seconded by Mr. McGavic and carried unanimously.

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TRAVEL AUTHORIZATION

Upon motion by Mr. McGavic, seconded by Mr. Fletcher, the County Attorney was unanimously authorized to travel to Tallahassee, March 2, 1982, to meet with Governor Graham regarding the Computer Contract.

DRIVEWAY PERMITS (BADEN; JASTER)

Jerome Gostkowski, Highway Department, explained that Mrs. Jaster and Mr. Baden have applied for driveway permits and have signed the necessary affidavits.

Mr. Fletcher moved to approve the driveway permits for the Jaster property and the Baden property and to accept the affidavits. Motion was seconded by Mr. Chance and carried unanimously.

ORDINANCE NO. 82-04: LAND DEVELOPMENT CODE

The Chairman declared the public hearing open for the purpose of considering Ordinance No. 82-04 amending the Zoning and Land Development Code (notice published in The Bradenton Herald, February 8, 1982).

Upon recommendation by the Planning Director, Mr. McGavic moved that the public hearing of February 8th be closed and the present hearing continued to March 11 (9:30 a.m.). Motion was seconded by Mr. Chance and carried unanimously.

ZONING (Continued)Z-81-67 DOLPHIN INVESTORS GROUP, INC. - R-2 - DENIED

Request: Change the zoning from R-1B to R-2 on 22 acres located between 96th Avenue East and 100th Avenue East, north of 42nd Street East and U.S. 301.
Planning Commission recommended DENIAL.

Speaking in opposition to Z-81-67 were Elva Mimbs, Josephine Perra and Larry Patterson.

Ron Larson, Larson Engineering, representing Dolphin Investors Group, Inc., was available to answer any questions.

Mr. Chance moved to accept the recommendation of the Planning Commission for denial of Manatee County Ordinance No. Z-81-67. Motion was seconded by Mr. Fletcher and carried unanimously.

SP-82-6 JEAN FINCHER YARBROUGH - BEAUTY SHOP - APPROVED

Request: Special Permit to allow a one-chair beauty shop as a home occupation on approximately .16 acre zoned R-1 located at 4428 17th Street West.
Planning Commission recommended APPROVAL to Jean Fincher Yarbrough for a period of five years plus five years at the discretion of the Director.

Mr. Fletcher moved to approve Special Permit No. SP-82-6 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

SP-81-37 THE BAY CLUB - MULTI-FAMILY DEVELOPMENT - APPROVED

Request: Special Permit to allow the construction of a multi-family residential development (PUD 80-2) consisting of 562 dwelling units on approximately 29 acres located at 6601 N. Tamiami Trail.
Planning Commission recommended APPROVAL subject to the following conditions:

1. All residential units shall be constructed to ensure an interior sound level reduction of 25 dba.
2. A disclosure statement shall be included in the condominium documents, signed by each resident acknowledging the site is subject to airport noise which may be objectionable.

3. Twenty-five percent of the spaces shown on the revised preliminary plan may be provided on grassed areas. Their location and design to be determined during the final site plan stage.
4. All emergency access points be posted and stabilized with "turf block". The actual number of access points deemed necessary shall be determined during the final site plan process.

Christopher Brown, Vice-President of Campeau Corporation, owner of the property, referred to a site map and described the proposed project and its proximity to the airport.

Joe DeCollo, 331 Constance Drive, who spoke in favor of the project, questioned whether a wall along the sides would be installed.

Mr. Brown advised that a 6-foot high fence, buffered with jasmine, would be installed on the north and south property lines with a Spanish column every 100 feet.

Upon motion by Mr. Chance, seconded by Mr. Fletcher, Special Permit No. SP-81-37 was unanimously approved with the stipulations set forth by the Planning Commission, with two additional stipulations:

5. A fence shall be provided on the north and south property lines. The fence shall be covered with vines and planting materials (as described by the developer).
6. The entire area covered by the site plan, including both the R-3B and C-1 portions of the property, be developed in accordance with the site plan.

After a brief recess, the Board reconvened with all members present except Mrs. Glass.

PDR-80-2 TARA - PHASE I - P/DEVELOPMENT PLAN - APPROVED

Request: Preliminary Planned Development Plan approval of 1,346 dwelling units on 363 acres zoned PDR/WP located at the southeast corner of S.R. 70 and Braden River Road.

Planning Commission recommended APPROVAL with the following conditions and stipulations:

1. Approval is granted only for those areas included in Phase One.
2. The Preliminary Plan for Phase II shall be submitted by November 13, 1986. The Preliminary Plan for Phase III shall be submitted by November 13, 1991.
3. TARA shall be required to submit dredge and fill permit applications for Phase I within 120 days after approval of the preliminary development plan.
4. TARA shall submit a staging or sub-phase plan for Phase I which will divide Phase I into parcels of workable size, e.g. twenty to thirty acres to each parcel. This staging plan shall include a schedule for the completion of the common facilities such as the golf course, club house, and commercial area. This plan shall be submitted within one year of the date of approval of the preliminary development plan. The phasing plan shall require review by the Planning Commission and approval by the Board of County Commissioners. At the time of review of the phasing plan, the conditions of approval for Phase One shall be reviewed. Improvements required shall be assigned to appropriate sub-phases. The phasing plan shall provide that Stage One of Phase One shall be submitted no later than two years after the approval of the preliminary development plan.
5. A pedestrian circulation system shall be provided connecting all living units, parking and recreational facilities and other destination points. The pedestrian system shall be of stabilized material.

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6. The proposed bikepath shall be a minimum of ten feet wide and the materials used shall be asphalt or concrete. The bikepath shall be dedicated to the County when located in right-of-way. When not, TARA shall provide the County with a non-exclusive easement. These easements shall be provided when the path is completed.
7. Building dimensions, setbacks, off-street parking and loading areas, detailed utilities and drainage structures shall be addressed with the Final Development Plan. Approval shall be subject to regulations applicable at the time of approval.
8. Landscape plans including screening and buffering proposals, shall be submitted for approval with the Final Development Plan. Approval shall be subject to regulations applicable at the time of approval.
9. Sign and lighting plans shall be submitted for approval with the Final Development Plan. Approval shall be subject to regulations applicable at the time of approval.
10. All utility lines shall be installed underground. However, the State transmission line and all utility lines which cannot be located underground by virtue of their location in environmentally sensitive areas shall be exempt from this requirement.
11. Refuse container screening shall be addressed with the Final Development Plan. Approval shall be subject to regulations applicable at the time of approval.
12. The Declaration of Maintenance Covenants shall be approved and recorded prior to the issuance of any Certificates of Occupancy for Phase I. The covenants shall provide for posting of a bond for enforcement purposes. Additionally, the County shall have the right to seek a Deficiency Judgment should the actual cost of enforcement exceed the amount of the bond.
13. TARA shall contribute thirty percent of the cost of construction of a public safety building for 13,326 households. Details on timing and method of contribution shall be finalized with Final Plan.
14. The child oriented recreation site as indicated on plan is approved. This site shall be dedicated to County. Development Plans and construction schedule shall be submitted with Phase II. Dedication arrangements shall be made at that time.

Additionally, it is recommended that the following modification be made to the Development Order:

1. The siting of an elevated water tank and determination of pro-rata cost shall be done when required by the Manatee County Utilities Department.

Motion was made by Mr. McGavic to accept the recommendations of the Planning Commission on PDR-80-2, TARA - Phase I, with all stipulations. Motion was seconded by Mr. Chance and carried unanimously.

Zoning
RECORD

81-S-24 RIVERVIEW LANDINGS SUBDIVISION - F/PLAT - APPROVED

Request: Final Subdivision Plat approval of 52-lot subdivision on 38.1 acres located at the northwest corner of 21st Avenue N.W. and 83rd Street N.W.

Planning Commission recommended APPROVAL of 81-S-24 and approval and acceptance of the improvement bond and subdivision agreement.

Richard Olson, National Development Corporation, developer of the project, was available to answer any questions.

Mr. Fletcher moved to approve Final Subdivision Plat 81-S-24 Riverview Landings Subdivision and approve and accept the improvement bond (\$516,606.20 Travelers Indemnity Company, surety) and Subdivision Agreement (with National Development Corporation). Motion was seconded by Mr Chance and carried unanimously.

RECORD AGREEMENT S31-1019

80-S-40 BRADEN WOODS SUBDIVISION, PHASE II - F/PLAT - APPROVED
Request: Final Subdivision Plat approval of 72-lot subdivision on 89.44 acres located south of Braden Woods, south side of S.R. 70, east of I-75.
Planning Commission recommended APPROVAL of 80-S-40 and approval and acceptance of defect security.

Mr. Fletcher moved to approve Final Subdivision Plat No. 80-S-40, Braden Woods Subdivision, Phase II, and approve and accept the defect security (Century Bank \$31,649, by order of Florida First Service Corporation). Motion was seconded by Mr. McGavic and carried unanimously.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m.

The Board reconvened at 1:36 p.m. with all members present except Mrs. Glass.

BEKER SETTLEMENT OFFER

John Harllee, Attorney for Beker Phosphate Corporation, and Perry Duryea, Jr., Vice-Chairman of the Board of Beker Industries, were available to answer any questions pertaining to a proposed settlement between Beker and Manatee County.

Mr. Harllee reported on events which have transpired since the Board approved an interim agreement on December 17, 1981 and commented on the proposed settlement agreement regarding Environmental issues, Transportation, Mining and Reclamation, and Dam Construction and Wellfield Alternative matters.

Comments were made by County staff:

Philip Davis, Director of Transportation - Restoration of approximately 8.5 miles of State Road 64;

R. A. Wilford, Utilities Director - Costs of secondary containment structures;

Richard Eckenrod, Phosphate Mining Coordinator - Environmental issues in general.

William Earl, Environmental Attorney for the County, reviewed the proposed agreement as it pertains to the rights of the County and Beker, contingent items, time period allowed to build the railroad, allowed tonnage, construction of a secondary dam, etc., and suggested changes to the agreement.

Discussion followed regarding preservation areas, a soil radiation program, haul route and truck transport schedule, funds required for restoration of State Road 64, the cost and safety of the secondary containment structures of the dam, the cost and method of financing the wellfield, posting a surety bond for completion of the wellfield, and availability of water resources.

RECESS

The Chairman declared the meeting recessed until 3:30 p.m., Friday, February 26, 1982.