

APRIL 8, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, April 8, 1982 at 9:06 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman
Edward W. Chance, Vice-Chairman
Claude E. McGavic
Westwood H. Fletcher, Jr.
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 Jud Magrin, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rev. Lindsey Boyd, West Bradenton Baptist Church.

The meeting was called to order by Chairman Vickers.

PHOSPHATE MINING PANEL

It was the consensus of the Board that Commissioner Fletcher represent the County at the meeting of the Phosphate Mining Panel in Bartow, April 16, 1982.

TAMPA BAY REGIONAL PLANNING COUNCIL/SELECT COMMITTEE ON TRANSPORTATION

The Board endorsed recommendation by the Select Committee on Transportation to the Tampa Bay Regional Planning Council that 1) a transportation task force be established to identify road needs in Counties; 2) the State Legislature be requested to undertake funding action to meet those needs; 3) that Mr Fletcher relay this support to TBRPC.

ENFORCEMENT PROGRAM

Larry K. Frazier, Planning Director, reviewed memorandum, (dated April 1, 1982) outlining steps he intends to implement to increase effectiveness in the area of enforcement.

HIGHPOINT SUBDIVISION - STREET VACATION (82-V-1)

Public hearing (notice published in the Bradenton Herald, March 18 & 25, 1982) was open for the purpose of considering application 82-V-1, by David K. Deitrich, as trustee, for

Vacation of a portion of Highpoint Subdivision (all street and lot lines - Plat Book 5, Page 41).

John Quinlan, Attorney (firm Dye, Cleary, Scott, & Dietrich) representing the petitioner, stated that none of the streets have been opened and none of the adjoining parcels will be affected by the vacation of the plat.

There being no further comment the public hearing was closed.

Mr Fletcher moved to adopt the Resolution Vacating a Subdivision Plat of a portion of Highpoint Subdivision (P&D File No. 82-V-1). Motion was seconded by Mrs Glass and carried unanimously.

RECORD RESOLUTION S31-1114

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ZONING

Mr Frazier submitted recommendations of the Planning Commission.

Public hearing (notice published in the Bradenton Herald, March 11, 1982) was held for the purpose of considering

SP-82-18 L. HARRY THOMAS - MOBILE HOME - APPROVED

Request: Special Permit to allow a mobile home as a residence on approximately 5 acres zoned -A- located at Golf Course Road west of Mulholland Road.

Planning Commission recommended APPROVAL to L Harry Thomas for a period of two years plus two years at the discretion of the Director.

There was no public comment, the public hearing was closed.

Motion was made by Mr Chance, seconded by Mrs Glass to approve Special Permit No. SP-82-18 subject to the conditions set forth by the Planning Commission. Motion carried unanimously.

Public hearing (notice published in the Bradenton Herald, March 12, 1982) was held for the purpose of considering

SP-82-23 ESTELLA ROBINSON - 2 COP - APPROVED

Request: Special Permit to allow the consumption of beer and wine on the premises at an existing restaurant on approximately .33 acre at the corner of Wilson Avenue and School Street.

Planning Commission recommended APPROVAL to Estella Robinson.

There was no comment and the public hearing was closed.

Motion was made by Mr Chance, and seconded by Mrs Glass, to approve Special Permit No. SP-82-23, for Estella Robinson. Voting "Aye" were Commissioners Chance, McGavic, Fletcher and Glass. Commissioner Vickers voted "Nay". Motion carried.

Public hearing (notice published in the Bradenton Herald, March 20, 1982) was open for the purpose of considering

SP-82-24 KATHERINE B. HALE - BORROW PIT - APPROVED

Request: Special Permit to allow a borrow pit and Operating Permit on approximately 41.3 acres zoned A-1 at Corner of State Road 683 and Rock Payne Road.

Planning Commission recommended APPROVAL subject to the following conditions:

1. The Operating Permit shall be valid for one year.
2. The setback along the unnamed ditch be reduced from 200 feet to fifty feet and its removal is contingent upon DER approval.
3. The setbacks along Cabbage Slough be reduced from 200 feet to an average of 200 feet.
4. The setback along the property lines not bordering public roads be reduced from fifty feet to twenty-five feet.

J.B. Donnelly and Bob Lombardo, representing petitioner, were available to answer questions.

Public hearing was closed.

Mr McGavic moved to approve Special Permit No. SP-82-24 and associated Operating Permit subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

Motion was made by Mr McGavic, seconded by Mr Chance, to amend the previous motion to include the approval of the reclamation bond (\$13,500.00, Seaboard Surety Co., surety for The Cone Corporation). Motion carried unanimously.

Public hearing (notice published in the Bradenton Herald, March 19, 1982) was open for the purpose of considering

SP-82-25 RAYMOND B. & JANET L. CARTER - BORROW PIT - APPROVED

Request: Special Permit to allow a borrow pit and Operating Permit on 158.8 acres zoned A-1 at one-half mile north of Moccasin Wallow Road on Carter Road.

Planning Commission recommended APPROVAL with the following stipulations:

1. Until the one mile segment of Moccasin Wallow is constructed the haul route shall be: South on Carter Road to Moccasin Wallow, West on Moccasin Wallow to I-75, South on I-75 to U.S. 301, West on U.S. 301 to U.S. 41, North on U.S. 41 to U.S. 19.
2. The Operating Permit shall be effective for two years.

William B. Kipp, agent, was available to answer questions.

Public hearing was closed.

Mr McGavic moved to approve Special Permit No. SP-82-25 and associated Operating Permit subject to the conditions set forth by the Planning Commission, and submission and approval of reclamation and maintenance bonds (\$40,000) in appropriate form as determined by the County Attorney. Motion was seconded by Mr Chance and carried unanimously.

Public hearing (notice published in the Bradenton Herald, March 10, 1982) was open for the purpose of considering

SP-82-17 CLAIR E. & EDITH D. BUTLER -
ELEMENTARY SCHOOL - DEFERRED

Request: Special Permit to allow an elementary school on approximately 19.2 acres zoned A-1 on east side of 57th Street East (Morgan Johnson Road), north of Braden Oaks Subdivision. Planning Commission recommended DENIAL for the following reasons:

The proposed school is not compatible with the contiguous area. Approval would result in significantly greater traffic congestion and would increase pressure on the area to urbanize.

Dr. William Bashaw, Superintendent of Schools, and Walter Miller, Assistant Superintendent, reviewed maps in ratio of students in the area.

Speaking in favor were:

Marjorie Kinnan, Chairman of the School Board

Sam Hardee

Mariam Muroe

Brenda Westbury

James W Haggerty

Linda Patrowskie

Peggy Black

Vickie Stelzer

Letters in favor of the request were submitted from:

Joseph A. Yero

James R. & Lynn W. Jones

Mr & Mrs James E Wood

William, Jr. & Brenda Close

Debbie Brown

James W Haggerty

Speaking in Opposition were:

William Hedden, 3705 62nd St., E

Dorothy Koschara

Harold Sebert, 3510 Southern Parkway

Bill Themas

Dan English, 3915 32nd Street E.

Mr & Mrs Tom Graves, 2212 Morgan Johnson Road

Mike Woodruff, 5915 38th Ave, E

Melody Fox, 3404 62nd St., E

Dean Davis, 6105 38th Avenue, E

Leslie Eckert, 5905 38th Ave, E

Lois Pole, 6214 32nd Ave, E

Letter opposing the request was received from Col. Warren Johnson.

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RECESS/RECONVENE

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

The Board reconvened at 1:40 p.m. with all members present.

After further discussion, public hearing on SP-82-17 was continued to May 13, 1982 at 9:00 a.m.

Public hearing (notice published in the Bradenton Herald, March 5, 1982) was open for the purpose of considering

SP-82-15 MURPHEY OIL COMPANY - GASOLINE SALES - APPROVED

Request: Special Permit to allow the sale of gasoline at a proposed convenience store on approximately .71 acre zoned C-1 at U.S. Hwy 301 South, 200 feet south of Saunders Road. Planning Commission recommended APPROVAL.

Robert Stinett, 2750 Orange, Sarasota spoke in favor of the Special Permit.

Public hearing was closed.

Mrs Glass moved to approve Special Permit No. SP-82-15. Motion was seconded by Mr Fletcher and carried unanimously.

Z-81-55 / PDR-81-5 - WILLIAM R. MOTE - APPROVED

Request: To change the present zoning from A-1/WP/ST to PDR/WP/ST and to approve the Preliminary Planned Development Plan on approximately 465 acres, west of and contiguous to Braden River, south of Ward Lake, east of Palm-Aire. Planning Commission recommended APPROVAL with the following stipulations:

Public Facilities

1. The developer is required to pay all costs associated with the extension of public water service to the site.
2. Sewer service shall be provided offsite. The developer is required to pay for all costs associated with the connection to a Manatee County Utility Facility with sufficient capacity. The facility shall be approved by Manatee County prior to Final Plan approval.
3. Manatee County Utilities Department and Manatee County Pollution Control shall approve the design of the water distribution and sewage collection systems. The sewage collection system shall be designed to prevent overflow in the case of a widespread power outage.
4. In the areas where private streets are used, the water and sewer systems shall be privately maintained.
5. The developer shall be required to pay a pro-rata share of the cost of an elevated water tank to serve the site. Costs shall be determined prior to Final Plan approval.
6. MOTE shall be required to contribute a pro-rata share of the cost of construction of the Emergency Medical Services and Sheriff's facility at TARA. Costs and method for payment shall be determined prior to Final Plan approval.
7. MOTE shall be required to petition the Oneco-Tallevast or Braden River Fire District for membership prior to Final Plan approval. MOTE shall be required to contribute a pro-rata share of the cost of constructing a facility to serve the site.
8. MOTE shall be required to donate a ten acre site to the Manatee County School Board, if analysis indicates the property is an appropriate location. The site shall be in the western portion of the project. Site and terms shall be determined with Final Plan approval.
9. All means of access and all internal roads, public and private, shall be constructed to County Standards and approved by Manatee County. Costs associated with the construction of adequate means of access are the responsibility of the developer.

10. Phases One & Two will require two means of access. Building Permits may be issued for only 150 dwellings in Phase One prior to the completion of the second means of access. Natalie Way shall be a means of access for Phase One.
11. Phase Three may begin with commitment for a third means of access. Building Permits for the final 100 units may not be issued until the third means of access is complete.
12. Use of Natalie Way as a means of access will require approval of the Florida Department of Transportation and the County Engineer. The intersection must be improved to a safe condition.
13. MOTE shall participate in any fair share road program adopted by the County.

Water Quality and Quantity

1. Prior to Final Plan approval, a reasonable monitoring program for water quality, water quantity and flow rate shall be submitted for review and approval by the County. The monitoring program above, shall include pre-construction baseline monitoring and shall continue during all construction phases and for a five year period after completion of construction. If the established quality and quantity parameters are violated during construction, the County may issue a stop work order. Violations shall be corrected by the applicant in a reasonable period of time and subject to other appropriate regulations.
2. At all discharge points, water quality must meet any applicable State and local pollution control standards hereafter adopted. The water quality system must have County approval.
3. Flowing wells on site should be left available to maintain augmentation of Ward Lake pursuant to Southwest Florida Water Management District regulations.
4. Quantity and flow rate from the stormwater system to Ward Lake shall not be reduced below predevelopment volumes as determined by the Hydrology Report submitted November, 1981, and as modified by the approved baseline monitoring analysis.
5. Prior to Final Plan approval, a plan for erosion and sedimentation controls shall be submitted to and approved by Manatee County.
6. Any duly authorized representative of Manatee County may enter and inspect any property, premises, or place, except a building which is used for private residence, on or at which an air or water contaminant source, or stormwater management facility or system component is located or is being constructed or installed, at any reasonable time for the purpose of ascertaining the state of compliance with applicable County, State or Federal law or regulation within the regulatory jurisdiction of the County. Except as otherwise provided by law or constitution, no person shall refuse immediate entry or access to any authorized representative of the County who reasonably requests entry nor shall any person obstruct, hamper, or interfere with any such inspection. If requested, the owner or the management company, or their authorized representative shall receive a report setting forth all facts found which relate to compliance status.
7. The Owner and the company shall be responsible for the performance of the stormwater system to meet all applicable water quality and quantity criteria. Prior to final plan approval, adequate security shall be provided by MOTE in the form of a performance or surety bond to guarantee compliance during construction, until the stormwater management system is certified and permitted by the appropriate government agencies, at which time said security shall be released.

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Miscellaneous

1. MOTE shall submit an annual report detailing progress on the development. The report shall be submitted on the anniversary date of Conceptual Plan approval. Reports shall be submitted annually through the period required for completion of the water quality and quantity monitoring program. The reports shall contain the following information:
 - a. Identify any changes in the proposed plan of development, phasing or the presentation for development contained therein, made since the last progress report.
 - b. Description of development activities since the last annual report including a summary of development to date.
 - (1) Residential units, (by type), (location)
 - (2) Commercial square footage constructed.
 - c. A description of development activity proposed to be conducted in the year immediately following.
 - d. A description of access and roadway improvements since the last annual report.
 - e. Identify dates of agreements on all stipulated conditions since the last annual report. If no agreement has been reached, so indicate. If agreement has been reached, identify the date of the agreement.
 - f. A statement setting forth the names and addresses of any assignees or successors in interest to this development.
2. Copies of the annual report shall be submitted to the Manatee County Planning and Development; Pollution Control; Transportation; and Utilities Departments.

Public hearing (notice published in the Bradenton Herald, March 22, 1982) was opened for the purpose of considering

ORDINANCE Z-81-55:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST TO PDR/WP/ST; PROVIDING AN EFFECTIVE DATE.

Bruce Franklin of Architects Diversified, Inc., agent, Dan Zoller of Zoller & Najjar, Bob Higgins of Gee & Jenson, Judy Kavanaugh of Dye, Cleary, Scott & Dietrich, and Mr Mote, with attorney Robert Johnston, and Jerome Gostkowski, County Highway Department, were available to answer questions.

Bob Higgins expressed concern regarding:

1. Water quantity from the standpoint of water supply.
2. Water quantity from the standpoint of flooding.
3. Water quality.

Dan Zoller asked that the last sentence in stipulation number ten, "Natlilie Way shall be a means of access for phase one" be stricken.

Judy Kavanaugh pointed out that MOTE has petitioned to Oneco-Tallevast to become a member of the fire district, who can supply emergency medical services, and asked if MOTE could be relieved from having to pay a pro-rata share of TARA's EMS Utilities (Stipulation No. 6). She also asked that Stipulation No. 8 be reworded to reflect that MOTE is going to do their fair share of participation, either in property or in donations, for a school site.

Mrs Glass suggested that the word "site" be removed and an "s" be added to the end of the word acre. (Stipulation No. 8)

Ms Kavanaugh asked that the word "donate" (also in Stipulation 8) be changed to the words "set aside", and stated that Mr Mote would like to clarify that they will set that aside for public use, it could be a park in lieu of a school, whatever the most desirable use is.

There was no further comment and public hearing was closed.

Mr Chance moved to adopt Z-81-55 and approve the conceptual plan for William R. Mote with the stipulations outlined on pages five, six and seven of the staff report, and as recommended by the Planning Commission, except with the deletion of the last sentence of Stipulation 10, (Delete: "Natalie Way shall be a means of access for Phase I"); and modifications of items six, seven and eight. Motion was seconded by Mrs Glass for discussion.

Keith Roberts, Assistant County Attorney, explained the modification for Stipulation No. 8 to be that "MOTE shall make its fair share of contribution for a school facility in the area. This contribution will consist of donation of ten acres for a school site if and when analysis indicates that a site on the MOTE property is desired for that purpose. MOTE shall, for this purpose, reserve a ten acre site on its final site plan."

Ms Kavanaugh stated that she would like to have "in lieu of any monetary contribution" also in that modification.

Ms Clarke explained the modifications for Stipulations No. 6 and No. 7 to be "MOTE shall be required to contribute a pro-rata share of the cost of construction of emergency medical services and share of facilities to serve the site. The cost of methods and payments shall be determined prior to final plan approval." (Stipulation 6) and "MOTE shall be required to petition the appropriate fire district for membership." (Stipulation No. 7).

Motion carried unanimously.

RECORD ORDINANCE

Upon motion by Mrs Glass, seconded by Mr Fletcher, the ^{Zoning} preliminary plan, PDR-81-5, was unanimously approved with the following stipulations.

1. A bus stop shall be incorporated into the plans for the Village Center.
2. Sidewalks shall be provided along one side of all roads dedicated to Manatee County. Additionally, a comprehensive system of pedestrian, bicycle and/or bridle paths shall be provided. This system shall connect all open spaces, public facilities, vehicular routes, parking areas, residences and other destinations. Additionally, pedestrian connectors shall be provided to adjacent properties. This system must be presented and approved with the Final Plan.
3. Final Plans for Phase One shall be submitted within two years of the date of approval of the Preliminary Plan. Simultaneously, the developer shall submit a phasing plan for Phases Two and Three.
4. The concept of a Management Company responsible for project maintenance is approved. The Declaration of Maintenance Covenants and associated documents shall be approved with the Final Plan. The Declaration shall be reported prior to the issuance of building permits.
5. Detailed offstreet parking, loading, landscape and screening plans must be submitted with the Final Plan for approval. Approval shall be subject to the regulations applicable at the time of approval and appropriate planning principles.

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6. Building dimensions, setbacks, offstreet 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 and appropriate planning principles.
7. 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 and appropriate planning principles.
8. 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 and appropriate planning principles.
9. All utility lines shall be installed underground.
10. Refuse container screening shall be addressed with the Final Development Plan. Approval shall be subject to regulations applicable at the time of approval.
11. All conditions of Conceptual Plan approval shall be applicable to the Preliminary Plan.

RECORD PDR*Zona's*RECESS/RECONVENE

The Chairman declared the meeting recessed in order to hold a work session.

The Board reconvened at 4:25 p.m. with all members present except Mr Fletcher.

WORKMAN'S COMPENSATION: GILLIS

Motion was made by Mrs Glass, seconded by Mr McGavic, to enter into the record materials/data in connection with issuance of checks due in Worker's Compensation benefits to Charles Gillis (permanent injuries) and authorize payments of \$8,434.03 to Charles Gillis and \$2,000.00 attorney's fees to Harry G. Goodhart, III. Motion carried unanimously.

LAWSUIT: FAIRLANE PROPERTIES VS FAIRLANE UTILITIES VS MANATEE COUNTY

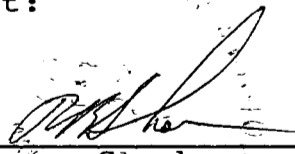
The County Attorney reported that the County has been dismissed from the case of Fairlane Properties vs Fairlane Utilities vs Manatee County.

MEETING ADJOURNED

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

Attest:

APPROVED:



 Clerk



 Chairman 8/24/82

Adj: 4:29 p.m.