

APRIL 22, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, April 22, 1982 at 9:07 a.m.

Present were Commissioners:

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

Patricia M. Glass was absent.

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 Reverend Dennis Kezar, Christ Episcopal Church.

The meeting was called to order by Chairman Vickers.

CORTEZ ROAD: MEDIANS

Motion was made by Mr. Fletcher to authorize the Chairman to send a letter to Mr. Monts DeOca, Florida Department of Transportation, regarding the poor condition of the medians on Cortez Road between 26th Street and 67th Street. Motion was seconded by Mr. McGavic and carried unanimously.

CORTEZ PENINSULA: TRAFFIC

Larry K. Frazier, Planning Director, submitted recommendations regarding the Cortez Peninsula Traffic Study and Planning Program outlined in his memorandum dated April 15, 1982.

He requested Board concurrence with the following basic steps (summarized):

- = Institute a limitation on density for new projects in the Peninsula (Ordinance required)
- = Conduct a detailed land use plan on the Peninsula
- = Initiate Zoning Atlas Amendment, Re: Traffic Management Overlay District,
- = Initiate an amendment to the Manatee Plan to include in the Thoroughfare Plan a proposed system of minor collectors
- = Prepare a detailed financial alternatives analysis for multi-laning Cortez Road
- = Establish "improvement sectors" within the Peninsula

Recommendation: County Counsel's office prepare appropriate ordinances; advertise public hearing to limit density on Cortez Peninsula; and that the six steps outlined be approved by the Board.

Mr. Fletcher moved that the Board approve recommendations of staff as contained in memorandum dated April 15, 1982. Motion was seconded by Mr. Chance and carried unanimously.

HOUSEMOVING

Motion was made by Mr. Fletcher, seconded by Mr. Chance and carried unanimously, to approve housemoving request

HM-82-7 Charlie Westbrook - To move a building from 3404 15th Street East to 6536 Lincoln Road.

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Motion was made by Mr. McGavic, seconded by Mr. Chance, and carried unanimously, to approve housemoving request

HM-82-8 H. C. McPherson - To move a building from the north side of Erie Road approximately 4/10 mile east of Ellenton Gillette Road to the north side of Erie Road approximately 1-1/10 mile east of Ellenton Gillette Road.

Motion was made by Mr. Chance, seconded by Mr. Fletcher, and carried unanimously, to approve housemoving request

HM-82-9 Ernestine Collier - To move a building from 3402 15th Street East, Bradenton, to 212 22nd Street East, Palmetto.

Motion was made by Mr. Chance, seconded by Mr. Fletcher, and carried unanimously to approve housemoving request

HM-82-10 James Thigpen - To move a building from 3412 15th Street East to 1727 38th Avenue East.

STREET VACATIONS (VARIOUS) - PUBLIC HEARINGS SCHEDULED

BALENTINE MANOR

Upon motion by Mr. Chance, seconded by Mr. McGavic, a resolution was unanimously adopted scheduling a public hearing on May 27, 1982 to consider petition of

KERRY G. & JANE S. KIRSCHNER, 81-V-7 to vacate the westernmost eighty feet of Bernard Avenue in Ballentine Manor, Bay Heights Section (Plat Book 5, Page 24).

RECORD RESOLUTION

S31-1211

ORANGE RIDGE SUBDIVISION

Upon motion by Mr. Chance, seconded by Mr. McGavic, a resolution was unanimously adopted scheduling a public hearing on May 27, 1982 to consider petition of

FORTNER, BROWN & VINCENT, 82-V-3 to vacate approximately 336 feet of 21st Avenue East in Orange Ridge Subdivision (Plat Book 4, Page 52).

RECORD RESOLUTION

PITTSBURG PARK SUBDIVISION

S31-1212

Motion was made by Mr. Chance, and seconded by Mr. McGavic, to adopt a resolution scheduling a public hearing on May 13, 1982 to consider petition of

VIOLA SKEET, 81-V-4 to vacate a portion of Citrus Street as shown on the plat of Pittsburgh Park Subdivision (Plat Book 5, Page 14).

Keith Roberts, Assistant County Attorney, pointed out that the petitioner has requested vacation of a larger portion of Citrus Street than indicated.

Motion and second were withdrawn.

Tom Gallen, Attorney representing the applicant, advised that the request is for vacation of the south 247 feet of Citrus Street less the south 3 feet.

Mr. Chance moved to adopt a resolution scheduling a public hearing on May 13, 1982 to consider petition 81-V-4 vacating the south 247 feet of Citrus Street less the south 3 feet. Motion was seconded by Mr. McGavic and carried unanimously.

RECORD RESOLUTION

S31-1213

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ZONING ATLAS AMENDMENT ORDINANCES: ERROR CORRECTIONS

Mr. Frazier reported that several errors have been identified in previously adopted Zoning Atlas Amendment ordinances as incorrect legal descriptions, incorrect zoning classifications and other scrivener errors, and recommended adoption of resolutions correcting those errors.

Upon motion by Mr. Fletcher, seconded by Mr. Chance, a resolution was unanimously adopted correctly indicating the zoning classification on property described in Ordinance Z-81-13 as R-2 instead of R-4A.

RECORD RESOLUTION

S31-1214

Upon motion by Mr. McGavic, seconded by Mr. Chance, resolutions (3) were unanimously adopted correcting the legal description of property rezoned by adoption of Ordinances Z-81-1, Z-81-24 and Z-82-2.

S31-1215

RECORD RESOLUTIONS

S31-1216

S31-1217

Upon motion by Mr. Fletcher, seconded by Mr. McGavic, a resolution was unanimously adopted to remove from the record/documents any indication that rezoning petition Z-81-50 was approved by the Board on November 12, 1981. (NOTE: The petition was denied by the Board, however, amending ordinance was inadvertently filed with the Secretary of State).

RECORD RESOLUTION S31-1218

Upon motion by Mr. Fletcher, seconded by Mr. McGavic, resolutions were unanimously adopted identifying the prior zoning classifications on property rezoned by Ordinances Z-81-16 as R-1 (instead of R-2) and Z-81-17 as R-1 (instead of R-2)

RECORD RESOLUTIONS

S31-1219

S31-1220

Upon motion by Mr. Fletcher, seconded by Mr. McGavic, a resolution was unanimously adopted clarifying the zoning designation of property rezoned by adoption of Ordinance Z-81-10, contingent upon receipt of the letter referred to as Exhibit B" in the resolution. (NOTE: Incomplete document. Resolution to be executed and recorded upon receipt of Exhibit B, letter from petitioner).

ZONING

Mr. Frazier submitted recommendations of the Planning Commission.

Z-82-18 CLAFLIN GARST, JR. - REZONE TO C - APPROVED

Request: To change the present zoning from PR to -C- on approximately .42 acre at 4804 Manatee Avenue West, Bradenton. Planning Commission recommended DENIAL.

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-18:

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 PR TO -C-; PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald, March 24, 1982.)

Mr Frazier submitted letters from Mrs. Betty Jane Banks, 434 48th Street West, and E. Michael Toth, 4820 Manatee Avenue West, stating no opposition.

John Tommasi, Realtor, spoke in favor of the rezone.

David Dietrich, Attorney representing the petitioner, was available to answer any questions.

There being no further comments, public hearing was closed.

Mr. McGavic moved to approve Manatee County Ordinance Z-82-18. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD ORDINANCE

FREDERIC & MARCELENE BARKER - DENSITY INCREASE ON ANNEXED PROPERTY - DEFERRED TO CITY OF PALMETTO

Request: Approval to seek from the City Council of Palmetto a land use plan amendment and/or rezoning that will permit an increase in the allowable density on the applicants' parcel located on Sneads Island Road, adjacent to the Sea Hut Restaurant.

Planning Commission recommended no objection to APPROVAL of the request for an increase in density.

Alan Prather, Attorney representing the applicants, submitted a resolution approving the petition and approving, granting and authorizing any consent necessary in order for the City Council of the City of Palmetto to amend its Comprehensive Plan and its Zoning Ordinance or regulations in order to achieve jurisdiction over the land use of the property involved.

Mr. McGavic moved to adopt the resolution (as submitted by Mr. Prather). Motion was seconded by Mr. Fletcher. Voting "Aye" were Commissioners McGavic and Fletcher. Voting "No" were Commissioners Chance and Vickers. Motion failed to carry.

Mr. Chance moved that the County may, as a matter of policy, defer to the judgment of the City of Palmetto or other municipality to make an appropriate land use decision regarding the property adjacent to the Sea Hut Restaurant in Palmetto after a letter (signed by the Chairman) has been sent to them. Motion was seconded by Mr. McGavic for discussion.

Following discussion as to the formality of the Board's decision, and recommendation that a resolution be prepared deferring judgment to the City of Palmetto (which does not necessarily denote the Board's approval of the density increase) motion and second were withdrawn.

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

Keith Roberts submitted a proposed resolution giving approval to the City of Palmetto to zone the Sea Hut Restaurant property and to designate that property's use under the City of Palmetto's Comprehensive Plan in such a way as to authorize an increase in density.

Mr. Chance moved to adopt the resolution. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD RESOLUTION S31-1221

77-S-40 THE WOODS AT CONQUISTADOR, UNIT III - F/PLAT APPROVED

Request: Final Subdivision Plat approval of 6-lot, 2-tract, subdivision on 9.39 acres zoned R-3B located on 34th Street West, north of El Conquistador Golf Course.

Planning Commission recommended APPROVAL.

Mr. McGavic moved to approve Final Subdivision Plat No. 77-S-40, The Woods at Conquistador, Unit III, and approve and accept the performance bond (Escrow Agreement, Barnett Bank, \$38,010) and subdivision agreement. Motion was seconded by Mr. Chance and carried unanimously.

(NOTE: The referenced documents were not received for recording within a reasonable time period; therefore, recording will be made after documents are submitted to the Board).

William R. Farnell, President of the El Conquistador Neighborhood Association, requested that the designation of 34th Street West as access be deferred for security reasons.

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Bob Born, Developer, stated he would be willing to cooperate with the Association and the Board.

Bill Kavanaugh, resident of the area, spoke in opposition to a major thoroughfare in that community.

PDR-81-1 PERICO ISLAND - F/PLAN APPROVED

Request: Final Plan Approval for PDR (Planned Development Residential) on 79.83 acres on North Perico Island, Manatee Avenue, West of Perico Bayou.

Planning Commission recommended APPROVAL with certain stipulations.

Arlene Flisik, Manatee Pathfinders, questioned whether a bikeway path was included in the plan.

Motion was made by Mr. Fletcher to approve Final Plan of PDR-81-1, Perico Island, subject to stipulations (recommended by Planning):

1. The project shall meet all requirements of the NFPA Fire Codes including minor relocation of commercial/professional buildings, if necessary, to provide access for fire trucks.
2. The entrance road and that portion of the east/west road which routes through the commercial center to Perico Bayou shall be dedicated to Manatee County with sufficient rights-of-way as required by the County Engineer. This construction and dedication are to be completed prior to the issuance of Certificates of Occupancy for any commercial/professional buildings.

Mr. Fletcher amended his motion to include an additional stipulation:

3. Construction shall begin within one year in successive 18-month intervals.

Motion was seconded by Mr. McGavic and carried unanimously.

RECORD DOCUMENT

SP-82-16 PALMETTO DRIVE-IN CHURCH, ETC - APPROVED ^{Zoning}

Request: Special Permit to allow a drive-in church and related church activities on 7.8 acres at 5501 16th Avenue East (Canal Road), Palmetto.

Planning Commission recommended APPROVAL with certain stipulations.

Reverend Dodge, Pastor, requested the Board exclude stipulation by Planning Department (1) all grassed areas shall be adequately marked with wheel-stops.

Motion was made by Mr. McGavic, and seconded by Mr. Chance, to approve Special Permit SP-82-16 subject to the following conditions:

1. An expansion requiring more than one hundred seventy-five total parking spaces will require an amendment to SP-82-16. (Recommended by Planning)
2. Outdoor broadcast speakers shall not be permitted. Automobile radios should be used. (Recommended by Planning)
3. The petitioner be allowed one year for the completion of construction.

Motion carried unanimously.

SP-82-20 RICHARD FRANCIS - SMALL FIREARMS REPAIR - APPROVED

Request: Special Permit to allow small firearms repair as a home occupation on approximately 6 acres at 2016 57th St. E. Planning Commission recommended APPROVAL with certain stipulations.

Tom Gallen, Attorney for the petitioner, requested deletion of stipulations regarding disallowing outdoor discharge of firearms, display or sale of stock in trade, and outside display of goods or materials used.

Upon motion by Mr. Chance, seconded by Mr. McGavic, Special Permit SP-82-20 was unanimously approved subject to the following stipulations:

1. The Special Permit be granted to the applicant and rendered invalid upon sale of the residence or shop location.
2. A high security alarm system shall be installed and maintained at the shop to deter break-ins.

Z-82-14 W. DANIEL KEARNEY, TRUSTEE - PDR APPROVED

Request: To change the present zoning from A-1 and R-1B to PDR, and approve the conceptual plan for North Shore, 494 units on approximately 41.2 acres adjacent to the Manatee River, west of Highland Shores Subdivision and east of the Utility Power Corporation in Ellenton. Planning Commission recommended APPROVAL with certain conditions.

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-14:

AMENDING ORDINANCE NO. 81-4

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 AND R-1B TO PDR; PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald, April 1, 1982)

Mr. Frazier pointed out that consideration has been given to allowing density bonuses within certain limitations because of the design concept for preservation of environmental features, amenities and open space.

Tom McCollum, Zoller and Najjar Engineering, made a presentation on the proposed development and requested the Board consider their original request for 494 units instead of the recommended 475.

Bill Kipp was available to answer any questions.

Charles Voss, 320 Sally Lee Drive, expressed concern about the density, multiple dwellings, and the impact on security in Highland Shores Subdivision.

RECESS/RECONVENE

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

The Board reconvened at 1:28 p.m. with all members present except Mrs. Glass.

Speaking in opposition to the Z-82-14 were Emil Tiona, John Gibson and Larry Morse.

Letters in opposition were submitted from Antonio DeAngelo and Emil Tiona.

Discussion followed including eliminating "connecting" roads to the existing subdivision.

The Assistant County Attorney reported an irregularity in the notice to adjacent property owners stated the rezoning request was for R-3A rather than P.D.R.; however, this site plan does not allow for anything not permitted in the R-3A zoning. He pointed out also that the advertised legal description was "Southeast 1/2 of Section 18 in Parcel A" instead of the Southeast 1/4.

The public hearing was closed.

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Upon motion by Mr. Chance, seconded by Mr. Fletcher, Zoning Atlas Amendment No. Z-82-14 and the conceptual plan for the North Shore Development, as presented by the developer, were unanimously approved subject to the following conditions:

1. Access to U.S. 301 shall be taken from 25th Avenue East.
2. Emergency access to 4th Street Court East will be provided.
3. The developer will fence the property between Highland Shores Subdivision and the development.

RECORD ORDINANCE

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

Z-82-16 ISLAND PROPERTIES - PDR APPROVED

Request: To change the present zoning from A-1 to PDR and conceptual plan approval of 142 dwelling units on approximately 86 acres on Tidy Island in Sarasota Bay, south of 86th Street West and Coretz Road.
Planning Commission recommended DENIAL.

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-16:
AMENDING ORDINANCE NO. 81-4
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR;
PROVIDING AN EFFECTIVE DATE.

(Notice published in The Bradenton Herald March 30, 1982)

Randy Chastain, president of Chastain Development Corporation, general partner of Island Properties, was available to answer questions.

The following spoke in favor of the project and addressed areas of concern brought/ ^{PH} report from the Planning Commission.

Dr. John Morrill, Environmental Consultant - Environmental issues, i.e., preservation of mangroves, vegetation areas, archeological sites, etc.

Judy Kavanaugh, Attorney - Upland and wetland areas. She reported that they have offered to dedicate all sensitive mangrove acreage to the Manatee Chapter of the Audubon Society.

Brad William Burger, Route 1, Box 305, Palmetto, Archeologist - Archeological areas of the site.

Len Najjar, Zoller and Najjar Engineering - Flooding, drainage, and traffic.

Tom McCollum, Zoller and Najjar Engineering - Density and environmental protection.

Speaking in opposition to Z-82-16 were George Hultz, Mt. Vernon; Avery Gould, 9907 Spoonville Road; Henry Williams, Mt. Vernon; Mary Brownell, Coral Shores; and Marge Peters, 5312 Bimini Drive.

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

Others speaking in opposition to Z-82-16 were James Kemp, and Arlene Flisik, as an individual and as representing Manasota 88, who also submitted copies of photos showing endangered trees. Letters opposing the project were received from: Manatee River Garden Club, Elizabeth Guibord, petitions from residents of Coral Shores, Manasota 88 and Manatee Audubon Society

Speaking in favor were Alfred Lytle, Terry Dorman, and Jim Heagerty, First City Federal Bank. By letter dated April 20, 1982, Manatee Fruit Company offered to dedicate a 40-foot wide drainage easement to provide for relocation of a drainage ditch on the east side 86th Street W. farther to the East.

Public hearing was closed.

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Motion was made by Mr. Fletcher to approve Manatee County Ordinance Z-82-16 with the following stipulations:

1. Prior to the issuance of Certificates of Occupancy, 86th Street West must be brought up to County standards.
2. Jurisdictional boundaries clearly defined on the preliminary and subsequent development plan.
3. Completion of the archaeological survey.
4. Protection of all designated archaeological sites.
5. Equitable participation in signalization of the intersection of 86th Street West and Cortez Road.

Motion was seconded by Mr. McGavic and carried unanimously.

RECORD ORDINANCE

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman 9/14/82

Adj: 4:57 p.m.