

MAY 13, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, May 13, 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.  
Patricia M. Glass

Also present were:  
Keith Roberts, Assistant County Attorney  
Robert F. Fernandez, Acting County Administrator  
Diane E. Shaffer, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Russ Roberts, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rabbi Michael Klayman, Temple Bethel.

The meeting was called to order by Chairman Vickers.

RECESS/RECONVENE

The Chairman declared the meeting recessed in order to hold a Special Port Authority meeting.

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The Board reconvened with all members present.

KIDS DAY

Request by the Privateers Organization for free bus transportation for children under the age of sixteen on "Kids Day," June 19, 1982 was referred to Bob Fernandez.

PHI SIGMA ALPHA SORORITY DAY

Upon motion by Mrs Glass, seconded by Mr McGavic, a proclamation was unanimously adopted proclaiming May 22, 1982 as "Phi Sigma Alpha Sorority Day."

RECORD PROCLAMATION

S32-63

PLANNING & DEVELOPMENT PROPOSED FEE SCHEDULE

Larry Frazier, Director, Planning & Development, reviewed memorandum of April 29, 1982, recommending increase in fees as follows:

Building, Plumbing HARV & Electrical Permits	- by 40 percent
Land Development Applications	- by 50 percent

He advised that if the Board concurs on the fee schedule, Staff will submit the revised fees in the form of a Resolution.

Mrs Glass moved to approve the proposed fee schedule as outlined by the Director in his memorandum of April 29, 1982. Motion was seconded by Mr Chance and carried unanimously.

A-95 REVIEW - TAMPA HARBOR & HILLSBOROUGH BAY MAINTENANCE DREDGING

Mr Frazier reported that an A-95 Review of Tampa Harbor (77-82) and Hillsborough Bay (79-82) Maintenance Dredging Projects will be forthcoming in the near future.

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DUPLEX DEVELOPMENT/MIXED USE DISTRICT

Mr. Frazier submitted three approaches that might be considered in connection with duplex development:

1. Mixed use zoning - new development;
2. Mixed use zoning - existing neighborhoods; and
3. Case-by-case rezoning (status quo).

and recommended that Staff be directed to look at the concept of a mixed use zoning district and report back to the Board. There were no objections.

LOT CLEARING PETITIONS

Mr Frazier reported that property in Lot Clearing Petition LC-1544 had been cleared and that property in LC-1545 has had a change in ownership.

Edwin R. Garrison reported that LC-1544 had not been cleared.

Mr Frazier stated that further investigation would be made in connection with the petitions and brought back to the Board if necessary.

ZONING

The Planning Director submitted recommendations of the Planning Commission.

Public hearing was held for the purpose of considering

SP-82-17 CLAIR E. & EDITH D. BUTLER - APPROVED  
(Elementary School - Morgan Johnson Road - deferred 4/8/82)

Dr. Bashaw, Superintendent of Schools, commented on the recommended stipulations.

Those speaking in favor of the school were:

Connie Ingram - 44th Ave., East, (submitted petition with approximately 120 signatures and 5 letters)  
Susan Ines - Rynsdale Subdivision  
Peggy Black - Rynsdale Subdivision  
Andrea Varner - Braden River Ranchettes  
Marjorie Kinnan - Chairman, Manatee County School Board  
Ed Dick - Former School Board Member  
Kay Miller - Manatee Palms

In opposition:

James & Jane Goodbread - Braden Oakes  
William Hedden - 3705 62nd St., East, Braden Oakes  
Ed Kuchara - Morgan Johnson Road  
James Wallace - Dude Ranch Acres, Caruso Road  
Dean Davic - 38th Ave., East  
Melodie Fox - Braden Oakes  
Dan English - Braden Oakes

Bill Chism - who was asked to speak to the Board by people opposing the school on Morgan Johnson Road, addressed problems related to living adjacent to Stewart Elementary School.

Public hearing was closed.

Motion was made by Mr Chance, seconded by Mrs Glass, to approve SP-82-17 with the following stipulations:

1. The Manatee County School Board shall be given a five-year period of time for establishing the use of the special permit.
2. The playground shall be located in the center of the property to alleviate noise. Details on the playground location shall be reviewed with the final site plan.

3. Lighting shall be designed in such a manner as to prevent glare. This shall be reviewed with the final site plan.
4. The design of the building shall be in general conformance with the character of the area. This shall be reviewed with the final site plan. If staff determines that design character is not in keeping with the area, the final site plan shall be submitted to the Board of County Commissioners for consideration.
5. Ditches on the north, south and east sides of the property shall be fenced.
6. The school shall connect to sanitary sewer when it becomes available. Until that time, a package treatment plant shall be used.
7. A fire hydrant will be required on-site. Additionally, the school district must meet applicable fire codes.
8. A sidewalk shall be provided along Morgan Johnson Road from 18th Avenue East to the north side of the Agricultural Research Center. Students living outside the boundaries of the sidewalk shall be provided bus service. Necessary vehicle and pedestrian devices such as speed limit, warning signs and blinkers, as required by law and the County Engineer, shall be installed in front of the school site and along Morgan Johnson Road.
9. An additional 9 feet of right-of-way shall be dedicated along Morgan Johnson Road in front of the site.
10. A left turn lane will be required on Morgan Johnson Road at the entrance. Acceleration and deceleration lanes shall be provided. 24' wide driveways will be required with a 50' radius.
11. A warrant study shall be conducted prior to construction for the necessity of installation of traffic lights on S.R. 70 and S.R. 64.
12. The existing tree screen shall be expanded with new planting to insure an adequate buffer at the time of construction. Additionally, buffering shall be included at the front of the property.

Voting "Aye" were Mr Chance, Mrs Glass and Mr Fletcher. Mr McGavic and Mr Vickers voted "Nay". Motion carried.

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

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

SP-82-27 DEPARTMENT OF HEALTH & REHABILITATIVE SERVICES -  
JUVENILE DETENTION CENTER - APPROVED

Request: Special Permit to allow a Regional Detention Center with capacity for fifty (50) youths on approximately 8.35 acres, north of Highway Patrol Station on SR 70 near Oneco. Planning Commission recommended APPROVAL with the following stipulation:

1. The facility shall be approved for the requested 50 residents. Any expansion will require an amendment to SP-82-27.

(Exit Mrs Glass)

Those speaking in opposition were:

Claflin Garst - (submitted letters from Myrtle C. Reynolds, Theodore J. Tobias Sr., E.S. "Bud" Reasoner, R.E., Sr. & Shirley Wyatt, and Virginia Kemple);

Jerry Camp                      Barbara Wyatt                      William Hedden.

Carol Clarke, Planning, submitted letters of objection from Ruth Getzen and Elizabeth Blanton (Gulfcoast Girl Scout Council) and Gladys S. Dickinson.

General comments were made by Ray Rotz.

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Public hearing was closed.

Mr Vickers stepped down as Chairman and moved to approve SP-82-27 subject to the stipulation set forth by the Planning Commission and with the stipulation that this facility house only juvenile residents. Motion was seconded by Mr Chance. Voting "Aye" were Mr Chance, Mr McGavic and Mr Vickers. Mr Fletcher voted "Nay". Motion carried.

Public hearing (notice published in the Bradenton Herald, April 21, 1982) was open for the purpose of considering

SP-82-28 HOPE OF MANATEE, INC. - SHELTER HOME - APPROVED

Request: Special Permit to allow emergency shelter home for fifteen (15) abused spouses on approximately .57 acre at 1205 - 44th Avenue, East.

Planning Commission recommended APPROVAL with stipulations:

1. The shelter can accommodate fourteen (14) residents with existing facilities.
2. The capacity can increase to fifteen (15) residents once the proposed addition is completed.
3. Wheel stops to designate off street parking spaces are required.

W. W. Works, former owner of the property, spoke in opposition.

Public hearing was closed.

Mr Vickers stepped down as Chairman and moved to approve SP-82-28 subject to conditions set forth by the Planning Department. Motion was seconded by Mr Fletcher and carried unanimously.

Public hearing (notice published in the Bradenton Herald, April 14, 1982) was open for the purpose of considering

SP-82-29 OSCAR E. REEDER, ET AL - BORROW PIT - APPROVED

Request: Special Permit for a borrow pit and Operating Permit on 60.97 acres on Rock Payne Road, east of U.S. 41 and north of the I-275 Corridor.

Planning Commission recommended APPROVAL with conditions:

1. Waiver of the 200 foot setback along the unnamed ditch to 30 feet.
2. Waiver of the 50 foot setback along all property lines to 25 feet except along Rock Payne Road, where required setbacks shall be maintained.

J. B. Donnelly, Attorney representing the petitioner, made a presentation and was available to answer questions.

Keith Roberts, Assistant County Attorney, suggested the Board approve the waiver on the basis that a compelling public interest is found to exist and advised, however, that this does not constitute what the law regards as a hardship.

Bob Lombardo, Engineer of Record, stated they are also asking for a waiver of the monitoring requirements as shown in the ordinance.

RECESS/RECONVENE

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

The Board reconvened at 1:35 p.m. with all members present except Mrs Glass.

Public hearing on SP-82-29 was closed.

Finding from the testimony, staff reports and Commissioner recommendations:

= that the requested borrow pit is consistent with the Manatee County Comprehensive Plan, and since the need for and advantages of obtaining borrow material in the immediate vicinity of the I-75 construction, in addition to the other circumstances described by the applicant, demonstrate that strict adherence to these setbacks would be unreasonable and would cause undue hardship for the applicant and the community, and also demonstrate that the waivers would serve the compelling public need;

Mr McGavic moved that the Board approve SP-82-29 with the stipulations outlined by the Planning Commission. Reclamation bond in the amount of \$20,000 (required prior to an operating permit becoming effective) was received from The Cone Corporation with Seaboard Surety, as surety. Motion was seconded by Mr Chance and carried unanimously.

Z-82-19 ROBERT & BERNICE TALENT - REZONE TO A-1 DENIED

Request: To change present zoning from -A- to A-1 on 5.8 acres north of Upper Manatee River Road, approximately 540 feet west of Christian Retreat.

Planning Commission recommended DENIAL because the site is constrained by inadequate access.

Public hearing (notice published in the Bradenton Herald, April 21, 1982) was open for the purpose of considering

ORDINANCE Z-82-19:

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- TO A-1; PROVIDING AN EFFECTIVE DATE.

Harvey Detweiler, representing petitioners, was available to answer questions.

Public hearing on Z-82-19 was closed.

Mr Chance moved to deny Manatee County Ordinance No. Z-82-19. Motion was seconded by Mr Fletcher and carried unanimously.

Z-82-21 MARY S MELTON & JAMES ELMORE - REZONE TO PR ADOPTED

Request: To change present zoning from R-2 to PR on approximately 1.84 acres in the 4700 block of 5th Street W. Planning Commission recommended APPROVAL.

Public hearing (notice published in the Bradenton Herald, April 24, 1982) was open for the purpose of considering

ORDINANCE Z-82-21:

AMENDING ORDINANCE NO. 81-4 .....  
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-2 TO PR;  
PROVIDING AN EFFECTIVE DATE.

(Exit Mr Vickers)

R. Nelson, representing the petitioners, reviewed the Ordinance, was available to answer questions and noted the petition of no objection that was submitted at Planning Commission hearing.

Public hearing on Z-82-21 was closed.

Motion was made by Mr McGavic to adopt Manatee County Ordinance No. Z-82-21. Motion was seconded by Mr Fletcher and carried unanimously.

RECORD ORDINANCE

*Zoning*

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Cont'd

(Enter Mr Vickers)

Z-82-5 CORTEZ HARBOR - REZONE TO PDR ADOPTED

Requet: To change present zoning from R-1A and A-1 to PDR on approximately 51.5 acres located on Palma Sola Bay, east of Marker 50 Marina, north of Cortez Road.

Planning Commission recommended APPROVAL subject to the following conditions:

1. Forty-second Street shall be constructed and dedicated to the County from the project to Cortez Road. Right-of-way dedication shall be completed with preliminary plan approval.
2. Access from 126th Street shall be as indicated on Plan
3. Necessary improvements as required by the County Engineer shall be made to 126th Street to improve the road to handle increased traffic.
4. The developer shall contribute \$25,000 for the installation of traffic control devices at the intersection of 119th Street Court West and 127th Street and Cortez Road. This stipulation is conditioned on the County obtaining the necessary permits. The timing and method of payment shall be determined with preliminary plan approval.
5. The intersection of 119th Street Court West and Cortez Road shall be improved with turn lanes, acceleration and deceleration lanes as required by the County Engineer.

Public hearing (notice published in the Bradenton Herald, April 16, 1982) was open for the purpose of considering

## ORDINANCE Z-82-5:

AMENDING ORDINANCE NO. 81-4 .....

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

Tom McCollum, Zoller & Najjar, representing the petitioner, made a presentation.

Upon question by Mr Fletcher as to whether or not Manatee Fruit Company has agreed to provide the right-of-way, Walter Woodward, representing Manatee Fruit Company and its President, Walter Preston, stated that Mr Preston is in approval and will sign necessary documents.

Petitioner agreed to suggestion by Mr Fletcher that 126th Street be widened to a twenty-five foot roadway.

Public hearing on Z-82-5 was closed.

Motion was made by Mr Fletcher to adopt Manatee County Ordinance No. Z-82-5 with the modification to stipulation number three that 126th Street, West be improved to a width of 20 feet with the addition coming on the north side. Motion was seconded by Mr McGavic and carried unanimously.

RECORD ORDINANCE

Public hearing (notice published in the Bradenton Herald, April 24, 1982) was open for the purpose of considering

PDR-82-1 FORT MYERS-BRADENTON TRUST/GARDEN LAKES -  
AMENDED CONCEPTUAL PLAN - APPROVED

Request: To amend approved Conceptual Plan for Garden Lakes and approve Preliminary Planned Development Plan on 134.8 acres zoned AF/PDR and PDR east of and adjacent to Pearce Drain and south of SR 70 and near 37th Street East with the proposed residential density of 4.15 units/acre, 560 dwelling units (91 multi-family; 350 two family; and 119 single family) and 20,450 square feet commercial/professional area. Recreation provided will be lakes, passive recreation, pools, and recreation building.

Planning Commission recommended APPROVAL of the Revised Conceptual and Preliminary Plans subject to the following stipulations:

1. The final plan for Phase I shall be submitted within two years of the date of preliminary plan approval. Each additional phase shall be submitted in one year intervals beginning upon the approval of the first phase, provided that this requirement shall not apply if a different phasing schedule is approved with the final plan.
2. A drainage plan and a revised phasing plan will be required for the entire project when the final site plan for Phase I is submitted.
3. In the areas where private streets are used, the water and sewer systems shall be privately maintained.
4. A left turn lane and acceleration and deceleration lanes will be required on 53rd Avenue East (S.R. 70).
5. The sixty-six foot wide public right-of-way which connects 39th Street East with 37th Street East and SR 70 must be dedicated with the first phase of the project. This street shall be constructed with project phasing or at such time as the County paves 39th Street East, whichever occurs first.
6. Fifteen feet of additional right-of-way must be dedicated along the south side of SR 70.
7. A thirty-three foot half right-of-way must be dedicated along 39th Street East.
8. A drainage easement for Pearce Creek Drainage Canal, together with a twenty-five foot wide and level maintenance easement on the west side of said drain will be required.
9. The major north/south road which has bike lanes on both sides shall be thirty-two feet in width.
10. Access to the seven multi-family units located in the northeast corner of the project must be via a paved twenty-four foot wide street.
11. Dedicate an easement for public access to the east property line through the proposed parking lot.
12. Sidewalks shall be provided on one side of all roads in the development or an approved system of pedestrian paths can be provided in the open space areas to interconnect all parts of the development. Also, they shall be required adjacent to multi-family parking lots connecting the parking spaces to the structures and other sidewalks in the vicinity.
13. Detailed off street parking, loading, landscape and screening plans must be submitted with the final plan for approval. Approval shall be subject to regulations applicable at the time of approval.
14. 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 and standards applicable at the time of approval.
15. 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.
16. 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.
17. All utility lines shall be installed underground.

Ralph Nelson and Tom Levin of R.E. Nelson Engineering, John Minder, Engineer of Record, and Chris King of First Community of Bradenton, made a presentation and answered questions.

Mr Nelson asked that the bike path concept on each side of the road, stipulation No. 9, be eliminated.

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Jerome Gostkowski, Highway Department, was available to answer questions regarding the sidewalk and bike paths and to clarify stipulation No. 5.

Chris King outlined their plans for dedication and construction of roads within the development in conjunction with development phasings.

Public hearing was closed.

Following discussion, motion was made by Mr Chance to approve the Revised Conceptual Plan (for Ft Myers/Bradenton Trust) and Preliminary Development Plan, PDR 82-1, (Garden Lakes), and substitute new language in Stipulation 5 and Stipulation 9. Motion was seconded by Mr Fletcher and carried unanimously.

- 5) That portion of the 66 foot wide public right of way which connect 39th Street East with 37th Street East and SR 70 contained in Phase One must be dedicated and constructed with the first Phase of the Project. The remainder of the streets shall be constructed and dedicated with Phase Seven, or at such time as the County paves 39th Street East, whichever occurs first;
- 9) The major north/south road shall be twenty four feet wide with a five-foot sidewalk.

RECORD PDR

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TRAVEL AUTHORIZATION

Motion was made by Mr McGavic, seconded by Mr Chance, and unanimously carried to authorize Mr Vickers to travel to Miami to attend the Bond Closing for Wellcraft from May 25, thru May 26, 1982.

CETA - SUMMER YOUTH EMPLOYMENT/ADMINISTRATIVE COST POOL

Motion was made by Mr Chance, seconded by Mr Fletcher, to authorize the Chairman to sign CETA Summer Youth Employment Program (SYEP) Modification 202 and Administrative Cost Pool Modification 202 of the Manatee County Comprehensive Employment and Training Act Annual Plan for the grant period October 1, 1981 through September 30, 1982. Motion carried unanimously.

UTILITIES: FINANCIAL ADVISOR

The business of appointing a temporary financial advisor to handle the bond for the Utility Department was referred to the County Administrator.

RECESS/RECONVENE

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

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The Board reconvened at 4:45 p.m. with all members present except Mrs Glass.

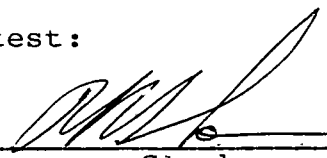
SURPLUS COUNTY PROPERTY (AUCTION)

Auction scheduled for Wednesday, May 19, 1982, for the sale of surplus of county property was deferred pending the receipt of the list of items to be sold.

MEETING ADJOURNED

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

Attest:

  
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Clerk

APPROVED:

  
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Chairman 9/28/82

Adj: 4:52 p.m.