

JUNE 24, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, June 24, 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
Dave Rothfus, representing
Robert Fernandez, Acting County Administrator
Richard H. Ashley, Chief 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 Rev. Jack Fowley, First Christian Church.

The meeting was called to order by Chairman Vickers.

CITIZENS FOR TAX RELIEF

During discussion on amendment to the Constitution regarding "Citizens for Tax Relief" it was suggested that Senator Patrick Neal be invited to appear before the Board to explain effects it would have on the citizens of Manatee County (if approved) and that the State Association of Commissioners be contacted for its views.

CERTIFICATE OF APPRECIATION (SAILES)

A Certificate of Appreciation was presented to Seymour Sailes in recognition of his seven years service on the Planning Commission.

GERALDSON'S BARN - PETITION FOR A SIGN

No action was taken on recommendation by Larry Frazier, Planning Director, to continue to enforce and implement the Sign Ordinance as it relates to a sign for "Geraldson's Barn" at the corner of 75th Street and 9th Avenue, N.W., a sign-free area. (A petition had been received requesting restoration of the sign.)

IMPACT ASSESSMENT PROJECT - PROGRESS REPORT

The Planning Director reviewed the status of the development of impact fees (impact assessments) outlined in his memorandum of June 29, 1982.

WINTER GARDEN SUBDIVISION, UNIT 3 - FEE WAIVER (STREET VACATION)

Motion was made by Mrs Glass that the Board waive application fee of \$450 in connection with the vacation of an alleyway located in Winter Gardens Subdivision, Unit 3. Motion was seconded by Mr Chance and carried unanimously.

HOUSEMOVINGS - MEADE; MAYNARD; ABARR

Motion was made by Mr Chance to approve housemoving application

HM-82-14 Rowe Meade - to move a building from 1323 63rd Avenue East to West of Christian Retreat and approximately 1,000 feet north of Upper Manatee River Road on the east side of a private road -

with the condition that the private street to provide access be approved before the housemoving permit is issued. Motion was seconded by Mrs Glass and carried unanimously.

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Motion was made by Mr McGavic to approve housemoving application

HM-82-15 Robert B. Maynard - to move a building from 1323 63rd Avenue East, Bradenton, to 3308 38th Street East, Palmetto

with the condition that the applicant execute an affidavit absolving Manatee County of responsibility to maintain the access road and authorizing issuance of a driveway permit. Motion was seconded by Mrs Glass and carried unanimously.

Motion was made by Mr Chance to approve housemoving application

HM-82-16 Mr & Mrs Abarr - to move a building from 107 15th Street East, Parrish, to 4408 99th Avenue East, Parrish

Motion was seconded by Mrs Glass and carried unanimously.

WINTER GARDENS SUBDIVISION, UNIT 3 - PUBLIC HEARING/STREET VACATION

Upon motion by Mrs Glass, seconded by Mr Chance, a resolution was unanimously adopted scheduling a public hearing for July 22, 1982, to consider:

82-V-7 Request by Emil T & Geraldine DeSpirito to vacate approximately 1,233 feet of an alleyway within Winter Gardens, Unit 3, Subdivision (PB 5, Page 33).

RECORD RESOLUTION

S32-153

PINE BLUFF SQUARE - STREET VACATION

Public hearing was held for the purpose of considering petition by Ludwid and Gerda Winkler for vacation of portion of an easement, in Pine Bluff Square Subdivision. (Notice published in The Bradenton Herald, June 8 & 15, 1982)

Upon motion by Mrs Glass, seconded by Mr Chance, the Board unanimously adopted

82-V-4 RESOLUTION Vacating the North 10 Feet of a 20 Foot Rear Lot Utility Easement on Lot 62 of Pine Bluff Subdivision. (PB 19, Pages 120, 121).

RECORD RESOLUTION

S32-154

ORANGE RIDGE SUBDIVISION - STREET VACATION

Public hearing (continued from June 10, 1982) was held for the purpose of considering petition by Carl F. & Norma G. Fortner; Sophia Brown f/k/a Sophia Beavers; Donald A. & Patricia A. Vincent and Robert B. Godwin for street vacation (82-V-3).

Upon motion by Mrs Glass, seconded by Mr Chance, the Board unanimously adopted

82-V-3 RESOLUTION Vacating a Portion of 21st Avenue East in Orange Ridge Subdivision (PB 4, Page 52).

RECORD RESOLUTION

S32-155

ZONING

79-S-31 WINDANCE ESTATES SUBDIVISION - F/PLAT - APPROVED

Request: Final Subdivision Plat Approval.

Motion was made by Mr McGavic to approve Final Subdivision Plat No. 79-S-31, Windance Estates Subdivision and approve and accept the defect security (Irrevocable Letter of Credit, No. 1014, First Bank & Trust/by order of Deerwood Gardens, Inc., \$6,500). Motion was seconded by Mr Chance and carried unanimously.

Recommendations of the Planning Commission were submitted by Mr Frazier.

Public hearing was opened for the purpose of considering

SP-82-30 C. T. ADAMS - 1-COP - DEFERRED

Request: Special Permit to allow the consumption of beer (1-COP) at a rodeo arena at 2508 Lena Road zoned A-1. (Notice published in The Bradenton Herald, May 26, 1982) Planning Commission gave no formal recommendation.

Mr Frazier relayed the objection of Rev. J. B. Smith to SP-82-30.

William Kaklis, representing Mr Adams, made a brief presentation and responded to questions.

Those speaking in opposition were:

Roger Musgrave - 8503 Route 64, East, who submitted a letter from the Arcadia Rodeo Association regarding numerous problems they had experienced since allowing the sale of beer on the premises during a rodeo.

Gary Byram - Pastor of Bible Baptist Church.

Motion was made by Mrs Glass, and seconded by Mr Chance, to authorize staff to prepare and submit the appropriate document for denial of SP-82-30. Motion carried unanimously.

Motion was made by Mrs Glass to continue the Public Hearing to July 8, 1982. Motion was seconded by Mr Chance and carried unanimously.

After a brief recess the Board reconvened with all members present except Mr Fletcher.

Public hearing was opened for the purpose of considering

SP-82-38 GARRETT DEAN WINGATE - MOBILE HOME APPROVED

Request: To allow a mobile home in addition to an existing mobile home on 12.5 acres one-half mile east of Bethany Road on S.R. 64. (Notice published in The Bradenton Herald May 27, 1982) Planning Commission Recommended APPROVAL to Garrett Dean Wingate for a period of two years, plus two years at the discretion of the Planning Director.

There being no public comment, public hearing was closed.

Motion was made by Mrs Glass to approve SP-82-38 subject to the condition set forth by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

Public hearing was opened for the purpose of considering

SP-82-40 BURT ROGERS - GAS PUMPS APPROVED

Request: To allow self-service gasoline pumps in conjunction with retail sales on .5 acre at 3101 15th Street, East. (Notice published in the Bradenton Herald June 3, 1982). Planning Commission Recommended APPROVAL with a waiver of the 150 foot frontage requirement on 31st Avenue, East and the following stipulation:

The side street, 31st Avenue East, shall be constructed to County standards from the access drive to 15th Street East.

There being no public comment, public hearing was closed.

Motion was made by Mr McGavic, and seconded by Mrs Glass, to approve SP-82-40 with the waiver and stipulation set forth by the Planning Commission. Motion carried unanimously.

Public hearing was opened for the purpose of considering

SP-82-41 BARBARA CHURCH - BEAUTY SHOP DEFERRED

Request: To allow a one-chair beauty shop as a home occupation on .3 acre at 6349 5th Street Circle East (Chamness Sub.) (Notice published in The Bradenton Herald, May 26, 1982) Planning Commission gave no formal recommendation.

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Barbara Church, applicant, was available to answer any questions.

Joe Ferrell, representing Eugene Chamness, owner of adjoining property and Chamness Subdivision, made a presentation in opposition and showed slides of the area in which the beauty shop is to be located. Mr Chamness was also present.

Motion was made by Mrs Glass, and seconded by Mr McGavic, that public hearing be continued to Thursday, July 1, 1982 at 10:00 a.m. or soon thereafter. Motion carried unanimously.

Public hearing was opened for the purpose of considering

SP-82-42 EPISCOPAL DIOCESE OF SOUTHWEST FLORIDA, INC./APPROVED
Request: To allow a religious conference center and recreational retreat on 77.5 acres at the southeast corner of Lyntnor Road and Wellon Ranch Road.

(Notice published in The Bradenton Herald, June 3, 1982)

Planning Commission Recommended APPROVAL with the following stipulations.

1. The applicant shall participate in the proposed project to pave Lyntnor Road. Should the participation project not generate the required support, the applicant shall pave Lyntnor Road from its intersection with Wellon Ranch Road to the site's entrance.
2. All internal streets shall conform to County design standards regarding width and drainage.
3. The final development plan shall propose a method of sewage disposal which conforms to all aspects of the Florida Administrative Code.
4. Any additional right-of-way required on Lyntnor Road shall be dedicated in conjunction with final development plan approval.

There being no public comment, public hearing was closed.

Motion was made by Mr Chance to approve SP-82-42 subject to the stipulations set forth by the Planning Commission. Motion was seconded by Mrs Glass and carried unanimously.

Z-82-28 TIMBERLINE ENTERPRISES - REZONES (VARIOUS) APPROVED

Request: To change the present zoning from AF/A-1 and A-1 to AF/R-4B, R-4B and AF/C-1 on 219.44 acres North of 301, West of Victory Road.

(Notice published in The Bradenton Herald, June 7, 1982)

Planning Commission Recommended DENIAL of the request for R-4B and AF/R-4B and APPROVAL of the request for AF/C-1.

Public hearing was opened for the purpose of considering

ORDINANCE Z-82-28: '

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 TO R-4B AND FROM AF/A-1 TO AF/R-4B AND FROM AF/A-1 TO AF/C-1; PROVIDING AN EFFECTIVE DATE.

Those speaking in OPPOSITION were:

Dave Norris (owner of Shady Range Dairy); Bob McFarland (owner of 40 acres on the corner of Mendoza and Victory Roads).

Those offering NO OBJECTIONS were:

John Day (Day's Grove Inc.); Bill Horn (Palmetto Federal S & L).

There being no further comments, public hearing was closed.

Mr Chance moved to approve Z-82-28 because the rezoning is consistent with the trend of development that is appropriate in the area and is consistent with the Manatee Plan since the property should be regarded as part of the U.S. 301 corridor. Motion was seconded by Mrs Glass and carried unanimously.

RECORD ORDINANCE

After a brief recess the Board reconvened with all members ^{zoning} present except Mr Fletcher.

PDR-82-3 RIVER WILDERNESS COUNTRY CLUB, PHASE 1 - P/PLAN

Request: Approval of Preliminary Plan on 455 acres south of Old Tampa Road and west of Fort Hamer Road.

Planning Commission Recommended APPROVAL with a waiver of sidewalk requirements and the following stipulations:

1. That all proposals contained in materials submitted by the applicant be met or followed unless otherwise stated or except as necessarily modified here.
2. To assist in the proper provision for adequate emergency fire services, the developer shall be required to pay \$10,000 to the Parrish Fire District when building construction begins in Phase I. Additionally, the developer will be required to pay any and all emergency service impact fees that may be required on a district or county-wide basis in the future.
3. An earthen berm and landscape screening shall be installed along the east and south sides of the sewage treatment plant site where necessary to screen facilities from off-site view
4. A master drainage plan for the entire project shall be required for review with Phase I construction plans.
5. If Old Tampa Road from U.S. 301 to Foy Road is not paved when the developer of River Wilderness Country Club is ready to pave his portion of Old Tampa Road, then the developer may, as his alternative, choose to pave Chin Road from U.S. 301 to River Wilderness' main entry road.
6. A 60 foot half right-of-way on Old Tampa Road and Fort Hamer Road shall be dedicated to Manatee County with Phase I in addition to the right-of-way required to accomplish the extension of Chin Road and Old Tampa Road Relocated.

Jerome Gotskowski, Transportation Department, stated the applicant has committed himself to paving approximately 2.7 miles of Old Tampa Road. This falls short of reaching U.S. 301 by approximately 7/8 of a mile due to a previous commitment for participation between Manatee County and Mr Petzel, who has a preliminary approval for a mobile home and commercial development, calling for this work to be accomplished at the time that he develops his site. He recommended speeding up construction of the 7/8th mile to U.S. 301, and pursue modification of agreement with Mr Petzel to accomplish the paving of Old Tampa Road, which would require budgetary changes.

He also recommended there be a commitment to resolve a hazard by eliminating two 90-degree turns on Old Tampa Road.

Robert Lombardo, Consulting Engineer, indicated that stipulation No. 2 satisfies all fire, EMS and Sheriff requirements for all phases of the PUD assuming the developer does not request an extension of time to the approved phasing plan, and requested deletion of stipulation No. 6 beginning at "in addition..." to the end of the sentence.

The Planning Director concurred with the request regarding Stipulation No. 6.

Lloyd Sheehan, owner of the property, was available to answer questions.

Mr Chance made, and then withdrew, a motion to approve PDR-82-3, River Wilderness Country Club, Phase I, subject to the sidewalk waiver and conditions recommended by the Planning Commission with the change in Stipulation No. 6 as recommended by the Planning Director.

The Highway Director advised that Mr Sheehan has agreed to provide correspondence stating that he wants to work with the Department to resolve the matter of the 90-degree turns.

Motion was made by Mr Chance, and seconded by Mr McGavic, to approve Preliminary Planned Unit Development Plan, PDR-82-3, River Wilderness Country Club, Phase I, subject to the sidewalk waiver and conditions recommended by the Planning Commission with the change in Stipulation No 6 and with the comment that the developer will work with the County in resolving the Old Tampa Road problem. Motion carried unanimously.

After a brief recess the Board reconvened with all members present except Mr Fletcher.

RECORD
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BEKER PHOSPHATE - WINGATE CREEK MINE

Richard Eckenrod, Phosphate Mining Coordinator, reported that, as a result of the recent rainfall, Beker requests that excess water from their slime-pond be discharged to allow an adequate safety margin within the Plant water system to absorb any major storms. It is probable that if this occurs through Wingate Creek (the permitted discharge point), it would not meet all the effluent quality standards required in the DER and NPDES Permits. Mr Eckenrod stated that Beker has requested a revision of permits to allow construction of a temporary alternative discharge point; that the quality of water discharged from the new location would be considerably better than that likely to be discharged at the existing location. Staff has begun processing the application as an amendment to the mining plan and operating permit, but the amendment process takes a minimum of four weeks and discharges are likely to occur before that time. He asked that staff pursue the possibility of reaching an agreement with Beker by which they could discharge at an alternative location on an emergency temporary basis.

Beker has requested to discharge 14.4 million gallons of water per day but the County could not approve a discharge of that level unless Beker demonstrated this would not aggravate existing flooding problems or lead to prolonged flooding. Should the dam overtop, it could result in a failure of the slime pond and endanger Lake Manatee Water Shed.

RECESS/RECONVENE

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

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The Board reconvened at 4:55 p.m. with all members present except Mr Fletcher.

Mr Eckenrod advised he will be meeting with Bill Earl, and representatives of the Southwest Florida Water Management District, the Department of Environmental Regulations and Beker to discuss this situation (Friday, June 25th).

It was noted that it may be appropriate to immediately inform Sarasota County of the situation and extend an invitation to the meeting.
(Exit Mrs Glass)

CLERK'S CONSENT CALENDAR

Upon motion by Mr Chance, seconded by Mr McGavic, the Clerk's Consent Calendar dated June 24, 1982, was unanimously approved as follows:

BILLS FOR PAYMENT:

Howard, Needles, Tammen & Bergendoff (Inv. #18, Lake Manatee Impoundment Facilities, Phase II, Final Design)	\$13,215.79
Blake Memorial Hospital - Indigent Hospital	1,056.96
Manatee Memorial Hospital - OB Clinic	2,771.52

MEETING ADJOURNED

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

Attest:

APPROVED:



Clerk



Chairman 10/26/82

Adj: 7:55:10 p.m.