

AUGUST 26, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, August 26, 1982 at 9:04 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, County Administrator  
Richard H. Ashley, Chief Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Greg Spears, The Bradenton Herald; Jud Magrin, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Rev. James Pike, General Baptist Church.

The meeting was called to order by Chairman Vickers.

SIDEWALKS

Suggestion by Mr Fletcher that a mechanism be developed in the Land Development Code to allow for flexibility in sidewalk installation requirements was referred to Staff (Legal and Planning) for research and report to the Board on Tuesday, August 31, 1982.

DRAINAGE - ELLENTON

Mr Chance requested the Highway Department investigate and attempt to resolve a flooding problem behind the new Savings & Loan Building in Ellenton caused by outfall from the drainage ditch that runs from US 301 to Manatee River (problem reported by Ida Suttles).

DRIVEWAY/SR 70 (FINGER)

The Planning Director reported that property owned by Audrey and Ronald Finger on State Road 70 is in the AF Overlay District and part of an approved site plan for a commercial activity center (approved 9/25/80); that Planning staff has no objection to redefining the activity center to allow the addition of another driveway if the following provisions are met: 1) adjoining property owner agrees in writing to his inclusion in the activity center and conformance with AF Overlay requirements; 2) the State's plan for potential road improvements to SR 70 will not place another drive within 150 feet of subject driveway.

SETBACK REQUIREMENTS - WATERFRONT LOTS/YARDS

In response to concern raised by Mr Chance in a prior meeting, the Planning Director advised that evaluation of waterfront lots and yard setback requirements will be included in the next round of amendments to the Zoning Ordinance.

HOUSEMOVING

Motion was made by Mrs Glass, seconded by Mr Chance and carried unanimously, to approve housemoving applications, subject to conditions recommended by the Planning Commission:

HM-82-20 R. CLIFFORD - To move a building from  
5244 33rd Street East to 4419 34th Avenue East  
subject to removal of the existing house prior to issuance of  
a Certificate of Occupancy for the moved house.

HM-82-21 PAT HARPER - To move a building from  
3311 25th Street East to 3308 25th Street East  
subject to a minimum of 275 square feet of living area being added  
prior to issuance of a Certificate of Occupancy.

BALLENTINE MANOR - STREET VACATION DEFERRED

Public hearing was continued on 82-V-6 (from 8/12/82) to vacate certain streets in Ballentine Manor, Bay Heights Section.

Motion by Mrs Glass, and seconded by Mr Fletcher, to defer the public hearing indefinitely was withdrawn after discussion.

Motion was made by Mr McGavic to defer 82-V-6 to September 9, 1982. Motion was seconded by Mr Fletcher and carried unanimously.

BAYWOOD WEST SUBDIVISION: STREET VACATION - PUBLIC HEARING

Public hearing was opened to consider 82-V-2, request by Eric Robertson to vacate a 75 x 271-foot portion of a 150-foot drainage right of way of the Cedar Hammock Canal, Baywood West Subdivision.

The Planning Director requested the public hearing be rescheduled to September 23, 1982 due to applicant failing to meet legal notice requirements for public hearing on August 26th.

Motion was made by Mr Fletcher to adopt  
RESOLUTION DECLARING PUBLIC HEARING  
ON 82-V-2 ON SEPTEMBER 23, 1982.

Motion was seconded by Mr McGavic and carried unanimously.

RECORD RESOLUTION

ZONING

S32-352

Public hearings were held to consider recommendations of the Planning Commission.

Motion was made by Mrs Glass, and seconded by Mr Chance, to approve Special Permits SP-82-63, SP-82-73, SP-82-58 with conditions set forth by the Planning Commission as follows:

(1) SP-82-63 HOPE LUTHERAN CHURCH - APPROVED

Request: Special Permit for expansion of church facilities on 5.52 acres at 4635 26th Street West.

(Notice published in The Bradenton Herald, 8/3/82)

Planning Commission recommended APPROVAL subject to following stipulations:

1. Fire hydrant is required within 400 feet of new structure
2. Wheel stops to delineate grassed parking for normal Sunday Services shall be installed
3. Screening along south property line adjacent to parking areas for normal Sunday Services shall be installed to buffer adjacent residences.

(2) SP-82-73 BETHEL BAPTIST CHURCH - APPROVED

Request: Special Permit for expansion of existing church to include additional Sunday School rooms; new sanctuary; custodial residence on 5 acres on the south side of 30th Avenue W., 1000 feet west of 14th Street W.

(Notice published in The Bradenton Herald, 7/27/82)

Planning Commission recommended APPROVAL, subject to following conditions:

1. Additional buffering will be required along 30th Avenue East
2. Existing paved offstreet parking shall be striped to delineate individual spaces.

(3) SP-82-58 SCHOOL BOARD OF MANATEE COUNTY - APPROVED

(Orange Ridge Elementary School)

Request: Special Permit for expansion of existing school of general education; including classroom and office space for 100 handicapped students and 25 staff persons on 11 acres at 400 30th Avenue W.

(Notice published in The Bradenton Herald, 8/9/82)

Planning Commission recommended APPROVAL subject to following conditions:

1. A fire hydrant to be installed to serve the school of special education per requirements of the Cedar Hammock Fire Control District.

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2. Parking in the 30th Avenue West right of way is prohibited. Additional on-site parking which meets the requirements of the Land Development Code shall be provided as the need arises.

Motion carried unanimously.

SP-82-59 FELLOWSHIP BAPTIST CHURCH - APPROVED

Request: Special Permit for a church and related facilities (fellowship hall and 300-seat sanctuary; a future 4,000 square foot additional classrooms and office space) on 2 acres on 63rd Avenue East, 343 feet east of 33rd Street East.

(Notice published in The Bradenton Herald, 8/10/82)

Planning Commission recommended APPROVAL, subject to following stipulations:

1. All grassed parking must be maintained and marked by wheel stops in accordance with requirement of the Land Development Code.
2. Screening of the parking area from adjacent residences according to the requirements of the Land Development Code shall be addressed with the final site plan.

Speaking in opposition were: William R. Wheeler and June and Steve McCardle.

Motion was made by Mr Chance to approve SP-82-59 subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr McGavic and carried unanimously.

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

SP-82-54 CHARLES ZAGAMA - 2-COP DENIED

Request: Special Permit for consumption of beer and wine (2-COP) at a proposed 66-seat tavern at 12207 Cortez Road West.

(Notice published in The Bradenton Herald 8/9/82)

Planning Commission recommended APPROVAL with conditions:

1. Number of seats to be limited by number of parking spaces available.
2. No access to building allowed along Cortez Road.
3. A sign indicating parking is to the rear will be placed in front of the building along Cortez Road.
4. Site will have access to 123rd Street W. only.
5. North property line will be fenced and landscaped
6. A hedge is required along 123rd Street W.
7. Prior conversion of property to tavern use, or the issuance of a beer and wine license, applicant must obtain final site plan approval and install necessary paving and landscaping to parking area to meet Land Development Code
8. Alcohol will not be sold after 1:00 a.m.
9. Special Permit is granted to William Eugene Douglas for the Cortez Lighthouse.

Richard Carter, Attorney for applicant, stated that the applicant agreed with the conditions of the Planning Commission and submitted petitions with 383 signatures indicating no objections to the 2-COP.

Dave Zoller, Myrtle Williams, Gary Johnson, Doug Dekle and Marshall Young spoke in opposition to having a bar in the community because of its incompatibility with the neighborhood, devaluation of residential properties and due to excessive noise and traffic.

Mr Fletcher stated his opinion that the proposed operation is not compatible with the residential area and moved to deny SP-82-54. Mrs Glass seconded the motion with suggestion counsel prepare a resolution stating reasons for denial. Mr Fletcher amended his motion to include directing counsel to prepare the appropriate resolution denying SP-82-54 and submit to the Board Tuesday, September 7, 1982. Motion carried unanimously.

At the suggestion of Mr Vickers, the County Administrator will schedule a work session on a moratorium on granting such licenses.  
(Exit Mrs Glass)

Z-82-36 STEPHENSON MANOR HOMES - NOT APPROVED

Request: Change present zoning from A-1 to R-4B to provide areas for mobile home dwellings located in mobile home parks on 49.05 acres on both sides of Ellenton-Gillette Road and south of Willis Road. (Notice published in The Bradenton Herald, 7/28/82) Planning Commission recommended APPROVAL.

Patty Petruff, Attorney for applicant, requested rebuttal privileges to any objections that might be raised.

Ron Larson, Engineer of Record, made an overview presentation of the proposed development and stated that Florida Department of Transportation had advised the developer that the contract for widening and resurfacing Ellenton-Gillette Road all the way to U.S. 301 will be let in December 1982.

Mr Chance expressed concern about traffic problems and the development trend in the area.

Joe Cincotta, owner of forty acres just east of the site, objected to another mobile home park in the area and its accompanying traffic problems.

In addition to concerns about traffic problems, Deborah Bagshaw objected to her family's property in the existing orange grove being completely surrounded by a mobile home park.

Ms Petruff stated the developer will comply with all Land Development Code requirements to alleviate impact on the roads.  
(Enter Mrs Glass)

Responding to inquiry by Mrs Glass regarding "protection of the developing character of a sector", the Planning Director responded that "the decision on this application will implicitly indicate policy".

Mr McGavic moved for adoption of Manatee County Ordinance Z-82-36. Motion was seconded by Mr Fletcher. Voting "Aye" were Mr McGavic and Mr Fletcher. Voting "Nay" were Mrs Glass, Mr Chance and Mr Vickers. Motion failed to carry.

Z-82-34 NORMAN ROSEDALE - R-1A APPROVED

Request: Change present zoning from A-1 to R-1A on 1.89 acres at 2406, 2408, 2410 51st Blvd E. (Notice published in The Bradenton Herald, 8/6/82) Planning Commission recommended DENIAL.

ORDINANCE Z-82-34:  
AMENDING ORDINANCE NO. 81-4.....  
PROVIDING FOR THE REZONING OF CERTAIN LAND  
FROM A-1 TO R-1A; PROVIDING AN EFFECTIVE DATE.

Mr Rosedale submitted surveys and aerial maps of the property, together with petitions containing signatures of individuals who had withdrawn earlier objections which were due to the fact they did not understand his purpose was to upgrade zoning to allow fewer residential units than presently allowed.

Motion was made by Mr McGavic to adopt Ordinance Z-82-34. Motion was seconded by Mr Fletcher and carried unanimously.

RECORD ORDINANCE *Zoning*

Z-82-35 MAMLOCK - REZONE TO AF/C-1A APPROVED

Request: Change present zoning from AF/A-1 to AF/C-1A on 1.3 acres on southwest corner of State Road 64 E and Morgan Johnson Road. (Notice published in The Bradenton Herald, 8/2/82) Planning Commission offered no recommendation.

(Exit Mrs Glass)

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ORDINANCE Z-82-35  
 AMENDING ORDINANCE NO. 81-4....  
 PROVIDING FOR THE REZONING OF CERTAIN LAND FROM  
 AF/A-1 TO AF/C-1A; PROVIDING AN EFFECTIVE DATE.

Motion was made by Mr McGavice to adopt Z-82-35. Motion was seconded by Mr Fletcher and carried unanimously.

RECORD ORDINANCE zoning

PDR 82-2-P CHADWICK ISLAND - APPROVED

Request: Preliminary Planned Development Plan Approval of 138 residential units on 86 acres at the south end of 86th Street West.

Planning Commission recommended APPROVAL, subject to the following stipulation:

1. Final site plan approval will not be granted for any portion of the project until either (1) the dedication proposed by developer to the Audubon Society and New College Foundation have been accepted and finalized, or (2) developer has recorded in the Public Records of Manatee County instruments in a form acceptable to the County Attorney which assure that the property proposed for possible dedication is undevelopable and will be left in its natural state in perpetuity.

Cooperative Agreement (concept) - 86th Street W.

Jerome Gostkowski, Highway Department, requested conceptual approval of a cooperative agreement between the County and the developer for construction of the south end of 86th Street West.

Motion was made by Mr Chance to approve the document "Island Properties, Ltd Construction Cooperative Agreement", presented to the Board, in concept. Motion was seconded by Mr McGavice and carried unanimously.

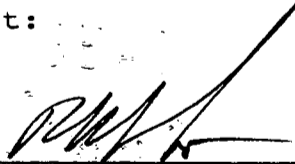
Motion was made by Mr Fletcher to approve Preliminary Plan Development Plan PDR-82-2 subject to conditions recommended by the Planning Commission. Motion was seconded by Mr McGavice and carried unanimously.

RECORD zoning

MEETING ADJOURNED

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

Attest:

  
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 Clerk

APPROVED:

  
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 Chairman 1/16/83

Adj: 12:40 p.m.