

SEPTEMBER 23, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, September 23, 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
David Rothfuss, Acting Assistant County Administrator
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representing the various news media were Mark Todd, Sarasota Herald-Tribune; Pat Wasson, WBRD, and others who entered during the meeting

Invocation by Reverend Max Smith, Westside Christian Church.

The meeting was called to order by Chairman Vickers.

TRAVEL AUTHORIZATION

Upon motion by Mr Chance, seconded by Mr McGavic, travel was unanimously authorized for Mr McGavic to return from New York for a Budget Hearing on September 30, 1982.

SCHOOL BOARD/COUNTY COMMISSION - POLICY STATEMENT

Larry Frazier, Planning Director, reviewed memorandum dated September 16, 1982, in regard to the School Board/County Commission Policy Statement outlining the roles and relationship between the two governmental bodies.

CITY OF BRADENTON - WARD LAKE EXPANSION (BOND ISSUE)

In connection with the City of Bradenton Ward Lake Expansion Project and action taken by the Board on September 9, 1982 (letter explaining County permitting process), the Assistant County Attorney reported that the Governor and Cabinet had, by resolution, authorized the issuance of a letter of credit to the City of Bradenton.

CORTEZ PENINSULA - AMENDMENTS TO THOROUGHFARE PLAN

Larry Frazier reviewed memorandum dated September 16, 1982 in regard to the Cortez Peninsula Traffic Study and proposed amendments to The Manatee Plan (Traffic Circulation Element/Major Thoroughfare Plan), which are required to be sent to State, Regional and Local Agencies.

He recommended (1) the Chairman be authorized to sign letters of transmittal of proposed Amendments to The Manatee Plan to the appropriate agencies and (2) the two required evening hearings be scheduled on November 29, and December 13, 1982, at 6:30 p.m. (in County Commission Chambers).

Motion was made by Mrs Glass, and seconded by Mr Fletcher to set the hearings for 6:30 p.m. on November 29 and on December 13, 1982. Motion carried unanimously.

Mr Fletcher moved that the Chairman be authorized to sign transmittal letters to State, Region and surrounding jurisdictions. Motion was seconded by Mrs Glass and carried unanimously.

PLANNING DEPARTMENT - FAMILIARIZATION PROGRAM

There were no objections to recommendation by Mr Frazier that a "familiarization program" be held in the Planning Department to which Board members would be invited in order for them to become more familiar with activities of the Department.

SEPTMBER 23, 1982

Cont'd

ORDINANCE 82-18 - CODE ENFORCEMENT BOARD

The Chairman declared the public hearing (notice published in the Bradenton Herald, August 27, 1982) open for the purpose of considering

ORDINANCE 82-18:

AN ORDINANCE CREATING A CODE ENFORCEMENT BOARD OF MANATEE COUNTY, FLORIDA, FOR THE PURPOSES OF ENFORCING VARIOUS CODES AND ORDINANCES OF MANATEE COUNTY; PROVIDING DEFINITIONS; PROVIDING FOR QUALIFICATIONS, APPOINTMENT, AND TERMS OF MEMBERS; PROVIDING FOR LEGAL COUNSEL; PROVIDING PROCEDURES BY WHICH THE CODE ENFORCEMENT BOARD SHALL OPERATE AND SHALL CONDUCT PROCEEDINGS; PROVIDING FOR THE CATEGORIES OF MATTERS IN WHICH THE CODE ENFORCEMENT BOARD SHALL HAVE JURISDICTION, AND PROVIDING MEANS BY WHICH ITS JURISDICTION MAY BE CHANGED OR SUPPLEMENTED; PROVIDING FOR NOTICE OF VIOLATIONS AND HEARINGS UPON ALLEGED VIOLATIONS; PROVIDING FOR THE COUNTY ATTORNEY TO ACT AS COUNSEL TO THE CODE ENFORCEMENT BOARD; PROVIDING AUTHORITY FOR THE CODE ENFORCEMENT BOARD TO ADOPT RULES, TAKE TESTIMONY, ISSUE SUBPOENAS AND ISSUE ORDERS; PROVIDING FOR PENALTIES AND FINES, AND THE ESTABLISHMENT OF LIENS IN CONNECTION THEREWITH; PROVIDING FOR APPEAL TO THE CIRCUIT COURT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Mr Frazier reviewed the proposed ordinance and indicated that the Code Enforcement Board has no authority in land use decisions.

Keith Roberts pointed out that the three principle jurisdictions that are established for the Code Enforcement Board are (1) the Land Development Code, (2) the Sign Ordinance, and (3) the Building Code. Also included in the Ordinance are provisions that the Code Enforcement Board will have jurisdiction over any other Code or Ordinance whose provisions are to be enforced by the Enforcement Board. The Board may, by resolution, add to the jurisdiction of the Code Enforcement Board.

Avery Gould spoke in favor of the Ordinance.

Upon motion by Mrs Glass, seconded by Mr Fletcher, Ordinance 82-18 was unanimously adopted.

RECORD ORDINANCE

S32-409

The Chaiman declared the public hearing closed.

HOUSEMOVING (CUMMINGS)

Motion was made by Mr Fletcher, seconded by Mrs Glass and carried unanimously, to approve housemoving application

HM-82-22 KYLE CUMMINGS - to move a single-family residence from 1802 B Gulf of Mexico Drive, Holmes Beach, to Waterbury Grapefruit Tracts, approximately 1 1/2 miles south of S. R. 64 and 1 mile west of Verna Bethany Road. (Cline Road off Verna Grade)

BAYWOOD WEST SUBDIVISION - STREET VACATION/CEDAR HAMMOCK CANAL R/W

Public hearing (notice pulished in the Bradenton Herald, September 1 & 8, 1982) was open for the purpose of considering application of Eric B. Robertson (82-V-2) for Street Vacation/Cedar Hammock Canal Right-of-Way.

Upon motion by Mr Fletcher, seconded by Mr McGavic, the Board unanimously adopted resolution

82-V-2 Vacating a portion of the drainage right-of-way of the Cedar Hammock Canal within Baywood West Subdivision (Plat recorded PB 18, page 28)

RECORD RESOLUTION

S32-410

JOHN WESLEY PARK - PUBLIC HEARING (82-V-5)

Upon motion by Mrs Glass, seconded by Mr McGavic, Resolution was unanimously adopted setting October 21, 1982 as the date for public hearing on

82-V-5 Application of Reorganized Church of Jesus Christ of Latter Day Saints -to vacate approximately 253 ft. of 16th Street Court East in John Wesley Park (Plat Book 5, page 57)

RECORD RESOLUTION S32-411

ZONING

79-S-30 ARCHWAY SUBDIVISION - FINAL PLAT - APPROVED

Request: Final subdivision plat approval on 5.26 acres located on the south side of Memphis Road (17th St. E.) approximatesly 1,000 feet east of Ellenton-Gillette Road. Planning Staff recommended APPROVAL.

Mr Chance declared a conflict of interest with this application and stated that he would abstain from voting.

Mr McGavic moved to approve final subdivision plat no. 79-S-30, Archway Subdivision. (Subdivision Agreement/Exchange National Bank, with Cashier's check in the amount of \$13,500). Motion was seconded by Mrs Glass and carried by affirmative vote of Mr McGavic, Mrs Glass, Mr Fletcher and Mr Vickers. Mr Chance abstained.

RECORD SUBDIVISION AGREEMENT

81-S-14 SUMMERFIELD ESTATES - FINAL PLAT - APPROVED

S32-412

(Formerly "Pangola Estates")

Request: Final subdivision plat approval on 7.14 acres east of U.S. 41, 2000 feet north of Mendoza Road. Planning Staff recommended APPROVAL.

Mr McGavic moved to approve final subdivision plat 81-S-14, Summerfield Estates. (Letter of Credit No. 104, First Commercial Bank of Manatee County, \$5,564.79 for Florida Southwest Land Development Company). Motion was seconded by Mr Fletcher and carried unanimously.

PDR-82-3 RIVER WILDERNESS COUNTRY CLUB, PHASE 1 "A" - FINAL PLANNED DEVELOPMENT PLAN - APPROVED

Request: Final planned development plan approval on 140 + acres zoned PDR located south of Old Tampa Road and west of Fort Hamer Road. Planning Commission recommended APPROVAL.

Mr Chance moved to approve Preliminary Planned Development Plan No. PDR-82-3, River Wilderness Country Club - Phase 1 "A". Motion was seconded by Mrs Glass and carried unanimously.

RECORD zoning

82-S-3 BRADEN WOODS, PHASE IV - P/PLAT - APPROVED

Request: Preliminary subdivision plat approval on 105.48 acres east of I-75 between S.R. 70 and Linger Lodge Road. Planning Commission recommended APPROVAL subject to the following conditions, provided requested waiver - Recreational Open Space Requirements - is approved:

1. A 42 foot half right-of-way shall be dedicated along the Braden River Road (Linger Lodge Road).
2. A five (5') foot wide sidewalk shall be constructed along Braden River Road (Linger Lodge Road) for the frontage of the property.
3. The 100 year storm high water mark shall be shown on the construction drawings.

Mrs Glass moved to approve Preliminary Subdivision Plat No. 82-S-3, Braden Woods Phase IV, subject to the conditions set forth by the Planning Commission. Motion was seconded by Mr McGavic and carried unanimously.

SEPTEMBER 23, 1982

Cont'd

82-S-4 TALLEVAST INDUSTRIAL S/D - P/PLAT APPROVED

Request: Preliminary subdivision plat approval on 13.24 acres on the north side of Tallevast Road, west of Pearce Park Road. Planning Commission recommended APPROVAL.

Mr Fletcher moved to approve preliminary subdivision plat 82-S-4, Tallevast Industrial Subdivision. Motion was seconded by Mr McGavic and carried unanimously.

Public hearing (notice published in the Bradenton Herald, August 27, 1982) was open for the purpose of considering

SP-82-26 RICHARD BAUMGARTNER - MOBILE HOME - APPROVED

Request: Mobile home as a watchman's residence on 57,000 sq. ft., lot 5 of Prospect Industrial Park. Planning Commission recommended APPROVAL.

Public hearing (notice published in the Bradenton Herald, September 2, 1982) was open for the purpose of considering

SP-82-75 SCHULT MOBILE HOME CORPORATION - APPROVED

Request: Special Permit in the M-1 District to allow the expansion of a heavy industrial use on 9.6 + acres on the east side of U.S. 301, 1/4 + mile south of Whitfield Ave. Planning Commission recommended APPROVAL.

Public hearing (notice published in the Bradenton Herald, September 4, 1982) was open for the purpose of considering

SP-82-77 MRS. RICKIE PALEY - WAREHOUSING, ETC., APPROVED

Request: Special Permit in the C-2 District to allow light manufacturing; printing establishments; scientific research and development; warehousing with associated offices on 7.9 acres on the east side of U.S. 301, south of 57th Ave. E. Planning Commission recommended APPROVAL with the following conditions:

1. There will be no food service, food outlets or food processing in the buildings.
2. Bathrooms will be provided in all new units except the 14' x 22' storage units. Covered access will be provided to community restrooms from these smaller storage units. These 14'x 22' units will not require individual bathrooms and will be allowed one overhead light and one wall switch with sockets on one master meter.
3. No individual use may exceed 2,500 square feet.
4. No use may emit fumes, vapors, smoke glare, or chemical waste.
5. Moderate Recreation uses will not be allowed, however, Schools of Special Education may be permitted as follows:
 - a. Shall operate only on weekends or after 6:00 p.m. weekdays.
 - b. Shall not be located closer than 200 feet from another similar use.
 - c. Shall be limited to group instruction for such uses as Karate or dance classes. Discos, pool halls, game rooms, and other similar uses shall not be permitted.
6. Uses in Buildings 1 and 2 must be relocated if they cannot comply with Conditions 1 and 2 above. If said relocation is not completed within six months after a Certificate of Occupancy is issued for Building 3 or 4, or within one year after the Special Permit is approved by the Board of County Commissioners, or if any other use violatoin is discovered in the future, the Special Permit may be revoked.

Dale Hass, agent, informed the Board that the applicant agrees with all the conditions of SP-82-77.

Having considered the staff report and the recommendations of the Planning Commission and the comments that may have been received, Mr McGavic moved that the Board establish the finding of fact that the requests before the Board are consistent with the Plans and that applications SP-82-26, SP-82-75 and SP-82-77 be approved as recommended by the Planning Commission with the appropriate stipulations. Motion was seconded by Mr Chance and carried unanimously.

Z-82-46 JOHN R. PARKER - REZONE TO AF/A - DENIED

Request: Rezone from AF/A-1 to AF/A on 10.8 + acres on the north side of S.R. 70, 1,000 + feet east of 37th Street E. (Note: This application is conjunctive with SP-82-62.) Planning Commission recommended APPROVAL.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was open for the purpose of considering

MANATEE COUNTY ORDINANCE Z-82-46:

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 AF/A-1 TO AF/A; PROVIDING AN EFFECTIVE DATE.

Mrs B.C. Dobbins and Everett Parker, daughter and son of applicant, were available to answer any questions.

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

Having considered the staff report and recommendations of the Planning Commission and discussion of comments during this hearing, Mr Fletcher moved that the Board establish a finding of fact that the request before the Board, as Z-82-46, is consistent with the Manatee Plan and that the Board approve Z-82-46 as recommended by the Planning Commission. Motion died for lack of a second.

Following further discussion, Mr Vickers stepped down as Chairman and moved to deny Z-82-46. Motion was seconded by Mr McGavic. Voting "Aye" were Commissioners Chance, McGavic, Glass and Vickers. Voting "Nay" was Commissioner Fletcher. Motion carried.

(NOTE: Inasmuch as SP-82-62, request by A. G. Putnam for Florida Power & Light service center and supply yard as a heavy utility use, was contingent upon approval of preceding Zoning Atlas Amendment Z-82-46, this application was not considered by the Board.)

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

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

SP-82-66 A. L. SAINER - 2-COP (BEER & WINE) - APPROVED

Request: Sale of beer and wine (2-COP) at an existing restaurant (Lums) on 2,800 sq. ft., at 4300-14th St. W. Planning Commission recommended APPROVAL.

Mr Fletcher moved to approve special permit no. SP-82-66. Motion was seconded by Mr Chance and carried unanimously.

Z-82-17 SUNSHINE POULTRY FARMS - REZONE TO PDR/WP/ST - DENIED

Request: Rezone from A-1/WP/ST to PDR/WP/ST on 25 + acres on the east side of Lockwood Ridge Road, 1/4 + mile south of Tallevast Road and 1/3 + mile north of County Line Road. Planning Commission recommended DENIAL.

SEPTEMBER 23, 1982

Cont'd

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

MANATEE COUNTY ORDINANCE Z-82-17:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST TO
PDR/WP/ST; PROVIDING AN EFFECTIVE DATE.

Presentation was made by Tom Leven of R. E. Nelson, Inc., who represented Realty Planning Associates, potential developers.

Those speaking in opposition to the request were:
Lockhart Hix - representing Palm Aire homeowners.
Harry Samson - resident of Palm Aire.
Jerry West - Planning Director, City of Bradenton.

Mr McGavic expressed concerns in regard to the staff report and recommendations (high density project in Ward Lake Watershed and conflict with Watershed Protection Overlay District, etc).

Booth Miller, Merle Linch Realty, representing the owners of the property, requested an extension of time to give them an opportunity to review density with the property owners and potential buyers.

Having considered the staff report and recommendation of the Planning Commission and comments reviewed during public hearing, Mr Chance moved that the Board deny Z-82-17. Motion was seconded by Mrs Glass. Voting "Aye" were Commissioners Chance, Glass and Vickers. Voting "Nay" were Commissioners Fletcher and McGavic. Motion carried.

Z-81-65 FRANK DINARDO - REZONE TO PDR/WP/ST - DEFERRED
Request: Rezone from A-1/WP/ST to PDR/WP/ST on 40.3 + acres at the southwest corner of Tallevast and Lockwood Ridge Road intersection.
Planning Commission recommended DENIAL.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

MANATEE COUNTY ORDINANCE Z-81-65:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP/ST TO
PDR/WP/ST; PROVIDING AN EFFECTIVE DATE.

Jerry West, Planning Director, City of Bradenton, spoke in regard to the application.

(Exit Chariman Vickers; Vice-Chairman Chance presiding)

Upon motion by Mr McGavic, seconded by Mr Fletcher, the vote was unanimous to defer this item to October 21, 1982.

(Enter Mr Vickers)

Z-82-45 FLORIDA POWER & LGHT COMPANY - REZONE TO AF/A DEFERRED
Request: Rezone from AF/A-1 to AF/A on 10.8 acres south of S.R. 64, west of Lena Road.
Planning Commission recommended APPROVAL.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

MANATEE COUNTY ORDINANCE Z-82-45:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
PROVIDING FOR REZONING OF CERTAIN LAND FROM AF/A-1 TO AF/A;
PROVIDING AN EFFECTIVE DATE.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

SP-82-71 FP&L SERVICE FACILITY - UTILTIY SUPPLY YARD DEFERRED
Request: Special Permit in the -A- District to accommodate a utility supply yard over one acre in area on 10.8 acres south of S.R. 64, west of Lena Road.
Planning Commission recommended APPROVAL.

Z-82-41 HIDDEN VIEW TRAVEL TRAILER PARK & FP&L - DEFERRED

Request: Rezone from AF/A-1 to AF/R-5 on 10.8 acres located south of S.R. 64, 1400 feet west of Lena Road.

Planning Commission recommended APPROVAL.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

MANATEE COUNTY ORDINANCE Z-82-41:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM AF/A-1 TO AF/R-5; PROVIDING FOR AN EFFECTIVE DATE.

Ralph Nelson, representing Hidden View Travel Trailer Park, stated that they are involved with Florida Power & Light on the basis of a land swap, which is contingent upon the action by the Board.

Al Putman, District Manager, Florida Power & Light Co., stated that they have a special permit (approved in 1974) for the parcel they now own and this would allow them to begin construction of proposed utility supply yard immediately.

Those speaking in opposition were: Barbara & Dennis Morris, Jim Marlow, Evelyn Ludkie, and Roger Musgrave.

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

The Chairman declared Z-82-45, SP-82-71 and Z-82-41 deferred to October 28, 1982.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

SP-82-67 SUNCOURT NURSING CENTER - NURSING HOME - APPROVED

Request: Special permit in the R-2 district to allow a 120-bed nursing home on 7.23 + acres on the northeast corner of 57th Avenue, East and 9th Street, East.

Planning Commission recommended APPROVAL.

Planning Staff Recommendations: No objection with the following conditions:

1. The necessary right-of-way required by the Department of Transportation (DOT) to realign 9th Street East shall be dedicated.
2. A safety alarm system should be installed.

Sam Hardy, agent for the petitioner, stated they had no problem with condition number one, but questioned the second condition.

The Planning Director pointed out that the State requires a safety alarm system.

Having considered the staff report and recommendation of the Planning Commission and comments received during the public hearing, Mr McGavic moved that the Board establish a finding of fact that the request before the Board is consistent and that it meets all of the requirements of the County, and that the Board approve SP-82-65 with the one stipulation that the necessary right-of-way required by the DOT to realign 9th Street East be dedicated. Motion was seconded by Mrs Glass and carried unanimously.

Public hearing (notice published in the Bradenton Herald, September 3, 1982) was held for the purpose of considering

SP-82-76 FRED L. & VERA STEWART - MOBILE HOME - APPROVED

Request: Special permit to allow a mobile home as a residence (for son until house constructed on site) in addition to an existing residence on 36 acres north of Upper Manatee River Road, 1/4 mile west of Rye Bridge Road.

Planning Commission recommended APPROVAL.

SEPTEMBER 23, 1982

Cont'd

Charles Hunsicker, Utilities Department, reviewed a memorandum from Richard A. Wilford, Utilities Director, expressing opposition to any development permit which increases allowable densities in the floodplain below the reservoir, and requested deferral of development permit proposals in this area until adoption of appropriate floodplain regulations for the protection of public health, safety and welfare.

Following further discussion, Mr Vickers stepped down as Chairman and moved to approve special permit SP-82-76. Motion was seconded by Mr McGavic for discussion.

The applicant presented a chart showing the elevations of the area.

Voting "Aye" were Commissioners Chance, McGavic and Vickers. Voting "Nay" were Commissioners Fletcher and Glass. Motion carried.

The Planning Director pointed out that the request was for a 15 year time limit.

BEKER SUBSTANTIAL DEVIATION HEARING

(Exit Chairman Vickers; Vice-Chairman Chance presiding)

In regard to Beker's Settlement Agreement and Substantial Deviation Hearing (continued from late February), Keith Roberts informed the Board that it can, with sufficient notice, reconvene the substantial deviation hearing at any time as the Board has yet to decide whether or not to approve their substantial deviation as an amendment to the development order.

Mr Eckenrod stated that staff is in the process of monitoring specific provisions of the settlement agreement and report will be made to the Board in the near future as to how accurate Beker has been in complying with the terms of the agreement.

The Vice-Chairman declared the public hearing on the substantial deviation continued.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs Glass, seconded by Mr McGavic, the Clerk's Consent Calendar, dated September 23, 1982, was unanimously approved as follows:

BONDS:

Release:

L&B Contractors, Inc. - Release of Surety Form
(Bond No. 1165 Service Insurance Co., \$39,350.00
representing 25% mowing contract \$157,310; 6/3-5/80)

BILLS FOR PAYMENT:

Camp, Dresser & McKee: Eng. Rec. Req. #7 (8/82)	\$1,342.96
St. Wtr. Syst. Req. #4 (8/82)	2,387.93
Eng. '82 Bond Issue Req. #2	1,440.61

AUTHORIZE CHAIRMAN TO SIGN:

P&R Instructor's Agreement:
Margie Cobb

RECORD AGREEMENT

S32-413

MEETING ADJOURNED

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

Attest:



Clerk

APPROVED:



Chairman 1/25/83 1/25/83

Adj: 2:40 p.m.