

OCTOBER 21, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, October 21, 1982 at 9:24 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 F. Rothfuss, representing  
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 Jay Green, The Bradenton Herald; Jud Magrin, Sarasota Herald-Tribune, and others who entered during the meeting.

Invocation by Commissioner Claude E. McGavic.

The meeting was called to order by Chairman Vickers.

MANATEE COUNTY ROOFING CODE (AMENDMENT)

Upon motion by Mrs Glass, seconded by Mr Chance and carried unanimously, the Planning Director was instructed to set a date for a public hearing on the Manatee County Roofing Code Amendment.

IMPACT ASSESMENTS

Larry Frazier, Planning Director, reported that staff is preparing data on the issue of impact assessments to be discussed at a workshop with representatives from all segments of the community.

COMMUNITY DEVELOPMENT BLOCK GRANT

Public hearing (continued from Monday, October 18, 1982) was held to further consider Community Development Block Grant.

Marty Jacobs, Planning & Development, outlined criteria considered by the Department of Housing and Urban Development (HUD) in reviewing the applications to be

1. Extent and seriousness of identifiable needs.
2. Results to be achieved by a particular project.
3. Number of persons to benefit, given the type of program.
4. Nature of the benefit.
5. Additional actions needed.
6. Previous actions.
7. Environmental considerations.
8. Displacement.
9. Site selection standards.

plus bonus points the County can receive for fair-housing and equal opportunity performances.

Mr Chance suggested that (1) because of the health hazard, the project already started in the Samoset area, be completed, and (2) since the Board was told there were left-over funds of \$300,000/\$400,000 in the Highway Department, that those funds be used where needed in other areas.

Following a lengthy discussion, Mr Chance moved to apply for the Community Development Block Grant in the Samoset Area. Motion was seconded by Mr Fletcher. After further discussion, Mr Fletcher withdrew his second and the motion died for lack of a second.

Non-Grant Projects

Motion was made by Mr McGavic to direct the County Administrator to identify sources of funds and methods of financing those projects which will not be included in the grant application, and that a report be brought to the Board by January of next year to begin implementing those funds. Motion was seconded by Mr Fletcher and carried unanimously.

Comprehensive Grant Application: Tallevast Area

Mr McGavic moved to authorize staff to process application for the Tallevast Area Community Development Block Grant as a Comprehensive Grant. Motion was seconded by Mrs Glass and carried unanimously.

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

ZONING

The Planning Director submitted recommendations of the Planning Commission.

Public hearing was held for the purpose of considering:

Z-81-65 FRANK DINARDO - REZONE TO PDR/WP/ST - DEFERRED  
(continued from September 23, 1982)

Upon request by petitioner and staff (relayed by Planning Director) that public hearing be continued to allow time for preparation of appropriate conditions for mitigating anticipated impacts, motion was made by Mr Chance to defer Z-81-65 to October 28, 1982. Motion was seconded by Mrs Glass and carried unanimously.

Z-82-50 DUB HOLCOMB & BROOKS COBBUM - PDR DEFERRED

Request: Rezone from C-1 to PDR on 3.67 acres at the end of 127th Street West (Marker 50 Marina Peninsula)  
(Notice published in The Bradenton Herald, 9/29/82)  
Planning Commission recommended DENIAL.  
Planning Staff recommendation: Staff does not object to this request if certain conditions were met.

MANATEE COUNTY ORDINANCE Z-82-50:

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 C-1 TO PDR; PROVIDING AN EFFECTIVE DATE.

At the request of the attorneys, relayed by the Planning Director, Mr Fletcher moved to defer Z-82-50 to December 9, 1982. Motion was seconded by Mrs Glass and carried unanimously.

SP-82-74 SCHOOL BOARD OF MANATEE COUNTY - APPROVED

Request: Special permit for a 28,000 sq. ft. eighteen classroom addition to King Middle School on 17.8 acres at 600 75th St. N.W.  
(Notice published in The Bradenton Herald 9/27/82)  
Planning Commission recommended APPROVAL subject to the following conditions:

1. The petitioner shall dedicate an additional seventeen feet of right-of-way along 75th Street West.
2. The petitioner shall construct a five foot wide sidewalk along 75th Street West for the extent of the school property line.

Keith Roberts, Assistant County Attorney, outlined a third stipulation he had recommended to the Planning Commission.

3. If legally feasible, off-site sidewalks will be required consistent with the terms of an eventual joint policy statement between the School Board and Manatee County.

Walter Miller, Assistant Superintendent of Schools, stated that there is no problem with the first two stipulations, but an opinion from the Attorney General has been requested on the third.

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Mr Roberts stated that the third stipulation was phrased, having in mind the fact that the legality of the requirement by the County for off-site sidewalks is not yet settled, and this would enable the County to make such requirements to the extent legally possible.

Motion was made by Mr Fletcher to approve SP-82-74 with the conditions set forth by the Planning Commission and the additional stipulation number three. Motion was seconded by Mrs Glass and carried unanimously.

SP-82-78 GTE SWITCHING STATION - APPROVED

Request: Special permit to allow a 1,400 square foot expansion to the existing 1,700 square foot General Telephone switching station on .59 acre on the west side of U.S. 301, north of 9th Street East, in Parrish.

(Notice published in The Bradenton Herald 10/1/82)  
Planning Commission recommended APPROVAL.

Randy Dender (Fletcher & Ballini Architects, Agent) stated that the special permit calls for GTE to begin construction within one year, and asked that it be extended to two years.

The Planning Director and staff offered no objection to the extension.

Having considered the staff report and the recommendation of the Planning Commission and comments received during the public hearing, Mr Chance moved to approve SP-82-78 with the applicants request of the two year time period to begin construction. Motion was seconded by Mrs Glass and carried unanimously.

HOUSEMOVING (HODO)

Mr Frazier reported that, due to the height of the building, the Transportation Department has requested that the contractor contact affected utility companies in connection with Housemoving permit application

HM-82-23 Jessie Mae Hodo to move a single family residence from 618 7th Ave, to 2504 6th Ave E., Palmetto.

After considering the staff report and the recommendation of the staff, Mr Chance moved for approval of HM-82-23 with the condition outlined. Motion was seconded by Mrs Glass and carried unanimously.

JOHN WESLEY PARK SUBDIVISION - STREET VACATION (82-V-5)

Public hearing (notice published in the Bradenton Herald, September 23 & 30, 1982) was open for the purpose of considering request

82-V-5 REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS to vacate a portion of 16th Street Court East, between 66th Ave. Drive E. and 66th Ave. Terrace E., Replat of John Wesley Park Subdivision (Plat Book 5, Page 57), lying east of U.S. 301.

There is an existing two-inch waterline on the applicant's property and the Utilities Department has requested an easement from the applicant for maintenance of that waterline. Keith Roberts informed the Board that the easement has not yet been executed, but it will be forthcoming.

Mr Chance moved that the Board adopt a resolution vacating a portion of 16th Street Court East in John Wesley Park subject to receipt of the easement. Motion was seconded by Mrs Glass and carried unanimously.

RECORD RESOLUTION

S32-523

ZONING (Continued)

SP-82-98 JERRY CUMPER, L.P.N. - PARKING APPROVED

Request: Amendment to parking requirements of approved SP-82-39 (Florida's Executive Manor - a group care home) on 8,523 square feet at 1411 57th Avenue Drive East.

(Notice published in The Bradenton Herald 10/1/82)

Planning Staff recommendation: Should applicant successfully demonstrate a reduction in need, staff has no objection to reducing required parking from six to three spaces, subject to the following:

1. Conditions 3, 4, and 5 of SP-82-39 remain intact
2. Prior to submittal of final site plan, applicant and applicant's architect shall consult with Planning Staff to devise a paving design which provides three offstreet spaces which maintain the residential objectives of the applicant.

Having considered the staff report and the recommendation of the Planning Commission, comments received during the hearing and finding it consistent with The Manatee Plan, Mrs Glass moved to approve SP-82-98 with the conditions recommended by staff. Motion was seconded by Mr McGavic and carried unanimously.

SP-82-31 TROPICANA PRODUCTS, INC - EARTHMOVING APPROVED

Request: Approval of a final earthmoving site plan to excavate 598.9 acres; approval of an operating permit to allow excavation of 88.9 acres over a 5 year period, located on 1,000-acre tract on the west side of Taylor Grade Road, south of and adjacent to the Hillsborough County Line.

(Notice published in The Bradenton Herald 9/29/82)

Planning Staff recommendation: No objection, subject to conditions of the special permit approved 5/27/82 to allow sand mine as a major earthmoving activity, and two additional conditions as follows:

1. Following reclamation of ground slopes, soil borings shall be taken and the Soil and Water Conservation Service contacted to prepare a customized planting and revegetation plan.
2. A reclamation bond in the amount of \$66,495 shall be posted prior to commencement of any earthmoving activity.

After reviewing the staff report, Mr Chance moved to approve SP-82-31 (Final Earthmoving Site Plan and Operating Permit) subject to conditions in the staff report. Motion was seconded by Mr McGavic and carried unanimously.

82-S-6 INTERSTATE BUSINESS PARK - P/PLAT APPROVED

Request: Preliminary subdivision plat approval, Phase I & II, on 10.74 acres, on the south side of S.R. 64, between Morgan Johnson Road and Kay Road (Phase I, 8.52 acres; Phase II, 2.22 acres)

Planning Commission recommended APPROVAL.

Keith Roberts pointed out a requirement in the Land Development Code for underground location of utility lines and recommended that this be interpreted as requiring feeder lines be located underground rather than the major lines.

Upon motion by Mr Chance, seconded by Mr McGavic, Preliminary Subdivision Plat No. 82-S-6 was unanimously approved.

82-S-7 FLORIDA OAK SUBDIVISION - P/PLAT - APPROVED

Request: Preliminary plat approval for duplex subdivision on 4.6 acres on the west side of 5th Street East between 60th Avenue East and 60th Avenue Drive East.

Planning Commission recommended APPROVAL with a waiver of 5,000 square feet of recreational open space.

Mrs Glass moved to approve preliminary subdivision plat no. 82-S-7 with the stipulation as outlined by the Planning Commission. Motion was seconded by Mrs McGavic and carried unanimously.

82-S-5 FAIRWAY SIX SUBDIVISION - P/PLAT - APPROVED

Request: Preliminary plat approval of subdivision on 30.17 acres on the east side of Whitfield Avenue, approximately 1/2 mile north of Tallevast Road.

Planning Commission recommended APPROVAL.

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Due to an error in the legal advertisement at the time the Board approved the rezoning of this property to residential use, Mr Roberts requested the Board to authorize staff and legal counsel to prepare an appropriate correcting resolution because the rezoning map was marked in accordance with the incorrect legal description in the advertisement instead of what the Board approved.

Upon motion by Mr Fletcher, seconded by Mr Chance, and carried unanimously, staff and legal counsel were authorized to prepare an appropriate correcting resolution to be brought back to the Board.

Mr Chance moved to approve Preliminary Subdivision Plat 82-S-5. Motion was seconded by Mrs Glass and carried unanimously.

PDR-82-1 GARDEN LAKES/PHASE I - F/PLAN - APPROVED

Request: Final development plan approval (Phase I) on 22.48 acres east of and adjacent to Pearce Drainage Canal, near 37th Street East and south of SR 70.

(Notice was published in The Bradenton Herald 9/16/82)

Planning Commission recommended APPROVAL with following conditions:

1. That portion of the sixty-six foot wide public right-of-way which connects 39th Street East with 37th Street East and SR 70 contained in Phase I must be dedicated and constructed with the first phase of this project.
2. Fifteen feet of additional right-of-way must be dedicated along the south side of SR 70 resulting in a 66 foot half right-of-way.
3. The developer shall dedicate sufficient right-of-way for a total half right-of-way of thirty-three feet west of the 39th Street East centerline.
4. A drainage easement for the width of the Pearce Creek Drainage Canal together with a twenty-five foot wide maintenance easement of the west side of this drain shall be dedicated.
5. All proposed streets shall be numbered in accordance with the U.S. Postal Service requirements.
6. The County Engineer shall review all construction drawings for the structure providing access to the Pearce Drainage Canal.
7. The developer shall realign the proposed five-foot wide sidewalk (delineated on Page 3 of the submitted construction drawings) to extend across Garden Lakes Drive and continue to the proposed pool and recreation building. This pedestrian walkway currently terminates at the intersection of Majestic Drive and Garden Lakes Drive.
8. The developer shall provide a six foot hedge buffer (80% opaque) adjacent to all recreational facilities bordering Lots 1 through 6, in addition to providing a six foot 100% opaque fence on the northern and eastern lot lines of the proposed recreation complex parking lot and tennis courts. The developer shall also provide landscaped buffers for all proposed residential parking lots consisting of either hedging (up to four feet in height) or landscaped berms.
9. The developer shall revise all proposed fire hydrant locations in accordance with the recommended revisions requested by the Oneco-Tallevast Fire District.

Mr Chance moved to approve Final Planned Residential Development Plan No. PDR-82-1 with conditions set forth by the Planning Commission. Motion was seconded by Mrs Glass and carried unanimously.

RECORD *Zoning*

Z-82-38 PALM-AIRE AT SARASOTA - REZONE APPROVED

Request: Rezone from R-3B/WP/AF to C/WP/AF on 20 acres at the northeast corner of County Line Road and Whitfield Avenue Extension.

(Notice published in The Bradenton Herald 9/16 & 10/1/82)

Planning Commission recommended APPROVAL.

MANATEE COUNTY ORDINANCE Z-82-38:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-3B/WP/AF TO C/WP/AF;  
PROVIDING AN EFFECTIVE DATE.

Mr Frazier pointed out that the developer has expressed his willingness to access only to Whitfield Avenue Extension and not County Line Road thereby supporting the intent of the Manatee-Sarasota Interlocal Agreement.

Finding it consistent with the Manatee Plan, motion was made by Mr Chance to approve Ordinance Z-82-38. Motion was seconded by Mr McGavic, and carried unanimously.

RECORD ORDINANCE*Zoning*Z-82-43 IBASFALEN & COMPANY - REZONE PDR - APPROVED

Request: Rezone from R-1A to PDR on 11 acres south of 42nd Avenue West right of way and west of 128th Street West right of way for a proposed density of 5.1 dwelling units per acre, 56 total units.

(Notice published in The Bradenton Herald 9/30/82)

Planning Commission recommended APPROVAL with the following conditions:

1. The developer shall install the necessary improvements as required by Manatee County Utilities to provide the site with sanitary sewer and water.
2. The developer shall contribute funds for the installation of traffic control devices at the intersection of 127th Street West and Cortez Road and at the intersection of 119th Street Court West and Cortez Road. The timing, method, and amount of payment shall be determined by the County at the time of preliminary plan approval, on the basis of the relative traffic impacts of the project at those intersections. This stipulation is conditioned on the County obtaining the necessary permits.
3. 42nd Avenue West and 128th Street West shall be constructed to County standards abutting the subject site prior to the issuance of a Certificate of Occupancy for any dwelling units.
4. 126th Street shall be widened to 24 feet prior to the issuance of a Certificate of Occupancy.
5. The density shall be reduced to a maximum of 4.4 units per acre so as to conform with the intent and purpose of Ordinance 82-12.

(Exit Chairman Vickers; Vice-Chairman Chance presides)

## MANATEE COUNTY ORDINANCE Z-82-43:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....  
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1A TO PDR;  
PROVIDING AN EFFECTIVE DATE.

Mr McGavic noted that this application, already contemplated for 5.1 dwelling units per acre (prior to adoption of Ordinance 82-12 (8/10/82), was taken into consideration in determining that 4.4 units per acre would be the limit in the future.

Mike Horner, Planner, reported that staff first recommended approval of the application as submitted. Planning Commission, however, feeling traffic was a matter of concern and that the intent of Ordinance 82-12 was to reduce the proposed number of units, had incorporated this reduction of density in its recommendation.

Mr Frazier pointed out that the Planning Commission indicated that it wanted the Ordinance retroactive to a specific date and it caught these people in-between.

(Enter Chairman Vickers)

Having considered the staff report and the recommendations of the Planning Commission, Mr Fletcher moved to establish a finding of fact that the request before the Board as Z-82-43 is consistent with the Manatee Plan and that the Board approve Z-82-43 subject to conditions 1 through 4 contained in the Planning Staff recommendations. Motion was seconded by Mr McGavic. Voting "Aye" were Commissioners Chance, McGavic, Fletcher and Vickers. Voting "Nay" was Commissioner Glass. Motion carried.

RECORD ORDINANCE*Zoning*

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Z-82-47 ISLAND BANK - REZONE TO PR - APPROVED

Request: Rezone from R-3B and R-2 to -C- 15,200 square feet on west side of 75th Street West, 1/2 block north of Cortez Road. (Notice published in The Bradenton Herald 9/30/82)

Planning Commission recommended APPROVAL to PR.

Staff objects to commercial zoning for the following reasons:

1. Commercial zoning does not implement The Manatee Plan policy of decreased intensity with distance from the corridor street.
2. A change to commercial would set the precedent for future commercial expansion north on 75th Street West.
3. Commercial uses should be confined to Cortez Road; the corridor street.

Staff does not object to a change to professional zoning for the following reasons:

1. Professional is consistent with the Sector/Corridor policies of The Manatee Plan.
2. A change to Professional would act as a transitional buffer between the sector and corridor uses.
3. The applicant has indicated the purpose of the zoning change is to expand the Island Bank financial institution. A change to Professional would accommodate this.
4. Under Section 407C.5(b) of the Land Development Code, a zoning change to a less intensive district than the district requested may be approved without renotification for an additional public hearing.

## MANATEE COUNTY ORDINANCE Z-82-47:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-3B AND R-2 TO PR; PROVIDING AN EFFECTIVE DATE.

Planning staff stated that the applicant accepted the amendment to the PR District in the Planning Commission meeting.

Having considered the staff report and the recommendations of the Planning Commission, Mr Fletcher moved to establish a finding of fact that the request before the Board as Z-82-47 is consistent with The Manatee Plan, provided the rezoning is made to a PR District, and that the Board approve Manatee County Ordinance Z-82-47 to a PR District. Motion was seconded by Mr Chance and carried unanimously.

RECORD ORDINANCE *Zoning*

Z-82-48 JENNIE L. BASS - REZONE TO PR - APPROVED

Request: Rezone from R-1A to PR on .28 acre at 5603 26th St W. (Notice published in The Bradenton Herald 9/19/82)

Planning Commission recommended APPROVAL.

## MANATEE COUNTY ORDINANCE NO. Z-82-48:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....

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

Having considered the staff report and the recommendations of the Planning Commission, Mr Fletcher moved to establish the finding of fact that Z-82-48 is consistent with The Manatee Plan and that the Board approve Z-82-48 as recommended. Motion was seconded by Mrs Glass and carried unanimously.

RECORD ORDINANCE *Zoning*

Z-82-49 SOUTH FLORIDA MUSEUM, INC - PDR & PDR/ST DEFERRED

Request: Rezone from R-1B, R-1C & R-1B/ST to PDR & PDR/ST on 13.4 acres on the north side of 21st Avenue N.W., 600 feet west of 88th Street Court, N.W.

(Notice published in The Bradenton Herald 9/30/82)

Planning Commission recommended APPROVAL subject to the following conditions:

1. The developer shall install the necessary improvements required by Manatee County Utilities to serve the site with water and sewer.

2. The developer shall reconstruct 21st Avenue N.W. to County standards the entire length of the site's southern boundary.
3. The developer shall provide professional archeological testing and surveying of the areas immediately adjoining the described outparcel generally encompassing all property lying north of the proposed lake. In addition, the developer shall appropriately seed the Indian Mound to prohibit further surface erosion of this sensitive area. It is noted that, pending any significant finds, this work should not require more than three weeks to complete.

MANATEE COUNTY ORDINANCE Z-82-49:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....

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

George Pappas, Palma Sola Heights, spoke in opposition to Z-82-49.

Brad William Burger, Route 1, Box 305, Palmetto, professional archeologist, suggested that professional testing be done surrounding the out-parcel area.

Mike Horner, Planner, read a letter from Dewey A. Dye, Jr., (dated October 21, 1982) on behalf of his client, South Florida Museum, stating no objections to making test excavations in the area of the Pillsbury Indian Mound, however, they do not feel that presence of this archaeological site should deter proper zoning and development. The part of South Florida Museum property which is being sold to the rezoning applicant (Sarich Building & Investment Corp., Inc) relates only to the access to the mound area.

Mr Lombardo submitted a letter from John R. Sarich (dated October 20, 1982) taking exception to Planning Staff recommendation No. 3, that the developer be responsible for the archaeological investigation. He suggested the developer not be responsible for the investigation if he would allow a qualified person to do surveying, testing, etc on the site.

Mr Sarich pointed out that the road from 21st Avenue to the water had been acquired for access to the property/subdivision and the deed was changed to reflect ownership by the Company.

Brad Burger stated that he would survey the property to satisfy concerns relating to relics, artifacts, etc, but is not in a financial position to assume responsibility of any extensive excavation, and asked if the developer would agree to cover that situation should it be necessary. Mr Lombardo advised that the developer would provide whatever is necessary to remove any relics of historical value.

Having considered the staff report and recommendations of the Planning Commission, Mr Fletcher moved to deny Z-82-49. Motion was seconded by Mrs Glass. Voting "Aye" were Commissioners Vickers, Fletcher and Glass. Voting "Nay" were Commissioners McGavic and Chance. Motion carried.

After further discussion, Mrs Glass moved to reconsider the previous action. Motion was seconded by Mr McGavic. Voting "Aye" were Commissioners Chance, McGavic, Glass and Vickers. Voting "Nay" was Commissioner Fletcher. Motion carried.

Action was deferred to November 4, 1982.

(Exit Mrs Glass)



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SP-82-43 WHITFIELD VILLAGE DEVELOPMENT - APPROVED

Request: Special permit to allow multi-family housing on 4.3 acres on the east side of US 301, north of Magellan Drive.

(Notice published in The Bradenton Herald 9/30/82)

Planning Commission recommended APPROVAL with the following conditions:

1. Fire protection shall be installed with Phase I.
2. The two cul-de-sacs shall be increased to a diameter of 80 feet, or shall be connected by a 24-foot wide paved street.
3. Direct access proposed to US 301 shall be prohibited, and shall be restricted to Magellan Drive.

NOTE: The developer has agreed in a Special Permit Committee meeting to reduce the total number of dwelling units from sixty to forty-eight. In addition, the second story of the two buildings to be constructed on the west parcel line were proposed to be deleted by the developer. The Planning Commission and Staff feel this revision will allow for a more effective transition to the established single family neighborhood to the west.

Janice Kaylor, citizen, stated that the reduction in the dwelling units has satisfied her complaints.

The stipulations were acceptable to R.E. Nelson, developer.

Having considered the staff report, the recommendation of the Planning Commission and comments received from the audience, Mr Chance moved to establish a finding of fact and grant the request, SP-82-43, with the conditions set forth by the Planning Commission. Motion was seconded by Mr Fletcher and carried unanimously.

SP-82-88 STEVEN & STUART THORESON BORROW PIT - CONTINUED

Request: Approval of a special permit to conduct earthmoving activity; earthmoving site plan operating permit on 70 acres at the northeast corner of Bayshore and Palm View Roads.

Planning Commission recommended APPROVAL with the following conditions:

1. Additional right-of-way shall be dedicated along Palm View Road to provide a 42 foot half right-of-way prior to commencement of earthmoving activity.
2. The petitioner shall be required to maintain that portion of Palm view Road over which hauling occurs during the entire earthmoving operation.

(It was noted in the Summary Report:

1. Petitioner is posting a reclamation bond in the amount of \$22,572 to insure completion of required grading, grassing and mulching following completion of earthmoving activity.
2. Petition is posting a maintenance bond in the amount of \$18,700 to insure the continue maintenance and repair of Palm View Road. The County Engineer has approved the amount of this security.)

Mr McGavic stated that he would feel uncomfortable making a decision at this time because a previous decision regarding this property is presently involved in a Federal Court case.

The Assistant County Attorney advised that neither he, nor Ed Ryan of Ross & Hardies, Special Counsel, could see any danger in the Board acting on this request since the litigation involves a different kind of land use.

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

In considering the staff report and the recommendation of the Planning Commission and comments received, Mr Chance moved to approve SP-82-88 with the stipulations set forth by the Planning Commission. Motion was seconded by Mr McGavic. Voting "Aye" were Commissioners Chance and Vickers. Voting "Nay" were Commissioners McGavic and Fletcher. Motion failed to carry.

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Mr Chance moved to reconsider the motion. Motion was seconded by Mr Fletcher and carried unanimously.

J.B. Donnelly, representing the Cone Corporation, observed that the project is currently under bid and under time constraints; that the application was filed in accordance with the Ordinances of Manatee County; that his client has nothing to do with the prior litigation and that this consideration is deemed inappropriate.

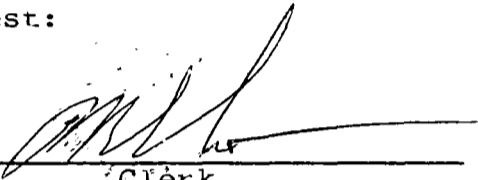
Ramney Cone, Cone Corporation, stated this project would be jeopardized if action was deferred for any length of time.

Mr Chance moved to continue the hearing on SP-82-88 to October 26, 1982, Tuesday, at 9:00 a.m. Motion was seconded by Mr McGavic and carried unanimously.

MEETING ADJOURNED

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

Attest:

  
Clerk

APPROVED:

  
Chairman 2/8/82

Adj: 1:05 p.m.