

OCTOBER 28, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, October 28, 1982 at 9:18 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman
Edward W. Chance, Vice-Chairman
Claude E. McGavic
Patricia M. Glass

Absent was Commissioner:

Westwood H. Fletcher, Jr.

Also present were:

Keith Roberts, Assistant County Attorney
David 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 Mark Todd, Sarasota Herald-Tribune; Pat Wasson, WBRD, and others who entered during the meeting.

Invocation by Rev. Barry Woods, World of Life Church.

The meeting was called to order by Chairman Vickers.

RANDLE, O.E. (POLLUTION CONTROL)

Inasmuch as O.E. Randle, Pollution Control Director, is willing to act as an advisor to the County after his retirement on October 29, 1982, Mr Chance moved that the Board enter into an agreement with Mr Randle (to be prepared by legal staff) for consulting services. Motion was seconded by Mr McGavic and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mr McGavic, seconded by Mrs Glass, the Clerk's Consent Calendar, dated October 28, 1982, was unanimously approved as follows:

BONDS:

Approve:

Manatee River Homes - Permit #10231 \$ 360.00

BILLS FOR PAYMENT:

General Fund:

CH2M Hill (Deep Well Injection Study (MCUS) 1,309.21
Refund: Benedetto Vettraino (P&D Z-83-3 - \$600
SP-83-3 250) 850.00

AUTHORIZE CHAIRMAN TO SIGN:

Satisfaction of Lot Clearing Lien, Ray E. King & Ann Gordon (OR Book 830; page 224)

PROCLAMATION: PILOT INTERNATIONAL DAY

Motion was made by Mrs Glass, and seconded by Mr Chance, to adopt a proclamation declaring October 28, 1982 as "PILOT INTERNATIONAL DAY". Motion carried unanimously.

RECORD PROCLAMATION

S32-578

IMPACT ASSESSMENT WORKSHOP/BUDGET

Larry Frazier, Planning Director, outlined a proposed budget for the Impact Assessment Workshop, to be held November 20, 1982, as follows:

1. Graphic Supplies (flip pads, markers, name tags, etc)	\$ 30.00
2. Coffee Break Supplies (coffee, condiments, doghnuts, etc)	20.00
3. Lunch @ \$2.50 per person	187.50
4. Custodian (2 hours @ \$9.00/hour)	18.00
TOTAL	<u>\$255.50</u>

Mr McGavic moved to authorize the expenses. Motion was seconded by Mrs Glass and carried unanimously.

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Cont'd

ZONING

The Planning Director submitted recommendations of the Planning Commission.

Public hearing was open for the purpose of considering:

SP-82-70 HERMAN BRAMEISTER - COLD STORAGE FACILITY - APPROVED

Request: Cold storage facility in conjunction with an existing accessory tomato packing facility located on 5 acres on the north side of S.R. 64, 1/2 mile east of Zipperer Road.

(Notice published in The Bradenton Herald 10/6/82)

Planning Commission recommended APPROVAL subject to the following conditions:

1. Work cannot extend beyond 11:00 P.M. except in cases of weather emergency.
2. The products are limited to those grown by Herman Brameister on the surrounding 40 acres and other land cultivated by the applicant.

William Lische, attorney, representing Herman Brameister, made a presentation and stated that letters were received from Howard & Cheryl McAbee, Frank & Beatriz Gomez, Eugene Moore, Robert Coffman and John & Bonnie Graham, adjacent property owners, stating no objection to the project.

Those speaking in favor of the project were:

Earl Snider, Rolling Acres and Donald D. Duncan, Water Line Road.

Keith Roberts, Assistant County Attorney, outlined the criteria set out in the Land Development Code for approval of special permits.

Those speaking in opposition were:

Katherine Maines, adjacent property owner, submitted photographs, and Joann Dodson

(Exit Chairman Vickers; Vice-Chairman Chance presides)

The Vice-Chairman declared the public hearing closed.

Mr McGavic expressed concern with regard to screening requirements and Mr Roberts suggested that a third stipulation be added directing staff to look at the existence of residences on the west side and be certain that the screening/buffer there is adequate.

Mr Frazier recommended that staff look into establishing a screening on the westerly boundary of the total forty acres prior to issuing the Certificate of Occupancy.

Having considered the application before the Board in terms of the Ordinance, the Comprehensive Plan, and finding the request to be consistent, provided certain conditions are met, Mr McGavic moved the approval of SP-82-70 with the conditions as outlined by the Planning Commission and with the additional condition that the applicant be required to comply with the screening requirements of the Ordinance as outlined by staff. Motion was seconded by Mrs Glass and carried unanimously.

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

Public hearing was open for the purpose of considering

Z-81-65 FRANK DINARDO - REZONE TO PDR/WP/ST - APPROVED

(Continued from 10/21/82)

Planning Staff recommended APPROVAL at 4 dwelling units per acre (160 units) with the following conditions:

1. The developer shall dedicate an additional seventeen feet to provide a 42 foot half right-of-way for both Tallevast and Lockwood Ridge Roads.
2. The developer shall construct left turn storage lanes on both Tallevast and Lockwood Ridge Roads into this project. The Transportation Department shall review and approve all design requirements for these improvements.

3. The developer shall construct acceleration and deceleration lanes with appropriate tapers at each major entrance of this project. The Transportation Department shall review and approve all design requirements for this construction.
4. The developer shall extend public water and sewer lines connected to the Southwest Regional Treatment Plant to this site including necessary line extensions, hook-ups and lift stations. The developer shall assume all financial costs for these facilities.
5. Prior to Final Plan approval, the developer shall submit a reasonable monitoring program for water quality, water quantity, and flow rate for review and approval by the County.
6. The developer shall be permitted to construct an additional forty units in a final phase upon submitting a site plan for a noticed public hearing review and approval. This site plan shall reflect the type, location, and orientation of these units and be supplemented with a public facility impact statement adequately addressing the availability of public facilities in this area. Staff will recommend accordingly on the appropriateness of these additional units at this future site plan review.

Mr Roberts suggested rewording the first sentence of stipulation six to read "The developer shall be permitted to seek approval to construct an additional forty units in a final phase by submitting a revised site plan and an application for amendment of this PDR rezone for a noticed public hearing review and approval."

Tom Levin or R. E. Nelson, Inc, representing the petitioner, was available to answer any questions.

Richard A. Barth, adjacent property owner, opposed the request.

Mr Roberts suggested an additional stipulation to read:

7. Development will be permitted only in accordance with a phasing tied to the availability of the sewer service which has been approved by the Manatee County Utilities Department

The Chairman declared the public hearing closed.

With the understanding of the amended language in stipulation six and the seventh condition, finding the request to be consistent with the Comprehensive Plan, and finding it to meet the requirements and conditions of the Ordinances, and based upon the information received at the public hearing, Mr McGavic moved approval of Z-81-65 with the seven stipulations. Motion was seconded by Mrs Glass. Voting "Aye" were Commissioners McGavic, Glass and Vickers. Commissioner Chance voted "Nay". Motion carried.

RECORD ORDINANCE zoning

Public hearing was open for the purpose of considering

Z-82-41 FP&L COMPANY - REZONE TO AF/R-5 - DENIED
(Continued from 9/23/82)

Tom Levin, representing Hidden View Travel Trailer Park, and in conjunction with Florida Power & Light (FP&L), made a brief presentation and requested deferral of Z-82-41 in order to further explore buffer areas, traffic routes, etc.

Those speaking in opposition were:

Evelyn Ludki, Jim Marlow, Marcia Swift, in Hidden View Travel Trailer Park.

Barbara Morris, adjacent property owner, who stated that Mr Brower, of Hidden View Travel Trailer Park, has said if he had known this would cause problems with adjacent property owners, he would rather not go through with the land swap for the FP&L property;

Robert Smith, Lena Road, - does not think there is a need to defer;
Roger Musgrave, adjacent property owner.

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Al Putnam, FP&L, stated that he saw no reason for a delay in the decision.

The Chairman declared the public hearing closed.

Mr Vickers stepped down as Chairman and moved for denial of Z-82-41. Motion was seconded by Mrs Glass and carried unanimously.

Public hearing was held for the purpose of considering

Z-82-45 FP&L COMPANY & HIDDEN VIEW TRAVEL
TRAILER PARK - REZONE TO AF/A - WITHDRAWN
(Continued from 9/23/82)

Tom Levin, representing the petitioner, stated that they would like to withdraw the request.

Upon motion by Mr McGavic, seconded by Mrs Glass, the request for withdrawal was unanimously approved.

Public hearing was held for the purpose of considering

SP-82-71 FP&L COMPANY - SERVICE FACILITY - DENIED
(Continued from 9/23/82)

Mr Roberts stated that the request for SP-82-71 is a request for a use which, by virtue of Board action on the rezoning (Z-82-41), is no longer allowed as a special use on that property.

Mr McGavic moved that SP-82-71 be denied because the use for which the special permit is being requested is not allowed under the zoning that is currently on the property. Motion was seconded by Mrs Glass and carried unanimously.

HOUSEMOVINGS (REVELL; SILLMAN; BRADDOCK)

Mr Frazier relayed recommendation by staff that approval of HM-83-1 be conditioned upon approval of the Final Site Plan prior to issuance of the permit.

Upon motion by Mr Chance, seconded by Mrs Glass, the following housemoving applications were unanimously approved:

- HM-83-1 TIMOTHY REVELL to move a modular office building FROM the southwest corner of Franklin Avenue and U.S. 301, Ellenton TO 915 45th Avenue East, Ellenton.
- HM-83-2 C. SILLIMAN to move a single family house FROM 5715 15th Street East, TO 807 15th Street East, Bradenton.
- HM-83-3 GRAYSON BRADDOCK to move a single family residence (to be used for storage of farm equipment) FROM 1/4 mile north of Fort Lonesome on S.R. 39 TO 1/2 mile west of Duette, approximately 4 miles south of S.R. 62.

ZONING (Cont'd)

PDR-81-3 PALMA SOLA MEADOWS - FINAL PLAN - APPROVED

Request: Final PDR plan approval on 13.14 acres on the east side of Palma Sola Blvd at 40th Ave W.

Planning Commission recommended APPROVAL with the following condition:

1. With the exception of the waterline improvements necessary to serve Phase III, all public improvements, right-of-way dedication, and public easements shall be constructed and/or dedicated to Manatee County prior to issuance of the first Certificate of Occupancy.

Having reviewed the project and finding it to be consistent and in good order as far as the Ordinances are concerned, Mr McGavic moved to approve PDR-81-3, Palma Sola Meadows, Final, with conditions as outlined. Motion was seconded by Mr Chance and carried unanimously.

RECORD

Public hearing was opened for purpose of considering:

Z-82-39 GEORGE T SMITH - REZONE TO R-3A - APPROVED

Request: Rezone of 1.05 acres at 6116 5th Street East from R-2 to R-3A.

(Notice published in The Bradenton Herald 9/27/82)

Planning Commission recommended APPROVAL.

MANATEE COUNTY ORDINANCE Z-82-39:

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 R-2 TO R-3A; PROVIDING AN EFFECTIVE DATE.

Having considered the Comprehensive Plan and the recommendations from the Planning Staff and the Planning Commission, and consistency with the Plan, Mrs Glass moved to approve Manatee County Ordinance Z-82-39. Motion was seconded by Mr Chance and carried unanimously.

RECORD ORDINANCE *zoning*

Z-82-42 MANATEE RIVER FARMS, INC - REZONE TO A-1 - DEFERRED

Request: Rezone from -A- to A-1 on 28.7 acres north of Upper Manatee River Road, 1/4 mile west of 154th Street.

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

Planning Commission recommended APPROVAL.

Planning Staff objects to this request for the following reasons:

1. Compatibility: While staff recognizes the presence of some existing development in this general area, the predominant zoning and character throughout this area is rural agricultural.
2. Development Trends: Staff feels this request, if approved, would establish a policy favoring continued development of one acre lots in this area. Demand for homes on one acre lots in this area or west of I-75 has not been overwhelming, and this is not expected to change in the foreseeable future.
3. Environment: A portion of this parcel lies within the floodplain of the Manatee River and is subject to the effects of periodic flooding. Land use decisions that encourage the creation of smaller lots jeopardize the County's efforts to restrict development in flood-prone property.
4. Public Facilities: Public water is not available to the site and other public services have only limited ability to serve development far beyond the developing fringe.

MANATEE COUNTY ORDINANCE Z-82-42:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,

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

Mr Frazier relayed a written request by Bruce E. Franklin, Vice-President of Land Resource Strategies Incorporated, to defer this item to November 4, 1982.

After discussion, motion was made by Mrs Glass to defer this item to Tuesday, November 9, 1982 at 9:00 a.m. Motion was seconded by Mr McGavic and carried unanimously.

Z-82-51 ROUTE 41 REALTY, INC - REZONE TO R-3B - APPROVED

Request: Rezone from R-2, -C- and C-1 to R-3B, 2.8 acres, 115 feet north of 49th Avenue West, on the east side of 18th Street West and Holiday Heights First Addition.

(Notice published in The Bradenton Herald 10/7/82)

Planning Commission recommended DENIAL.

MANATEE COUNTY ORDINANCE Z-82-51:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-2, -C- AND C-1 TO R-3B; PROVIDING AN EFFECTIVE DATE.

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David Haley, Consulting Engineer representing Route 41 Realty, and John Ruggels, developer, made brief presentations and were available to answer any questions.

Those speaking in opposition were:

Ed Sanker, Holiday Heights, and Jack Peal, trustee of the Holiday Heights Civic Association.

The Chairman declared the public hearing closed.

Having reviewed the application, the Ordinance, the site in question and application before the Board, and finding the request to be reasonable and compatible, Mr McGavic moved to approve Z-82-51. Motion was seconded by Mr Chance. Voting "Aye" were Commissioners Chance, McGavic and Vickers. Commissioner Glass voted "Nay". Motion carried.

RECORD ORDINANCE *Zoning*

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

Z-82-54 WILLIAM B. KIPP - REZONE TO -C- - DENIED

Request: Rezone from R-1B to -C- on .8 acre on northeast corner of Erie Road and Ellenton-Gillette Road (SR 683)

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

Planning Commission recommended APPROVAL.

Planning Staff objects to this request for the following reasons:

1. This request is not compatible with existing residential land uses along Erie Road and Palm View Circle (70th Street East), if approved, would encourage continued strip commercial zoning easterly along Erie Road.
2. Additional commercial zoning is not appropriate as existing undeveloped commercial-zoned property at this intersection is considered sufficient for neighborhood shopping needs.

MANATEE COUNTY ORDINANCE Z-82-54:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,

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

Presentations were made by William Kipp and Tom Levin of R.E. Nelson, Inc.

Speaking in opposition were:

Gary Guthrie

Cecil Reeves, Shadow Mobile Home Park, who read a letter from Gordon E. Powers, President, Shadow Brook Condominium Owners Association, with a petition (240 signatures) in opposition.

Following the closing of the public hearing, it was re-opened by the Chairman to hear further comments on land use.

William Kipp offered more detailed information regarding the use of the land and density.

Others speaking in opposition were:

Mr Andrews, Shadow Brook; Mary & Robert Doucette and Betty Weber.

The Chairman declared the public hearing closed.

Having considered the requirements of the Ordinance, the review by the staff and the Planning Commission and finding that the request is inconsistent, Mr McGavic moved that Z-82-54 be denied. Motion was seconded by Mrs Glass. Voting "Aye" were Commissioners McGavic, Glass and Vickers. Commissioner Chance voted "Nay". Motion carried.

Public hearing was held for the purpose of considering:

SP-82-60 WARREN L. MAMLOCK - RETAIL GASOLINE SALES - APPROVED

Request: Special Permit to allow retail gasoline sales (with permitted convenience retail sales) on 1.3 acres on the southwest corner of SR 64 and Morgan Johnson Road.

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

Planning Staff does not object to this request with the following conditions:

1. Direct drive access to SR 64 shall be prohibited to accomplish the requirements of the Land Development Code driveway regulations and the Agricultural Fringe Overlay District.
2. A waiver of the 47 feet of the 150 foot road frontage requirement along S.R. 64 is approved, provided access is via Morgan Johnson Road only.

Planning Commission recommended APPROVAL with the waiver of 47 feet of the 150 foot requirement along SR 64 and with the stipulation that an "entrance only" on SR 64 be permitted.

Warren Mamlock spoke on behalf of his application.

(Exit Mr Chance)

Jerome Gostkowski, Highway Department, recommended that if the Board is inclined to allow the driveway onto SR 64 it be stipulated that it be an entrance only and that it be a right turn-in. He said he does not endorse suggestion by the engineer of record that a deceleration lane be included and to move the entrance as far west as possible on the property. He noted the Board might consider cross easements to the adjoining property.

Having considered the requirements of the Comprehensive Plan and Development Code and finding the request consistent with the requirements and having considered the testimony before the public hearing and recommendations of the staff and Planning Commission, Mr McGavic moved that SP-82-60 be approved, specifically allowing access onto SR 64 and approving a waiver of the requirements of the Ordinance that deal with required frontage. Motion was seconded by Mrs Glass.

Under discussion, Mr McGavic stated he had not been convinced that if this motion is approved the action taken will not have been in violation of the Code in any respect. Motion carried unanimously.

Upon question by Mr Gostkowski to Mr McGavic if it was his intent in his motion that the driveway be in accordance with the recommendation of the County Engineer, the answer was in the affirmative.

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

Public hearing was held for the purpose of considering

SP-82-79 SAMUEL H & BETTY L CULBERT - MOBILE HOME - APPROVED

Request: Special Permit to allow a mobile home as a residence on 6.4 acres at 715 Gates Creek Road, 1500 feet east of Upper Manatee River Road.

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

Planning Commission recommended APPROVAL for a period of 5 years plus an additional 5 years to be granted at the administrative discretion of the Planning Director.

Having considered the consistency with the Manatee County Comprehensive Plan and recommendations of the staff and Planning Commission, Mrs Glass moved to approve SP-82-79. Motion was seconded by Mr McGavic and carried unanimously.

(Enter Mr Chance)

SP-82-81 HANEY CONSTRUCTION - BEER & WINE (2-COP) - APPROVED

Request: Special Permit to allow consumption of beer and wine (2-COP) on premises of existing sandwich shop on the southwest corner of 57th Avenue East and 5th Street East. (Notice published in The Bradenton Herald 10/1/82)

Planning Commission recommended APPROVAL with condition that:

1. No more than sixteen seats will be permitted.

Having considered consistency with the Manatee County Comprehensive Plan and recommendation of the Board, Mrs Glass moved to approve SP-82-81. Motion was seconded by Mr McGavic and carried unanimously.

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SP-82-82 G & G PROPERTIES, INC - GASOLINE SALES - APPROVED

Request: Special Permit to allow retail gasoline sales (in conjunction with a permitted, proposed convenience store) on .65 acre on the northwest corner of Caruso Road and SR 70 (Notice published in The Bradenton Herald 10/8/82)
 Planning Commission recommended APPROVAL.

Having considered consistency with the Comprehensive Plan and the recommendations of staff and Planning Commission, Mrs Glass moved to approve SP-82-82 with stipulations as outlined (if any). Motion was seconded by Mr Chance and carried unanimously.

SP-82-90 FLORIDA POWER & LIGHT - MOBILE HOME - APPROVED

Request: Special Permit to allow mobile home as a residence for a grove supervisor on a 457-acre-parcel, 900 feet north of SR 62, approximately 150 feet east of Saffold Road.
 (Notice published in The Bradenton Herald 10/5/82)
 Planning Commission recommended APPROVAL.

Having considered the recommendation of the Planning Commission and finding the application to be consistent with the Plan, Mr Chance moved to approve SP-82-90. 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

Adj: 3:10 p.m.