

DECEMBER 16, 1982

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, December 16, 1982 at 9:17 a.m.

Present were Commissioners:

Vernon E. Vickers, Chairman
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Westwood H. Fletcher, Jr.
Patricia M. Glass

Also present were:

Keith Roberts, Assistant County Attorney
David Rothfuss, Economic Analyst, 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, and others who entered during the meeting.

Invocation by Rev. William Amos, Christ Evangelical Lutheran Church

The meeting was called to order by Chairman Vickers.

NUMBERING (ADDRESS) SYSTEM REVISED - 17TH STREET EAST

Larry Frazier, Planning Director, reported that a renumbering system on lots and buildings along 17th Street East, north of 63rd Avenue East, will be made officially effective as of January 1, 1983. As a result of study and efforts by the Department, with cooperation by area businesses, property owners and the post office, better services for mail/delivery, etc., will be provided the community.

CODE ENFORCEMENT BOARD (CANDIDATES)

Board members concurred with recommendation of Mr Frazier to set up interviews with candidates (20) for the Code Enforcement Board.

ZONING

The Planning Director advised that public hearing on Z-82-63, Cousins Associated, will be rescheduled because of improper legal notice.

ORDINANCE 82-24 - PROPOSED AMENDMENTS TO SIGN ORDINANCE (81-23)

Public hearing was open for the purpose of considering Ordinance 82-24, proposed amendments to Sign Ordinance 81-23. (Notice published in the Bradenton Herald, 11/29/82).

Michael Horner, Senior Planner, reviewed memoranda from Mr Frazier (1) dated December 16, 1982, which pointed out the four major revisions to the ordinance related to

- = Calculation of sign area for freestanding signs and wall signs,
- = Permitting development entrance signs in a public right-of-way,
- = Permitting identification signs in residential zones for churches, libraries, etc.,
- = Developing a "sliding scale" for allowing on-site residential advertising signs based on total number of units or lots.

(2) dated December 9, 1982, clarifying the objectives in revised sign area calculations for permanent on-site advertising signs.

Those speaking in regard to the Sign Ordinance were:

Dennis Warner, 1306 70th Street West; Pat Ellis; Frank Buskirk - concerning sign plan with application and right to appeal for variance; Elden Johnson, representing Shell Oil Co. - concerning signs on an interstate.

(Enter Mr Chance)

Pastor Amos, Christ Evangelical Lutheran Church, 928 63rd Ave East, submitted pictures of the sign located at the front of his Church; Paul Bennamen - regarding sign he constructed for that Church;

Wendell Kelly - submitted a copy of a newspaper clipping from the Bradenton Herald.

Following further discussion, the public hearing was continued to January 20, 1983 at 9:00 a.m. or as soon thereafter as possible.

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

PITTSBURGH PARK SUBDIVISION - STREET VACATION

Upon motion by Mr Chance, and seconded by Mrs Glass, Resolution was unanimously adopted setting a public hearing on January 20, 1983, to consider

83-V-2 Application by William H. and Enid M. Sams to vacate a portion of Pomelo Street in Pittsburgh Park Subdivision (Plat Book 5, page 13)

RECORD RESOLUTION

\$32-677

HOUSEMOVINGS (SMITH; GAINNEY)

Having considered the staff report, and finding the request to be consistent with The Manatee Plan, Mr Fletcher moved to approve housemoving applications

HM-83-5 RAYMOND SMITH, to move a single family residence for use as a single family residence FROM 1305 13th Street West TO 3403 21st Street East.

HM-83-6 LARRY GAINNEY, to move a single family residence for use as a single family residence FROM 5415 9th Street East TO 2408 30th Avenue East.

Motion was seconded by Mr Chance and carried unanimously.

ZONING

81-S-21 UNITED INDUSTRIAL PARK S/D - FINAL PLAT APPROVED

Request: Final subdivision plat approval on the east side of 27th St. E., north of 30th Ave. E. on 19.75 acres zoned M-1.

Mr Frazier informed the Board that the developer is posting a security in the amount of \$22,050.00 and the County Engineer has approved it. (Defect security in the form of Clean Irrevocable Credit No. A-1010 by Barnett Bank for United Properties, Inc.)

Based on staff recommendation, Mr Fletcher moved to approve final subdivision plat no. 81-S-21, United Industrial Park, and accept the subdivision agreement and performance security. Motion was seconded by Mrs Glass. Voting "Aye" were Commissioners Chance, Fletcher, Glass and Vickers. Commissioner Chetlain voted "Nay". Motion carried.

(NOTE: No subdivision agreement was submitted)

Z-83-2 BENEDETTO VETTRAINO - REZONE TO PR - APPROVED

Request: Rezone from R-1AB to PR located on the southeast corner of 53rd Ave. E. & 9th St. E. on 1.05 + acres. Planning Commission recommended APPROVAL.

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

MANATEE COUNTY ORDINANCE Z-83-2:
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-1AB TO PR; PROVIDING AN EFFECTIVE DATE.

Having considered the staff report and the Planning Commission's recommendation, and finding this request to be consistent with The Manatee Plan, Mrs Glass moved to approve Manatee County Ordinance Z-83-2. Motion was seconded by Mr Fletcher and carried unanimously.

RECORD ORDINANCE

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Cont'd

Public hearing (notice published in the Bradenton Herald, November 24, 1982) was held for the purpose of considering

SP-82-83 FIRESTONE TIRE & RUBBER CO. - APPROVED

Request: A special permit to allow construction of a one-story 7,900 sq. ft. vehicle service establishment located at the southeast corner of Bayshore Gardens Parkway (proposed 63rd Ave. W. Extension) and U.S. 41 on .55 acre zoned C-1. Planning Commission recommended APPROVAL with the following conditions:

1. The applicant shall extend the existing waterline to this parcel for connection prior to a Certificate of Occupancy being issued.
2. This parcel shall be restricted to right turn-in/turn-out access on U.S. 41.
3. This parcel shall be restricted to right turn-in/turn-out access on 63rd Avenue West after this facility has been reconstructed. Existing drives will be used until that time.
4. No outside storage or servicing of vehicles shall be permitted.

Having considered the staff report, the Planning Commission's recommendation, and finding this request to be consistent with The Manatee Plan, Mrs Glass moved to approve special permit SP-82-83 with the conditions set forth by the Planning Commission. Motion was seconded by Mr Chance and carried unanimously.

Public hearing (notice published in the Bradenton Herald, November 24, 1982) was held for the purpose of considering

SP-82-99 NEAL E SCHULTZ - MOBILE HOME - APPROVED

Request: A special permit to allow a mobile home as a dwelling located at tract 9 of Sodbuster Farms, south side of Erie Road on 5 + acres zoned A-1.

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

Having considered the staff report, the Planning Commission's recommendation and finding the request to be consistent with The Manatee Plan, Mr Chetlain moved to approve Special Permit No. SP-82-99 as recommended by the Planning Commission. Motion was seconded by Mr Fletcher and carried unanimously.

Public hearing (notice published in the Bradenton Herald, November 29, 1982) was held for the purpose of considering

SP-83-4 RUTH H SWAUGER - GROUP HOME CARE HOME ADD.-APPROVED

Request: A special permit to add three client residents to an existing group care home, for a total of eight client residents, located at 1207 39th Avenue West on .42 + acre (18,455 sq. ft.) zoned R-1A.

Planning Commission recommended APPROVAL.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mrs Glass moved to approve Special Permit SP-83-4. Motion was seconded by Mr Fletcher and carried unanimously.

Public hearing (notice published in the Bradenton Herald, November 11, 1982) was held for the purpose of considering

SP-83-6 CHARLES & LYNNE WICKERSHAM - MOBILE HOME - APPROVED

Request: A special permit to allow a mobile home as a residence located on tract 39 of the Waterbury Grapefruit Tracts on 10 + acres zoned A/WP/ST.

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

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mrs Glass moved to approve Special Permit SP-83-6 for a period of five years plus an additional five years to be granted at the administrative discretion of the Planning Director. Motion was seconded by Mr Fletcher and carried unanimously.

Public hearing (notice published in the Bradenton Herald, November 24, 1982) was held for the purpose of considering

SP-83-7 CECIL & VALERIE MOORE - GASOLINE SALES APPROVED

Request: A special permit to allow retail gasoline sales (with permitted convenience retail sales) located one-third of a mile east of Zipperer Road, south side of S.R. 64 on 1.14 + acres zoned -C-.

Planning Commission recommended APPROVAL.

Having considered the staff report and Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mr Fletcher moved to approve Special Permit SP-83-7. Motion was seconded by Mr Chance and carried unanimously.

Z-82-62 FIRST ASSEMBLY OF GOD, INC - REZONE TO R-3B - DENIED

Request: Rezone from R-1 to R-3B located south of First Assembly of God Church, 1820 53rd Ave. W. on 5.3 + acres.

Planning Commission recommended DENIAL.

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

MANATEE COUNTY ORDINANCE Z-82-62:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
 PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1 TO R-3B;
 PROVIDING AN EFFECTIVE DATE.

William D Hudson, 6815 14th Street West, petitioner, made a brief presentation and was available to answer any questions.

Rick Ploughe, Senior Planner, Planning Department, reviewed the uses of the R-3B zoning.

Those speaking in opposition were:

Birdy Tailor; Joseph C Ferrell, Attorney; Tom Schlemmer; and Mrs Grant Shay.

Having considered the staff report, the Planning Commission's recommendation; the comments made during the public hearing, and finding the request to be inconsistent with The Manatee Plan, Mr Fletcher moved to deny Manatee County Ordinance Z-82-62. Motion was seconded by Mr Chetlain and carried unanimously.

Z-83-1 RICHARD & DIANA DAVIS - REZONE TO A-1 - APPROVED

Request: Rezone from -A- to A-1 located on the south side of Old Tampa Road, 1600 + feet east of Foy Road on 5 acres.

Planning Commission recommended APPROVAL.

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

MANATEE COUNTY ORDINANCE NO. Z-83-1:

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

N. H. Robertson, 10120 25th Street, East, spoke in opposition.

David & Christine Bowen, petitioners, made brief presentations and were available to answer any questions.

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Having considered the staff report, and the public comments, Mr Chance moved to deny rezoning request for Richard & Diana M. Davis, Z-83-1. Motion was seconded by Mr Fletcher. Voting "Aye" were Commissioners Chance and Fletcher. Commissioners Chetlain, Glass and Vickers voted "Nay". Motion to deny did not carry.

Having considered the staff report and the Planning Commission's recommendation, comments made during the public hearing, and finding the request to be consistent with The Manatee Plan, Mrs Glass moved to approve Manatee County Ordinance Z-83-1. Motion was seconded by Mr Chetlain. Voting "Aye" were Commissioners Chetlain, Fletcher, Glass and Vickers. Commissioner Chance voted "Nay". Motion carried.

RECORD ORDINANCE

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

BEKER - SUBSTANTIAL DEVIATION

Public hearing (from December 15, 1982) was continued for the purpose of considering a

RESOLUTION FINDING A SUBSTANTIAL DEVIATION

from the Development of Regional Impact approval granted Beker Phosphate Corporation on January 28, 1975.

Mr Fletcher moved for adoption of the resolution finding a substantial deviation and authorized the Chairman to sign. Motion was seconded by Mr Chetlain.

(Exit Mr Chance)

Following some discussion, motion carried unanimously.

RECORD RESOLUTION

S32-678

John Harllee, Attorney for Beker, stated that Beker takes exception to the finding in the resolution and does not believe the evidence concludes the finding of a substantial deviation.

The Chairman declared the public hearing closed.

ZONING (Cont'd)Z-82-50 ISLAND BANK - REZONE TO PDR - APPROVED

(Formerly Dub Holcomb & Brooks Cobbum)

(Enter Mr Chance)

Request: Rezone from C-1 to PDR located at the end of 127th Street, West (Marker 50 Marina Peninsula) on 3.67 ± acres.

Planning Commission recommended DENIAL.

Planning Staff recommended APPROVAL with the following conditions:

1. The developer shall install the necessary improvements as required by Manatee County Utilities Department to provide the site with sanitary sewer and water.
2. The developer shall contribute funds for the installation of a traffic control device at the intersection of 127th Street 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 this project at that intersection. This stipulation is conditioned on the County obtaining the necessary permits.

Public hearing (notice published in the Bradenton Herald, November 19, 1982) was held for the purpose of considering

MANATEE COUNTY ORDINANCE NO. Z-82-50:
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM C-1 TO PDR;
PROVIDING AN EFFECTIVE DATE.

Patterson Fletcher, Architect, made a brief presentation and stated that the developers are willing to meet the stipulations.

David Dietrich, Attorney for the applicant, was available to answer any questions.

James Wallace, Attorney representing Col. & Mrs R. E. Lowry, Jr., reviewed his letter of December 16, 1982 stating his client's reasons for opposing the proposed ordinance:

- (1) The street or easement over which the applicants propose to travel, known as 127th Street West and also as Bayview Street, is located in front of his clients' property and is between 15 feet wide and 18 feet wide, the 18 feet being the maximum width of the street. This constitutes inadequate access to the proposed facility.
- (2) The applicants also propose to use Bayview Street or 127th Street West as the access for their utilities. They do not have this right over this street easement.

Mr Lowrey stated he had no objection to the project, however, he did not propose to let them use a road which has cost him thousands of dollars.

The Planning Director concurred with suggestion by Mr Fletcher that the conditions be changed to state that the owner shall instead of the "developer" shall.

He recommended two stipulations be added to state that:

- (3) the applicant or ultimate owner stipulate no interval ownership or time-sharing use of the property;
- (4) the owner or buyer will participate on an equitable basis in the improvement of 127th Street, West, including utility easements.

Regarding the two additional stipulations, Mr Dietrich stated the applicant could agree to the first one and would have no objection to a fair-share participation in the improvements which are necessary to serve their property.

Having considered the staff report, the Planning Commission's recommendations, comments made during this public hearing, and finding this request to be consistent with The Manatee Plan, Mr Fletcher moved to approve Manatee County Ordinance Z-82-50 with the two stipulations as outlined by the Planning Staff and the two additional stipulations that in the event of development by owner or sale of property, it will be stipulated in the development and in the sale that the property will not be used for interval ownership or time-sharing and, secondly, that the buyer or owner will participate in an equitable basis on any improvements needed on 127th Street West, to include utility easements if needed.

Mr Roberts suggested adding to the last stipulation that the specifics of that fair-share participation will be addressed at preliminary site plan review.

Mr Fletcher amended his motion as such. Motion was seconded by Mrs Glass and carried unanimously.

RECORD ORDINANCE

Zoning

RECESS/RECONVENE

The Chairman declared the meeting recessed to 2:00 p.m.

The Board reconvened at 2:10 p.m. with all members present.

Public hearing (notice published in the Bradenton Herald, November 6, 1982) was held for the purpose of considering

SP-83-5 MANATEE COUNTY UTILITIES DEPARTMENT - APPROVED

Request: Approval of a special permit and earthmoving site plan to allow major earthmoving in conjunction with the construction of an emergency spillway for the Lake Manatee Reservoir and dam located on the north side of the existing Lake Manatee Dam on 150 acres zoned A, A/WP, A/WP/ST, A/ST.

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Planning Commission recommended APPROVAL with the following conditions:

1. Prior to approval of the Operating Permit, a Best Possible Technology determination shall be made by the Board of County Commissioners under the County's Special Treatment Overlay District regulations on the basis of appropriate information submitted. Additional stipulations or amendments to the contract may be made or required to assure that the activities are conducted in accordance with Best Possible Technology.
2. Stakes, trees or barricades with ribbon shall be used to identify all limits of construction prior to commencement of earthmoving activity, and these limits shall not be violated during construction.
3. Prior to approval of the Operating Permit, a detailed construction sequence and phasing plan shall be submitted.
4. Prior to approval of the Operating Permit, a detailed water quality and quantity management plan shall be submitted. It shall include the location and dimensions of all proposed dewatering structures and retention ponds, the amount of runoff to be handled, dewatering pump capacities, pump placement, proposed discharge points, and how the pertinent water quality standards are to be met.
5. Prior to approval of the Operating Permit, a detailed description of the maintenance program shall be submitted. It shall address such issues as inspection, maintenance, repair or replacement, and restoration as a part of the total site reclamation.
6. Prior to approval of the operating permit, additional water quality monitoring as required by the Health Department and the Department of Environmental Regulation shall be submitted.

Charles Hunsicker, Utilities Department, made a brief presentation and was available to answer any questions.

Tom Sear, Consulting Engineer, Howard, Needles, Tammen & Bergendoff, was also available to answer any questions.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mr Chance moved to approve Special Permit No. SP-83-5 and the Final Earthmoving Site Plan for the Manatee County Utilities Department Spillway with the conditions set forth by the Planning Commission. Motion was seconded by Mrs Glass and carried unanimously.

CLERK'S CONSENT CALENDAR

Upon motion by Mrs Glass, seconded by Mr Chance, the Clerk's Consent Calendar, dated December 16, 1982, was unanimously approved:

BILLS FOR PAYMENT:

Bill Halfacre - Samoset Center, #5	\$ 9,198.00
Dick, Johnson, Jefferson - County Commissioner's Bond (Kent G Chetlain)	20.00
Cherry, Bekaert & Holland - FYE 9/30/82 Audit:	
BCC	3,129.57
Clk. Circ. Ct.	3,591.21
Sheriff	3,637.50
Tax Coll.	1,548.97
Prop. Appr.	1,903.59
Utilities	5,105.52
	18,916.36
Emergency Med. Serv. Auxiliary - Mini-Ambulance	2,000.00
Refund: Dennis Christie (P&D)	32.90
Refund: Anthony A. Comello (Fame Electric) (P&D)	41.30
Refund: David S. Myers (P&D)	400.00

MANATEE MEMORIAL HOSPITAL NEGOTIATING TEAM

Upon motion by Mr Fletcher, and seconded by Mr Chetlain, the following were unanimously appointed to the Manatee Memorial Hospital Negotiating Team:

- | | |
|------------------|-------------------|
| F. Daniel Miller | Patricia M. Glass |
| Vernon Vickers | R. B. Shore |
| Connie Foster | Dr. Donn W. Keels |

BOARD MEETING CANCELLED

Mrs Glass moved to cancel the meeting of December 28, 1982. Motion was seconded by Mr Fletcher and carried unanimously.

MEETING ADJOURNED

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

Attest:



Clerk

APPROVED:



Chairman 3/29/83

Adj: 2:43 p.m.