

JANUARY 30, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, January 30, 1986, at 9:00 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman
Lloyd C. Hagaman, Jr., Vice-Chairman
Edward W. Chance
Kent G. Chetlain
Maxine M. Hooper

Also present were:

Barbara Levin, Assistant County Attorney, representing
H. Hamilton Rice, County Attorney
Richard H. Ashley, Chief Deputy Clerk, and
Donald E. Barry, Assistant to Clerk, representing R. B. Shore,
Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Dr. William Wolfe, Ellenton United Methodist Church.

The meeting was called to order by Chairman Fletcher.

ZONING

Consent Agenda

Public hearings (Notice in The Bradenton Herald 1/10/86) were held for the purpose of considering SP-85-117, SP-86-19, SP-86-24, SP-86-25, SP-86-27 and SP-86-28:

SP-85-117 OLD 301 PARTNERS - GASOLINE PUMPS (APPROVED)

Request: Special permit to allow self-service gasoline pumps in conjunction with permitted sales on 1.03 acres at the southwest corner of 15th Street East (Old U. S. 301) and 63rd Avenue East. Planning Commission recommended APPROVAL.

SP-86-19 ROGER MEYER - EXTENSION OF EXISTING PIER (APPROVED)

Request: Special permit to extend an existing 80 foot pier to a total length of 110 feet on 2.16 acres at 2021 71st Street West. Planning Commission recommended APPROVAL with the stipulation contained in the staff report:

1. The existing "prop wash:" area must be restored by installing clean sand fill and planting nutritive sea grass.

SP-86-25 BETHEL BAPTIST CHURCH - DAY CARE CENTER (APPROVED)

Request: Special permit to allow a day care center for 50 children at 1805 30th Avenue West (5 acres). Planning Commission recommended APPROVAL.

SP-86-27 DAVID PRESLAR - VEHICLE SALES ESTABLISHMENT (APPROVED)

Request: Special permit to allow a vehicle sales establishment on .22 acre at the north side of Cortez Road, 106 feet east of 28th Street West.

Planning Commission recommended APPROVAL with stipulations recommended by staff:

1. There shall be a maximum of 12 automobiles displayed for sale
2. Display of automobiles for sale shall be allowed in designated places only.
3. The existing 1193 square foot building shall be limited in use to offices for one (1) car salesman, the owner and one (1) secretary. Any additional employees shall require a reduction in the allowable number of display spaces on the basis of one (1) employee for one (1) display space.
4. Vehicle movement shall be prohibited to the east.

SP-86-28 MANATEE COUNTY SCHOOL BOARD - DAY CARE CENTER (APPROVED)

Request: Special permit to allow a day care center for 60 children at Tillman Elementary School at the intersection of Canal Road and 29th Street (.50 acre).

Planning Commission recommended APPROVAL.

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Having considered the staff reports, the Planning Commission's recommendations, comments made at the public hearing, and finding the requests to be consistent with the Manatee Plan, Mr. Chance moved to approve SP-85-117, SP-86-19, SP-86-25, SP-86-27, SP-86-28, DELETING from the Consent Agenda SP-86-24. Motion was seconded by Mr. Hagaman and carried unanimously.

Public hearing (Notice in The Bradenton Herald 1/10/86) was held to consider:

SP-86-24 JAMES M. HAYES - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home as a residence on 20 acres, approximately 2500 feet west of Verna-Bethany Road, Tracts 26 and 27 of Waterbury Grapefruit Tracts. *A Return to 5 acres*
 Planning Commission recommended APPROVAL for a period of three years with an additional three years at the discretion of the Planning Director.

Greg Scott, adjacent property owner, objected to the location of the mobile home 400 feet off his fence line, stating it is in poor condition and needs considerable repair. The applicant had verbally agreed to relocate from the northeast corner to the southeast corner of the property. He requested denial of the special permit unless the mobile home is relocated.

The applicant submitted pictures of the mobile home and stated he is aware that certain repairs need to be done. He explained that two panels were ruined and the insulation damaged by wind and water; that he plans to build a home at this location in order to utilize the well and electricity already in place. The relocation would cost over \$5,000 for another well, septic tank, etc.

The public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Special Permit SP-86-24 for a period of three years. Motion was seconded by Mr. Hagaman and carried unanimously. *A. Amended by SP-87-24/SP-87-24 3/10/88*

Public hearing (Notice in The Bradenton Herald 1/10/86) was held to consider:

SP-86-13 J. LLOYD & MARY EDNA HILTON - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home in addition to a residence on 30 acres at the west side of Jim Davis Road, one half mile south of State Road 675.
 Planning Commission recommended APPROVAL for a period of five years with an additional five years at the discretion of the Planning Director.

Mr. Chance said he had been advised the mobile home is for a member of the family who is seriously ill.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mr. Chance moved to approve Special Permit No. SP-86-13 for a period of five years with an additional five years at the administrative discretion of the Planning Director. Motion was seconded by Mr. Chetlain and carried unanimously.

Public hearing (Notice in The Bradenton Herald 1/10/86) was held to consider:

SP-86-21 DAVID SNYDER/CATHLEEN FRECK - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home in addition to a residence on 10 acres, four miles north of State Road 70, 1300 feet west of Verna-Bethany Road (Lot #7, Waterbury Grapefruit Tracts).
 Planning Commission recommended APPROVAL for a period of three years with an additional three years at the discretion of the Planning Director.

David Snyder, petitioner, requested approval of mobile home permit indicating they are planning to build a house within three years. The mobile home will be under the trees and hardly visible from the road.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Special permit No. SP-86-21 for a period of three years. Motion was seconded by Mr. Chetlain and carried unanimously.

Public hearing (Notice in The Bradenton Herald 1/10/86) was held to consider:

SP-86-22 GARY BRETHAUER (APPROVED)

Request: Special Permit to allow the expansion of a light manufacturing establishment on 5 acres at 6140 15th Street East. Planning Commission recommended APPROVAL with stipulations recommended by staff:

1. A six foot high opaque fence is required along the western property line. Where presently not opaque, webbing or slats shall be installed in the chain link fence.
2. Outdoor storage areas shall be screened from view through the installation of webbing or slats in the chain link fence.

Gary Brethauer, applicant, commented he has been operating the manufacture of patio furniture for over seven years. In response to noise and pollution complaints, he submitted pictures demonstrating that two compressors have been encased and insulation packages have been installed to prevent noise, and a dust collector and filters have been added on the bottom as a temporary correction. He pointed out that a permanent correction is underway to eliminate the problem.

Upon question that the applicant might be operating illegally under the C-2 zoning, Rick Ploughe, Planning Department advised that the buildings currently in use when the 1981 Comprehensive Plan went into effect were deemed to have a special permit. However, approval of a special permit is necessary in order for the manufacturing operation to be expanded.

Having considered the staff report the Planning Commission's recommendation, comments made at the public hearing, and finding the request to be consistent with the Manatee Plan. Mr. Hagaman moved to approve Special Permit No. SP-86-22, with the stipulations recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried unanimously.

Public hearing (Notice in The Bradenton Herald 1/10/86) was opened for consideration of

SP-86-23 FORELAND SOUTHWEST CORPORATION - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home as a residence on 5 acres on the east side of Brendle Road, 800 acres north of Singletary Road in Myakka City. Planning Commission recommended APPROVAL for a period of three years with an additional three years at the administrative discretion of the Planning Director, and with stipulation recommended by staff:

1. The special permit will be issued only to potential buyers, Ellis and Tanya Vickery.

Judy Betts, representing the applicant, requested approval of the permit as recommended by the Planning Commission.

Public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Special Permit No. SP-86-23 for a time period of three years. Motion was seconded by Mr. Hagaman and carried unanimously.

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Z-86-22 PALMA SOLA GOLF CLUB, INC.- C-1 (APPROVED)

Request: Rezone from R-2 and R-3B to C-1 on 16.3 Acres on the north side of Cortez Road West, between 71st Street West and 75th Street West.

Planning Commission recommended APPROVAL.

Public hearing (Notice in the Bradenton Herald 1/10/86) was opened to consider:

ORDINANCE Z-86-22:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 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 AND R-3B TO C-1; PROVIDING AN EFFECTIVE DATE

Rick Ploughe, Planning Department, commented that it was staff's opinion that PDC would be more appropriate zoning as it would allow the County to control the number of access points.

Gregory Porges, Attorney representing Palma Sola Golf Club, Inc., stated that the request for rezone for commercial use on these 16 acres is due to the growth of Manatee County in the area of Cortez Road and 75th Street and the current plans for the widening and improvements on those two thoroughfares.

Mark Barnabey, Attorney, and Tom McCollum of Zoller, Najjar, Schroyer, were present to answer any questions.

Public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding the request to be consistent with the Manatee Plan, Mr. Chetlain moved to approve Manatee County Ordinance No. Z-86-22. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

Public hearing (Notice in the Bradenton Herald 1/10/86) was opened to consider:

SP-86-04 S. GENE & LAURA GREGORY - BEAUTY SHOP (DENIED)

(Continued from December 12, 1985)

Request: Special Permit to allow a one chair beauty salon as a home occupation, on 0.17 acres at the west side of 26th Street West, 102 feet north of Florida Boulevard.

Planning Commission recommended APPROVAL with stipulations recommended by staff:

1. Maximum square footage of the beauty salon is limited to two hundred and seven (207) square feet.
2. No employees other than members of the immediate family occupying the residence are permitted.
3. No alterations to the exterior appearance of the premises shall be made which changes the character thereof as a residence.
4. A maximum of one non-illuminated on-site wall sign not exceeding one square foot in area on the principal residential building not more than two feet from any one entrance thereof shall be permitted.

Gene Gregory, applicant, submitted letters (about 30) from adjoining and area property owners stating they have no objections to the beauty salon. He stated he has conformed with all rules and regulations of Planning and Zoning and the property has not been altered in any way.

Ronald Lucas, 2301 South Wellesley Drive, Bayshore Gardens, member of the Bayshore Garden Homeowners Association, submitted the request of 1400 homeowners in this area to deny Special Permit SP-86-04.

Robert Clark 6908 26th Street West, Vice-Chairman of the Board of Trustees, Bayshore Garden Parks and Recreation District, submitted a petition (139 signatures) requesting denial of the permit and opposing infiltration of businesses in the district regardless of size.

(Depart Mr. Chance)

Robert Harvey commented that deterioration was beginning in Bayshore Gardens and asked the Board to recognize that approval of the special permit would be against the best interests of the associations represented.

(Enter Mr. Chance)

Public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding the request to be inconsistent with the Manatee Plan, Mr. Hagaman moved to deny Special Permit No. SP-86-04. Motion was seconded by Mr. Chetlain. Voting "aye" were Mr. Chetlain, Mr. Fletcher and Mr. Hagaman. Voting "nay" were Mr. Chance and Mrs. Hooper. Motion carried.

Recess/Reconvene. All members present, except Mr. Chance.

Public hearing (Notice in the Bradenton Herald 1/10/86) was open to consider

SP-86-26 LEON R. & JUANITA R. CLARK (APPROVED)

Request: Special Permit to allow self-service gasoline pumps in conjunction with permitted retail sales and a waiver of street frontage requirements on .62 acre at the northeast corner of 15th Street East (Old US 301) and Tallevast Road.

Planning Commission recommended APPROVAL with a waiver of street frontage requirements from 150 feet to 143 feet and with the stipulation recommended by staff:

1. A six foot high opaque fence must be installed along the eastern property line.

(Enter Mr. Chance)

Upon question, Jerome Gostkowski, Department of Transportation, explained that the intersection is currently being upgraded to provide left-turn storage and the department has worked with the applicant on the driveway locations. The County's long-range planning for US 301 calls for a 4-lane road and the applicant has consented to the driveway dedication.

Geoffrey Pflugner, Attorney representing the applicant, advised that the right-of-way has been taken into account in the setbacks.

The public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve SP-86-26, with the waiver of street frontage requirements to 143 feet and the stipulation recommended by the Planning Commission. Motion was seconded by Mr. Hagaman and carried unanimously.

Public hearing (Notice published in The Bradenton herald 1/10/86) was open to consider

Z-86-02 CECIL REAGAN, INC - REZONE TO A-1 (CONTINUED)

(Continued from December 12, 1985)

Request: Rezone from A to A-1 on 900 acres at south side of Upper Manatee River Road, one mile west of Rye Road.

Planning Commission recommended Approval.

Staff report indicated that the Planning Commission Committee looking at the East County area was not ready for a report but felt that approval of this request would not jeopardize its review.

The Chairman suggested that consideration of this application be made after a determination at the joint meeting of the Board of County Commissioners and the Planning Commission scheduled February 6, 1986.

Tom McCollum, representing the applicant, requested to be placed on the agenda of February 27, 1986.

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Mrs. Hooper moved to continue the public hearing on Z-86-02 until February 27, 1986 at 9:00 a.m. or as soon thereafter as same may be heard. Motion was seconded by Mr. Hagaman and carried unanimously.

Z-86-21 C. L. SWANSON - REZONE TO M-1 (APPROVED)

Request: Rezone from M-2 to M-1 on 4.3 Acres at the northeast corner of 63rd Avenue East and 21st Street East.
Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 1/10/86) was held to consider

ORDINANCE Z-86-21:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM M-2 TO
M-1; PROVIDING AN EFFECTIVE DATE

Janice Roca, Ugarte and Associates, on behalf of the applicant, agreed with the staff report.

Public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Manatee County Ordinance No. Z-86-21. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE

Z-86-23 OPAL TAYLOR - REZONE TO PR (APPROVED)

Request: Rezone from R-2 and R-1AB to PR on 1.4 acres at 5325 26th Street West.
Planning Commission recommended APPROVAL.

Public hearing (Notice in the Bradenton Herald 1/10/86) was opened for the purpose of considering

ORDINANCE Z-86-23:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-2
AND R-1AB TO PR; PROVIDING AN EFFECTIVE DATE.

Caleb Grimes, attorney representing the applicant, responded to questions by the Board.

Public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with The Manatee Plan, Mr. Chetlain moved to approve Manatee County Ordinance Z-86-03. Motion was seconded by Mr. Hagaman and carried unanimously.

RECORD ORDINANCE

PDI-85-2/85-S-57 - AIRPORT BUSINESS CENTER NORTH (APPROVED)

(Continued from December 12, 1985)

Request: Approval of a preliminary subdivision plat/preliminary planned development plan for a 42-lot planned industrial development, on 43.25 acres south of Nicholson Road, west of 15th Street East (Old US 301).

Planning Commission recommended APPROVAL with stipulations:

1. On the final development plan/subdivision plat, the seventy-five foot wide landscape buffer area along the north side of the development must be shown as a landscape buffer easement and must be recorded restricting usage of this area by individual property owners.
2. The developer shall revise the private covenants and restrictions submitted as part of this review to include common maintenance provisions for the seventy-five foot wide landscape buffer area described in stipulation #1 above. The private covenants and restrictions must be submitted for County review with the Final Subdivision Plat and, once approved, must be recorded prior to final subdivision plat approval.

3. The developer, his heirs, assigns or transferees, are hereby notified that the Impact Fee Ordinance when adopted by Manatee County may require the payment of impact fees.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mr. Hagaman moved to approve Preliminary Development Plan and Preliminary Subdivision Plat No. PDI-85-2/85-S-57 with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

RECORD PDI

PDR-81-5/86-S-3 THE PRESERVE, PHASE I - P/PLAT; PDP (APPROVED)

Request: Approval of a Preliminary Subdivision Plat and Preliminary Development Plan for Phase I of The Preserve (formerly known as the Mote property) on 59.89 acres east of Whitfield Avenue, 1.8 miles north of University Parkway, bordered on the west by Palm-Aire, north and east by Braden River.

The Planning Commission recommended APPROVAL with stipulations:

1. Entrance improvements shall be constructed on Whitfield Avenue to the specifications of the County Engineer meeting County standards.
2. A fifty-foot radius will be required at the intersection of Whitfield Avenue and the entrance road.
3. A revised Conceptual Development Plan, which shall include a Master Street and Drainage Plan and phasing plan for preliminary submittals, shall be submitted and approved prior to submittal of a Preliminary Development Plan for Phase II.
4. The developer, his heirs, assigns or transferees, are hereby notified that the Impact Fee Ordinance when adopted by Manatee County may require the payment of impact fees.

Mr. Hagaman noted that he had requested reconsideration of the motion (December 17, 1985) because he made an erroneous statement that previous approval had been granted for 50 units. Later he recognized the fact that they were actually approved for 120 units and had not corrected that statement. After talking with the applicant, he learned that emergency access is in place via Natalie Way, and the 63rd Street access is being discussed with other developers.

Mr. Chetlain expressed concerns as to density and the fact that this development is along the Braden River and within the watershed perimeters. Bruce Franklin, representing Amerifirst Development, responded to his concerns.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mrs. Hooper moved to approve Preliminary Subdivision Plat No. 86-S-3 and the Preliminary Development Plan No. PDR-81-5 for Phase I, with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chance, and carried unanimously.

Z-85-146 HAROLD QUATE - REZONE TO M-2 (SCHEDULED TO 2/27/86)

Request: Rezone from R-1 to M-2, 2.7 acres, north side of University Parkway approximately 350 feet west of 31st Street East.

Planning Commission recommended APPROVAL.

(On December 12, 1985 the Board deferred this item to the Planning Department for reconsideration of zoning classification - Commercial or PDI - and waiver of application fee)

Rick Ploughe relayed request from the applicant that the application be placed on the County Commission agenda for final consideration for either M-1 or M-2, since they were unable to agree on a suitable zone that would meet their needs.

Mr. Chance moved Z-85-126 be placed on the agenda of February 27, 1986. Motion was seconded by Mr. Hagaman, and carried unanimously.

86-S-01 STONECREST SUBDIVISION - P/PLAT (APPROVED)

(Continued from January 23, 1986)

Request: Approval of preliminary subdivision plat for 121 single family lots with a waiver of sidewalk requirements on 40 acres, east side of 39th Street East, two miles south of SR 70.

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Planning Commission recommended APPROVAL with a waiver of sidewalk requirements and stipulations recommended by staff, with amendment to number one as noted (amendment underscored):

1. Thirty-Ninth Street East shall be constructed to County Standards and the requirements of the County Engineer for the entire site frontage and tie to the nearest county maintained pavement.
2. The developer, his heirs, assigns or transferees are hereby notified that the Impact Fee Ordinance when adopted by Manatee County may require the payment of impact fees.

Discussion: Service Level Agreement on State Road 70; ability by the Board to stop the next phase of the project if service level on State Road 70 drops below a certain level; improvements to 39th Street, waiver of sidewalks.

Jerome Gostkowski, Department of Transportation, explained that the developers' contribution to the road system was to create the intersection at State Road 70, construct a bridge across the Pierce Drain and grade the road and right-of-way to 39th Street, but do not propose the paving and construction of sidewalks.

As to State Road 70, Caleb Grimes, attorney representing the developers (Plummer and Boyette), noted there will be improvement to the reliever road system by making the connection into 39th Street (developer will pave the length of the property) down to Tuttle, and there will be internal sidewalks. As to sidewalks on 39th, he believed it would be appropriate for them to be built as a participation project. He had no objections to a stipulation that if, within their sphere of influence, the service level drops below "C", "D" at peak hours, construction plans for future phases not be approved.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with the Manatee Plan. Mrs. Hooper moved to approve Preliminary Subdivision Plat No. 86-S-01 with the stipulations recommended by the Planning Commission. Motion died for lack of second.

Mr. Hagaman indicated he would second if the motion was re-introduced with the stipulation of service level "C" peak "D", in connection with phase construction plans. Mr. Grimes said this was acceptable.

Mr. Chance indicated he would favor waiving sidewalks within the project rather than on 39th Street, if the County can use the participation project to construct sidewalks on 39th Street.

Tom McCollum, Zoller & Najjar, responded to questions relating to the project.

Upon question, Sam Boyette, advised that he was proposing to construct sidewalks within the project and had requested waiver of 39th Street sidewalks.

Concerning inquiry whether the entire subdivision or the people on 39th street would be assessed for sidewalks, Ms. Levin advised that the County can assess the entire project as long as it can be proven that there is benefit derived to the residents.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve preliminary subdivision Plat No. 86-S-01 with the stipulations recommended by the Planning Commission and an additional stipulation:

3. Phase construction plans will not be approved if the traffic level in the areas influenced by this project fall below Level Service "C", "D" at peak hours.

Motion was seconded by Mr. Hagaman. Voting "Aye" were Mr. Chance, Mr. Fletcher. Mrs. Hooper and Mr. Hagaman. Mr. Chetlain voted "Nay". Motion carried.

Z-86-12 CLYDE & EMILIE BRADLEY - PDR (APPROVED)

Request: Rezone from A-1 to PDR, retaining the WP/ST (watershed protection/special treatment) overlay classifications and conceptual development plan approval for 69 single family lots on 24.3 acres at the southwest corner of the extension of Whitfield Avenue East and Lockwood Ridge Road.

Planning Commission recommended APPROVAL with the four stipulations recommended by staff.

1. The developer shall comply with all standards, regulations, or recommendations subsequently approved or adopted by the County in connection with the forthcoming Camp, Dresser, McKee Report known as the Southeast Area Stormwater Management Study. Compliance will be reflected as appropriate in the preliminary plan and/or in stipulations attached to the approval thereof; and if significant changes to the site plan are necessary, in the Director's judgment, to meet and comply with those standards, regulations, or recommendations, the developer will accordingly apply for an amendment to the Conceptual Plan.
2. The developer shall construct the two south bound lanes of a four-lane divided section for Lockwood Ridge Road and the east bound two lanes of a four-lane undivided section for Whitfield Avenue, as shown on the conceptual development plan, to County standards and requirements of the County Engineer.
3. The developer, his heirs, assigns or transferees, are hereby notified that the Impact Fee Ordinance when adopted by Manatee County may require the payment of impact fees.
4. Prior to the approval of construction drawings, the developer shall obtain and present to the County via the Planning and Development Department all permits necessary for this development, including those from the Department of Environmental Regulation and the Southwest Florida Water Management District for stormwater.

Public hearing continued from January 23, 1986 was open to consider

ORDINANCE Z-86-12:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO
PDR; RETAINING THE WP/ST OVERLAY CLASSIFICATION;
PROVIDING AN EFFECTIVE DATE.

Carol Clarke, Planning and Development, indicated that the proposal is a density of approximately 2.5 dwelling-units per acre, and that two issues of concern at the public hearing were: the single means of access to the property, and the consistency of the project with the recommendations of the Southeast Task Force.

She pointed out that after reviewing a report by Camp Dresser & McKee, (CDM) Engineers (Analysis of Storm Water Activity/Drainage in that area), the Task Force did not change its original recommendation for one dwelling unit per acre in the low intensity zone, an area surrounding tributaries.

She advised that staff is preparing the Task Force recommendations for presentation to the Planning Commission and the policy will have to go through the process of public hearing in order to be incorporated into the County Code and Plan.

(Depart Mr. Fletcher; Mr. Hagaman presiding)

She advised that the idea of one dwelling unit per acre in the low intensity zone was not a unanimous decision of the Task Force; that discussion and disagreement evolved around the one dwelling unit per acre and also on the appropriate policy concerning commercial and industrial activity in the low intensity zone.

(Enter Mr. Fletcher)

Patricia Petruff, representing the applicant, commented that after talking with several members of the Southeast Task Force, she was under the impression that there is still some confusion about the one dwelling unit per acre policy; that based on the issue to protect the water quality, they thought to be voting on one dwelling-unit per acre

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with the understanding that if certain requirements were met, it could go up to five dwelling units per acre. She stated the applicant agrees with the four stipulations contained in the staff report.

Bob Lombardo, Engineer of Record, stated he designed the project in conformance with all the requirements of the Smith and Gillespie Report, the CDM report and in conformance with Chapter 17-45 Florida Administrative Code Storm Water requirements; that the proposed concept will provide the best management practices for storm water treatment, and that State Jurisdictional properties have been identified by the applicant's consultants.

Recess/Reconvene. All members present except Mr. Chance.

Fred Goodrow, Planning Director, recommended approval of this plan as proposed and not deal with density issues. He proposed to eliminate stipulation number one in its entirety and add to stipulation No. 4 (remove the period at the end of sentence) "and more stringent water quality/storm water regulations that may be developed by the County." He said that was basically the CDM report which is still in process and has not been adopted.

Ms. Petruff stated the amendment was acceptable to the applicant.

The public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Manatee County Ordinance No. Z-86-12 and the Conceptual Development Plan with the stipulations recommended by the Planning Commission, (with amendments)

Eliminate Stipulation No. 1;
Add to Stipulation No. 4 (eliminating the period and adding a comma): "and more stringent water quality/storm water regulations that may be developed."

Motion was seconded by Mr. Chetlain. Voting "Aye" were Mr. Fletcher, Mr. Hagaman and Mrs. Hooper. Mr. Chance and Mr. Chetlain voted "Nay". Motion carried.

RECORD ORDINANCE

STREET VENDOR PERMITS

Barbara Levin, Assistant County Attorney, submitted and recommended a motion for approval of Street Vendor Permits for:

- 1) Lori Bub to sell strawberries on a roadside stand at 6011 Cortez Road.
- 2) Guillermo Ruiz to sell ice cream at various locations throughout the County.

with notice to each permittee that the revised Peddlers Ordinance may limit the sale of these products to areas in which the proposed use is allowed.

Mrs. Hooper so moved. Motion was seconded by Mr. Chetlain. Voting "Aye" were Mr. Chetlain, Mr. Fletcher, Mr. Hagaman and Mrs. Hooper. Mr. Chance voted "Nay." Motion carried.

COMMISSIONERS COMMENTS/REPORTS

NACO Conference

Mr. Fletcher: Reported that The National Association of Counties (NACO) Conference will be held in Washington, D. C. on March 3 to 4, 1986.

Disposition: The Chairman requested Mr. Chance represent the Board at the NACO Conference.

Highland Shores/Ellenton

Mr. Chance: Reported that the contractor for the sewer project in the area of Highland Shores, Ellenton, is blocking the road with equipment, thereby preventing residents from receiving emergency medical services.

Disposition: The Chairman will contact the Utilities Department.

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Cont'd

TRAVEL AUTHORIZATION

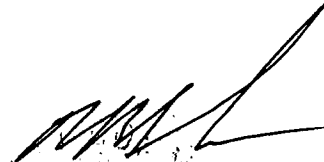
Upon motion by Mr. Chance, seconded by Mrs. Hooper, request for authority to travel was unanimously approved for Mr. Fletcher to attend TBRPC meeting in Tallahassee, February 3-5, 1986.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk



Chairman 3/4/86

Adj: 12:48 p.m.

