

MARCH 13, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, March 13, 1986, at 9:02 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:

Charles Hunsicker, Acting Assistant County Administrator  
Barbara Levin, Assistant County Attorney  
Richard H. Ashley, Chief Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Dr. B. Hugh Lake, Trinity United Methodist Church.

The meeting was called to order by Chairman Fletcher.

**PROCLAMATION: JAIL-A-THON DAYS**

Upon motion by Mrs. Hooper, seconded by Mr. Chetlain, a proclamation was unanimously adopted designating March 18-20, 1986 as "Jail-A-Thon Days", a fund-raising event of the Manatee County American Cancer Society.

RECORD PROCLAMATION

S35-279

**ZONING**

Public hearing (Notice in The Bradenton Herald, 2/24/86) was held to consider:

**SP-86-32 ARNOLD GRAHAM - MOBILE HOME (APPROVED)**

Request: Special Permit to allow a mobile home as a residence on approximately 10 acres on the south side of a vacated road, approximately 1600 feet east of Barr Road (Lot 35, Pomello Park). Planning Commission recommended APPROVAL for a period of five years plus five years at the administrative discretion of the Planning Director.

Having considered the staff report, the Planning Commission 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-86-32 for a period of three years plus three years at the administrative discretion of the Planning Director. Motion was seconded by Mr. Chance and carried unanimously.

**86-S-7 CENTRE LAKE SUBDIVISION - P/PLAT (APPROVED)**

Request: Preliminary Cluster Subdivision Plat for 61 single family lots on approximately 18.5 acres on the west side of Prospect Road, approximately 1600 feet north of Whitfield Avenue. Planning Commission recommended APPROVAL with stipulations:

1. Homeowner documents must contain specific language regarding maintenance of all common areas, including the wall along Prospect Road, the recreation area and the lake.
2. The development shall have three hydrants, to be located per the fire department's recommendation.
3. The developer, his heirs, assigns or transfers, are hereby notified that the Impact Fee Ordinance when adopted by Manatee County may require the payment of impact fees.

Tom McCollum, Zoller, Najjar, & Shroyer Engineering, concurred with the recommended stipulations and explained that sufficient access had been provided.

Having considered the staff report, the Planning Commission recommendation, and finding the request to be consistent with The Manatee Plan, Mrs. Hooper moved to approve Preliminary subdivision Plat No. 86-S-7 with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chetlain and carried unanimously.

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**86-S-10 CLOVER LEAF PARK -P/PLAT (APPROVED)**

Request: Approval of Preliminary Subdivision Plat on .536 acre on the southeast corner of 2nd Avenue Drive E. and 37th Street Center E. (Palmetto), with a waiver of requirement to record a final subdivision plat.

Planning Commission recommended APPROVAL.

Having considered the staff report, the Planning Commission recommendation, and finding the request to be consistent with The Manatee Plan, motion was made by Mr. Chance, seconded by Mrs. Hooper, to approve Preliminary Subdivision Plat No. 86-S-10, with the waiver of the requirement to record a Final Subdivision Plat. Motion carried unanimously,

**Z-86-35 DORTHIA MCCARTHY - REZONE TO PR (APPROVED)**

Request: Rezone from R-3B to PR on approximately 2.91 acres located 125 feet north of Manatee Avenue West, between 43rd and 44th Streets West.

Planning Commission voted 4 to 3 on a motion to APPROVE.

Public hearing (Notice in The Bradenton Herald, 2/24/86) was opened to consider

**ORDINANCE Z-86-35**

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-3B TO PR; PROVIDING AN EFFECTIVE DATE.

Jim Farr, Larson Engineering, NCNB and National Development Corporation, and Jim Barnett, NCNB, requested approval of the request and described plans to use the site for construction of a bank.

Discussion followed regarding traffic impact on the surrounding area, particularly if a drive-in facility is constructed. Sherwood Hiller, Larson Engineering, responded to questions regarding traffic.

Speaking in favor of the rezone was Stan Cheddie, 291 44th Street West, representing 21 adjacent property owners.

Speaking in opposition was George Lee, 302 44th Street West.

Edwin H. Wilk, 306 44th Street West, and Jim Curtis, 4701 3rd Avenue West, expressed concern regarding the possible encroachment of commercial zoning into the surrounding residential area and increased traffic.

Public hearing was closed.

Having considered the staff report, the Planning Commission recommendation, comments made at the public hearing, and finding the request to be consistent with The Manatee Plan, motion was made by Mr. Chetlain, and seconded by Mr. Chance, to approve Manatee County Ordinance No. Z-86-35. Voting "Aye" were Mr. Chetlain, Mr. Chance, Mrs. Hooper and Mr. Fletcher. Voting "No" was Mr. Hagaman. Motion carried.

**RECORD ORDINANCE**

Public hearing (notice in The Bradenton Herald, 2/24/86) was held to consider:

**SP-85-111 BEN HAY HAMMET, JR. - GROUP CARE HOME (APPROVED)**

Request: Special Permit to allow a 250-bed group care home on approximately 18.8 acres on the west side of 34th Street West, south of Cortez Road and the College Plaza Shopping Center.

Planning Commission recommended APPROVAL with stipulations:

1. Roadway improvements to 34th Street West, meeting County standard and the requirements of the County Engineer, must be constructed as part of Phase I.
2. A secondary emergency tie to property north of this site, at the location shown on the site plan submitted with this application, must be constructed to the north property line as part of Phase I.

3. The use approved pursuant to this Special Permit is for a group care home. Subsequent deviation or conversion of this use to multiple-family units shall be deemed a violation of this approval. Said violation may be enforceable through the Code Enforcement Board or as otherwise provided by law. Alternatively, subsequent use not contemplated of this approval may be permitted pursuant to an amended Conceptual Site Plan or as otherwise contemplated by the Land Development Code, as may be amended.
4. A landscaped buffer, consisting of a berm, hedge and trees a minimum of 50 feet on-center, must be installed along the southern portion of the site adjacent to the single family subdivision. This berm and hedge must total a minimum of 6 feet in height.
5. Should this use be converted and additional parking be required which modifies the landscaped buffer in #4 above, a 6-foot high decorative fence or wall must be installed along the southern property line.
6. 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.

Tom McCollum, Zoller, Najjar & Shroyer Engineering, pointed out that the applicant has significantly reduced the number of beds (360 to 250) from his recently denied rezoning request and reviewed the proposed project.  
(Depart Mr. Chance)

Ben Hammet, Jr., applicant, displayed an aerial map of the proposed project (Seaport Retirement Village), submitted preliminary and final site plan drawings, and reviewed details of the proposal.  
(Enter Mr. Chance)

Jerome Gostkowski, Public Works Department/Transportation, addressed access, improvements and drainage issues.

R. J. Lombardo, Lombardo & Associates, Consulting Engineers, submitted a traffic impact study as outlined in his memorandum dated February 28, 1986.

By show of hands, approximately 20 individuals indicated they were in favor of the proposed project; one indicated opposition.

Speaking in favor of the request, and requesting widening of 34th Street West, were Dr. William Hughes, President of Wildewood Springs II (memorandum 3/10/86), and George Sweetman, 138 Pinehurst Drive, Wildewood Springs I.  
(Depart Mr. Chance)

Having considered the staff report, the Planning Commission 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-85-111, with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chetlain and carried unanimously.

Recess/Reconvene. All members present.

**FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION, \$28,100,000 REVENUE BOND PROCEEDS**

Jim Seuffert, Office of Management & Budget, submitted

**R-86-83**

A RESOLUTION OF MANATEE COUNTY AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$28,100,000 FROM THE FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE.

H. Hamilton Rice, Jr., County Attorney, submitted an amendment to Section 1, seventh line, adding the words "Bond Counsel and the County Attorney" after the words "Deputy Clerk". He submitted legal opinion dated March 12, 1986, from Mudge Rose Guthrie Alexander & Ferdon, Bond Counsel, regarding the loan agreement and loan documents.

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Peter Zent, William R. Hough & Company, County Financial Advisor, advised that there is no pre-payment penalty clause in the loan agreement and recommended exclusion of any provision for grace period. Peter Ramsden, Finance Director, stated there were no objections to the recommendation.

Mr. Seuffert explained that the loan agreement referenced in the Resolution would be available in the near future.

Motion was made by Mr. Hagaman, seconded by Mr. Chetlain and carried unanimously, to adopt Resolution R-86-83 as amended in Section 1 per recommendation of the County Attorney.

RECORD RESOLUTION

S35-280

ZONING (CONT'D)Z-86-36 GABOR SZILAGYI - REZONE TO C (APPROVED)

Request: Rezone from R-1 to C on approximately .43 acre located 7th Avenue East.

Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald, 2/24/86) was opened to consider.

## ORDINANCE Z-86-36

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-1 TO C; PROVIDING AN EFFECTIVE DATE.

Ed Vogler, Attorney representing the applicant, requested approval.

Public hearing was closed.

Discussion: compatibility with neighborhood zoning, inconsistency with The Manatee Plan, amending The Plan, whether the site is in a transitional area and adjacent to a corridor, definition of "corridor", etc.

Having considered the staff report, the Planning Commission's recommendation, comments made at the Public Hearing, finding the request to be consistent with The Manatee Plan, finding the land use situation has changed in this residential area since 1981, and finding the site to be in a transitional area adjacent to a corridor, motion was made by Mrs. Hooper, and seconded by Mr. Chance, to approve Manatee County Ordinance No. Z-86-36. Voting "Aye" were Mrs. Hooper, Mr. Chance, Mr. Chetlain and Mr. Fletcher. Voting "No" was Mr. Hagaman. Motion carried.

RECORD ORDINANCE

Public hearing (Notice in The Bradenton Herald, 2/24/86) was held to consider:

SP-86-31 LESTER SCHOTT - 2-COP (WITHDRAWN)

Request: Special Permit to allow on-site consumption of Beer and Wine (2-COP) at a 40-seat pizza parlor/delicatessen on approximately 2.49 acres, located at 1192 Whitfield Avenue, Whitfield Commerce Center, Unit 10.

Planning Commission recommended DENIAL.

Richard Gremley, Attorney, requested the item be referred back to the Planning Commission in order that a presentation could be made to that body. After the Board concurred in proceeding with the hearing as advertised, Mr. Gremley requested SP-86-31 be withdrawn.

Motion was made by Mrs. Hooper, seconded by Mr. Chetlain and carried unanimously, to accept the withdrawal of SP-86-31 provided written request is received.

(Depart Mr. Chance)

Z-86-34 JOSEPH RUSSO - REZONE TO C-1/WR (DENIED)

Request: Rezone from PR/WR to C-1/WR on approximately .77 acre located on the east side of U.S. 41, north of its intersection with Ponce de Leon (McArthur) Avenue, Whitfield.

Planning Commission recommended DENIAL.

Public hearing (Notice in The Bradenton Herald, 2/24/86) was opened to consider

**ORDINANCE Z-86-34**

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 PR/WR TO C-1/WR; PROVIDING AN EFFECTIVE DATE.

Joseph Russo, owner of the property, and Mike Holderness, applicant, requested approval of the rezone (submitted two letters in favor).

Speaking in opposition were William Maslenka, President of Whitfield-Ballentine Estates Association; Cecil Huff, 833 Whitfield Avenue; Jim Peck, Whitfield area; and Leo Sadlek, Whitfield area.

It was noted that the Planning Commission directed staff to prepare an amendment to the Land Development Code that will permit personal service establishments as a Special Permit use in the PR district.

Public 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 Manatee County Ordinance No. Z-86-34, and recommended that the amendment to the Land Development Code be brought forward. Motion was seconded by Mrs. Hooper and carried unanimously.

**RECESS/RECONVENE**

The Chairman declared the meeting recessed until 1:45 p.m.

The meeting reconvened at 1:45 p.m. with all members present.

**ZONING (CONT'D)**

**Z-86-33 A. K. & S. K. LEACH - C-1A (APPROVED)**

Request: Rezone from R-1 to C-1A of approximately .48 acre located on the southwest corner of 4th Avenue West and 36th Street West.

Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald, 2/24/86) was opened to consider

**ORDINANCE Z-86-33**

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-1 TO C-1A; PROVIDING AN EFFECTIVE DATE.

Abbey Leach and Al Leach, applicants, requested approval.

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-86-33. Motion was seconded by Mr. Chance and carried unanimously.

**RECORD ORDINANCE**

**Z-85-146 HAROLD QUATE - M-2 (DENIED)**

Request: Rezone from R-1 to M-2 on approximately 2.75 acres on the north side of University Parkway, approximately 350 feet west of 31st Street East.

Planning Commission recommended APPROVAL.

Public hearing (continued from February 27, 1986) was opened.

Jack Plaster, real estate broker, requested approval and stated that industrial zoning would be consistent with surrounding property.

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Discussion: Request has not been changed to a more appropriate zoning category (as directed by the Board 12/12/85); applicant must comply with Bi-County agreement with Sarasota County relating to access, etc.

Public 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, Mrs. Hooper moved to deny Manatee County Ordinance No. Z-85-146. Motion was seconded by Mr. Hagaman and carried unanimously.

#### RELEASE OF LEASE (PELOT)

Upon motion by Mr. Chance, seconded by Mr. Chetlain and carried unanimously, the Chairman was authorized to execute the Release of a certain Lease between Mary E. Pelot and Manatee County (dated February 24, 1950 for a voting place for Precinct No. 25, Lot 6, Block 15, Pelot's Addition; OR Book 265, Page 190).

#### DONZI MARINE: INDUSTRIAL DEVELOPMENT REVENUE BONDS, \$4,000,000

Barbara Levin, Assistant County Attorney, stated that Assignment of Loan Documents for the Donzi Marine Industrial Development Revenue Bonds, \$4,000,000 (recorded 12/31/85), was improperly recorded and recommended release of that assignment. Bond Counsel, by letter of March 6, 1986, advised that Assignment of Loan Documents for Sun Coast Plastics Issue was inadvertently recorded in conjunction with the Donzi Marine Loan Agreement and title should be cleared.

Motion was made by Mr. Chance to authorize the Chairman to execute the release of assignment of loan documents. Motion was seconded by Mrs. Hooper and carried unanimously.

#### COMMUNITY DEVELOPMENT BLOCK GRANTS

Motion was made by Mr. Hagaman to authorize the Chairman to execute a Department of Community Affairs report form on the status of Community Development Block Grants received by Manatee County. Motion was seconded by Mr. Chance and carried unanimously.

#### MANATEE PLAN

##### Growth Management Legislation

Carol Clarke, Planning and Development, reported that concern has been expressed about the status of The Manatee Plan during the interim period when it is being brought into conformity with Growth Management Legislation. She stated that until such time as it is revised, the present Plan is in effect and has the full force of law.

##### Interim Plan Amendments

Motion was made by Mr. Hagaman, seconded by Mr. Chetlain, to approve the proposed schedule for the Interim Plan Amendments as outlined in memorandum from Fred Goodrow, Planning Director, dated March 5, 1986. Motion carried unanimously.

##### Revision/Cost Estimates

Upon motion by Mr. Hagaman, seconded by Mr. Chetlain and carried unanimously, the Chairman was authorized to sign a letter to Senator Neal submitting estimated cost (\$7.20 per capita) of implementing the criteria promulgated by the Department of Community Affairs for preparation of local government comprehensive plans.

#### CLERK'S CONSENT CALENDAR

Upon motion by Mr. Chance, seconded by Mrs. Hooper, the Clerk's Consent Calendar dated March 13, 1986, was unanimously approved:

##### BILLS FOR PAYMENT:

Mudge, Rose, et al - \$25M Gen Obligation Bonds	\$38,952.00
Lane, Trohn, et al - Harnish v. Manatee County	5,478.81
Hogg, Allen, et al - Prof Svs through 1/25/86	5,229.14
Burke, Bosselman, et al - Impact Fee Ordinance (12/85)	6,654.48
Carlton, Fields, et al - Marine I (through 1/86)	3,574.10
- Murray (through 1/86)	1,128.40
- Manatee Mem Hosp (through 1/86)	2,817.55
- Beker (through 1/86)	71,496.93
Goldstein & Tanen - Manatee County vs Estech	181.98
Quaid Fence - 59th Street Park (Bray Park), Fencing	5,286.00

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**Refunds:**

Topps Construction - Meter Deposit/Installation Fees	2,165.00
Auburn W. Lewis - 20 Play-9 Holes Play Book (15 Plays)	55.20
Herbert Gray - Animal Cage Deposit	20.00

**APPROVE, RATIFY, & CONFIRM/AUTHORIZE CHAIRMAN TO SIGN:**

Satisfaction of Judgement - Don English, Case S85-2093 (\$845.77)  
Special Interest Classes Instructor's Agreement - Joseph Culmo

RECORD: CONTRACT FILE 3244

**PROCLAMATION**

Upon motion by Mr. Chance, seconded by Mr. Chetlain, a proclamation was unanimously adopted designating March 22, 1986 as "Shari Ritchie Day" in Manatee County in acknowledgment of her contributions to the youth of Manatee County, and naming the baseball field at Blackstone Park as "Shari Ritchie Little League Field".

RECORD PROCLAMATION S35-281

Motion was made by Mr. Chance, and seconded by Mrs. Hooper, to authorize expenditure of up to \$200 for installation of a bronze plaque at Blackstone Park. Motion carried unanimously.

**LAWSUIT: HARNISH VS. MANATEE COUNTY**

H. Hamilton Rice, County Attorney, reported that the United States District Court of Appeals has ruled in favor of upholding the Manatee County Sign Ordinance (banning portable signs), in the case of Harnish Vs Manatee County.

**LAND USE (STIPULATIONS)**

The Chairman recommended that a Task Group be created for the purpose of investigating whether stipulations in connection with land use have been met, i.e., turn lanes, road and drainage improvements, etc. He requested the matter be placed on a future agenda for recommendations from staff.

**SUBMARINE**

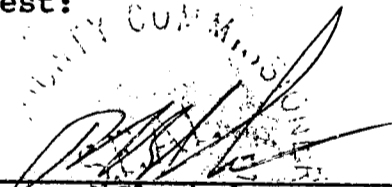
The Chairman advised that a submarine is available to the County which could be used as a tourist attraction and that he would write a letter indicating the Board's interest.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk

  
Chairman 4/15/86

Adj: 3:05 p.m.