

MARCH 27, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Tuesday, March 27, 1986, at 9:08 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:

Ronald H. Rabun, 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 Rev. John MacKerron, Christian Missionary Alliance.

The meeting was called to order by Chairman Fletcher.

AWARDS

Meritorious service awards were presented to those who worked diligently with the Southeast Task Force: Jim Garrison, Tom McCollum, Bruce Franklin, Jerome Gostkowski, Charlie Hunsicker, Bill Swanner, Fred Goodrow, Sue Storms (on behalf of her late husband Ed Storms).

ZONING/CONSENT AGENDA

Public hearings (notice in The Bradenton Herald 3/10/86) were held for the purpose of considering SP-86-35, Z-86-38 and SP-86-38.

SP-86-35 MAXINE AND MICHAEL KOERNER (CONTINUED)

Request: Special Permit to allow the expansion of a vehicle rental establishment on 1 acre at the northeast corner of U.S. 41 and Somerset Avenue.

Planning Commission recommended APPROVAL with stipulations recommended by Staff:

1. A minimum of five customer and employee parking spaces must be provided and clearly marked, including a handicap space.
2. The drive located on Somerset Avenue must be 75 feet from the intersection of Somerset Avenue and U.S. 41.
3. Somerset Avenue must be constructed to County standards from U.S. 41 to the east side of the proposed drive.
4. The number of rental cars permitted on site shall be limited to 78 cars, replacing the 10 trucks previously allowed under SP-84-65.

Mr. Hagaman moved to defer action on SP-86-35 and continue the public hearing to April 10, 1986. Motion was seconded by Mr. Chance and carried unanimously.

Z-86-38 FRED & BRENDA K. KATZ - R-1C (APPROVED)

Request: Rezone from A-1 to R-1C 2.16 acres at the south side of 45th Avenue East, between 51st Street East and the Braden River.
Planning Commission recommended APPROVAL.

ORDINANCE Z-86-38:

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

Rick Ploughe, Planning and Development, reviewed the request and stated that sole access to the site is via 51st Street East, an unpaved local street, and via 45th Avenue East, a non-county maintained unpaved right of way.

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Upon question, Jerome Gostkowski, Transportation Division, stated that even though the land issue is resolved today, the access issue will have to be addressed in more detail when the owner applies for permits.

Charles Keller, Jr., adjacent property owner, submitted a letter objecting to the rezone until a legal determination is made as to ownership of the land, supposedly designated as a roadway, adjacent to Lots 117, 118 and 119; also the land adjacent to Lots 93, 94 and 95 and all roads in the platted subdivision.

Mr. Chance referred to a survey dated December 31, 1985, which indicates the property has access.

Fred Katz commented that the request is compatible with adjacent property.

Public comment on this portion of the hearing was closed.

SP-86-38 PALMA SOLA CEMETERY ASSOCIATION (APPROVED)

Request: Special permit to allow an expansion of an existing church and related facilities on 4.66 acres at the north side of 9th Avenue Northwest, 400 feet west of 83rd Street Northwest.

Planning Commission recommended APPROVAL with stipulations recommended by staff:

1. Parking must be revised to include relocation of all parking so as to prohibit parking on the septic tank drainfield area and to provide a raised curb constructed around the drainfield.
2. A six foot high opaque fence or wall is required along the north property line to provide buffering.
3. Additional right-of-way and a five foot sidewalk will be required per the Manatee County Department of Public Transportation. Any requests for waiver must be in writing.

Upon question as to the width of 9th Avenue NW, in front of the church, Mr. Gostkowski advised the present width is about 16 feet; however, it is going to be reconstructed as part of Azalea Park.

The public comment portion of the hearing was closed.

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. Chetlain moved to approve SP-86-38 with stipulations recommended by the Planning Commission and Z-86-38 as recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD ORDINANCE Z-86-38

86-S-12 SAJA ONE - P/PLAT (APPROVED)

Request: Approval of a preliminary subdivision plat for two lots, with a request for three waivers, on .92 acre at the northwest corner of 67th Street West and 1st Avenue West.

Staff recommended the following stipulation:

1. The installation of the sidewalk on 1st Avenue West must be bonded with the Department of Public Transportation.

Planning Commission recommended APPROVAL with the stipulation recommended by staff and requested waivers as follows:

1. A waiver of Section 302B.1.b of the Manatee County Comprehensive Zoning and Land Development Code to require that corner lots be platted not less than fifteen percent wider on both front yards than the minimum required.
2. A waiver of Section 205G.1.b (3)(b)1 b of the Land Development Code to require a four-foot sidewalk on the west side of 67th Street West.
3. A waiver of final plat in compliance with Section 303A.1.b.

82-T-2 GREAT LAKES ESTATES MOBILE HOME PARK (APPROVED)

Request: A one year extension to submit construction drawings on 121.64 acres south of 1-275, east of U.S. 41.

Staff recommended the following stipulations:

1. The project must comply with all previous conditions of approval as well as development regulations in effect at the time of construction drawing submittal, including Section 203.G.4 of the Land Development Code which sets forth minimum standards for recreation building shelters.

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.

Having considered the staff reports, the Planning Commission's recommendation, and finding the requests to be consistent with the Manatee Plan, Mr. Hagaman moved to approve 86-S-12 as recommended by the Planning Commission and 82-T-2 as recommended by staff. Motion was seconded by Mr. Chetlain and carried unanimously.

Public hearing (notice in The Bradenton Herald 3/10/86) was opened to consider

SP-86-37 JERRY N. & DANIEL C. ZOLLER (DENIED)

Request: Special Permit to allow self-service gasoline sales in conjunction with permitted retail sales, with a waiver of street frontage requirements, on 0.543 acre at the northeast corner of 22nd Street Court East and 53rd Avenue East (SR70)

Planning Commission recommended APPROVAL with stipulations:

1. Gasoline tanks and related appurtenances must meet the required 25 foot setback from streets and other property lines.
2. Left turn storage must be constructed on 53rd Avenue East at 22nd Street Court East.
3. The sale of diesel fuel shall not be permitted.

Harry Vaught, owner of property north of the site, objected to the gasoline pumps because of possible danger to children in the area.

Jerry Zoller, Architect of Record, explained the characteristics of the property and relationship to the school which is to the west. He stated he believes there is sufficient distance from the property to the school and that 22nd Street is a legitimate buffer; that he did not agree with stipulation two because the cost would be a hardship, pointing out that the applicant must donate right-of-way on 53rd Avenue and 22nd Street and to install a sidewalk and required fire hydrants along SR 70.

Upon question whether the petitioner would agree to escrow funds to participate in the intersection improvement, John Cagnina suggested he be allowed to meet with the Highway Department and reach a mutually agreeable figure and then proceed with escrow.

The public comment portion of the hearing was closed.

Discussion: Convenience store and gas pumps too close to pre-school.

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 SP-86-37. Motion was seconded by Mr. Hagaman and carried unanimously.

Public hearing (notice in The Bradenton Herald 3/10/86) was opened to consider

SP-86-36 BARBARA JAMES PRITCHARD - GROUP CARE HOME (APPROVED)

Request: Special permit to allow a group care home for 16 residents on .64 acre at 404 60th Avenue Drive East.

Planning Commission recommended APPROVAL with stipulations recommended by Staff:

1. A landscape buffer will be required along the south, east and west property lines, designed and planted to be at least 80 percent opaque between two and six feet above grade when viewed horizontally at maturity.
2. A minimum of six parking spaces shall be provided for the 16 residents and one staff person.

Mr. Ploughe advised that a six-foot cypress fence had already been installed along the east and west property line and recommended stipulation No. 1 be changed: strike "east and west property lines" and have it read "along the south property line".

Barbara James Pritchard, owner, said she has a purchaser for the property who is a professional in the nursing industry and who will be operating this facility.

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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. Hagaman moved to approve Special Permit No. SP-86-36 with the stipulations recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried unanimously.

Public hearing (Notice in the Bradenton Herald 3/10/86) was opened to consider

SP-86-20 DAVID & SHIRLEY BRYANT - MOBILE HOME (APPROVED)

Request: Special permit to allow a mobile home as a residence on 15 acres 500 feet north of Singletary Road on the west side of a private street, with a waiver of the application fee. Planning Commission recommended APPROVAL for a period of five years plus five additional years to be granted at the administrative discretion of the Planning Director and without the waiver of the application fee.

There was a question about the request for a waiver of the application fee as it was understood the applicant paid \$260 for a roadway survey by staff and an additional \$200 for the permit.

Rick Ploughe explained that the private street approval process is separate from the review of the special permit; that since the property has access via a private easement, the applicant must prove that he has perpetual easement access to his property. The \$200 fee for review is required regardless of whether it is for a mobile home or a house.

Shirley Bryant indicated that \$460 seems excessive to be able to place a mobile home on her property when she has had a recorded easement (for access) from the time of purchase.

On the question of whether the applicant must sign an agreement to participate in the paving of Singletary Road, Mr. Gostkowski pointed out that Singletary Road is now a County maintained road; therefore the applicant is not required to sign the affidavit. The private road procedure in the Code merely states the private road must connect with a County or State maintained Road.

Ms. Levin advised that under the current Building Code it would be difficult to withhold a building permit if someone refused to sign this agreement.

Discussion: Amending the Code to require people obtaining access to public roads to sign documents agreeing to participate in future road improvements.

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-86-20 for a time period of three years with three additional years to be granted at the administrative discretion of the Planning Director and with a reduction of \$200 on the Special Permit. Motion was seconded by Mr. Hagaman. Voting "Aye" were Mr. Chetlain, Mr. Fletcher, Mr. Hagaman and Mrs. Hooper. Mr. Chance voted "Nay". Motion carried.

Recess/Reconvene. All members present.

Z-86-32 GILMORE, HAYGOOD, HAYGOOD, JR., WYATT, WYATT, PARENT - REZONE TO PDR & CONCEPTUAL DEVELOPMENT PLAN (APPROVED)

Request: Rezone from A-1 to PDR and Conceptual Development Plan approval for 81 units, at a density of 5.1 du/acre, on 15.8 acres at the 2200 Block of the north side of 51st Avenue East, Oneco. Planning Commission recommended APPROVAL with four stipulations recommended by staff and with an additional (fifth) stipulation.

1. A non-vehicular ingress and egress easement must be recorded along the south property lines of Lots 8 and 9.

2. The Preliminary Development Plan/Plat shall comply with the requirements of corner lots in terms of lot width and setbacks.
3. A tree survey shall be submitted with the Preliminary Development Plan/Plat for review in accordance with tree protection provisions of the Land Development Code.
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.
5. The entrance road shall be relocated westward so as to align directly with existing residences to the south.

Public hearing (Notice in The Bradenton Herald 3/10/86) was opened to consider

ORDINANCE Z-86-32:

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

Tom McCollum made a presentation on behalf of the applicant and requested that Stipulation No. 5 be corrected to indicate that the entrance road shall be relocated westward so as to NOT align directly with existing residences to the south.

There was question as to why no stipulation was required for the developer to make improvements on 53rd Avenue (only relief for SR 70) and recommendation that a left-turn lane be provided.

Mr. Gostkowski advised that the petitioner is being put on notice of this requirement and at the time of preliminary plan review he will be required to provide details of improvements at the entrance.

Gary Bell and John Miller spoke in opposition to construction of the villas and supported agriculture zoning or single dwellings with one-acre lots.

Tom McCollum stated that the developer is recognizing the concerns of the single family homeowners by placing 16 single family homes in the area which abutts the single family residences. Also, additional open space is being provided by placing the recreational facility by the lake on the north end of the property.

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-86-32 and the associated Conceptual Development Plan, with the stipulations recommended by the Planning Commission and an additional stipulation:

6. The developer agrees to complete those road improvements on 51st Street East as identified by the County Highway Department at the time of preliminary plat;

also that Stipulation No. 5 be modified to read:

5. The entrance road shall be relocated westward so as to not align directly with existing residences to the south.

Motion was seconded by Mr. Hagaman.

Amendment to Motion:

Upon agreement from the applicant, Mr. Chance moved to add stipulation:

7. No certificate of occupancy shall be issued for this project until new 301 is open to 1st Street or after 14 months from this date (3/27/86).

Motion was seconded by Mr. Hagaman and carried unanimously.

Vote on amended motion:

Voting "Aye" on the amended motion were Mr. Chance, Mr. Fletcher, Mr. Hagaman and Mrs. Hooper. Mr. Chetlain voted "Nay". Motion carried.

RECORD ORDINANCE Z-86-32

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Z-86-37 EDWARD AND JOANNE G. DICK - REZONE TO PR (APPROVED)

Request: Rezone from R-1AB to PR on .31 acre at the southeast corner of the intersection of 53rd Avenue W and 17th Street W. Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 3/10/86) was held on

ORDINANCE Z-86-37:

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

Edward Dick, applicant, commented that only two of the 16 neighboring property owners had expressed opposition.

Upon question, Mr. Gostkowski pointed out that the request is for a rezone and approval is not subject to stipulations; therefore, the Public Works Department had commented, as forewarning, on the need for additional right-of-way on 53rd Street.

Discussion: Need for establishing cut-off line for professional zoning on 53rd Street; denial of similar petition in area to the north.

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-86-37. Motion was seconded by Mr. Fletcher.

Upon question as to the deadline to amend the Manatee Plan to incorporate boundaries for professional zoning in residential areas, Mr. Goodrow said that the Department of Community Affairs had advised that the County must submit an amended plan by November, 1987.

(Depart Mr. Chance)

Motion to approve Z-86-37 carried unanimously.

RECORD ORDINANCE Z-86-37

Z-86-39 WM. H. AND NELLA M. BELLAMY - R-1D (APPROVED)

Request: Rezone from A-1 to R-1A on 1.38 acres at the south side of Mendoza Road East (37th Street East) 275 feet east of Ellenton-Gillette Road, Ellenton. Planning Commission recommended APPROVAL.

Public hearing (notice in The Bradenton Herald 3/10/86) was open to consider

ORDINANCE Z-86-39:

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

Mr. Ploughe explained that staff found this request to be inconsistent with the Manatee Plan because of the current character of the area and approval would constitute spot zoning.

William Bellamy, owner of the property, stated his reason for seeking a rezone was to enable him to divide the property into two equal parts (approximately 3/4 acre lots) and build a residence on the second lot.

After it was noted that this rezone would greatly increase the density, from one to six units per acre, Mr. Goodrow recommended rezone to R-1D as an alternative to limit the density to two units per acre.

Mr. Bellamy agreed to the R-1D zoning.

The public comment portion of the hearing was closed.

Legal Counsel noted that staff has taken the position that when requests have been advertised for a specific use and the Board determines that the use should be more restrictive (as in this case) no further advertisement is required.

Having considered the staff report, the Planing 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-86-39 as R-1D zoning as agreed to by the applicant. Motion as seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE Z-86-39

(Enter Mr. Chance).

Z-85-127 ROY AMERSON, INC - R-4B (CONTINUED)

Request: Rezone from A-1 to R-4B on 140 acres, south side of Moccasin Wallow Road, 1/2 mile west of I-75.

Public hearing (Notice in The Bradenton Herald 3/10/86) was held on

ORDINANCE Z-85-127

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO R-4B; PROVIDING AN EFFECTIVE DATE

Upon request by staff, Mrs. Hooper moved to continue the public hearing until April 24, 1986 at 9:00 a.m. Motion was seconded by Mr. Chetlain and carried unanimously.

COMPREHENSIVE PLAN/AMENDMENTS (ACCESS TO PUBLIC ROADS)

Mr. Chance moved to direct staff to prepare a Land Development Code Amendment which shall require those taking access to public roads appearing on the CIP (Capital Improvements Program) for improvements, including without limitation, participation projects, to sign an agreement stating their intent and consent to participate in such road improvements.

Discussion: Advertisement, due process, question if this will remain in force after impact fees are in place, and if Code should be amended to remove this provision.

Motion was seconded by Mr. Hagaman and carried unanimously.

FIRE PREVENTION CODE ENFORCEMENT BOARD

- By memorandum dated March 27, 1986, the Planning Director
- 1) Submitted a list of nominees to serve on the Fire Code Enforcement Board and recommended appointment of one member under the category of Realtor.
- 2) Requested confirmation of expiration dates of previously appointed members.

Nominations:

John H. VanZandt - by Mr. Chetlain

Upon motion by Mr. Hagaman, seconded by Mr. Chance, nominations were closed and unanimous ballot was cast for Mr. VanZandt.

Upon motion by Mr. Chance, seconded by Mr. Hagaman and carried unanimously, expiration dates of previously appointed members were confirmed as follows:

Mike Carter	January 6, 1987
Gene Cloud, III	January 6, 1987
Jeff H. Fleming	January 3, 1989
Mary Marsh Lassetter	January 3, 1989

Motion was seconded by Mr. Hagaman and carried unanimously.

BOARD OF ZONING APPEALS

By memorandum dated March 27, 1986, the Planning Director, submitted a list of nominees to serve on the Board of Zoning Appeals and recommended the Board appoint one member for a four year term.

It was pointed out that although John Sands had requested he be allowed to continue to serve on this Board, his name was not on the list.

Nominations:

June Shea - by Mr. Fletcher
John Sands - by Mr. Chance

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By unanimous vote John Sands was selected to continue serving as a member of the Board of Zoning Appeals (four-year term).

There were no objections to recommendation that staff prepare an amendment to allow increase in membership.

CONSTRUCTION CODE BOARD OF APPEALS

By memorandum dated March 27, 1986, the Planning Director, submitted recommendations for appointment of members to the Construction Code Board of Appeals under certain categories and for specified terms.

Nominations:

Architect Category

Kenneth Dean - by Mr. Chetlain

Mary Marsh Lassetter - by Mr. Chance

Engineer or General Contractor Category

Ronald M. Forney - by Mrs. Hooper

Members at Large Category

Bill Close - by Mr. Hagaman

John Benson, III - by Mr. Chetlain

Joe Lively, III - by Mr. Fletcher

Selections/appointments:

Affirmative votes on nominees were as follows:

Kenneth G. Dean: Mr. Chetlain, Mr. Fletcher and Mrs. Hooper.

Mary M. Lassetter: Mr. Chance and Mr. Hagaman

By majority vote Kenneth G. Dean was appointed for a one-year term.

Upon motion by Mr. Hagaman, seconded by Mr. Chetlain and carried unanimously, Ronald M. Forney, General Contractor, was appointed for a two-year term.

Motion was made by Mr. Chance, seconded by Mr. Hagaman and carried unanimously to cast unanimous ballots for those nominated under the members-at-large category:

Bill Close (three-year term)

John Benson, III (two-year term)

Joe Lively, III (one-year term).

SOUTHEAST TASK FORCE RECOMMENDATIONS

By memorandum of March 25, 1986, the Planning Director submitted an outline of key issues addressed during the worksession of March 20, 1986 and a proposed resolution, adopting the recommendations of the Southeast Task Force (SETF) and directing staff to utilize those recommendations in the review of development applications (with Attachment "A", which identifies/outlines the policies of the Task Force and long term and interim implementation activities).

Carol Clarke, Chief of Comprehensive Planning, pointed out corrections that had been made in Attachment "A"

Page 7: Storm Water Management

Page 10: Low Intensity Zone/Residential Development/Interim Implementation

Page 10: Low Intensity Zone/Commercial Uses/Interim Implementation

and reviewed the issues outlined in the memorandum.

Density/Intensity Zones

Discussion: Concern that to allow five dwelling units per acre in the low intensity zone would be a difficult approach to insure water quality in the reservoir; establishment of Municipal Service Taxing Units (MSTU); establishment of site specific monitoring, finance/maintenance of drainage.

Disposition/concensus: Allow three dwelling units per acre provided the applicant can demonstrate the development will not have a negative effect upon the water quality.

RECESS/RECONVENE

The Chairman declared the meeting recessed until 1:30 p.m.

The Board reconvened at 1:42 p.m. with all members present except Mr. Fletcher. (Mr. Hagaman presiding)

SOUTHEAST TASK FORCE RECOMMENDATIONS (Continued)

Ms. Clarke continued the review of key issues.

Board concurred with recommendation to use Chapter 17-25 F.A.C., as a basis for water quality protection.

Stormwater Quality Monitoring

Discussion: Funding the cost of a monitoring program through establishment of MSTU; impact fees; how to handle development until the County has established and implemented a program; the County Department that should do the monitoring (Pollution Control, Public Works).

Ms. Clarke indicated that the interim language in the recommendation would require that the development monitor and warrant performance of those systems.

Mr. Goodrow pointed out that one of the requirements recommended by the Southeast Task Force is that an MSTU be set up for specific developments if that can be part of the stipulation/condition for the approval. This stipulation will provide the mechanism to begin collecting the necessary money once the budget and all the administrative matters are worked out. He stated that the Southeast Task Force is recommending continuous monitoring be required by every development. This monitoring will be checked in order to apply preventive/corrective measures.

Discussion: Monitoring concept, installation/permitting of monitoring devices, establishment of MSTU.

Disposition: Board favors monitoring. Legal and Planning Staff directed to develop plan for implementation of financing concept.

Package Plants in the Watershed

Disposition: Board concurred package plants in the watershed will not be allowed.

Definition of Hazardous Waste

Disposition: No changes were made to recommendation on memorandum.

The Taking Issue

Mrs. Levin submitted a memorandum dated March 27, 1986 regarding the concern that the implementation of the SETF recommendations would potentially deprive the property owner of the value of his property. She stated that guidance from the State of Florida and the United States Supreme Courts will be used by the County in promulgating regulations concerning the taking issue.

Necessity for Stormwater Management Under No New Development Scenario

Charlie Hunsicker, Acting Assistant County Administrator, commented that the recommendation of the Task force is to rely at this time on the State Rules that govern stormwater management in the watershed; that agricultural uses are regulated under State Rule in the same fashion as development, with one exception: agricultural uses are exempt from Storm Water Permitting when that agricultural use has a valid conservation plan in effect.

(Enter Mr. Fletcher).

Jerry West, Planning and Development Director for the City of Bradenton, read a letter from Mayor Bill Evers (dated March 26, 1986) requesting the Board defer action on the recommendations of the Southeast Area Task Force to allow study and review by the City. Three objections were listed which would allow: (1) up to five units per acre in the low intensity zone (City recommends maximum one unit per acre); (2) commercial and industrial development in the low intensity zone; (3) up to six percent impervious ground coverage.

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Mr. Hagaman moved to enter into the record the letter from Mayor Bill Evers, City of Bradenton, dated March 26, 1986. Motion was seconded by Mr. Chetlain and carried unanimously.

Mr. Goodrow concluded that the instructions/comments by the Board provide staff the mechanism to change some structures in the resolution which will provide the necessary guidance in reviewing the applications that are in place.

(Enter Mr. Chance. Depart Mr. Hagaman)

Recommendations Deferred

Motion was made by Mrs. Hooper to reschedule consideration of the Southeast Area Task Force recommendations to a Special Meeting Thursday, April 3, 1986 at 10:00 a.m. Motion was seconded by Mr. Chetlain and carried unanimously.

Z-86-34 RUSSO (RECONSIDER)

Mr. Goodrow read letter from Joseph Russo requesting reconsideration of rezoning Z-86-34 which was denied March 13, 1986, indicating that the applicant has new evidence which indicates the request is consistent with the Manatee Plan.

Mrs. Hooper moved to reconsider Z-86-34. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Chance, Mr. Fletcher and Mrs. Hooper. Mr. Chetlain voted "Nay." Motion carried.

Mr. Goodrow advised the request will have to be readvertised.

24TH STREET EAST (MEADOW LAKES EAST SUBDIVISION)

Mrs. Levin referred to her recommendation of March 25, 1986 in connection with a problem with SP-84-16, involving the Manatee Mental Health Center, because of change in plans for S.R. 70 by the Florida Department of Transportation. She indicated that Meadow Lakes East Subdivision is also impacted and requested approval to advertise concurrently as an amendment to consider just the stipulations.

(Enter Mr. Hagaman)

Mr. Chance moved that the Board advertise a public hearing date for the stipulations on the Meadow Lakes Project 84-S-25 affected by State Road 70 changes or alterations in plan. Motion was seconded by Mr. Chetlain and carried unanimously. (Public hearing on SP-84-16 authorized in previous meeting.)

ORDINANCE 86-10 - TV SATELLITE DISHES

Mr. Goodrow submitted a proposed amendment to Ordinance 81-04 to regulate the placement of satellite dish antennas as accessory structures. He advised that this amendment would permit satellite dish antennas, used solely for the reception of television signals, as a permitted accessory use and will provide restrictions on size and standards for their placement. He reviewed the provisions contained in the proposed Ordinance and pointed out that the Planning Commission recommended removal of provision No. 8 requiring compliance of all existing antennae within one year.

Public hearing (Notice in The Bradenton Herald 3/10/86) was held on

ORDINANCE 86-10 ORDINANCE OF MANATEE COUNTY,
FLORIDA, AMENDING ORDINANCE 81-4, THE MANATEE
COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT
CODE TO PROVIDE FOR A DEFINITION OF SATELLITE
DISH ANTENNAE; TO PROVIDE FOR ACCESSORY USES
RESTRICTIONS; TO PROVIDE FOR HEIGHT RESTRICTIONS;
TO PROVIDE FOR SEVERABILITY AND TO PROVIDE AN
EFFECTIVE DATE.

(Formerly known as Ordinance 85-27)

Mr. Chetlain referred to a letter from Avery Gould, Federation of Homeowners Association, listing objections to satellite dishes in front yards; in backyards (waterfront) affecting the view across the waterway; extending above the roofs' spine.

Discussion: Ordinance not addressing issues of concern; bring into compliance those satellite dishes already in place; reschedule in order to obtain more public input; resubmit original ordinance.

The public comment portion of the hearing was closed.

Mr. Chance moved to adopt Ordinance 86-10, Satellite Dish Antennae, including subsection I.a (8). Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mr. Hagaman and Mrs. Hooper. Mr. Chetlain voted "Nay". Motion carried.

RECORD ORDINANCE

S35-303

Mr. Chance moved to authorize staff to set a date for public hearing to amend the Satellite Dish Ordinance and to resubmit the original proposed ordinance to the Board at that time. Motion was seconded by Mr. Hagaman and carried unanimously.

COMMISSIONER'S COMMENTS/REPORTS

Braden River Property (West of I-75)

Mr. Chance - Reported an individual who owns three acres on State Road 64, located between the forks of the Braden River, had inquired if the County would be interested in purchasing the property for \$45,000. He indicated that since the County is losing the Braden River boat ramp, due to the widening of 64, this property might be used for that purpose.

It was suggested that staff determine if this property has been annexed by the City of Bradenton and that the State be informed of its availability.

Disposition: Referred to the County Administrator for investigation/report.

COMPREHENSIVE PLAN

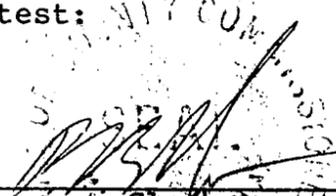
Mr. Chance moved that staff prepare appropriate amendment to the Comprehensive Plan that will require the Utilities Department or any other department in government to go through the special permitting process for any expansion or new facility, if it is not already required. Motion was seconded by Mrs. Hooper and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 5/6/86

Adj: 3:07 p.m.