

APRIL 10, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, April 10, 1986, at 9:04 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman
Lloyd C. Hagaman, Jr., Vice-Chairman
Kent G. Chetlain
Maxine M. Hooper
Edward W. Chance (entered during the meeting)

Also present were:

Barbara Levin, Assistant County Attorney, representing
H. Hamilton Rice, Jr., 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. William Harrier, Cortez Road Baptist Church.

The meeting was called to order by Chairman Fletcher.

ZONING

SP-86-42 EDWARD & JEANNETTE FINDYSZ - CHURCH (WITHDRAWN)

Request: Special permit to allow a church and related activities on 2.41 acres on the south side of 5th Avenue NW, 130 feet west of 73rd Street NW.

Planning Commission recommended DENIAL..

The chairman announced that SP-86-42 has been withdrawn.

Z-86-27 DAN P. & CORRINE MCCLURE - PDR/CONCEPTUAL PLAN (CONT'D)

Request: Rezone from A-1 to PDR, retaining the WP/ST Overlay Districts, and the approval of a Conceptual Development Plan for 950 units at an overall density of 3.06 du/acre: 309.89 acres northwest of the present terminus of Whitfield Avenue Extension and bounded by the future extensions of Lockwood Ridge Road, 63rd Avenue East (Saunders Road) and Prospect Road.

DEFERRED by Planning Commission to its April 16, 1986 Agenda.

Rick Ploughe, Planning Department, explained that Z-86-27 was inadvertently advertised to be considered at this meeting.
(Applicant had requested deferral to May 8, 1986 Board meeting)

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for rezone request Z-86-27.

Mr. Hagaman moved to continue the public hearing on Z-86-27 until May 8, 1986, at 9:00 a.m. or shortly thereafter. Motion was seconded by Mr. Chetlain and carried unanimously.

SUN COAST PLASTICS - AFFIDAVIT FOR ACCESS

Affidavit was received from Thomas L. King, Vice-President, Sun Coast Plastics, Inc., asserting willingness to share in the cost of an access road to a proposed manufacturing facility on a non-County maintained road. Funds are currently being escrowed by Florida Department of Transportation to assure construction of access to this and adjacent landlocked parcels along the east side of new U.S. 301.

Barbara Levin, Assistant County Attorney, advised that request is being made for approval of an affidavit for access so that a building permit might be issued for this manufacturing facility.

Philip Hammersley, Attorney for Sun Coast Plastics, stated he was prepared to record the affidavit.

Mr. Chance moved to approve the affidavit submitted by Sun Coast Plastics for recording and to authorize the use of 26th Street Court East as sufficient temporary access during construction of the manufacturing facility. Motion was seconded by Mrs. Hooper and carried unanimously.

ZONING (Cont'd)**Z-86-41 RICK PALEY, ANNA PADLIPSKY TRUST - R-2 (DENIED)**

Request: Rezone from R-1AB to R-2: 1.3 acres on the northwest corner of 55th Avenue Drive East and 45th Street East, adjacent to Gateway East Subdivision.
Planning Commission recommended DENIAL.

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for the purpose of considering

ORDINANCE Z-86-41:

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 R-2; PROVIDING AN EFFECTIVE DATE.

Joel Einstein, representing the applicant, advised there are duplexes on both sides of this property and requested they be allowed to be consistent with the adjacent use.

Clifford Wasson, 4424 55th Avenue Drive East, opposed the rezone.

Discussion: Amending the Land Development Code to require that public hearing notifications to adjacent property owners be given by certified mail, with return receipt requested.

Norma Fifield, 4428 55th Avenue Drive East, stated she did not receive notification of this public hearing.

Roger Galle, 4427 Drake Boulevard, submitted a petition with 141 signatures of people opposed to the rezone, with pictures of (1) duplex in the area; (2) vacant lot at the rear of the duplex; (3) single family homes across the street from the subject lots.

The public comment portion of the hearing was closed.

Discussion: Recreation hall, swimming pool, and shuffleboard courts located on this property; research Gateway East site plan.

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-86-41. Motion was seconded by Mr. Hagaman and carried unanimously.

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for the purpose of considering

SP-86-41 CECIL E. CHAPIN - MOBILE HOME (DENIED)

Request: Special permit to allow a mobile home as a residence on 7 acres, lot 73 of the unrecorded plat of Willow Shores Subdivision (Sec. 1, Twp. 33, Rng. 19), east of U.S. 301 at the Hillsborough County Line.
Planning Commission recommended DENIAL.

Cecil Chapin advised that the mobile home, placed on the property without a permit, has no septic tank or electricity and that it is unoccupied. He requested the Board approve the permit to allow the purchaser to live in the mobile home during construction of a house on this property.

Bill Kebler submitted (1) copy of the petition to the Planning Commission containing 16 signatures of people opposed to the special permit; (2) petition with 20 signatures of people requesting Highland Road be a County maintained road.
(Depart Chairman Fletcher; Vice-Chairman Hagaman presiding)

Upon being advised by Mr. Kebler that he and other residents in the area have bought shell and maintained Highland Road, it was suggested that the Board authorize a one time only shell grading on the road.
(Enter Chairman Fletcher)

APRIL 10, 1986

(Cont'd)

Others speaking in opposition were: John Robinson, Mary Lee, and Jerome Gostkowski.

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, finding the request to be inconsistent with The Manatee Plan, and based on comments made at this hearing, Mr. Chance moved to deny Special Permit No. SP-86-41. Motion was seconded by Mrs. Hooper and carried unanimously.

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

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for the purpose of considering

SP-86-39 RIDGEWOOD CENTER, LTD. - BEER/WINE/LIQUOR (CONTINUED)

Request: Special permit to allow on-premise consumption of beer, wine, and liquor (4-COP) in a lounge in Ridgewood Shopping Center located on 12.77 acres on the north side of U.S. 301, 800 feet west of Victory Road, Ellenton.

Planning Commission recommended APPROVAL.

Chris Pratt, Attorney representing L.P. Liquors, Inc., holder of the license, who would operate the proposed lounge, made a presentation on behalf of his client and advised that the lounge is designed for older-mature clientele.

(Enter Mr. Chance [during Mr. Pratt's presentation])

Bernard Krogan, President of Ridgewood Communities, Inc., advised that the developers, after conducting a market study, had determined that an establishment of this nature would be successful in the shopping center which is the primary amenity for Ridgewood Community.

Speaking in opposition were: Carroll Green, Gene Kuchnicki, John Roy, Carl Yountz, and Evelyn Clater.

The public comment portion of the hearing was closed.

Discussion: Proper notification to adjacent property owners.

Mr. Chance moved to continue SP86-39 until the residents adjacent to this use are properly notified. Motion was seconded by Mrs. Hooper and carried unanimously.

Following request by staff to continue this item to a certain date, Mr. Chance moved to reconsider the previous action. Motion was seconded by Mrs. Hooper and carried unanimously.

Mr. Chance moved that SP-86-39, Ridgewood Center, Ltd., be continued to May 8, 1986, and that proper notification be sent to the residents adjacent to the subject property. Motion was seconded by Mrs. Hooper and carried unanimously.

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for the purpose of considering

SP-86-35 MAXINE & MICHAEL KOERNER - EXPANSION (APPROVED)

Request: Special permit to allow 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:

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 seventy-five 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 seventy-eight cars, replacing the ten trucks previously allowed under SP-84-65.

There were no public comments and that portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendations, 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-86-35 with the stipulations recommended by the Planning Commission. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Fletcher, Mr. Hagaman and Mrs. Hooper. Voting "Nay" were Mr. Chance and Mr. Chetlain. Motion carried.

86-S-11 GROVELAND SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of a preliminary subdivision plat (15 lots) with a waiver of corner lot dimensions, on 3.49 acres on the south side of 51st Ave E, 300 feet west of 20th St Ct E.

Planning Commission recommended APPROVAL with the waiver (to allow lot 15 to have less than the required corner lot frontage on 51st Avenue East per Sec. 3012B.1.b) and stipulations:

1. The developer shall certify by recorded documents, agreements, and easements that the right to drain onto the adjoining properties has been obtained, prior to Construction Drawing Approval.
2. As designated on the Manatee County Right-of-Way Needs Map in this location, 51st Avenue East requires a right-of-way of 66 feet. Therefore, per Ordinance 84-12, dedication of additional right-of-way up to 33 feet will be required for future roadway expansion.
3. Temporary turn around diameter is to be 60 feet.
4. The typical street section shall curb and gutter on both sides with a crown. Drainage design criteria and calculations prepared by a Florida Registered Engineer will be required for 100 feet of adjacent land to the property line.
5. 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.
6. The fire hydrant location must meet the requirements of the Oneco-Tallevast Fire District.

Mr. Ploughe advised that the long narrow lot at the entrance of the development does not meet the minimum width requirements on 51st Avenue East; that the plans depict a retention pond in the narrow portion of this lot and staff considers the waiver appropriate.

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-11 with the stipulations recommended by the Planning Commission and with the waiver of corner lot dimensions. Motion was seconded by Mr. Hagaman. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mr. Hagaman, and Mrs. Hooper. Voting "Nay" was Mr. Chetlain. Motion carried.

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for the purpose of considering

SP-86-40 HOWARD P & ISABELLE BROWER (APPROVED)

Request: Special permit to allow a Telephone Switching Station as a light utility use on 1.27 acres on the south side of S.R. 64 approximately one-half mile east of I-75.

Planning Commission recommended APPROVAL with stipulations:

1. A six foot high, opaque, decorative wall or fence must be installed along the south and west property lines.
2. A driveway permit from the Florida Department of Transportation is required for the entrance on State Road 64.
3. Mitered headwalls* are required for the driveway culvert.
4. The final site plan will provide for interior landscaping, including trees planted in such a way as to not interfere with access or maintenance of on-site equipment.

*Correction: "headwalls"

Bob Kerstein, General Telephone Company, stated that this special permit would allow General Telephone to construct a digital switching facility to serve subscribers in the immediate area; that nothing on the site will emit electrical energy to the outside of the facility and it will not interfere with TV reception, etc.

(Depart Mr. Chance)

Mr. Kerstein offered no objections to suggestion that the special permit be conditioned to be non-transferable.

APRIL 10, 1986

(Cont'd)

Albert Thomas, Vice-President of Timberlane, Inc. (a recreation vehicle park adjoining the property), expressed concern about posting of signs and notification of public hearings to surrounding property owners. He requested that if the permit is approved, the condition be included that it be non-transferable.

A copy of the site plan was submitted.

The public comment portion of the hearing was closed.

Discussion: Additional stipulations recommended by Counsel (1) dedication of an additional 50 feet of right-of-way on State Road 64; (2) non-transferable Special Permit.

Motion was made by Mr. Hagaman, seconded by Mrs. Hooper and carried unanimously, to continue the public hearing to 1:30 p.m.

RECESS/RECONVENE

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

The meeting reconvened at 1:32 p.m. with all members present.

Public hearing on SP-86-40 was reopened/continued.

The Chairman reviewed the six stipulations.

- 1-4. As recommended by the Planning Commission.
5. Applicant shall dedicate an additional fifty feet of right of way along its frontage on State Road 64, as required by the County engineer, not later than issuance of the building permit.
6. This special permit shall not be transferable without prior approval as provided in Section 405G, Manatee County Comprehensive Zoning and Land Development Code.

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-86-40 with the six stipulations as previously read. Motion was seconded by Mr. Chetlain and carried unanimously.

Z-86-40 D'URSO COMMUNITIES - PDC/CONCEPTUAL PLAN (APPROVED)

Request: Rezone from A-1 to PDC, retaining the AF/WP/ST Overlay Districts, and approval of a Conceptual Development Plan for a total of 193,300 square feet of commercial space on 28.34 acres on the south side of S.R. 70, approximately 1600 feet east of I-75, lying adjacent to Braden Woods Subdivision. Planning Commission recommended APPROVAL with stipulations (24).

Public hearing (Notice in The Bradenton Herald 3/24/86) was opened for the purpose of considering

ORDINANCE Z-86-40:

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDC, RETAINING THE AF/WP/ST OVERLAY DISTRICTS, AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN FOR A TOTAL OF 193,300 SQUARE FEET OF COMMERCIAL SPACE; PROVIDING AN EFFECTIVE DATE.

Bruce Franklin, President of Land Resource Strategies, Inc., who represented the applicant, reviewed the project plans.

Larry D'Urso responded to question with regard to the number of residents in Braden Woods and Braden Pines Subdivisions.

The public comment portion of the hearing was closed.

The Assistant County Attorney reviewed amendments to the stipulations:

I. Off-site Facility Development Fee Stipulations:

2. The Developer, his successors, assigns and/or transfers, shall be bound by these stipulations, by the Impact Fee Ordinance when adopted, and by all Manatee County ordinances, rules and regulations consistent with the approval hereby granted.

Change: "transfers" to transferees and "...stipulations, by the Impact Fee Ordinance..." to "... stipulations or the Impact Fee Ordinance..."

II. General Stipulations:

1. Stormwater management system design for each phase with stormwater discharge to the Braden River Watershed shall comply with the intent of the recommendations of the Southeast Task Force as adopted by Manatee County.

Change to:

1. Stormwater management system design shall comply with all Southeast Area Task Force recommendations as approved by the Board of County Commissioners, including recommended stormwater management practices as implemented pursuant to the Southeast Area Task Force recommendations.

2. The developer shall warranty, by bond or other mechanism acceptable to the County, the performance of the stormwater management system in compliance with County and State standards for five years beyond the build-out period of development within each hydrologic unit (drainage basin). Following the five year period after build-out, the property owner, association or special district shall be responsible for stormwater monitoring data collection and reporting, operation and maintenance, and renewal and replacement of the stormwater management systems as required in the development approval. The County shall have the authority to assess the property owner association or special district for continuing performance of the systems in compliance with the standards set forth in the monitoring program.

Add to beginning:

2. Construction and post-construction monitoring of the stormwater management system in accordance with the Southeast Area Task Force recommendations as approved by the Board of County Commissioners, shall be outlined and implemented not later than the final plat for the affected phase, or the entire development if applicable.

Add new stipulation:

14. Developer shall construct the two east-bound lanes of State Road 70 to the east entrance of Braden Woods Plaza as required by the County Engineer with Plat approval of Parcel A.

Following question regarding the boundary lines of the Southeast Area Task Force Study, Mrs. Levin recommended adding the following language to the beginning of stipulations one and two under General Stipulations:

"Should this project be determined to be in the effected area of the Southeast Area Task Force recommendations".

After request to have the stipulations presented in amended form, the public hearing was continued to later in the meeting.

WELLCRAFT INDUSTRIES - FINAL SITE PLAN

Charlie Hunsicker, Acting Assistant County Administrator, advised that an item on the supplemental agenda had been withdrawn: Request for authorization for the Planning and Development Director to issue approval of a Final Site Plan to Wellcraft Industries, for construction of a roof over an existing slab. He said the property is incorrectly zoned for this request.

CLERK'S CONSENT CALENDAR

Upon motion by Mr. Chance, seconded by Mr. Hagaman, the Clerk's Consent Calendar dated April 10, 1986, was unanimously approved.
(NOTE: See further action/reconsideration later in the meeting)

BONDS:

Country Oaks Subdivision, Phase II

Accept:

Defect Security: L/Credit No. 1986-2 from United First Federal;
Agreement with United Merit Communities \$ 78,700.00

APRIL 10, 1986

(Cont'd)

Release:

L/C No. 1985-5 from United First Federal; Required
improvements Agreement with United Merit Communities 149,000.00

BILLS FOR PAYMENT:Attorney's Fees:

Balance before payment: \$568,826.91
Balance after payment: \$536,842.18
Dickinson, O'Riorden et al- M.C. vs. Manatee Gun & Archery 630.75
- E.A. Verhoeven vs. M.C. 357.47
Hogg, Allen, Ryce et al - Professional Services 3,826.81
Carlton, Fields, Ward, et al - Services re Beker DRI 26,320.82
Edwin T. Mulock - Professional Svs for Pollution Control 848.88
Larson Engineering - Ellenton Collection Sys, Ph IA 6,955.39

MOONSHINE STILL (ANTIQU)

Mr. Chance reported that the Palmetto Historical Society has expressed interest in a confiscated antique Moonshine Still. The "Revenuers" have agreed to release the still if requested by a Governmental agency who will accept responsibility. Diane Barcus, Assistant to Senator Neal, has advised that the Department of Alcoholic Beverages is awaiting release of the still and it will need to be assigned to the Board of County Commissioners.

Mr. Chance moved that the Board of County Commissioners ask for the release of the notorious Manatee County Moonshine Still and that it be assigned to the Board of County Commissioners. Motion was seconded by Mr. Hagaman and carried unanimously.

CLERK'S CONSENT CALENDAR (RECONSIDERED)Bonds: Country Oaks Subdivision

Upon question, Rick Ashley, Chief Deputy Clerk, explained that bonds on subdivision improvements are requested to be released based on recommendations from the appropriate County departments and certification that the required improvements have been completed in accordance with agreements by the developers.

Rick Ploughe advised a letter was received from the neighbors in Palm Aire, adjacent to Country Oaks Subdivision, demanding the fence which was to go up between Country Oaks Phase II and Palm Aire be put up immediately regardless of the fact that it is bonded.

Mr. Chance moved to reconsider previous action on the Clerk's Consent Calendar dated April 10, 1986. Motion was seconded by Mr. Chetlain and carried unanimously.

Motion was made by Mr. Chance, seconded by Mrs. Hooper and carried unanimously, to approve the Clerk's Consent Calendar with the exception of the release of Letter of Credit No. 1985-5 from United First Federal and the Required Improvements Agreement with United Merit Communities, \$149,000.

Country Oaks Subdivision, Phase II

Motion was made by Mr. Chance, and seconded by Mr. Chetlain, to authorize staff to notify United Merit Communities of Board action and advise that Letter of Credit 1985-5 will not be released until the improvements stipulated in the development order for Country Oaks Subdivision, Phase II, have been completed. Motion carried unanimously.

(Depart Mr. Chance & Mr. Fletcher; Mr. Hagaman presiding)

ZONINGZ-86-40 D'URSO COMMUNITIES (Cont'd)

Mrs. Levin submitted a copy of the stipulations as amended.

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 Manatee County Ordinance No. Z-86-40 with the stipulations recommended by the Planning Commission, as amended by the Board of County Commissioners. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD ORDINANCE

APRIL 10, 1986

(Cont'd)

ANNA MARIA FIRE CONTROL DISTRICT (FIRE/RESCUE STATION, MANATEE BEACH)

By memorandum dated April 10, 1986, Pat McVoy, Assistant County Attorney, referred to the 99 year lease (June 5, 1984) between the Board and the Anna Maria Island Fire Control District which committed a portion of the Manatee Beach property as a site for a Fire and Rescue Station.

Public concern was raised over use of the land which had been acquired under eminent domain or threat of eminent domain proceedings for other public purposes (public beach). Responding to notice by the Board of a desire to cancel the lease, Thomas W. Stewart, Attorney for the Fire District, indicated a willingness to work with the County in resolving the matter, reserving the District's rights to seek any damages.

Ms. McVoy submitted and reviewed a proposed Termination of Lease agreement with the Fire District and recommended execution by the Chairman if settlement outlined is approved by the Board.

Mrs. Hooper moved to authorize the Chairman to execute the Termination of Lease between Anna Maria Fire Control District and Manatee County upon receipt of an executed original from the Fire District; authorize the Public Works Director to begin installation of a six-inch fire line at Cortez Road upon payment of the costs by District and after full execution of the Termination of Lease. Motion was seconded by Mr. Chetlain and carried unanimously.

(NOTE: Document will be recorded after execution by both parties)

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

SEAL
CLERK
Adj: 2:43 p.m.

Chairman 5-27-86