

APRIL 24, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, April 24, 1986, at 9:04 a.m.

Present were Commissioners:

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

Absent was: Westwood H. Fletcher, Jr., Chairman

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 Reverend Howard Carter, Gillette First Baptist Church.

The meeting was called to order by Vice-Chairman Hagaman.

ZONINGZ-86-46 FLORIDA POWER & LIGHT COMPANY - M-1 (APPROVED)

Request: Rezone from A-1 and R-1A to M-1 approximately 18 acres on the southwest corner of the intersection of U.S. 41 and Buckeye Road.

Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald, 4/7/86) was opened for the purpose of considering

ORDINANCE Z-86-46

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 A-1 AND R-1A TO M-1.

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 consistent with The Manatee Plan, Mr. Chetlain moved to approve Z-86-46. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE Z-86-46

The Consent Agenda was submitted for the purpose of considering 86-S-2, 86-S-15 and 86-S-16:

86-S-2 DISNEY SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of Preliminary Subdivision Plat (16 lots) approximately 5.36 acres on the east side of Conservatory Drive, north of University Parkway.

Planning Commission recommended APPROVAL with stipulations:

1. Conservatory Drive shall be dedicated to the County as a public right-of-way and shall be constructed to County standards to the site's north property line.
2. Ithaca Lane shall be dedicated to the County as a public right-of-way and shall be constructed to County standards from the site's west property line to the site's east property line in order to provide the interneighborhood road tie.
3. Fire hydrant locations shall meet the requirements of the Oneco-Tallevast Fire District.

4. Construction drawings shall be submitted to the Planning and Development Department for review and approval, in accordance with Section 303D of the Land Development Code. The construction drawings shall show the location of all trees (as defined in Section 205F.1), those to be preserved and removed, and the location of replacement trees, in accordance with Section 205F.1.f. Replacement trees shall be installed prior to the submission of the Final Plat.

86-S-15 BRUCE HUDSON SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of Preliminary Subdivision Plat (1 lot) on .53 acre, with a waiver of the Final Subdivision Plat requirements, on the west side of 59th Street West approximately 400 feet south of 11th Avenue West.

Planning Commission recommended APPROVAL with the waiver of Final Plat requirements.

86-S-16 TIM'S SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of Preliminary Subdivision Plat (3 lots) on 3.4 acres, with waiver of Final Subdivision Plat requirements, on the southwest corner of 13th Avenue East and 67th Street Court East.

Planning Commission recommended APPROVAL with the waiver of Final Plat requirements.

Finding the requests to be consistent with The Manatee Plan, Mr. Chance moved to approve 86-S-2, 86-S-15 and 86-S-16. Motion was seconded by Mr. Chetlain for discussion.

Discussion: Whether the developer of 86-S-2 will provide for improvements to University Parkway, secondary access, etc.

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

Z-82-49(R) WILBUR H. BOYD & WILBUR H. BOYD II - (WITHDRAWN)

Request: Rezone from R-1C to PDR for .20 acre and PDR to R-1C for .42 acre, and approval of Revised Conceptual Development Plan to allow 66 units at 5.04 d/units per acre, retaining the ST, with waiver of sidewalk requirements on the north side of 21st Avenue N.W., approximately 500 feet west of 88th Street Court N.W. (13.1 total acres).

Planning Commission recommended APPROVAL with Original Conceptual Development Plan.

Public hearing (Notice in The Bradenton Herald, 4/7/86) was opened for the purpose of considering

ORDINANCE Z-86-49(R)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1C TO
PDR FOR .20 ACRE, AND PDR TO R-1C FOR .42 ACRE, AND
APPROVAL OF REVISED CONCEPTUAL DEVELOPMENT PLAN;
PROVIDING AN EFFECTIVE DATE.

Upon report by Mike Hennessy, Planning & Development, that the application had been withdrawn, motion was made by Mr. Chance to accept the withdrawal. Motion was seconded by Mrs. Hooper and carried unanimously.

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

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

The Board, on 1/23/86, had remanded this request to the Planning Commission for review. The Planning Commission, on 3/5/86, voted 4-3 on motion to DENY the request.

The Vice-Chairman submitted request by the applicant to defer this item back to the Planning Commission for readvertising and amendment at the meeting of May 14, 1986 and Board meeting of May 22, 1986.

Motion was made by Mr. Chetlain, and seconded by Mrs. Hooper, to continue the public hearing on Z-85-127 and defer it back to the Planning Commission for the meeting of May 14, 1986. Voting "Aye" were Mr. Chetlain, Mrs. Hooper, and Mr. Hagaman. Voting "Nay" was Mr. Chance. Motion carried.

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(Cont'd)

Z-85-139(R) (REVISED) CULLY, LAWRENCE & KEENE - PDR - (DENIED)

Request: Rezone from A-1 to PDR and approval of Conceptual Development Plan to allow 28 single-family lots on approximately 8.5 acres at 3.38 d/units per acre, on the north side of 77th Street East (Terra Ceia Road), approximately 66 feet west of Bayshore Road.

Planning Commission recommended DENIAL.

Public hearing (Notice in The Bradenton Herald, 4/7/86) was opened for the purpose of considering

ORDINANCE Z-85-139(R)

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

Dean Culley, applicant, advised that he was unable to meet the recreation requirements of PDR zoning because of the size of the parcel. He pointed out that the request is compatible with the surrounding area.

Discussion: Decreasing density, inconsistencies with Manatee Plan, etc.

Speaking in opposition to the rezone were: Charles Aligood (submitted map of area); Bill Woodson; Michael Aligood; Martha Hadden, adjacent property owners.

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. Chetlain moved to deny Z-85-139(R). Motion was seconded by Mrs. Hooper and carried unanimously.

Z-86-48 SOUTHERN STATE SALES - R-3A/SITE PLAN (APPROVED)

Request: Rezone from R-1B to R-3A on 1.11 acres and approval of Conceptual Site Plan for 12 units at a density of 10.8 d/units per acre, on the northeast corner of the intersection of 2nd Street West and 57th Avenue West.

Planning Commission recommended approval with stipulations:

1. A landscaped buffer shall be planted along the north and east property lines with trees at least six feet high at time of planting and opaque within two years.
(instead of: A six-foot high opaque fence or wall shall be installed along the north and east property lines.)
2. A minimum of 6,805 square feet of recreational open space is required and shall be shown on the Final Site Plan (per Sec. 205F.4.d., the Land Development Code).
3. The name "Country Oaks" may not be used as this project's name.
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.

Public hearing (Notice in The Bradenton Herald 4/7/86) was opened for the purpose of considering

ORDINANCE Z-86-48

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

Caleb Grimes, Attorney representing Southern State Sales, gave a brief history of the property and responded to questions.

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, motion was made by Mrs. Hooper, and seconded by Mr. Chance, to approve Manatee County Ordinance No. Z-86-48 and the Conceptual Site Plan, with the stipulations recommended by the Planning Commission. Voting "Aye" were Mrs. Hooper, Mr. Chance and Mr. Hagaman. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-48

Public hearing (Notice in The Bradenton Herald 4/7/86) was opened for the purpose of considering

SP-86-44 MARY MORGAN - MOBILE HOME (READVERTISE)

Request: Special Permit to allow a mobile home in addition to a residence on the east side of Red Rooster Road, approximately 1,000 feet south of U.S. 301, Parrish.
Planning Commission recommended APPROVAL.

Mr. Hennessy advised that the site was incorrectly identified as being located on Red Rooster Road instead of Oxford Road and that it will be necessary to readvertise.

Motion was made by Mr. Chance to remand SP-86-44 to the Planning Commission for the meeting of May 14, 1986; to be considered by the Board of County Commissioners on May 22, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

Z-85-67 JOHN C. IBASFALEAN & EDWIN T. MULOCK - PR (CONTINUED)

Request: Rezone from R-1A to PR on approximately .09 acre on the south side of Manatee Avenue at 47th and 49th Streets West.
Planning Commission voted 4-3 against the request on 6/13/85 and Board of County Commissioners voted 2-2 on 6/27/85 for denial.

Public hearing (Notice in The Bradenton Herald 4/7/86) was opened for the purpose of considering

ORDINANCE Z-85-67

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

Mr. Chance declared a conflict of interest and departed the meeting.
(Depart Mr. Chance)

Barbara Levin, Assistant County Attorney, reported that Edwin Mulock, applicant, had requested continuation of the hearing for presence of a full Board. She pointed out that the matter is before the Board pursuant to a Court Order (CA 85-2785) and recommended that at least four members be present to consider it.

Mrs. Hooper moved to continue the public hearing on Z-85-67 to May 8, 1986 at 9:00 a.m. or soon thereafter. Mr. Hagaman stepped down as Vice-Chairman to second the motion. Motion carried unanimously.
(Enter Mr. Chance)

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

Request: Rezone from PR/WR to C-1/WR on approximately .77 acre 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 4/7/86) was opened for the purpose of considering

ORDINANCE Z-86-34

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

Joseph Russo, applicant, submitted a report citing two other rezones approved in the surrounding area which are consistent with his request and concluding that it is in compliance with The Manatee Plan.

Ms. Levin pointed out that it is probable that the two rezonings cited were approved prior to enactment of the Whitfield Overlay Districts, which restricts the concepts provided in The Manatee Plan.

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Speaking in opposition to the request were Cecil Huff, 833 Whitfield Avenue; William Maslanka, President of the Whitfield-Ballantine Association, who stated that Gulf Coast Builders Association relayed its opposition.

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. Chetlain moved to deny Manatee County Ordinance No. Z-86-34. Motion was seconded by Mrs. Hooper and carried unanimously.

Z-86-42 JOHN A. & CAROL J. PEACHEY - PDR/CDP (APPROVED)

Request: Rezone from A-1 to PDR, retaining the WP and WP/ST Overlay Districts, and approval of Conceptual Development Plan for 290 units on approximately 73.65 acres at a density of 3.94 d/units per acre on the east side of Prospect Road, approximately 1,500 feet south of Whitfield Avenue.

Planning Commission recommended approval with the following stipulations:

1. The applicant, not later than at submission of a Preliminary Development Plan, shall comply with the Southeast Area Task Force recommendations as implemented by the Board of County Commissioners. Compliance may require redesign of the approved Conceptual Development Plan and result in decreased density. This redesign is contemplated within the approval of the Conceptual Development Plan and shall not require further action on the Conceptual Development Plan by the Board of County Commissioners.
2. The Florida Game and Freshwater Fish Commission has determined that the McClure tract north of this site contains an active bald eagle nest requiring protection in accordance with Florida Game and Freshwater Fish Commission regulations. This project shall be redesigned to comply with the Florida Game and Freshwater Fish Commission regulations not later than submission of the Preliminary Plan, should the Florida Game and Freshwater Fish Commission determine that these development restrictions exist at the time protective zones are established.
3. An interneighborhood roadway tie shall be provided in the south-east corner of the site where a cul-de-sac is presently shown and shall be stubbed to the eastern property line for future extension.
4. Passive Recreation, as defined in the State Recreation Plan, shall comply with the Southeast area Task Force recommendations as implemented by the Board of County Commissioners. Compliance may require redesign of the approved Conceptual Development Plan. This redesign is contemplated within the approval of the Conceptual Development Plan and shall not require further action on the Conceptual Development Plan by the Board of County Commissioners.
5. A five-foot wide sidewalk shall be installed along Prospect Road for the Site frontage and along both sides of Tuttle Avenue.
6. All Department of Environmental Regulation jurisdictional areas shall be delineated on the Preliminary Development Plan. A conservation easement may be required to protect these areas.
7. 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.
8. The applicant shall comply with development constraints as recommended by the Southeast Area Task Force.

Public hearing (notice published in The Bradenton Herald 4/7/86) was opened for the purpose of considering

ORDINANCE Z-86-42

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

Mr. Hennesy outlined recommended changes to the stipulations to coincide with recommendations of the Southeast Area Task Force:

- Stipulation No. 1 - Strike "not later than at submission of a Preliminary Development Plan" in first sentence.
- Stipulation No. 4 - Restructure first sentence to read:
Recreational portions of the proposed development shall comply with the Southeast Area Task Force recommendations as implemented by the Board of County Commissioners.

Tom McCollum, Zoller, Najjar, & Shroyer Engineering, agreed to comply with all stipulations/provisions approved by the Board which are based upon the Southeast Task Force Report.

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

Discussion: Access, density, potential redesign of project, Southeast Task Force recommendations, development of property containing the eagle's nest, etc.

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, Mrs. Hooper moved to approve Manatee County Ordinance No. Z-86-42 and the Conceptual Development Plan, with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chance. Voting "Aye" were Mrs. Hooper, Mrs. Chance and Mr. Hagaman. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-42

PDR-86-5 RIVER CLUB GOLF COURSE - P/DEVELOPMENT PLAN (APPROVED)

Approval of a Preliminary Development Plan for a golf course located on approximately 388 acres on the south side of State Road 70, approximately 3/4 mile east of I-75.

Planning Commission recommended approval with the following stipulations:

1. As part of the submittal package for the Final Development Plan, the developer, his heirs, assigns or transferees shall grant a conservation easement for that portion of the site over which the Florida Department of Environmental Regulations determines to have regulatory jurisdiction. This easement shall be granted to the Manatee County Pollution Control Department and shall specifically preclude the construction of any structures, dumping of any materials, destruction of any vegetation or excavation of any substance within its limits, except for those activities for which a dredge and fill permit has been obtained from the Department of Regulation.
2. At a minimum, Best Management Practices as outlined in the Reservoir Protection Practices Appendix of the Areawide Water Quality Management Plan (Tampa Bay Regional Planning Council) shall be demonstrated as part of the submittals of the Final Development Plan to ensure that the existing water quality of the Lake Evers Reservoir Watershed is maintained. Compliance shall be required with the Southeast Area Task Force water quality recommendations for development in the Lake Evers Reservoir Watershed, as implemented by the Board of County Commissioners.

(NOTE: Subsequent recommendation approved to change "may" in second sentence to shall.)

3. A tree survey shall be submitted with the Final PDR plan showing those trees to be preserved, removed, or transplanted, and showing the location and species of replacement trees.
4. An enlarged scale drawing (no less than 1" = 60') shall be submitted with the Final PDR plan for the clubhouse and recreation center.
5. The applicant shall submit construction drawings to the Manatee County Pollution Control Department showing plans to control erosion and turbid run-off and compliance with the Southeast Area Task Force recommendations for development in the Lake Evers Reservoir Watershed, as implemented by the Board of County Commissioners.

Tom McCollum, Zoller, Najjar, & Shroyer Engineering, agreed with the recommended stipulations and gave a brief overview of the project.

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Having considered the staff report and finding the request to be consistent with The Manatee Plan, Mrs. Hooper moved to approve Preliminary Development Plan No. PDR-86-5 with the stipulations recommended by the Planning Commission with the change to Stipulation No. 2 as noted in its recommendation. Motion was seconded by Mr. Chance and carried unanimously.

85-S-58 CRESCENT LAKES EAST - P/PLAT (APPROVED)

Request: Approval of a Preliminary Plat (22 lots) cluster subdivision on 6.26 acres and waiver of the required 400 foot separation between 39th Street East and the proposed entrance road, located on the north side of Tallevast Road, approximately 200 feet east of 39th Street East (Tuttle Avenue).

Planning Commission recommended APPROVAL with the following stipulations:

1. The applicant shall submit, as part of the submittal requirements for Construction Drawing Approval, documentation of the ability to outfall into Gordon's Subdivision drainage system.
2. The entry street (off Tallevast Road) shall be designated 39th Court East or 39th Lane East. The interior circular street shall be designated 39th Street Circle East.
3. Construction drawings shall be submitted to the Planning and Development Department for review and approval, in accordance with Section 303 D of the Land Development Code. The construction drawings shall show the location of all trees (as defined in Section 205 F.1), those to be preserved and removed, and the location of replacement trees, in accordance with Section 205 F.1.f. Replacement trees shall be installed prior to the submission of the Final Subdivision Plat.
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.

Tom McCollum, Zoller, Najjar, & Shroyer Engineering, agreed with the recommended stipulations.

Discussion: Compliance with water quality standards, drainage into surrounding tributaries/reservoir area, etc.

Jerome Gostkowski, Public Works/Highway, responded to questions regarding drainage.

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 Preliminary Subdivision Plat No. 85-S-58 with the waiver of the required 400 foot separation between 39th Street East and the entrance road, and the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

86-S-9/PDR-86-4 QUAIL RUN - P/PLAT/DEVELOPMENT PLAN (APPROVED)

Request: Approval of a Preliminary Subdivision Plat/Development Plan on approximately 69.25 acres with a density of 1.96 units/acre on the west side of Lockwood Ridge Road approximately 1,300 feet north of Tallevast Road.

Planning Commission recommended APPROVAL with stipulations 1 through 12.

RECORD STIPULATIONS S35-345

Mr. Hennessy recommended changes, additions, or deletions to the following stipulations:

- 4.b. An overlay of the low intensity zone as defined by the Southeast Area Task Force.
Delete "Southeast Area Task Force" and substitute "Board of County Commissioners".
- 4.e. Relocation of the lift station to a site that drains away from the slough. Additionally, the following means of backup must be provided: On-site auxiliary power; wetwells to contain sewage line surcharge overflows; emergency bypass pumpouts for tank trucks; one hundred percent redundancy in lift station pumping equipment.

- Insert after the word "provided":
 Sewer lift stations with 35 horsepower motors shall have an auxiliary generator receptacle on the panel box;
 Stations with greater than 35 horsepower motors shall include an on-site stationary generator set with remote transfer capability;
 Retain Wetwells to contain sewage line surcharge/overflows;
 Emergency bypass pumpouts for tank trucks;
 100 percent redundancy in lift station pumping equipment.
7. Prior to final plan approval, the applicant shall demonstrate that the stormwater management system/practices must meet the criteria established for Outstanding Florida Waters.
 Strike the word "shall".
9. Department of Environmental Regulations/Corp of Engineer permits are required prior to final plan approval.
 Correct the word "Corp" to "Corps".
10. No retention ponds shall be located in the jurisdictional wetlands.
 Insert the word "DER" in front of "jurisdictional".
11. The pool shall be moved to the moderate intensity zone.
 Delete in its entirety and substitute: Stormwater management systems for recreational facilities in the low intensity zone shall treat runoff in a manner that conforms to "Outstanding Florida Water" standards.
- Add:
 13. 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 followed.

Joseph Swanson, Mosby Engineering Associates, referred to a sketch of the proposed project, stating they have met recreational open space requirements and are preserving jurisdictional areas. He said that their stormwater management program has been reviewed and approved by the Southwest Florida Water Management District and none of the site is located in the low intensity zone. He submitted photographs of Rattlesnake Slough (taken in late 1984 or early 1985) to illustrate it is not a stream by definition of "nine-months-a-year flow" and does not meet the definition of "primary tributary".

Mr. Swanson requested concurrence that the project is not located in the low intensity zone and that stipulations applying to that designation be corrected.

Discussion: Approval of Conceptual Plan provided it is in compliance with Camp Dresser & McKee Report; should approval of Final Plan include provision for compliance with Southeast Area Task Force recommendations, etc.

Inasmuch as there is an existing berm to restrict direct runoff from the rear lot line into the slough, Mr. Swanson requested a change in stipulation 4.c. regarding a 50-foot buffer between the private property lines and State jurisdictional wetlands.

Upon being advised by Ms. Levin that the issue of berm maintenance could be addressed in the Homeowners Association documents, Mr. Swanson accepted an additional stipulation outlined by Ms. Levin:

14. Homeowner documents shall reflect that the berms as depicted upon the preliminary subdivision plat 86-S-9 approved on 4/24/86 shall be under the ownership, control and maintenance of the Homeowners Association. Developer shall, prior to final plat approval, establish an escrow account in the amount to be determined by the County Engineer for the maintenance of the berms.

In view of the recommended changes, Fred Goodrow, Planning Director, stated the following should be deleted: Stipulations 4.b., 4.c., 7, and 11 in their entirety, and the words "and Outstanding Florida Waters Criteria" in stipulation No. 8.

Request was made by Mr. Swanson that the word "Preliminary" be changed to "Final" in the first paragraph of stipulation No. 4.

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John Novak, City of Bradenton, spoke in opposition to the density in the proposed project.

Mr. Chance read paragraph 2 (Land Use) on Page 9 of Smith and Gillespie Engineers Report, dated November 1983, regarding the Evers Reservoir Watershed Management Plan addressing the issue of density.

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. PDR-86-4/86-S-9 with the stipulations set forth incorporating the changes discussed today. Motion was seconded by Mr. Chance. Voting "Aye" were Mrs. Hooper, Mr. Chance, and Mr. Hagaman. Voting "Nay" was Mr. Chetlain. Motion carried.

86-S-13 GURVIS SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of Preliminary Subdivision Plat for a four-lot subdivision, with a waiver of the sidewalk requirements, on the northeast corner of the intersection of 51st Street West and 18th Avenue West.

Planning Commission recommended APPROVAL with a waiver of the sidewalk requirement.

Discussion followed regarding the requested sidewalk waiver.

Leo Mills, representing the applicant, stated that if the County initiates a sidewalk participation project in the area, they would be willing to participate.

Motion was made by Mr. Chetlain, seconded by Mr. Chance and carried unanimously to approve preliminary subdivision plat 86-S-13 with the stipulation that should the County initiate a participation project for sidewalks along 18th Avenue West or 51st Street West, applicant or his heirs, assigns, transferees shall participate in said project.

PLANNING COMMISSION

Nominations to the Planning Commission to fill an unexpired term (resignation of Don Bradley) to May 10, 1986 as well as the four-year term beginning May 10, 1986 and ending May 10, 1990 were:

William J. Maslanka	-	by Mr. Chetlain
Ernest D. Estevez	-	by Mr. Chance

Motion was made by Mrs. Hooper, and seconded by Mr. Chetlain, that nominations cease.

Voting in favor of Mr. Maslanka were Mr. Chetlain and Mr. Hagaman. Voting in favor of Mr. Estevez were Mr. Chance and Mrs. Hooper.

Action was deferred for full Board review.
(Depart Mr. Chetlain)

IMPACT FEE PROCEDURES

Upon motion by Mr. Chance, seconded by Mrs. Hooper and carried unanimously, the Chairman was authorized to execute the Consultant Contract, RFP-86-207, with Bruce McLaughlin Planning for the Preparation of Impact Fee Administrative Procedures.

RECORD: CONTRACT FILE

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ZONING: ARVIDA CORPORATE PARK DRI; Z-85-1 (CONTINUED)

After opening of the public hearing, and upon recommendation by the Planning Director (memorandum April 24, 1986), motion was made by Mrs. Hooper to continue the public hearings to June 12, 1986 on the Arvida Corporate Park DRI (TBRPC #154, former #101) and the Island Investment Properties, Ltd. and N.V. Kabara Z-85-1 to June 12, 1986. Motion was seconded by Mr. Chance and carried unanimously.

TESTIMONY/PUBLIC HEARINGS

Mr. Chance recommended that witnesses be sworn in at public hearings since decisions are often based upon their testimony and moved to authorize staff (Legal Department) to prepare the appropriate resolution requiring those testifying before this Board to be sworn. Motion was seconded by Mrs. Hooper and carried unanimously.

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ZONING MATTERS

Discussion: Appropriateness/legality of discussing zoning matters prior to the public hearings, guidelines, etc.

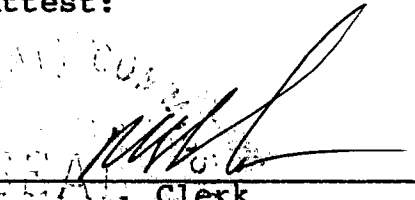
Disposition: Referred to staff for future agenda.

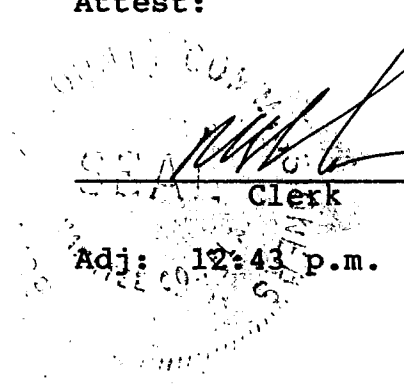
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Clerk
Adj: 12:43 p.m.




Chairman 5-27-86