

MAY 8, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, May 8, 1986, at 9:01 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 Roland Davis, Samoset First Baptist Church.

The meeting was called to order by Chairman Fletcher.

ZONING

Public hearings (Notice in The Bradenton Herald 4/21/86) were opened for the purpose of considering

SP-86-33 PHILLIP L. & BRIAN D. BURGHARDT (CONTINUED)

Z-86-27 DAN P. & CORRINE MCCLURE - PDR (CONTINUED)

Z-86-44 BOBBIE L. FOY - R-1AB (CONTINUED)

Z-86-50 STEVE JELENSCICS, JR - C-1A (CONTINUED)

Upon being advised that the petitions were improperly advertised, motion was made by Mr. Chance to continue the public hearings on SP-86-33, Z-86-27, Z-86-44, Z-86-50. Motion was seconded by Mrs. Hooper and carried unanimously.

Public hearing (continued from 4/10/86) was held for the purpose of considering

SP-86-39 RIDGEWOOD CENTER, LTD - 4-COP (DENIED)

Request: Special Permit to allow on-premise consumption of beer, wine and liquor in Ridgewood Shopping Center, north side of US Hwy 301, 800 feet west of Victory Road, Ellenton.
Planning Commission recommended APPROVAL.

Chuck Pratt, representing Lisa Pratt, applicant, stated that, inasmuch as the area is becoming commercial, the request is compatible and consistent with the Manatee Plan.

Petitions were presented (with total of 1251 signatures) from residents of Colony Cove Mobile Home Park, Ridgewood Community and the general area opposing the opening of any bar, lounge or package store in Ridgewood Center. Speaking in opposition to the Special Permit were:

Francis Abbey	Joyce Martin Bates	Steven Mentz
Gene Kuchnicki	Herb Hoover	Martha Rossen
Paul Harshbarger	Kathryn Pacen	Carl Yountz
Bob Collandra	Jess Parrish	Barbara Green
Joe Choate	Lyman Baker	Virgil Alexander
Tom Taylor	Carroll Green	Daniel Sullivan
Gordon Webber		

Discussion: Church located across the street, in area of the proposed lounge/package store, not being noted on the staff report; danger to customers in the shopping center; residential growth in the area, etc.

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. Chance moved to deny Special Permit SP-86-39 based on the flawed staff report, growth patterns in the area and the compatibility question. Motion was seconded by Mr. Chetlain and carried unanimously.

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

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

Request: Change the present zoning from R-1A to PR on .9 acre on the south side of Manatee Avenue at 47th and 49th Streets West. Planning Commission voted 4 to 3 for DENIAL.

(NOTE: This is a reconsideration of action taken by the Board 6/27/85 (2-2 vote) based upon an Order by Judge James S. Parker in Circuit Court case CA-85-1785 Ibasfalean et al vs Manatee County et al)

Public hearing (continued from 4/24/86) was held for the purpose of reconsidering

ORDINANCE Z-85-67

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1A TO PR; PROVIDING AN EFFECTIVE DATE.

Upon question, the County Attorney advised that deed restrictions are not to be considered in a rezone.

(Enter Mr. Chance)

Mr. Chance stated he had previously filed a Conflict of Interest in this matter, however, the County Attorney advised no actual conflict exists.

Ed Mulock, applicant, in making a presentation, stated this hearing is in compliance with the Order by Judge Parker.

(Depart Mr. Hagaman during presentation)

Speaking in opposition to the request were:

Hazel Trueblood (presented diagram and letters in opposition)

(Enter Mr. Hagaman)

Jack Schneider

Warren Hansen

John Banville

Paul Raitz

George Langston

Lenore Schneider

Sarah Langston

Paul Thornton

Joseph Trueblood (presented letter from Mrs. Ullman)

Discussion: Country Club entrance; development on Manatee Avenue; Order is to reconsider to a zoning classification which is less restrictive than residential; what will happen in Court if application is denied; attempt at settlement, etc.

Motion to Deny (Failed)

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-85-67. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mrs. Hooper and Mr. Chetlain. Voting "Nay" were Mr. Chance, Mr. Hagaman and Mr. Fletcher. Motion FAILED.

Motion to Approve

Having considered the staff report and Judge James S. Parker's Order in Case Number CA-85-1785 John Ibasfalean, Edwin T. Mulock and Clifford Davis, Plaintiffs vs Manatee County, a political subdivision of the State of Florida, and the Board of County Commissioners, Manatee County, Florida, Defendants, comments made at the public hearing and finding the request to be consistent with the Manatee Plan, Mr. Chance moved to approve Manatee County Ordinance No. Z-85-67. Motion was seconded by Mr. Hagaman for amendment.

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Motion to Amend (Approved)

Mr. Hagaman moved to add to the motion "and direct staff to advise the Court of the Board's objection to the mandatory order for the rezone". Motion to amend was seconded by Mr. Chance. Voting "Aye" were Mr. Hagaman, Mr. Chance, and Mrs. Hooper. Voting "Nay" were Mr. Chetlain and Mr. Fletcher. Motion carried.

Amended Motion to Approve (Carried)

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

RECORD ORDINANCE

Recess/Reconvene. All members present.

Public hearings (Notice in The Bradenton Herald 4/21/86) were held for the purpose of considering SP-86-45, SP-86-46, SP-86-47 and Z-86-53.

- SP-86-45 DIANE G. & JOHN E. RUSS - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home as a residence, on 5.05 acres on the east side of Brendle Road, approximately 2200 feet south of SR 70.

Planning Commission recommended APPROVAL for three years with an additional three years to be granted at the administrative discretion of the Planning Director.

- SP-86-46 J. W. ASHBROOK - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home in addition to a residence on 10 acres on the south side of Crosby Road, 330 feet east of Bethany Road.

Planning commission recommended APPROVAL with stipulations recommended by Staff:

1. Special Permit will be automatically revoked if the leasehold is lost for any time.
2. Special Permit shall be granted for a time period of three years with an additional two years to be granted at the administrative discretion of the Planning Director.
3. Renting, leasing or occupancy of the mobile home for compensation by anyone other than the owner or lessee of the property, a member of the immediate family of the owner or lessee or an employee engaged in the agricultural use of the property shall constitute an automatic violation and shall terminate the Special Permit.

SP-86-47 RONNIE BECK - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home as a residence on 10 acres on the east side of Rye Road, approximately one-quarter mile northeast of SR 64.

Planning Commission recommended APPROVAL for three years with an additional three years to be granted at the administrative discretion of the Planning Director.

Z-86-53 WILLIAM H. FLOTO & REED W. MAPES - C-1 & R-1 (APPROVED)

Request: Change the present zoning from R-1AB to C-1 retaining the AF District, 180 feet south of US 301; 800 feet west of Victory Road (.13 acre). ALSO Change the present zoning from R-1AB/AF to R-1 retaining the AF District 220 feet south of US 301; 1000 feet west of Victory Road, Ellenton (4.34 acres).

Planning Commission recommended APPROVAL.

ORDINANCE Z-86-53:

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

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding the requests to be consistent with the Manatee Plan, Mr Hagaman moved to approve Manatee County Ordinance No. Z-86-53, Special Permits SP-86-44, SP-86-45 and SP-86-47. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD ORDINANCE

Public hearing (notice in The Bradenton Herald 4/21/86) was held for the purpose of considering amendments to stipulations on

SP-86-14 DAN BLALOCK & MARSHALL DESEAR - AMENDMENTS (APPROVED)
 Request: Special Permit to allow a sixty-four bed residential treatment facility for emotionally handicapped elderly persons.
 (NOTE: Approved January 23, 1986)

Jerome Gostkowski, Public Works/Highway, advised that new plans for State Road 70 (by Florida Department of Transportation) make previously approved transportation stipulations impracticable; therefore, amendments to stipulations five and six are recommended to read:

5. No Certificate of Occupancy shall be issued for this project until 24th Street East is constructed, as required by the Florida Department of Transportation and the County Engineer in compliance with the Federal Highway Capacity Manual guidelines, from S.R. 70 to the project entrance.
6. No Certificate of Occupancy shall be issued for this project until deceleration and turn lanes on S.R. 70 and 24th Street East are constructed, as required by the Florida Department of Transportation and the County Engineer in compliance with the Federal Highway Capacity Manual guidelines.

Tim Knowles, representing Manatee Mental Health Center, advised a Road Development Agreement has been entered into between Manatee Mental Health Center and Modern Builders (the developer of Meadow Lakes East Subdivision) agreeing to fund road improvements.

Having considered the staff report and comments made at the public hearing, the Road Development Agreement dated 5/8/86 between Manatee Mental Health Center and Modern Builders Inc., for construction of the right-of-way along 24th Street East, and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Amended Special Permit SP-86-14 with the stipulations as recommended in the staff report. Motion was seconded by Mr. Chetlain and carried unanimously.

84-S-25 MEADOW LAKES EAST - P/PLAT (AMENDMENTS APPROVED)
 Request: Preliminary Subdivision plat with a waiver of minimum street separation requirements on 24th Street east south of 53rd Avenue East and west of US 301 relocated.
 (NOTE: Approved November 8, 1984)

Mrs. Levin advised this request is in conjunction with the previous request (SP-86-14) and recommended adding stipulations:

1. No Certificate of Occupancy shall be issued for this project until 24th Street East is constructed, as required by the Florida Department of Transportation and the County Engineer in compliance with the Federal Highway Capacity Manual guidelines, from S.R. 70 to the project entrance.
2. No Certificate of Occupancy shall be issued for this project until deceleration and turn lanes on S.R. 70 and 24th Street East are constructed, as required by the Florida Department of Transportation and the County Engineer in compliance with the Federal Highway Capacity Manual guidelines.

Motion was made by Mrs. Hooper to approve 84-S-25 Meadow Lakes East Subdivision with the amended stipulations as recommended by staff. Motion was seconded by Mr. Hagaman and carried unanimously.

83-T-3 RIDGEWOOD MEADOWS PHASE II-B - F/PLAN (APPROVED)
 Request: Final Mobile Home Park Plan for fifty-five lots in Phase II-B of Ridgewood Meadows, on 11.75 acres north of US 301 and west of Victory Road, Ellenton.

86-S-17 TROHN SUBDIVISION - P/PLAT (APPROVED)
 Request: Preliminary Subdivision Plat for three lots, with a waiver of the Final Subdivision Plat requirements, on 3.9 acres on the south side of 7th Street Court West, west of 32nd Avenue West, Palmetto.
 Planning Commission recommended APPROVAL with a waiver of Final Plat requirements.

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Having considered the staff report, the Planning Commission's recommendations and finding the requests to be consistent with the Manatee Plan, Mr. Chetlain moved to approve 83-T-3(F) and 86-S-17. Motion was seconded by Mr. Chance and carried unanimously.

SOUTHEAST AREA TASK FORCE

Carol Clarke, Planning Department, presented the Southeast Land Use, Design, Public Services and Environmental Recommendations Final Report of the Southeast Area Task Force (and proposed resolution implementing the recommendations).

Discussion: Definition of Low Intensity Zone and/or a 500 foot buffer to protect water quality; density limited to 3 du/acres; Outstanding Florida Water criteria; floodplain buffer boundary, etc.

Bill Hamilton, President Conservation Consultants Inc., and R. J. Lombardo, Lombardo & Associates, questioned interpretation of the Interim Implementation of the Low Intensity Zone (1000 foot band or the width of the FEMA floodplain, whichever is greater).

Amendments to Low Intensity Zone (page 34):

- = Policy IV. (b): delete "plus a 500 foot band on either side of this floodplain area"
- = Interim Implementation Paragraph (A): delete paragraph after "Program mapping".

Mr. Hagaman moved to adopt

RESOLUTION R-86-90 A RESOLUTION IMPLEMENTING THE
RECOMMENDATIONS OF THE SOUTHEAST AREA TASK FORCE
(as amended).

Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD RESOLUTION

S35-373

Mrs. Hooper moved to authorize the Chairman to sign a letter of appreciation to the Southwest Florida Water Management District (for assistance in preparation of the report). Motion was seconded by Mr. Chetlain and carried unanimously.

ZONING (CONT'D)

Z-86-51 BALVANZ LAND IMPROVEMENT CORP - M-2 (APPROVED)

Request: Rezone from M-1 to M-2 on 2.6 acres on the west side on 33rd Street East, approximately 800 feet north of Whitfield Avenue East.

Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 4/21/86) was held for the purpose of considering

ORDINANCE Z-86-51:

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

Culbreath Whitehead objected to lighting in Industrial areas disturbing nearby residents.

(Depart Mr. Hagaman)

Having considered the staff report, 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 Z-86-51. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

(Enter Mr. Hagaman; Depart Mr. Fletcher; Mr. Hagaman presiding)

GUN AND ARCHERY CLUB LEASE

Tedd Williams, Chief Assistant County Attorney, submitted a settlement agreement in the litigation regarding the 99-year lease with Manatee County Gun and Archery Club on land next to construction site of a wastewater treatment plant.

Discussion: Danis-Shook (contractor of the treatment plant) sending letter requesting damages due to rounds being fired near the site; (Enter Mr. Fletcher) improving the Gun Club facilities to retain bullets on site; moving the Gun Club to Estech property; need for the property for County use in the future; eminent domain proceedings, etc.

Robert Fowinkle, Gun Club Secretary, and Gene Pitts, Gun Club President, were present to discuss a settlement. (Mr. Fletcher was absent during a portion of the discussion. Mr Hagaman presided)

The County Attorney listed options:

1. Leave the Club where it is;
2. Move the Club to Estech property;
3. Condemn the present site to evict the Club.

Motion For Improvements (Withdrawn)

Motion by Mr. Chance, and second by Mr. Chetlain, to move forward with the necessary improvements to make the Gun Range safe and notify contractor (Danis-Shook) that Board disagrees with letter for damages, etc, were withdrawn.

Recess/Reconvene. All members present.

Motion For Improvements/Operating Hours (Approved)

Mr. Chetlain moved to construct at County expense, additional safety features and improvements acceptable to the County at the Manatee County Gun and Archery Club site adjacent to the Lena Road Landfill, provided the Gun Club agrees to limit operating hours until such time as the improvements are completed, said hours to be:

Wednesday 6:00 p.m. - 9:00 p.m.; Saturday noon - 9:00 p.m.;
Sunday 9:00 a.m. - 9:00 p.m.

Motion was seconded by Mr. Hagaman for amendment.

Motion - Amendment (Failed)

Motion was made by Mr. Hagaman to strike "at County's expense". Mr. Fletcher seconded the motion. Voting "Aye" were Mr. Hagaman and Mr. Fletcher. Voting "Nay" were Mr. Chetlain, Mrs. Hooper and Mr. Chance. Motion failed.

Vote - Original Motion

Original motion carried unanimously.

PLANNING COMMISSION - MEMBERSHIP

Nominations were opened to fill a vacancy on the Planning Commission (Don Bradley).

Nominees were:

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

Upon motion by Mr. Hagaman, seconded by Mr. Chetlain and carrying unanimously, nominations were closed.

Voting for Mr. Maslanka were Mr. Chetlain, Mr. Hagaman and Mr. Fletcher. Voting for Dr. Estevez were Mr. Chance and Mrs. Hooper.

Mr. Maslanka was appointed by majority vote.
(Depart Mr. Chetlain)

SATELLITE DISHES - LAND DEVELOPMENT CODE AMENDMENT

Motion was made by Mr. Hagaman, seconded by Mr. Chance and carried unanimously, to adopt

R-86-107 RESOLUTION INITIATING AN AMENDMENT TO THE
MANATEE COUNTY COMPREHENSIVE ZONING AND LAND
DEVELOPMENT CODE.

(regulating placement of Satellite Dish Antennae as accessory structures)

RECORD RESOLUTION

S35-374

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INDIGENT REPRESENTATION - APPELLATE COURT PUBLIC DEFENDER

Tedd Williams advised that the Public Defender of the Tenth Judicial Circuit, who serves as the Appellate Public Defender in the Second District Court of Appeals, has filed Motion to withdraw from 247 cases (24 from Manatee County). Private counsel may be appointed to handle the appeals which could cost \$2,000 per appeal. He recommended opposing the Motion until such time as documentation as to the need to withdraw is presented.

Motion was made by Mr. Hagaman, seconded by Mr. Chance and carried unanimously, to take no action at this time.

PARTICIPATION PROJECTS - HEWITT CONTRACTING COMPANY INC.

To clarify action taken 4/22/86 regarding road construction for Participation Projects:

- 5044 - 46th Avenue West
- 5034, 5046, 5049, 5045, 5048 - McCollums Lake
- 5024, 5030 - Gulf Trail Ranches
- 5022 - 82nd Street Northwest;

Motion was made by Mr. Chance to award Bid No. 86-64, Road Construction Projects, to Hewitt Contracting Co. Inc. for a total not to exceed \$379,039.43 for all projects; authorize subsequent execution of contract and issuance of notice to proceed after execution of contract, receipt of performance bond and insurance certificates. Motion was seconded by Mr. Hagaman and carried unanimously,

CONSTITUTIONAL OFFICERS

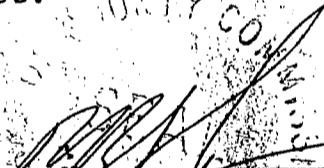
Mr. Chance moved to send letters to all Constitutional Officers notifying them that the Board has no desire to interfere with the operations of their offices, as elected officials, personnel policies, contracts with outside attorneys and consultants necessary to do their jobs as Constitutional Officers. Motion was seconded by Mr. Hagaman and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


 Clerk
 Adj: 5:07 p.m.


 Chairman 6/17/86