

MAY 22, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, May 22, 1986 at 9:07 a.m.

Present were Commissioners:

Westwood H. Fletcher, Jr., Chairman
Edward W. Chance
Kent G. Chetlain
Maxine M. Hooper

Absent was Commissioner:

Lloyd C. Hagaman, Jr., Vice-Chairman

Also present were:

Ronald H. Rabun, County Administrator
Barbara Levin, Assistant County Attorney
Peter H. Ramsden, Finance Director, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Dr. Robert Elliot, Sara Bay Baptist Church.

The meeting was called to order by Chairman Fletcher.

ZONING

Public hearings (Notices in The Bradenton Herald 5/5/86) were opened for the purpose of considering

Z-86-54 GERTRUDE DECKER - PR (CONTINUED)

SP-86-48 WILLIAM KIPP & WILLIAM BRITT - MOBILE HOME (CONTINUED)

SP-86-50 EL CONQUISTADOR VILLAGE PLAZA - 4-COP (CONTINUED)

SP-86-51 M.L. & EMILY R. PUTNAL - MOBILE HOMES/SINGLE FAMILY (CONTINUED)

Upon being advised the petitions were improperly advertised, motion was made by Mrs. Hooper, seconded by Mr. Chance and carried unanimously, to continue public hearings on Z-86-54, SP-86-48, SP-86-50, and SP-86-51 to June 12, 1986 at 9:00 a.m.

Public hearing (Notice in The Bradenton Herald 5/5/86) was held for the purpose of considering

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

Request: Special Permit to allow a mobile home in addition to a residence on 10 acres on the east side of Oxford Road, approximately one thousand feet south of U.S. 301, Parrish.

Planning Commission recommended APPROVAL.

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. Chance moved to approve Special Permit No. SP-86-44 for a period of five years plus five years at the administrative discretion of the Planning Director. Motion was seconded by Mr. Chetlain and carried unanimously.

PDR-83-9/86-S-19 COUNTRY OAKS PHASE III (APPROVED)

Request: Approval of a Revised Preliminary Development Plan and a Cluster Subdivision Plat (66 lots, 15 acres) west of and adjacent to the "Conservatory", north of University Parkway and east of Lockwood Ridge Road, within the existing Country Oaks Development.

Planning Commission recommended APPROVAL with stipulations recommended by Staff:

1. All driveways entering onto one-way, private streets shall be angled to reinforce one-way traffic control.

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2. All lot owners shall be provided the use of recreational facilities constructed in previous phases. Homeowners documents required at the time of Final Plat approval shall adequately demonstrate that this requirement is met.
3. 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.

John Cunningham, representing the applicant, responded to questions.

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 Revised Preliminary Development Plan and a Cluster Subdivision Plat PDR-83-9/86-S-19 with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

Public hearing (Notice in The Bradenton Herald 5/5/86) was opened for the purpose of considering

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

Request: Special Permit to allow mini-warehouses, with a waiver of the floor area ratio requirement for mini-warehouses, on 3 acres on the west side of 9th Street West, approximately 800 feet south of the intersection of 9th Street West and U.S. 301 Boulevard.
Planning Commission recommended DENIAL.
Staff recommended ten stipulations if approved.

Carol Clarke, Planning Department, stated the request is not consistent with the Sector in which the property is located.

Carl Miller, representing the applicant, stated 9th Street has become a commercial area regardless of the Plan and submitted an aerial view of the location.

Discussion: Land Development Code/Manatee Plan; industrial uses; compatibility; Cedar Hammock drainage ditch, etc.

Mr. Chance moved to enter into the record two letters of opposition from Desoto Square Mall (Brian M. Hennesey, General Manager). Motion was seconded by Mr. Chetlain and carried unanimously.

Tedd Williams, Chief Assistant County Attorney, advised a tie-vote in zoning matters (motion to approve or deny) constitutes "No Action" and the applicant is without prejudice to come back to the Board without payment of additional fees.

At the request of the applicant, Mr. Chetlain moved to continue the public hearing on Special Permit SP-86-33 to June 12, 1986 at 9:00 a.m. 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 (140 acres) on the south side of Moccasin Wallow Road, 1/2 mile west of I-75.
Planning Commission voted 4 to 2 on a motion to DENY.

Public hearing (Notice in The Bradenton Herald 4/29/86) was opened for the purpose of considering

ORDINANCE Z-85-127

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 TO R-4B; PROVIDING AN EFFECTIVE DATE.

Alan Prather, representing the applicant, requested continuance until a full Board is present.

Mr. Chetlain moved to continue the public hearing on Z-85-127 to June 12, 1986 at 9:00 a.m. Motion was seconded by Mrs. Hooper and carried unanimously.

Z-86-27 DAN P. & CORRINE MCCLURE - PDR (NO ACTION; RESCHEDULED)

Request: Rezone from A-1 to PDR, retaining the WP/ST Overlay Districts, (310 acres) and approval of Conceptual Development Plan for nine hundred fifty units at an overall density of 3.06 du/acre, 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. Planning Commission recommended APPROVAL with 16 stipulations recommended by staff, County Attorney and Planning Commission.

Public hearing (Notice in The Bradenton Herald 5/5/86) was opened for the purpose of considering

ORDINANCE Z-86-27

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.

Discussion: Conformance with recommendations of Southeast Area Task Force (SEATF); Conceptual Plans go with the land, not the owner; density in the Low Intensity Zone (LIZ); roads not completed in the area; extensions of Lockwood Ridge Road, Whitfield Avenue, Saunders Road, Tuttle Avenue; eagle nest, etc.

Scott McClure, representing the applicant, stated the Conceptual Plan calls for density between one and two units in the LIZ with an overall density of 3.06 du/acre.

Bruce Franklin, representing the applicant, presented and reviewed two diagrams of the project. He requested that the stipulation relating to the relocation of Pod D (#1) be deleted as the access question had been mitigated.

Jerome Gostkowski, Public Works/Highway, did not object to the request.

David Woods, Tampa Bay Regional Planning Council (TBRPC), requested a Binding Letter of Interpretation as the project is 95 percent within the threshold of a DRI. He explained the 80-120 Rule (threshold) for a DRI:

80 to 100 percent - Presumed not to be a DRI;
100 to 120 percent - Presumed to be a DRI.
120 percent - Is a DRI.

(Mr. Chance was absent during a portion of the discussion)
Culbreath Whitehead spoke in opposition to the routing of Tuttle Avenue.

Lloyd Bradley requested a berm and drainage adjoining his property.

Mr. Franklin spoke in rebuttal stating the project is not a DRI.

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 adopt Manatee County Ordinance No. Z-86-27 with the stipulations recommended by the Planning Commission and:

- = Addition of an amendment to Stipulation 16 reading "Landscaped buffering shall be provided along the northern boundary of Development Pod G and along the southern boundary of Development Pods C and D as depicted on the Conceptual Plan approved by the Planning Commission";
- = Adding Stipulation 17: "Density in the Low Intensity Zone as defined in the SEATF recommendation approved by the Board of County Commissioners shall not exceed 3 units per acre and the overall density shall not exceed 3.06 units per acre";
- = General Stipulation No. 1 shall read "Development Pod D, proposed for 20,000 square feet, shall be developed in accordance with the C, neighborhood commercial, district standards".

Motion was seconded by Mr. Chance. Voting "Aye" were Mrs. Hooper and Mr. Chance. Voting "Nay" were Mr. Chetlain and Mr. Fletcher (Tie-vote - constitutes no action).

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

Upon request of the applicant Mrs. Hooper moved to reconsider (reschedule and readvertise) Manatee County Ordinance No. Z-86-27 at a future date to be worked out with the applicants and the Planning staff. Motion was seconded by Mr. Chetlain and carried unanimously.

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

Request: Rezone from A-1 to R-1AB (1.7 acres), retaining the WP/ST Districts, approximately 1300 feet east of Lockwood Ridge Road and north of the Glenbrooke Phase I Subdivision
Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 5/5/86) was held for the purpose of considering

ORDINANCE Z-86-44

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO R-1AB, RETAINING THE WP/ST DISTRICTS; PROVIDING AN EFFECTIVE DATE.

Herman Weinberg, Hitch Engineering, 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, Mrs. Hooper moved to approve Manatee County Ordinance No. Z-86-44. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE Z-86-44

Z-86-47 JOSEPH HEMBREE - R-1A (APPROVED)

Request: Rezone from A-1 to R-1A (22 acres) on the south side of Tallevast Road, 650 feet west of Prospect Road.
Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 5/5/86) was held for the purpose of considering

ORDINANCE Z-86-47

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

Bruce Siciliano, Adley and Associates, stated the application was amended as to 1) the Agent; 2) the proposed zoning district; and 3) the acreage.

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-86-47. Motion was seconded by Mr. Chance. Voting "Aye" were Mrs. Hooper, Mr. Chance and Mr. Fletcher. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-47

Z-86-49 BODZIAK AND MOORHEAD - R-1A (APPROVED)

Request: Rezone from A and A-1 to R-1A (35 acres) on the south side of Old Tampa Road, approximately one-half mile east of U.S. 301, Ellenton.
Planning Commission recommended DENIAL.

Public hearing (Notice in The Bradenton Herald 5/5/86) was held for the purpose of considering

ORDINANCE Z-86-49

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

Tom McCollum of Zoller Najjar and Schroyer, submitted a diagram of the site and stated Old Tampa Road has become a transitional area.

Discussion: Density being different on both sides of U.S. 301; mobile home parks being in the area, etc.

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding this parcel is within the U.S. 301 Developing Corridor, Mr. Chance moved to approve Manatee County Ordinance No. Z-86-49. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Chance, Mrs. Hooper and Mr. Fletcher. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-49

Z-86-50 STEVE JELENCISICS, JR - C-1A (APPROVED)

Request: Rezone from R-2 to C-1A, retaining the AF District, (2.5 acres) on the north side of 53rd Avenue East (SR 70) approximately 150 feet west of 31st Street East.

Planning Commission recommended APPROVAL.

Public hearing (Notice in The Bradenton Herald 5/5/86) was held for the purpose of considering

ORDINANCE Z-86-50

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....

PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-2 TO C-1A; PROVIDING AN EFFECTIVE DATE.

Richard Kesten, representing the applicant, stated the request for commercial zoning is compatible with the Manatee Plan.

Discussion: Residential zoning on SR 70; cross-access easements; mid-block location of the lot; requesting PDR, etc.

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-86-50. Motion was seconded by Mr. Chance. Voting "Aye" were Mrs. Hooper, Mr. Chance and Mr. Fletcher. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-50

Z-86-52 MOCCASIN WALLOW TRUST AND IMPERIAL FARMS INC (APPROVED)

Request: Rezone from A-1 to C-1A, retaining the AF District, (27.2 acres) on the north side of Moccasin Wallow Road, adjacent to I-75 (NW Quadrant).

Planning Commission voted 2 to 4 on a motion to approve.

Tom McCollum, representing the applicant, submitted an aerial photograph of the property and a letter from Jack Travis in support of the request.

Discussion: Site is a "Main Gateway" to the County (Intersection of I-75); access affected by FDOT right-of-way; setbacks from active agricultural activity, 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-86-52. Motion died for lack of a second.

Motion to Approve

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. Chance moved to approve Manatee County Ordinance No. Z-86-52. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Chance, Mrs. Hooper and Mr. Fletcher. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-52

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PLANNING COMMISSION - APPOINTMENT

Nominations were opened to fill vacancy on the Planning Commission due to the expired term of Ben Bowen.

Nominee was:

Ben Bowen - by Mrs. Hooper

Upon motion by Mr. Chance, seconded by Mrs. Hooper and carrying unanimously, nominations were closed and Ben Bowen was reappointed for a four year term ending May 10, 1990.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

Adj. 12:40 p.m.

APPROVED:

Chairman 7-1-86