

JUNE 26, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, June 26, 1986, at 9:06 a.m.

Present were Commissioners:
Edward W. Chance, Vice-Chairman
Kent G. Chetlain
Patricia M. Glass
Maxine M. Hooper

Westwood H. Fletcher, Jr., Chairman entered during the meeting

Also present were:
David Rothfuss, Assistant to and representing
Ronald H. Rabun, County Administrator
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. Lewis George, Central Christian Church.

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

All witnesses/staff giving testimony were duly sworn.

BONDS, REVENUE - REFINANCING/RESTRUCTURING

Jim Seuffert, Director, Office of Management and Budget, advised that due to decrease in interest rates, they have been reviewing options available for refinancing certain County indebtedness at a lower interest rate.

R. B. Shore, Clerk of Circuit Court, submitted and reviewed a joint memorandum with the County Administrator (6/23/86) developed after a meeting with the County Attorney, the County Budget Officer and representatives of Hough & Company, Smith, Barney, et al regarding financing alternatives. He stated it is in the best interest of the County to consider refinancing the \$16 Million Water & Sewer Utility Revenue Bond Issue and two General Obligation Bond Issues (Jail Complex and Estech Property purchase). He requested conceptual approval to proceed with preparation of appropriate documents.

Mrs. Hooper moved conceptual approval of allowing restructuring of certain bond issues as recommended/requested by the Clerk's Office. Motion was seconded by Mr. Chetlain and carried unanimously.

ZONING

Z-86-27 DAN P. & CORRINE MCCLURE - PDR (APPROVED)
(5/22/86 No action due to tie vote; rescheduled)

The amended staff report included 28 recommended stipulations.

Public hearing (Notice in The Bradenton Herald 6/9/86) was opened for the purpose of considering

ORDINANCE Z-86-27:
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
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; PROVIDING AN
EFFECTIVE DATE.

JUNE 26, 1986

(Cont'd)

Mike Hennessey, Planning Department, noted the following corrections made to the Ordinance:

- Stipulation 3**, General Stipulations - Eliminate Pod "G".
Stipulation 16, General Stipulations - Change: "or, if a lower level has already been reached prior to the commencement of 'this' phase" to "...commencement of the first phase".

Scott McClure, representing the applicants, advised the plans include roads which the Comprehensive Plan requires and the McClures have agreed to dedicate a 25 foot easement for the County sewage treatment plant. They have complied with recommendations of the Department of Environmental Regulations, the Southwest Florida Water Management District and the Army Corp of Engineers and recommendations of the State Fresh Water Fish and Game Commission regarding the eagle's nest on the property.

Bruce Franklin, engineer representing the applicants, stated that all facilities needed to serve the development are in place and applicants have agreed to all the stipulations.

As to a binding letter of interpretation or a Development of Regional Impact (DRI), he indicated that Tampa Bay Regional Planning Council (TBRPC) had not authorized Mr. Woods to speak to the Commission (in a previous meeting) and that Council had not acted to recommend this project go through this procedure.

(Enter Chairman Fletcher; Mr. Chance presiding.)

The public comment portion of the hearing was closed.

Discussion: Density; consideration of a binding letter of interpretation; 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-86-27 with the stipulations recommended in the amended staff report and as amended (corrected) in this public hearing. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mrs. Glass and Mrs. Hooper. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD ORDINANCE Z-86-27

(Chairman Fletcher presiding)

Public hearing (Notice in The Bradenton Herald 6/9/86) was held for the purpose of considering

SP-86-57 W.D. WOODSON - PET CEMETERY (APPROVED)

Request: Special permit to allow a pet cemetery, crematorium and columbarium for the remains of pets and humans on 3.5 acres at the northwest corner of Bayshore Road and Terra Ceia Road, south of I-275, Rubonia.

Planning Commission recommended APPROVAL with a waiver of the sidewalk requirements and with stipulations:

1. No grave, monument, building or similar structure shall be closer than twenty-five feet to any property line.
2. Burial plots shall meet minimum elevations, as determined by the Manatee County Health Department.
3. The applicant shall obtain all necessary permits for the crematorium.
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.

W.D. Woodson requested the Board amend stipulation No. 1 to allow a ten-foot setback providing there will be no structures or monuments above the surface of the ground within twenty-five feet of the property line. He pointed out that it is not the intent for humans to be cremated or buried in the area, they propose to inter the ash remains of humans and pets in the columbarium.

Questions were raised regarding waiver of sidewalk requirements and decrease in setback requirement.

Barbara Levin, Assistant County Attorney, advised that the Board cannot waive the setback; however, the Board of Zoning Appeals (BZA) can consider it and determine if it can be revised.

Mr. Woodson submitted pictures showing his reasons for requesting the waiver of the sidewalk requirements.

Upon question, Mr. Woodson stated he would agree to participate in the construction of a sidewalk if a sidewalk system were developed in the area in the future.

The public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding the request to be consistent with The Manatee Plan, Mr. Chetlain moved to approve Special Permit SP-86-57 with the stipulations recommended by the Planning Commission and, further, the stipulation that the developer agrees to participate in a later initiated participation project for sidewalks, and, this Special Permit approval shall not include the use of this site as a crematorium for human remains. Motion was seconded by Mrs. Hooper and carried unanimously.

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

Public hearing (continued from 6/12/86) was held for the purpose of considering

ORDINANCE Z-86-54:

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

It was noted that this request had been properly advertised.
(Affidavit of posting of public notice sign and notification by mail to contiguous property owners was received)

Trudy Pratt spoke in favor of the request.

The public comment portion of the hearing was closed.

Having considered the staff report, the Planning Commission's recommendation, comments made at the public hearing, and finding the request to be consistent with The Manatee Plan, Mr. Chetlain moved to approve Manatee County Ordinance No. Z-86-54. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD ORDINANCE Z-86-54

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

(Public hearing continued from 6/12/86)

Motion was made by Mrs. Hooper, and seconded by Mr. Chetlain, to enter into the record letter dated June 25, 1986, from Alan Prather, Attorney representing the applicant, requesting the public hearing be continued to a meeting in July. Motion carried unanimously.

Motion was made by Mrs. Glass, and seconded by Mrs. Hooper, to continue the public hearing for Z-85-127 to July 24, 1986. Motion carried unanimously.

86-S-21(P) CRESCENT LAKES SOUTH - P/PLAT (APPROVED)

Request: Approval of a 33-lot Preliminary Cluster Subdivision Plat on 9.05 acres on the north side of Tallevast Road, 450 feet east of Prospect Road.

Planning Commission recommended APPROVAL with stipulations:

1. A six foot high decorative opaque fence, wall or hedge shall be constructed along Tallevast Road within a three-foot minimum buffer strip, shall be maintained by the homeowners association and shall meet visibility triangle requirements.
2. All trees shown existing on the site shall be preserved unless a tree removal permit is approved as part of the construction drawings.
3. The required amount of right-of-way for Tallevast Road is 42 feet from the existing center line. Dedication shall be demonstrated on the construction drawings.

JUNE 26, 1986

(Cont'd)

4. Compliance with Section 205 G.1.b(3)(b)2 must be demonstrated on the construction drawings, including landscaping.
5. Acceleration/deceleration lanes with a left turn storage lane are required along Tallevast Road. Full improvement will be required across the property with the turn lanes and acceleration/deceleration lanes striped for traffic control.
6. Any improved area along Tallevast road will require a one inch overlay of asphalt.
7. The proposed dry retention area in Block B must be eliminated.
8. The developer, his heirs, assigns or transferees are hereby notified that the Impact Fee Ordinance, when adopted by Manatee County, may require the payment of impact fees.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mrs. Hooper moved to approve Preliminary Cluster Subdivision Plat 86-S-21(P) with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

86-S-25(P) MIMB'S SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of a two-lot Preliminary Subdivision Plat and a request to waive the sidewalk, recreational open space and final plat requirements on .739 acre on the west side of Canal Road, 175 feet north of Experimental Farm Road.

Planning Commission recommended APPROVAL with the waiver of the recreational open space and final plat requirements and with stipulations:

1. Prior to the approval of this request by the Board of County Commissioners, the required right-of-way dedication of five feet shall be complete.
2. Prior to the approval of this request by the Board of County Commissioners, the applicant shall obtain a driveway and drainage permit from the County for the construction of the five foot wide concrete sidewalk for the site frontage along Canal Road.

Leo Mills, representing the applicant, stated they are dedicating the right-of-way for future widening of Canal Road. He referred to a letter to the Planning Department stating it was their opinion it would be better to construct a sidewalk when the County initiates a sidewalk construction program, rather than constructing a sidewalk which would deadend into private property or be destroyed when the streets are developed as planned. He disagreed with comments in the staff report that the applicant does not meet specific standards of the Land Development Code which would allow them a waiver of the sidewalk requirements.

Mr. Goodrow and Jerome Gostkowski, Public Works/Highway, recommended the stipulations not be included in the approval of this request if the sidewalk requirements are waived.

Having considered the staff report, the Planning Commission's recommendation, and finding the request to be consistent with The Manatee Plan, Mr. Chetlain moved to approve the Preliminary Subdivision Plat No. 86-S-25 with the waiver of the recreational open space and final plat requirements and that the applicant agrees that participation in a later initiated participation project for sidewalks shall constitute a covenant which shall run with the land. Motion was seconded by Mrs. Hooper and carried unanimously.

Recess/reconvene. All members present.

86-S-26 BELLAMY'S SUBDIVISION - P/PLAT (APPROVED)

Request: Approval of a two-lot Preliminary Subdivision Plat and a request to waive the sidewalk, recreational open space and final plat requirements on 1.38 acres on the south side of Mendoza Road (37th Street East), 273.5 feet east of Ellenton-Gillette Road.

Planning Commission recommended APPROVAL with the waiver of recreational open space and final plat requirements and with stipulations:

1. Prior to the approval of this request by the Board of County Commissioners, the required right-of-way dedication of twelve feet shall be complete.
2. Prior to the approval of this request by the Board of County Commissioners, the applicant shall obtain a driveway and drainage permit from the County for the construction of the five foot wide concrete sidewalk for the site frontage along Mendoza Road.

Having considered the staff report, the Planning Commission's recommendation, and finding this request to be consistent with The Manatee Plan, Mrs. Glass moved approval of Preliminary Subdivision Plat 86-S-26 with the waiver of recreational open space and final plat requirements. Motion was seconded by Mrs. Hooper.

Motion was made by Mr. Chance, and seconded by Mrs. Hooper, to amend the motion to allow the sidewalk waiver, provided the applicant signs a letter of agreement stating he will participate in the construction of a sidewalk when the sidewalk network is installed in that area. Motion carried unanimously.

Motion, as amended, carried unanimously.

86-S-28(P) ELWOOD ACRES - P/PLAT (APPROVED)

Request: Approval of a two lot Preliminary Subdivision Plat and a request to waive the sidewalk, recreational open space and final plat requirements on 2.51 acres on the north side of 26th Avenue East, 145 feet east of 48th Street East.

Planning Commission recommended APPROVAL with the waiver of recreational open space and final plat requirements and with stipulations:

1. Prior to the approval of this request by the Board of County Commissioners, the required right-of-way dedication of five feet shall be complete.
2. Prior to the approval of this request by the Board of County Commissioners, the applicant shall obtain a driveway and drainage permit from the County for the construction of the four foot wide concrete sidewalk for the site frontage along 26th Avenue East.

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-28 with the waiver of recreational open space and final plat requirements, with the signing of an agreement to participate in sidewalk construction at a future date. Motion was seconded by Mr. Chance and carried unanimously.

Consent Agenda

Public hearings (Notice in The Bradenton Herald 6/9/86) were opened for the purpose of considering

Z-86-58 ARRIE & ANNIE HUNT AND T. INGRAM, JR. - M-1 (CONTINUED)

Request: Rezone from R-1 to M-2 3.85 acres on the north side of the 2100 block of 17th Street East (Memphis Road), Ellenton. Planning Commission recommended APPROVAL.

SP-86-56 SUPER AMERICA FLORIDA, INC. - GASOLINE PUMPS (APPROVED)

Request: Special permit to allow self service gasoline pumps in conjunction with a convenience store on 1.75 acres at the southwest corner of U.S. 301 Blvd and 9th Street East.

Planning Commission recommended APPROVAL with stipulations:

1. The Final Site Plan shall include:
 - a. Required landscaping per 205F.2.f, the Land and Development Code, including interior and parking lot landscaping and vegetative buffer planted to obtain a six foot height.
 - b. The dumpster relocated away from the residential area (mobile home park), which shall be located not less than ten feet from the building.
 - c. A hydrant shall be installed at the intersection of 9th Street East and U.S. 301 Blvd.
 - d. A vegetative screen, meeting the requirements of Section 205F.3.d(2), shall be installed along the south property line and shall be enhanced with shade trees at least every fifty feet.

JUNE 26, 1986

(Cont'd)

2. The developer, his heir, assigns or transferees are hereby notified that the Impact Fee Ordinance, when adopted by Manatee County, may require the payment of impact fees.

SP-86-58 JOHN E. QUINLAN - VEHICLE SERVICES (APPROVED)

Request: Special permit to allow a vehicle service establishment on 1.35 acres on the southeast corner of 1st Street (U.S. 301/41) and 31st Avenue East.

Planning Commission recommended APPROVAL with stipulations:

1. A Final Site Plan shall be approved for the entire site, including the furniture/appliance store (FSP-86-29) as required.
2. The developer, his heirs, assigns or transferees are hereby notified that the Impact Fee Ordinance, when adopted by Manatee County, may require the payment of impact fees.

SP-86-60 G & G PROPERTIES - BEER & WINE (APPROVED)

Request: Special permit to allow on-premise consumption of beer and wine (2 COP) on 1.99 acres in the River Plaza Shopping Center at the northwest corner of State Road 70 and Caruso Road.

Planning Commission recommended APPROVAL with stipulation:

1. No more than fifty seats shall be allowed in the restaurant/bar unless additional parking is approved on a revised Final Site Plan, per Section 205E.1.1.6 of the Land Development Code.

SP-86-61 LARRY & MARY CAMPBELL - (CONTINUED)

Request: Special permit to allow the expansion of an existing construction service establishment on 0.52 acre at 3216 15th Street East.

Planning Commission recommended APPROVAL with stipulations:

1. A six foot high, decorative, opaque fence or wall shall be installed along the north, west, and south property lines. The fence or wall around the north and south property lines shall be reduced to a maximum of forty-two inches in height within twenty-five feet of the front property line. Inside the fence or wall a shrub or vine must be planted every fifteen feet.
2. All outdoor storage of merchandise, material or equipment shall be screened from view by a six-foot high opaque fence or wall.
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.

Mr. Goodrow advised Z-86-58 and SP-86-61 were improperly advertised and requested public hearings be continued to July 24, 1986.

Motion was made by Mrs. Hooper, seconded by Mrs. Glass and carried unanimously, to continue the public hearings on Z-86-58 and SP-86-61 to July 24, 1986, 9:00 a.m. or as soon thereafter as possible.

James Walker, III, Attorney representing the applicant for Z-86-58, questioned the improper advertising and continuance of the public hearing.

Motion was made by Mr. Chance, and seconded by Mrs. Glass, to reconsider action continuing public hearings on Z-86-58 and SP-86-61. Motion carried unanimously.

Mr. Walker stated he notified the adjacent property owners and only one letter was returned. Copy of envelope addressed to the Estate of Duane J. Sorenson (as returned to Mr. Walker) was entered into the record.

Mike Hennessey, Planning Department, advised that the signs were not posted for the Board meeting and the affidavits of notification of adjacent property owners were not received.

Larry Campbell, SP-86-61, commented on the instructions regarding advertising of the public hearings.

Mr. Walker and Mr. Campbell both agreed to continuance of the hearings to July 24, 1986.

The original action to continue the public hearings on Z-86-58 and SP-86-61 to July 24, 1986, remained as carried.

The public comment portions of the hearings were closed.

Having considered the staff reports, the Planning Commission's recommendations, comments made at the public hearings, and finding the requests to be consistent with The Manatee Plan, Mrs. Glass moved to approve SP-86-56, SP-86-58, and SP-86-60 as recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried unanimously.

AFFIDAVITS FOR ACCESS (OLSON; GODWIN)

Motion was made by Mrs. Hooper, and seconded by Mr. Chetlain, to approve Affidavit for Access for **James Olson**, Lot 24, Riverdale Revised, 4211 2nd Avenue Northeast. Motion carried unanimously.

Motion was made by Mrs. Hooper, seconded by Mrs. Glass and carried unanimously, to approve Affidavit for Access for **Robert D. Godwin**, 2303 30th Avenue East, Oak Park.

SOUTHEAST AREA TASK FORCE RECOMMENDATIONS - IMPLEMENTATION

By memorandum of June 20, 1986, the Planning Director outlined staff's interpretation on implementation of the Southeast Area Task Force recommendations, specifically, the policy requiring developments in the Southeast Area to be Planned Development. (Resolution implementing recommendations adopted 5/8/86)

Upon request by Mr. Hennessey for clarification, Mr. Goodrow stated their interpretation is that applications must comply with the standards and be processed in accordance with of the Planned Development Districts and, therefore, they must meet design standards.

The Board concurred with staff's interpretation.

LAND DEVELOPMENT CODE

Pending Amendments

Rosemarie C. Fallon, Planning Department, reviewed memorandum of June 26, 1986, on "Pending" Land Development Code Amendments.

1. Cluster Development in R-3
2. Parking Requirements
3. Loading Space Striping
4. Amendment Criteria
5. Lot Width
6. Option Holders are Not Owners
7. Secondary Access
8. Final Plat Processing
9. Lot Area on Final Plats
10. Planning Commission Recommendation
11. Board of Zoning Appeals to 7 members
12. Floor Area for Cluster Mobile Homes
13. Amendments Initiated by Motion
14. Twenty Foot Front Yard Setback
15. Side Yard Setback in R-2
16. Sale of Alcoholic Beverages
17. Screening Requirements for Offices
18. Personal Service and Mixed Use in Professional
19. Irrigation and Fire Hydrants
20. Zoning Amendments
21. Thirty Day Effective Date

She advised that the amendment for Private Roads is being handled as a separate amendment process.

Discussion. No action. It was the consensus of the Board, that "Planning Commission Recommendations" (Item 10), be by a majority of the full membership of the Planning Commission not by the majority of those in attendance.

Initiated Amendments

Ms. Fallon reviewed memorandum of June 26, 1986, on "Initiated" Land Development Code Amendments:

1. Temporary Mobile Home Residences for Cases Involving Medical Hardships.
Proposal: Delay action until definition and consistency issues resolved.

JUNE 26, 1986

(Cont'd)

- 2. Changes to the Planned Residential Development (PDR) District and Zoning Atlas Amendments in the Cortez Area.
Proposal: Handle separately from other proposed PDR revisions.

(Depart Mrs. Glass)

Mr. Chance moved the Board endorse the proposals as presented and authorize staff to proceed. Motion was seconded by Mrs. Hooper and carried unanimously.

Potential Amendments

Ms. Fallon reviewed memorandum of June 26, 1986, on "Potential" Land Development Code Amendments:

- 1. Wildlife Compounds.
- 2. Waiver of Fees for Non-Profit Organizations.

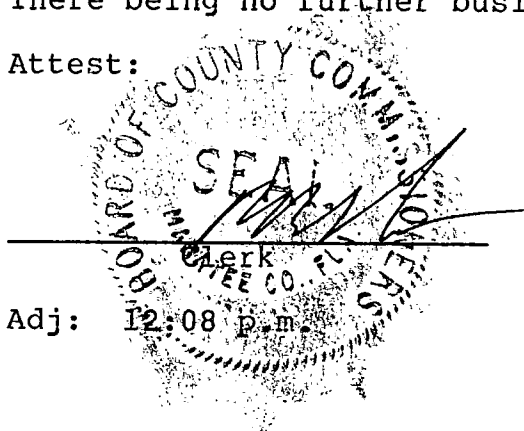
No action was taken.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Walter H. Miller
 Chairman 8/12/86

Adj: 12:08 p.m.