

JULY 24, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, July 24, 1986, at 9:07 a.m.

Present were Commissioners:

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

Also present were:

Ronald H. Rabun, County Administrator  
H. Hamilton Rice, Jr., County Attorney  
Donald E. Barry, Assistant Clerk of the Courts, representing  
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Mr. Chance.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

ZONING

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

Request: Rezone from A-1 to R-4B on 140 acres on 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 (continued from June 26, 1986) was open on

ORDINANCE Z-85-127: 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 A-1 TO R-4B; PROVIDING AN EFFECTIVE DATE

Michael J. Hennessy, Planning and Development, summarized the staff report indicating concerns relating to (1) the appropriate depth of the corridor (2) whether R-4B zoning for property of that size is appropriate in area (3) whether there is a demonstrated need for additional mobile home zoning in the County. He noted that the definition of corridor depth is not set forth in the Plan nor in the Land Development Code.

Alan H. Prather, attorney representing the applicant, disagreed with staff determination that the project is inconsistent with the Manatee Plan, but his main point of disagreement was on the depth of the corridor.

He pointed out that

(1) the property is located in a sector which will not permit mobile home parks; however, it is located on a general corridor which says that as a matter of determination by the Plan, mobile home parks subdivisions are primaries. This property is within the corridor as it touches, has access to and uses the Moccasin Wallow Road Corridor. Moccasin Wallow Road directly connects with the interstate and with US 41.

2) The Board has not had any problem with policy determination in dealing with the depth of the corridor or distance from the road in other projects such as Creekwood and the Reasoner property.

3) Two mobile home parks (Piney Point and Imperial Lakes) are within one half mile of the Amerson property.

Tom McCollum, Zoller & Najjar, representing Nick Vorback (contract purchaser of the property, pending rezone), referred to a copy of 1982 Manatee County aerial photograph and recent photographs which show the entrance to the property, the interstate overpass, Moccasin Wallow Road, and existing buildings. He described the parcel under consideration, explained the proposed use and submitted a newspaper article relating to projected growth in North Manatee County.

At the request of Mr. McCollum about 50 people in the audience stood to indicate their interest in approval of the project.

Discussion: Staff determination of inconsistency; delineation of a new mobile home sector; establishment of depth of corridor; amendment to the Land Development Code.

Motion was made by Mrs. Glass, and seconded by Mr. Chetlain, to enter into the record a letter from Citizens and Southern Bank of Manatee County, signed by J. Howard Kennedy, Chairman of the Board, dated July 23, 1986, in support of the project. Motion carried unanimously.

Gail Vaught-VanSkyock (duly sworn) spoke in opposition to the rezone, stating that in a previous Board meeting she had been in agreement. After extensive research, however, she has come to the conclusion that 40 acres of the property in question adjoin her father's property (160 acres) and the mobile home park would detract from future commercial and light industrial development. Noting that this interchange is considered the gateway to Manatee County she submitted photographs showing exits to Port Manatee, Tampa Bay area cities and communities, etc.

She submitted a letter from Arthur D. and Linda K. Dole, dated July 23, 1986, stating opposition to a mobile home park near their property. She said another area property owner opposes rezone to a mobile home park district and inquired if their letter could be entered into the record when received.

In responding to Ms. Vaught-VanSkyock, Mr. McCollum said he was in agreement with some of her comments, but that it was incorrect to assume that the mobile home park is not going to be attractive or that the residents would be low income or transients. He pointed out that one of the policy rules of the Plan is that there should be housing in the area where employment opportunity is going to exist.

The public comment portion of the hearing was closed.

Discussion: Permitted uses under this corridor, first interchange on I-75 and the compatibility of this development with the entrance to Manatee County, density increase, traffic associated with mobile home parks, recommendation of staff to change the zoning, whether the corridor should be extended.

Mr. Chance expressed concern that approval of request will set a precedent and requests previously denied by the Board in the area of Ellenton and Moccasin Wallow Road will be coming back to the Board for approval.

Motion to Deny

Having considered the staff report, the Planning Commission's recommendations, 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 Z-85-127. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Chance, Mr. Chetlain, and Mr. Fletcher. Mrs. Glass and Mrs. Hooper voted "Nay." Motion carried.

Mrs. Glass suggested a worksession be scheduled to analyze the corridor.

Recess/Reconvene. All members present.

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Motion to Reconsider

Mr. Chance moved to reconsider previous action on Z-85-127 and to bring it back to the Board at the next meeting. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mrs. Glass and Mrs. Hooper. Mr. Chetlain voted "Nay." Motion carried.

Motion for Corridor Report

Mr. Chance moved to direct staff submit a corridor definition for Moccasin Wallow Road and a depth of that corridor, some kind of a limit as to how far the corridor can encroach into the agricultural sector. Motion was seconded by Mrs. Glass.

Rose Marie Fallen, Planning Department, said that in reviewing the corridor, staff will make sure that all corridors are treated the same throughout the County and are consistent with the Plan.

Voting "Aye" were Mr. Chance, Mr. Fletcher, Mrs. Glass and Mrs. Hooper. Mr. Chetlain voted "Nay." Motion carried.

The County Attorney advised that since this is a reconsideration, the public hearing would have to be readvertised.

Motion to Rescind Reconsideration

Mr. Chance moved to rescind motion for reconsideration. Motion was seconded by Mrs. Hooper and carried unanimously.

Motion to Readvertise/Reconsider

Mr. Chance moved to reconsider the Board's action on Z-85-127, Roy Amerson, Inc. and re-advertise a public hearing. Motion was seconded by Mrs. Hooper. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mrs. Glass and Mrs. Hooper. Mr. Chetlain voted "Nay." Motion carried.

AIRPORT LAWSUIT (DRI)

The County Attorney submitted copies of documents labeled "Option #1 and Option #2, Additional Development Order Conditions," and Resolution R-85-265 rescinding resolution R-85-259, denying Development Order, DRI 15, Sarasota Manatee Airport.  
(Depart Mr. Chance)

Philip Parsons, retained counsel, advised that as instructed by the Board he filed the motion for continuance (to be heard this afternoon). If there is no delay, he will proceed with the hearing beginning Monday, July 28, at the Airport Authority Auditorium. Should the hearing proceed, his role is to defend Board action of denial and to advocate development order conditions in the event the Governor and Cabinet do not sustain the denial and grants the order.

Mr. Chetlain read a paper entitled "Second Recommended Counter Offer to Consider Making to Manatee County," which was submitted by Mr. McDill and pointed out stipulations on which he was in disagreement.

Following discussion, Mr. Chance moved to approve the stipulations as outlined by Mr. Chetlain and included in Option #2 Additional Development Order Conditions, and to send to the Airport Authority as an official offer from this Board. Motion was seconded by Mrs. Hooper. Voting "Aye" was Mr. Chance. Voting "Nay" Mr. Chetlain, Mr. Fletcher, Mrs. Glass, and Mrs. Hooper. Motion failed.

Mrs. Glass moved to re-establish the point that the letter of July 14, 1986, with stipulations as outlined, is the formal position of the Manatee Board of County Commissioners. Motion was seconded by Mr. Chetlain.

Mr. Chance noted that in a previous meeting, Mr. Parsons had advised the Board this would be unacceptable and that if the letter and stipulations were approved, the Board should prepare for litigation.

Voting "Aye" were Mr. Chetlain, Mr. Fletcher, Mrs. Glass and Mrs. Hooper. Mr. Chance voted "Nay." Motion carried.

**ZONING**

Public hearing (Notice in the Bradenton Herald 7/7/86) was opened to consider

**Z-86-62 E. LUCILLE ROSEBERRY - A-1 (APPROVED)**

Request: Rezone from A to A-1 on 10.79 acres on the south side of SR 675, approximately 1,200 feet west of Spencer-Parrish Road. Planning Commission recommended APPROVAL.

**ORDINANCE Z-86-62:**

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

Michael Hennessey reviewed the request and staff report which found it inconsistent with the Manatee Plan because approval would result in densities five times greater than surrounding zoning and those recommended in the Comprehensive Plan for the East County Agricultural Sector.

Ms. Rosenberry requested approval of the rezone in order to deed to her daughter one or more acres to build a home.

Having considered the staff report, 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 Z-86-62. Motion was seconded by Mrs. Hooper and carried unanimously.

**RECORD ORDINANCE**

Mr. Chance moved to enter into the record a letter dated July 24, 1986, from Donnie W. Arrant, P.E. Arrant Jr., and H. Dotson contiguous property owners, stating they do not object to a chain link fence as long as there are plantings and shrubbery to create an opaque effect. Motion was seconded by Mrs. Hooper and carried unanimously.

Public hearing (Notice in the Bradenton Herald 7/7/86) was opened to consider

**SP-86-61 LARRY AND MARY CAMPBELL - EXPANSION (APPROVED)**

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 recommended by staff:

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 42 inches in height within 25 feet of the front property line. Outside the fence or wall, a shrub or vine must be planted every fifteen feet.
2. All outdoor storage of merchandise, materials or equipment shall be screened from view by a six foot high opaque fence or wall.

Mr. Chetlain expressed concern that the expansion would create additional traffic on a two lane highway on 50th Street East and noted that staff report did not provide comment from the Highway Department.

Jerome Gotskowski, Department of Transportation reported the proposed expansion is basically storage and it cannot be determined if there will be additional traffic impact. The only improvements required were related to a former site plan specifying dedication of right of way and sidewalk improvements.

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 Special Permit No. SP-86-61 as recommended by the Planning Commission with change to the following stipulation:

1. A six foot high chain link fence landscaped with shrubs or vines

Motion was seconded by Mr. Chance and carried unanimously.

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Public hearing (Notice in the Bradenton Herald 7/7/86) was opened to consider

**SP-86-66 JEFFREY L. AND JOSEPH S. BEMER, SR. - (CONTINUED)**

Request: Special Permit to allow a recovery home for a total of ten persons including staff on 2.19 Acres at the south side of 26th Avenue East, 730 feet east of 19th Street East. Planning Commission recommended APPROVAL with the stipulations recommended by the Highway Department.

Upon being advised by the Planning Director that advertisement is not complete (applicant did not pick up signs for posting property), Mrs. Glass moved to continue the public hearing for SP-86-66 to August 14, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

**ZONING/CONSENT AGENDA**

Public hearings (Notice in the Bradenton Herald 7/7/86) were held to consider SP-86-65, SP-86-67, Z-86-58.

**SP-86-65 JAMES AND HELEN BARFIELD - CHURCH (APPROVED)**

Request: Special Permit to allow a church and related activities on 4.84 acres on east side of Morgan Johnson Road approximately 800 feet north of 18th Avenue East.

Planning Commission recommended APPROVAL with the stipulations recommended by staff and with the amended stipulation that prior to final site plan approval, the applicant shall dedicate nine feet of right of way along the frontage on Morgan Johnson Road and construct a five foot sidewalk along Morgan Johnson Road.

Staff recommendations:

1. A fire hydrant shall be installed in accordance with the requirements of the Braden River Fire District.
2. Prior to Final Site Plan approval, the applicant shall dedicate nine feet for additional right of way and construct a five foot wide concrete sidewalk for the site frontage along Morgan Johnson Road.

**SP-86-67 LARRY & BARBARA JONES-RURAL CLUSTER HOUSING -(APPROVED)**

Request: Special Permit to allow rural cluster housing for nine residences (including seven mobile homes) with a waiver of location requirements on 178 Acres on southside of Parks Road, 2-3/4 miles east of Myakka-Wauchula Road.

Planning Commission recommended APPROVAL with stipulations recommended by staff and with added stipulation to limit the time to five years.

Staff recommendations:

1. Seven mobile homes may be permitted as temporary dwellings for a period of five years plus five years at the administrative discretion of the Planning Director. At the end of the permitted period of time, the mobile homes may be replaced with single family residences, but in any event, shall be removed upon written notice of the Planning Director.
2. Pursuant to Section 405F.2.b(2) of the Land Development Code (LDC), this Special Permit is restricted to the benefit of the applicants, Larry and Barbara Jones. Subsequent conveyance of any portion of this property shall not assume the benefit of this Special Permit, absent authorization of the Board of County Commissioners, as stated in Section 405G.2 of the Land Development Code.

**Z-86-58 ARRIE & ANNIE HUNT & TOMMIE INGRAM, JR. - M-1 (APPROVED)**

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

**ORDINANCE Z-86-58: AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1 TO M-1; PROVIDING AN EFFECTIVE DATE**

Having considered the staff reports, the Planning Commission's recommendations, comments made at the public hearing and finding the requests to be consistent with the Manatee Plan, Mrs. Glass moved to approve SP-86-65, SP-86-67, and Z-86-58 as recommended by the Planning Commission. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD ORDINANCE Z86-58

**PDR-86-13/86-S-20 BRIARWOOD - (APPROVED)**

Request: Approval of Preliminary Development Plan/Subdivision Plat to allow 226 units on 58.36 acres between New U.S. 301 and 33rd Street East, 1/2 mile south of 53rd Avenue East.

Planning Commission recommended APPROVAL with the stipulations recommended by staff:

1. The 15-foot buffers provided along roadway behind double frontage lots shall be designated "no vehicular ingress or egress," pursuant to Section 302.B-1.(e) Land Development Code.
2. All Pedestrian ways, whether intended for use as jogging trails or lake access, shall be set aside as common open space and shall conform to the requirements of Section 205G.1.b.(3)(b)2 of the Land Development Code. Compliance shall be demonstrated on the Final Development Plan in the form of typical site plans and cross sections for the pedestrian ways.
3. All buffers and lakes to be maintained in common ownership shall be designated as "common" open space pursuant to Section 205G.3., Land Development Code, which requires their maintenance by a homeowner's association.
4. To assure conformance to Section 205B.2.(b) and (c) (Design Quality and Environmental Design), the oak tree stands in the northwest corner of the site and those to be removed for Lake #6 shall be preserved as shown on the revised Preliminary Site Plan, dated June 24, 1986.
5. No plat nor site plan shall receive approval if the approval of such phase would generate traffic which, in conjunction with existing traffic and traffic anticipated as a result of other development approvals, and other circumstances upon which the County may base traffic projections, will have the likely result of causing or contributing to a degradation of the level of service at these intersections to a level below C, or, if a lower level has already been reached, any degradation in that level of service.
6. An updated traffic study will be required prior to approval of any future phases in this development.

(Depart Mrs. Glass)

Jerome Gostkowski responded to questions on requirements for access, left turn storage and acceleration/deceleration, intersection improvements and traffic cuts to SR70.

(Enter Mrs. Glass; Depart Mrs. Hooper)

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 PDR-86-13/86-S-20 with the stipulations recommended by the Planning Commission. Motion was seconded by Mr. Chetlain. Voting "Aye" were Mr. Chance, Mr. Fletcher and Mrs. Glass. Mr. Chetlain voted "Nay." Motion carried.

RECORD ORDINANCE

**ORDINANCE 86-18: SATELLITE DISH ANTENNA**

Fred Goodrow, Planning Department, submitted and outlined Option A and Option B of

ORDINANCE 86-18 AMENDING ORDINANCE 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE TO PROVIDE FOR SATELLITE DISH ANTENNAS AS PERMITTED ACCESSORY USES; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE AN EFFECTIVE DATE.

He inquired whether the Board wished to advertise both options or only the Planning Commission approved Option B.

Upon request that Ordinance 86-13 be deferred to allow review by Board members, the Chairman announced this item would be placed on the agenda of the next scheduled planning meeting.

**WEST COAST INLAND NAVIGATION DISTRICT**

Mr. Chetlain reported the West Coast Inland Navigation District had adopted its tentative budget for the coming year, which includes about \$400,000 for projects in Manatee County.

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COCAINE (ROCK)

Motion was made by Mrs. Glass to authorize staff to prepare a resolution requesting assistance of State and Federal authorities in funding a program to combat the problem of rock cocaine at the local level; that the resolution be brought to the Board for consideration and a copy be sent to the State Associations of Counties and other appropriate agencies after adoption. Motion was seconded by Mrs. Hooper and carried unanimously.

GAS TAX/5th & 6th CENT DISTRIBUTION

The Chairman reported that the Manatee County League of Cities had voted to advise the Board of County Commissioners of its desire for distribution of the gas tax by population. Although the Board was advised of this action, and the matter discussed, Mayor Evers (Bradenton/Chairman, League of Cities) is still awaiting a response.

Motion was made by Mr. Chance to authorize the Chairman to prepare a letter outlining the position of the Board on the matter of distribution formula for the gas tax. Motion was seconded by Mr. Chetlain.

Mr. Fletcher stated the motion to be: to authorize the Chairman to prepare a letter to the Chairman of the League of Cities stating that the Board of County Commissioners does not disagree with the population distribution of the 5th and 6th cent gas tax monies if the cities would participate on a 50-50 basis cost relating to road repairs, maintenance, construction, etc. for roads that are within or abutt city limits presently maintained by the County.

Motion carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

Clerk

Adj: 12:27 p.m.

APPROVED:

Chairman 9/2/86