

AUGUST 14, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, August 14, 1986 at 9:08 a.m.

Present were Commissioners:  
 Westwood H. Fletcher, Jr., Chairman  
 Kent G. Chetlain  
 Patricia M. Glass  
 Maxine M. Hooper

Absent:  
 Edward W. Chance, Vice-Chairman

Also present were:  
 David Rothfuss, Assistant County Administrator  
 Mark Barnabey, 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 Rev. Gerald Yates, First Church of God.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

**PROCLAMATION**

Carol B. Clarke, AICP

Upon motion by Mrs. Glass, seconded by Mrs. Hooper, a proclamation was unanimously adopted designating August 14, 1986 as "Carol B. Clarke Day" in Manatee County in recognition of her professional services as Chief of Comprehensive Planning in the Planning and Development Department. (Moving to Hillsborough County Department of Development Coordination as Principal Planner).

On a less serious note, motion was made by Mrs. Glass, seconded by Mr. Chetlain and carried unanimously, to adopt a second proclamation designating August 14, 1986 as "Carol B. Clarke Day Again!", noting her trendsetting ability, sense of humor and her working more than the required hours to serve the "wild kingdom" of Manatee County.

RECORD PROCLAMATIONS

S35-567  
 S35-568

**ZONING**

Z-86-60 LAING AND AUVILL - PR AND C (CONTINUED)

Request: Rezone from R-4B to PR (parcel 4) and C (parcels 1,2,3) on 33 acres on the north side of 53rd Avenue East and the east side of 9th Street East.

Planning Commission by a vote of 3-3, failed to carry the recommendation for approval.

Public hearing (Notice in the Bradenton Herald 7/28/86) was opened for the purpose of considering

ORDINANCE Z-86-60: 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-4B TO PR AND C; PROVIDING AN EFFECTIVE DATE

Steve Logan, Planning and Development, advised that subsequent to the Planning Commission tie-vote on recommendation for approval, the applicant submitted a letter (7/23/86) amending the original request for Commercial and staff was not prepared to give a report on the revised proposal.

Tom McCollum, Zoller and Najjar, commented that the Planning Commission had no problem with the professional portion of the rezone, but was concerned with the size of the area requested for commercial; that his client had amended the commercial portion to 4.4 acres, less than one-half the original request.

Discussion: Concern that request being considered without benefit of the Planning Commission review/recommendation.

Upon being advised by legal counsel that readvertising would not be required if remanded to the Planning Commission, Mr. McCollum requested this item be placed on the next Planning Commission agenda. (It was noted the item can be considered by Planning Commission on September 3 and by the Board of County Commissioners on September 11.)

The public comment portion of the meeting was closed.

Mr. Chetlain moved to continue the public hearing; remand the request to the Planning Commission for consideration at the earliest possible date; that the request be brought to the Board no later than September 11, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

Public hearing (Notice in the Bradenton Herald 7/18/86) was opened to consider

**CIRCLE-N-BAR RANCH (DRI #12) - AMENDMENTS TO R-84-69 (CONTINUED)**

Request: Approval of two amendments to Resolution R-84-69 granting a Master Development Order (MDO) to Arvida Corporation on 1,134 acres west of I-75 on the north side of University Parkway between Cooper Creek DRI and the Palm Aire Development. Present Zoning: PDR, PDC with associated AF/WP/ST:

- 1) To permit a time extension to Island Investment Properties, Ltd. and Kabara Corporation, N. V. or their successors or assigns to submit an Application for Incremented Development Approval (AIDA) for that portion of land identified as Planned Development Residential (PDR) not later than February 29, 1989 and to submit an Application for Development Approval (ADA) for the PDR parcel not later than February 28, 1992.
- 2) To submit an application for Development Approval (ADA) for the Planned Development Industrial (PDI) and Planned Development Commercial (PDC) parcel in lieu of an AIDA.

Inasmuch as review of the above amendments had not been completed by the Florida Department of Community Affairs, staff recommended the public hearing be continued to September 25, 1986.

Motion was made by Mrs. Hooper to continue amendments to R-84-69, Circle-N-Bar Ranch (DRI #12) Development Order to September 25, 1986, 9:00 a.m. or as soon thereafter as same may be heard. Motion was seconded by Mrs. Glass and carried unanimously.

Public hearing, continued from June 12, 1986, (Notice in the Bradenton Herald 7/18/86) was held to consider

**Z-85-1 ISLAND INVESTMENT PROPERTIES, LTD. (CONTINUED)**  
**N.V. KABARA AND ARVIDA CORPORATE PARK ASSOC. (DRI)**

Request: Change the location of present zoning of PDC (77.88 acres) and PDI (134.92 acres) on the same site to different locations, keeping the same total of 212.8 acres) and retaining all AF/WP/ST.

Fred Goodrow stated the applicant requests continuance to September 11, 1986. He recommended, however, that this item be continued to September 25, 1986 to allow staff ample time to process the substantial deviation in connection with the rezoning of Arvida Corporate Park.

Mrs. Glass moved to continue Z-85-1 to September 25, 1986. Motion was seconded by Mr. Chetlain and carried unanimously.

Public hearing (Notice in the Bradenton Herald 7/18/86) was opened to consider

**ARVIDA CORPORATE PARK (DRI #154) - (CONTINUED)**

Request: Approval of an application for development approval (ADA) on 212.8 acres west of I-75 on the north side of University Parkway. Present Zoning: PDC with AF/WP/ST.

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(Cont'd)

Upon recommendation by staff, Mrs. Glass moved to continue Arvida Corporate Park DRI #154 (TBRPC number) to September 25, 1986, 9:00 a.m. or soon thereafter. Motion was seconded by Mr. Chetlain and carried unanimously.

**86-S-23 RAINTREE INLET - P/PLAT (APPROVED)**

Request: Approval of preliminary plat of a 19-lot subdivision with a waiver of cul-de-sac length and recreational open space requirements on 4.65 acres on the south side of U.S. 301 approximately 800 feet west of Victory Road, Ellenton. Planning Commission recommended APPROVAL with the stipulations recommended by staff and the waiver of the cul-de-sac length and recreational open space requirements:

1. A jurisdictional determination shall be performed, with the resultant determination shown on the construction drawings. Should it be determined that there are no jurisdictional areas, then a letter shall be submitted by the appropriate agencies.
2. The location, size, and type of trees to be preserved or removed, as well as the replacement of trees, shall be shown on the construction drawings. Compliance with Section 205F.1 of the Land Development Code shall be demonstrated.
3. A survey of the entrance to U.S. 301 shall be submitted with the construction drawings.

Having considered the staff report and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve Preliminary Subdivision Plat No. 86-S-23 with the stipulations recommended by the Planning Commission and waiver of the cul-de-sac length and recreational open space requirements. Motion was seconded by Mrs. Glass.

Upon question, Chris Lynch, Public Works/Transportation, advised that after a survey of the Highway 301 entrance, staff had recommended certain modifications which would include increase of radius and refuge lane to be accomplished prior to approval of the final plat.

Upon recommendation by Mr. Chetlain to include in the motion that the applicant will provide entrance improvements recommended by the Transportation Department, Mr. Lynch advised this is required in the construction plan.

Motion carried unanimously.

**ZONING**

Public hearing, continued from July 24, 1986 (Notice in the Bradenton Herald 7/28/86) was held to consider

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

Request: Special Permit to allow a recovery home for a total of ten persons (including staff) on 2.19 acres on 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:

1. A five foot sidewalk is required along 26th Avenue East.
2. An additional three feet of right of way is required.

Mr. Goodrow, in reviewing the staff report, noted that stipulation 2 should read eight feet instead of "three", and indicated the request is consistent with the Manatee Plan and compatible with surrounding uses.

Discussion: Sidewalk requirements; waiver of provision requiring bond in lieu of sidewalk construction.

Leo Mills noted that, in regard to the sidewalk as a future requirement, it was his understanding staff was working on an arrangement whereby the property owner would be assessed at the time of construction. Upon question, he said that the applicants have a contract for sale pending approval of the special permit and the non-profit organization (buyer) had purchased a building to be moved on site for the proposed recovery home.

Legal Counsel recommended the special permit run with the property in order not to have problems involving transfer of ownership.

Rev. James J. Russo, spokesman for the organization, said they are a support group and did not have funds to construct the sidewalk, which would require covering a ditch and installing culverts.

The public comment portion of the hearing was closed.

Having considered the staff report, comments made at the public hearing and finding the request to be consistent with the Manatee Plan, Mrs. Glass moved to approve SP-86-66 with all stipulations except the sidewalk requirement. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD

Public hearings (Notice in the Bradenton Herald 7/28/86) were held to consider SP-86-68, SP-86-69, and Z-86-61.

**SP-86-68 KEN BURTON & JACK GAY - MOBILE HOME (CONTINUED)**

Request: Special permit to allow a mobile home as residence for a manager of an industrial site on 4.15 acres on the east side of 20th Avenue East, 490 feet south of 17th Street East (Memphis Road)

Planning Commission recommended APPROVAL with the stipulations recommended by staff:

1. The mobile home shall be used by the manager as a residence only. No public use (i.e. office) shall be permitted.
2. Approval of this special permit shall be for a time period of three years plus three years at the administrative discretion of the Planning Director.

Upon recommendation by staff, Mrs. Glass moved to continue the public hearing for SP-86-68 to August 28, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

**SP-86-69 GENERAL TELEPHONE COMPANY OF FLORIDA (CONTINUED)**

Request: Special permit to allow the expansion of an existing switching station on .229 acre on the west side of Whitfield Avenue, approximately 400 feet south of Country Club Way.

Planning Commission recommended APPROVAL with stipulations recommended by staff:

1. Pursuant to Section 205F.3 of the Land Development Code, a six foot high opaque, decorative fence or wall shall be provided along all property lines. Shrubs shall be provided at fifteen foot intervals along the outside of the fence wall.
2. Require wall to be set back from the property boundary to soften the impact it will have on the surrounding properties and providing 100 feet automatic irrigation for the hedges to be located on the outside of the wall.
3. Shade trees shall be planted every 25 feet around the site's perimeter to further buffer the view of the site from surrounding residential uses.
4. Pursuant to Section 205F.1.f. of the Land Development Code, three trees shall be provided on the site to replace those removed for construction. Replacement trees must be a minimum of 2"-2.5" caliper, 12 foot high nursery stock of equivalent species. Three of the trees provided to meet stipulation #2 may be used to satisfy this condition provided that they meet the minimum size requirements.

Upon recommendation by staff, Mr. Chetlain moved to continue the public hearing on SP-86-69 to August 28, 1986. Motion was seconded by Mrs. Hooper and carried unanimously.

**Z-86-61 DR. JACK M. COOPER - A-1 (CONTINUED)**

Request: Rezone from A to A-1 on 13.28 acres approximately 600 feet north of Upper Manatee River Road, 400 feet east of Aquatel Road.

Planning Commission recommended APPROVAL.

ORDINANCE Z-86-61: AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA,....PROVIDING FOR THE RZONING OF CERTAIN LAND FROM A TO A-1; PROVIDING AN EFFECTIVE DATE

Upon recommendation by staff, Mrs. Hooper moved to defer Z-86-61 and continue the public hearing to September 11, 1986. Motion was seconded by Mrs. Glass and carried unanimously.

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Public hearing (Notice in the Bradenton Herald 7/28/86) was opened to consider

**SP-86-63 HIGHWAY OIL - VEHICLE SALES (APPROVED)**

Request: Special permit to allow vehicle sales on .267 acre at the northeast corner of Hernando Avenue and U.S. 41, Whitfield, with waiver on a number of requirements, including loading space. Planning Commission recommended APPROVAL with the stipulations recommended by staff and the waiver of the loading space requirement:

1. The driveway separation, perimeter landscaping on the site, and residential screening shall be addressed by staff at the time of the Final Site Plan.
2. The parking requirement of 5 spaces minimum for a vehicle sale, rental and service establishment per Section 205E.1 (1) (6) shall be met.
3. The proposed driveway on Hernando Avenue shall align vertically with the driveway of the Atrium.
4. A driveway permit from the Florida Department of Transportation shall be obtained for the entrance on U.S.41.

Tom McCollum, Zoller and Najjar, representing the applicant, advised that his client is requesting only the waiver of the required loading space. He responded to questions by the Board and stated he had not received any phone calls from residents concerning traffic problems on Hernando Avenue.

Having considered the staff report, comments made at the Public Hearing, and finding the request to be consistent with the Manatee Plan, Mrs. Glass moved to approve Special Permit No. SP-86-63 with the stipulations recommended by the Planning Commission and the waiver of the loading space requirement. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD

**PDR 83-9 COUNTRY OAKS, PHASE III**

Request: Approval of Final Development Plan for 66 lots on 15.8 acres west of and adjacent to the "Conservatory," north of University Parkway and east of Lockwood Ridge Road, within the existing Country Oaks Development.

Upon question by Mr. Chetlain as to compatibility of this project with the recommendation of the Southeast Task Force as it relates to the watershed in the Braden River, this item was deferred to later in the meeting to allow staff an opportunity to make research as to compatibility and density designations.

**PDC-85-6 THE FOUNTAINS, PHASE V - F/DEVELOPMENT PLAN (APPROVED)**

Request: Approval of Final Development plan for Phase V of The Fountains PDC for a total of 21,240 square feet, on 4.4. acres on the west side of the 4800 block of 14th Street W. (US 41), west of Cedar Hammock Drainage Canal.

Staff recommended the following stipulations:

1. Prior to the issuance of a certificate of occupancy, the final subdivision Plat (85-S-53) shall be submitted and approved by the Board of County Commissioners for lots 1-4.
2. A 25 foot wide drainage easement, measured from the top of the bank of the Cedar Hammock Drainage Canal, shall be recorded.
3. Prior to the issuance of a Certificate of Occupancy, all easements (drainage and non-vehicular access) shall be recorded.
4. Department of Environmental Regulation dredge and fill permits shall be obtained for any work within the Cedar Hammock Drainage Canal.
5. Stormwater approvals shall be obtained through S.W.F.W.M.D.
6. Outdoor loudspeakers are prohibited.
7. The buffers along the north (25 feet wide), west (35 feet wide), and south (35 feet wide) shall not be occupied by structure, storage, or display.
8. Prior to the application for a building permit, the applicant shall submit six copies to the Planning Department of a revised drainage plan acceptable to the county engineer.

Having considered the staff report and finding the request to be consistent with the Manatee Plan, Mr. Chetlain moved approval of the Final Development Plan for Phase V of The Fountains PDC Plan No. PDC-85-6 with the stipulations recommended by staff. Motion was seconded by Mrs. Hooper and carried unanimously.

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

#### COCAINE (ROCK) DRUG TREATMENT CENTER

Sheriff Charlie Wells and other interested persons came before the Board to request support in establishing a rock cocaine treatment program for juveniles in Manatee County. He referred to the number of drug-related arrests and acts of violence committed by those under influence of rock/crack cocaine.

Bob Moore, Director of Mental Health, explained that they are interested in providing extensive and comprehensive drug abuse treatment and have been exploring with a number of citizens groups ways to address the problem. He said that rock cocaine is a relatively new phenomenon which puts many of the other drug abuse problems into a minor problem category; that it might take years to become addictive to marijuana and/or alcohol, but with rock cocaine it can be a matter of weeks. When this leads young people to crime, prostitution and other unlawful things it becomes a problem for the entire community.

Discussion: Increase of crime rate due to rock cocaine; need for residential program; length of treatment for rock cocaine patients; mandatory life jail sentence for drug dealers.

Larry Byrch, responsible for alcoholic drug treatment/community care, Mental Health Center, explained behavioral effects of rock cocaine on its users, indicated this is an epidemic and the nature of the drug is a tremendous threat to society. He emphasized the need for greater measures and a residential program for the required long term treatment.

(Depart Mr. Chetlain)

Mr. Fletcher suggested establishment of a task force involving the offices of the County Attorney and Sheriff, Mr. Moore, Mr. Byrch, and County Staff to see if a coordinated effort can be worked out with Manatee Memorial Hospital, Blake Hospital and Manatee Mental Health Center. He said that perhaps monies that are in the 75-25 interest accumulation fund in the indigent care agreement of the Manatee Hospital contract or the health related in the 25 could be used to provide the seed money for the proposed drug treatment.

Sheriff Wells suggested that Mrs. Glass as member of the Substance Abuse Task Force and Mrs. Hooper as member of the Mental Health Board, be appointed to the task force.

Mrs. Glass suggested that the Chairman of the group set a time table of meetings with a definite goal. She suggested involving mental health retired professionals as volunteers, and attempt to implement a foster grandparent program to work with young people on a one on one approach.

The Chairman requested a motion that he be directed to establish a Task Force consisting of Commissioners Glass and Hooper, representatives from the Sheriff's Office, Substance Abuse, Mental Health, County Attorney, other appropriate staff and the Manatee County Medical Society, and to appoint Bob Moore as Chairman of the group. Mrs. Hooper so moved. Motion was seconded by Mrs. Glass and carried unanimously.

#### GAS TAX DISTRIBUTION

Jim Seuffert, Office of Management and Budget, advised that the County is required to provide the Florida Department of Revenue with a certified copy of its distribution formula of proceeds from the local option gas tax by August 15, 1986, and submitted draft resolution R-86-202 for that purpose.

Action was deferred to later in the meeting pending receipt of information from the municipalities regarding such distribution, which needs to be inserted in the confirming resolution prior to adoption.

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**BRADENTON FINANCIAL CENTER**

David Rothfuss, Assistant County Administrator, reported on offer by Wilbur Boyd Corporation to lease or lease with option for sale to Manatee County 10,923 square feet (one floor) of the Bradenton Financial Center, as outlined in memorandum of August 13, 1986 from the County Administrator.

He summarized the proposal and expounded on the lease term, contractual obligations of the current owner's successors and assigns, parking, triple net lease and the average cost experience per floor associated with pro rata taxes, insurance and operating costs, future additional leased premises and availability of handicapped restroom facilities.

It was the recommendation of the County Administrator that after review of the matters outlined in his memorandum that staff be directed as to the manner in which the Board may wish to proceed.

Mr. Rothfuss indicated that staff has addressed the questions and issues raised by the Board and are awaiting additional information regarding utility costs and appraisal.

The Chairman stated the item on the Financial Center will be on the agenda for the following Tuesday, at which time staff is requested to be prepared to provide a report on the status of the offer on the Professional Building.

**ZONING****PDR-83-9 COUNTRY OAKS, PHASE III (APPROVED)**

(Continued from earlier in the meeting)

Responding to questions raised earlier in the meeting, the County Administrator advised that the Country Oaks project had been proceeding at preliminary stages just ahead of the Southeast Task Force decisions and recommendations, but at the same time both the Planning Commission and staff were cognizant of the issue and all adjustments had been made in the plat at the preliminary. He said the request is within the requirements of the Southeast Task Force.

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 Final Development Plan PDR-83-9 for phase III with the stipulations recommended by staff. Motion was seconded by Mrs. Glass and carried unanimously.

**ORDINANCE 86-18: SATELLITE DISHES**

Consideration of Ordinance 86-18, amending Ordinance 81-4, Satellite Dish Antennas, was deferred to the next Board meeting.

**RECESS/RECONVENE**

The meeting was declared recessed until 2:30 p.m.

The Board reconvened at 2:45 p.m. with all members present except Mr. Chance.

**GAS TAX DISTRIBUTION**

Jim Seuffert advised that the necessary information on gas tax distribution had been received from the municipalities and incorporated into

R-86-202 A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF MANATEE COUNTY, FLORIDA,  
CONFIRMING DISTRIBUTION OF LOCAL OPTION GAS TAX  
PROCEEDS

Upon question, the County Attorney advised that upward adjustments to municipalities are always possible, but downward adjustments are highly questionable, specifically with respect to funds committed to bonds and after the cities might have committed to budget activities. He noted that the gas distribution formula can be amended by inter-local agreement and there is also the option to rescind the tax and begin it anew.

Discussion: Interlocal agreement to change tax distribution, cities report on annual transportation expenditures.

Mr. Fletcher read the letter of August 14, 1986, from Mayor Evers, City of Bradenton, submitting the preliminary estimates of transportation expenditures for the municipalities located in Manatee County, indicating that these estimates are subject to revision as they finalize their estimates of transportation expenditures.

Mrs. Glass moved to enter the letter into the record. Motion was seconded by Mrs. Hooper and carried unanimously.

Mr. Chetlain moved to adopt resolution R-86-202 with correction of typographical errors: page 1, (third paragraph, second line, from "fo" to for); page two (second paragraph, third line) making the effective date to read September 1, 1986 to August 31, 1988. Motion was seconded by Mrs. Hooper and carried unanimously.

RECORD RESOLUTION

S35-569

COMMISSIONERS COMMENTS/REPORTS

Beach Erosion Control

Mr. Chetlain: Reported that the Department of Beaches and Shores had honored Katie Pierola for her support on erosion control on the Island and suggested the Board recognize her work.

Disposition: County Administrator to prepare a Certificate of Merit.

BOND REFERENDUM (ROADS/STREETS/BRIDGES IMPROVEMENTS)

The Chairman requested that consideration of bond referendum to provide for roads, streets, and bridge improvements (Resolution R-86-111, deferred July 29, 1986) be placed on a future agenda.

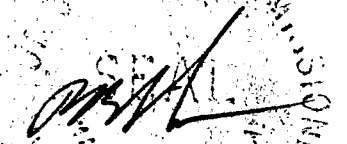
Motion was made by Mr. Chetlain that the issue of whether to have a \$50,000,000 revenue bond issue for road improvements be placed on the agenda for the next Board meeting (8/19/86). Motion was seconded by Mr. Fletcher and carried unanimously.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
Clerk  
Adj: 3:14 p.m.

  
Chairman