

SEPTEMBER 11, 1986

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, September 11, 1986, at 9:15 a.m.

Present were Commissioners:

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

Absent was Commissioner Kent G. Chetlain

Also present were:

Mark Barnebey, Assistant County Attorney
Fred Goodrow, Director of Planning and Development
Richard H. Ashley, Chief Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Reverend John Henry, Church of the Cross.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

ZONING

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

Request: Rezone from R-4B to PR (parcel 4, 28.6 acres) and C (parcels 1,2,3, 4.4 acres), total 33 acres, on the north side of 53rd Avenue East and the east side of 9th Street East. Planning Commission recommended APPROVAL.

Public hearing (continued from August 14, 1986) was opened to consider

ORDINANCE Z-86-60: AN ORDINANCE OF THE COUNTY OF MANATEE FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 84-1, 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 FOR AN EFFECTIVE DATE

Wayne Wells, Planner, advised that subsequent to the Planning Commission tie vote (7/16/86) on recommendation for approval, the applicant submitted amended request to reduce the Commercial portion to 4.4 acres, which was less than one-half the original request. Upon advice of legal counsel and at request of the applicant (to avoid readvertising/costs) this item was remanded to the Planning Commission and was approved by 5-0 vote on September 10.

The public comment portion of the meeting 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 Manatee County Ordinance Z-86-60. Motion was seconded by Mr. Chance and carried unanimously.

RECORD ORDINANCE

Public hearing (Notice in The Bradenton Herald 8/22/86) was opened to consider

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

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

Upon staff recommendation, Mrs. Hooper moved to continue the public hearing to September 25, 1986. (Applicant failed to post property). Motion was seconded by Mrs. Glass and carried unanimously.

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Public hearing (Notice in The Bradenton Herald 8/22/86) was opened to consider

Z-86-66 SMITH, FOY & FOY - PDR (CONTINUED)

Request: Rezone from A-1 to PDR retaining the WP/ST and approval of a Conceptual Development Plan to allow 60 single family lots (4.3 d/u acre), located on 14.8 acres east of Lockwood Ridge Road, north of Glenbrooke Phase III.

Upon staff recommendation, Mrs. Hooper moved to continue the public hearing to September 25, 1986. (Applicant failed to post property). Motion was seconded by Mr. Chance and carried unanimously.

Public hearing (Notice in The Bradenton Herald 8/22/86) was opened to consider

SP-86-55 RAMCO RECYCLING SYSTEMS (APPROVED)

Request: Special Permit to allow very heavy manufacturing to recycle used concrete, roofing debris, rocks and other aggregate into usable road building material on 5 acres at the north end of 21st Street East in the 6000 block, west of Sarasota Trucking.

Planning Commission recommended APPROVAL with one stipulation:

1. Prior to the approval of a Final Site Plan for the processing operation, the developer, his heirs or his assigns shall, upon the determination by the County that the concrete slabs and other roofing and scrap or materials lying in or near 21st Street East, are in the public right-of-way, then the developer, his heirs or assigns shall remove the slabs and other accumulated material at his expense.

Wayne Wells, Planner, reviewed previous action on SP-86-55:

June 12, 1986 - Planning Commission recommendation incorrectly reported in staff report;
 June 12, 1986 - Approved with seven stipulations actually recommended by Staff;
 July 15, 1986 - Applicant requested reconsideration; action deferred to July 22, 1986;
 July 22, 1986 - Extension of expiration date to August 21, 1986, approved; public hearing for August 21, 1986 authorized;
 August 21, 1986 - Reconsideration rescheduled to 9/11/86.

Mr. Wells referred to memorandum of September 11, 1986 from the Planning Director recommending five stipulations resulting from further discussion between staff and the applicant.

Discussion: Stockpiling materials higher than 15' above existing grade; paving 21st Street East, a non-county maintained shell road serving as access road to Sarasota Trucking and other industrial establishments.

Mr. Wells advised that Sarasota Trucking failed to pave a small portion of 21st Street East and that in 1980 the county obtained a judgment against the firm to insure paving. To date, the road is unpaved and there is a legal question as to whether the county can proceed with lawsuit. In any case, he indicated the proposed roads do not meet county standards and recommended a county participation project be initiated. He pointed out that a stipulation was included to insure paving if a participation project is not approved.

Jerome Gostkowski, Public Works/Transportation, advised a participation project would allow a preferable, more effective industrial type drainage system over current plans specifying a swale drainage system. He recommended initiating an assessment project for the unpaved portion.

Discussion: Concrete debris lying in or near 21st Street East right of way; stockpiling of materials.

Mr. Wells, noted the primary reason for the special permit is the processing operation and not for the stockpiling of materials. Stipulations contained in the memorandum insure that applicant will begin the operation immediately.

Patricia Petruff, attorney for applicant, reviewed stipulations outlined in the memorandum from Planning Director and why they are more appropriate than previous stipulations.

1. Applicant shall pave that portion of 21st Street East commencing at the north side of the driveway on the property owned by Sarasota Trucking to the north side of applicant's access easement; provided, however, applicant shall not be required to complete construction on such roadway until three months after the completion of the paving of 21st Street East from 63rd Avenue to the north side of the driveway on the property owned by Sarasota Trucking. The paving contemplated by this requirement shall be a twenty foot wide road with a six inch base, one inch asphalt, and swale drainage.
2. If any dredge and fill, industrial waste, or environmental permits are necessary for commencement of the recycling processing operation, then those permits shall be obtained prior to commencement of the processing operation.
3. Material (concrete, asphalt, etc.) stockpiled on the subject property shall meet the building setback requirements for the applicable zoning district set forth in Ordinance 81-4. If the existing stockpile material is located within such applicable setback requirements, then such material shall be removed within three months of the commencement of the processing operation.
4. The stockpiling of materials shall be done in such a manner to protect the health and safety of the public and such materials shall not be stacked higher than fifteen feet above existing grade. If the existing stockpile materials are stacked higher than fifteen feet above existing grade, such materials which are stacked higher than fifteen feet above the existing grade shall be removed within three months of the commencement of the processing operations.
5. If recycling of the existing stockpiled material has not occurred by December 1, 1986, further stockpiling of material onsite shall cease until such time recycling occurs. If no recycling has taken place by February 15, 1987, then all stock-piled materials shall be removed by May 15, 1987. Recycling of subsequent material shall take place at least annually and, if not, all recycling materials shall be removed and this Special Permit shall automatically terminate.

She advised that officials of the Florida Department of Environmental Regulation had concluded that "No air pollution or solid waste permits are required under current Florida Statutes or Rules and Regulations of the Department" in connection with the processing operation.

Mrs. Glass moved to enter into the record letters dated July 16, 1986 and August 1, 1986 from Langley Adair, Environmental Manager, and W. C. Thomas, District Engineer, Florida Department of Environmental Regulation. Motion was seconded by Mr. Chance and carried unanimously.

Upon question, Miss Petruff advised recycling operations would begin when electricity is furnished to the site which will be upon issuance of permit.

Mr. Chance recommended an additional stipulation that the county initiate the participation project as he is opposed to new businesses opening on unpaved roads.

The public comment portion of the public hearing was closed.

Motion: Stipulations - Ramco

Mrs. Hooper moved to modify the stipulations in SP-86-55 Ramco Recycling Systems to concur with those recommended by the Planning Director in his memorandum to the Board dated September 11, 1986 (referred to by Mr. Wells and outlined by Ms. Petruff). Motion was seconded by Mrs. Glass and carried unanimously.

Motion: Participation Project/21st Street East

Mrs. Hooper moved to direct staff to initiate a road participation project on 21st Street East from the end of the pavement, north to 57th Avenue. Motion was seconded by Mrs. Glass and carried unanimously. (Vote reconsidered in later action.)

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Discussion: Existing businesses who expect Sarasota Trucking and Ramco Recycling to pay for road paving on 21st Street East; Justification for proceeding with the participation project.

Motion: Reconsider Previous Motions

Upon request by Mr. Chance that he be allowed to recast his vote on the two previous motions, the Chairman stated he would accept a motion for reconsideration. Mr. Chance so moved. Motion was seconded by Mrs. Hooper and carried unanimously.

Recess/Reconvene

The Chairman stated a motion was made by Mrs. Hooper, seconded by Mrs. Glass and carried unanimously to direct staff to initiate a participation project on 21st Street East and he would accept a motion for reconsideration. Mr. Chance so moved. Motion was seconded by Mrs. Hooper and carried unanimously.

Motion: (Restated) Participation Project/21st Street East

Mrs. Hooper moved to direct staff to initiate a road participation project on 21st Street East from the end of the pavement north to 57th Avenue. Motion was seconded by Mrs. Glass. Voting "Aye" were Mrs. Glass, Mrs. Hooper and Mr. Fletcher. Mr. Chance voted "Nay." Motion carried.

Motion: Reconsider Modification SP-86-55

Mr. Chance moved to reconsider previous action on SP-86-55 (to modify the stipulations to concur with those recommended by in memorandum of September 11, 1986 from the Planning Director). Motion was seconded by Mrs. Glass and carried unanimously.

Motion: (Restated) Modification SP-86-55

Mrs. Hooper moved to modify the stipulations in SP-86-55 for Ramco Recycling Systems to concur with those stipulations recommended in the Planning Directors memorandum to the Board dated September 11, 1986. Motion was seconded by Mrs. Glass.

Amendment to Motion

Mr. Chance moved to amend the motion and that original stipulation number two that was passed unanimously by this Board in the original staff report stand as written. Motion was seconded by Mrs. Glass for discussion. Voting "Aye" was Mr. Chance. Mrs. Glass, Mrs. Hooper and Mr. Fletcher voted "Nay." Motion failed to carry.

Amendment to Motion (Restated)

Mr. Chance moved to allow the original stipulation, passed unanimously by this Board at a previous meeting, that 21st Street East shall be constructed to County standards from the existing southern end of pavement to the north side of the project entrance, stand as written. Motion was seconded by Mrs. Glass for discussion. Voting "Aye" was Mr. Chance. Mrs. Glass, Mrs. Hooper and Mr. Fletcher voted "Nay." Motion failed to carry.

Discussion: The amendment to the motion would require that Ramco resurface that portion of 21st Street which Sarasota Trucking had previously agreed to do, whereas the amended stipulation is contingent upon the Sarasota Trucking paving being performed by someone other than the applicant.

The Chairman called for question (vote) on the restated motion of Mrs. Hooper. Voting "Aye" were Mrs. Glass, Mrs. Hooper and Mr. Fletcher. Mr. Chance voted "Nay." Motion carried.

SP86-71 AMERICAN LEGION - EXPANSION (CONTINUED)

Request: Expansion of an existing private club, located in the 200 block of the west side of 75th Street West and the east and west sides of Palma Sola Boulevard.

Public hearing (Notice in The Bradenton Herald 8/22/86) was opened.

Upon recommendation by staff, Mrs. Glass moved to continue this request to September 25, 1986. (Applicant failed to post property) Motion was seconded by Mr. Chance and carried unanimously.

PDR-86-07(P)/86-S-30(P) SARA PALMS (APPROVED)

Request: Approval of a Preliminary Development Plan/Subdivision Plat to allow 66 lots (Single Family Units, 2.7 du/acre) on 24.3 acres located at the southwest corner of the extension of Whitfield Avenue and Lockwood Ridge Road.

Planning Commission recommended APPROVAL with the stipulations recommended by staff:

1. The developer shall construct the two south bound lanes of a four lane divided section for Lockwood Ridge Road and the east bound two lanes of a four lane undivided section for Whitfield Avenue, as shown on the Conceptual Development Plan, to County standards and requirements of the county engineer.
2. In order to ensure compliance with CDM Best Management Practices for Stormwater Management, the applicant shall provide proof of SWFWMD and DER stormwater permits showing designs to CDM specifications prior to construction plan approval.
3. Responsibility for stormwater monitoring, operation, and maintenance must be finalized prior to final plan approval.

Having considered the staff report and finding the request to be consistent with the Manatee Plan, Mrs. Hooper moved to approve PDR-86-07(P)/86-S-30(P) as recommended by the Planning Commission. Motion was seconded by Mr. Chance and carried unanimously.

RECORD PDR

Public hearings were opened to consider SP-86-70, SP-86-81, 86-S-22 and PDR-86-2.

SP-86-70 RUSSELL AND APRIL FRANKE - MOBILE HOME (APPROVED)

Request: Special Permit to allow a mobile home in addition to a residence, on the south side of a private street approximately 1300 feet south of Water Line Service Road and one mile east of Zipperer Road.

Planning Commission recommended APPROVAL with stipulation.

1. Approval of this Special Permit shall be for a time period of five years plus five years at the administrative discretion of the Planning Director.

SP-86-81 PALMA SOLA BAY BAPTIST CHURCH - DAY CARE CENTER (APPROVED)

Request: Special Permit to allow a day care center for 130 children, located at 4000 75th Street West.

Planning Commission recommended APPROVAL with stipulations:

1. Prior to licensure as a day care center for a maximum of 130 children, all requirements as set forth in Chapter 10M-12 of the Florida Administrative Code shall be met.
2. All requirements of the Cedar Hammock Fire District shall be met prior to licensure as a day care center.

86-S-22 GLENBROOKE, PHASE IV - P/PLAT (APPROVED)

Request: Approval of a Preliminary Subdivision Plat of six lots with a waiver of the requirement for required open space located approximately 423 feet east of Lockwood Ridge Road and one half mile north of County Line Road.

PDR-86-2 PIER POINT -FINAL DEVELOPMENT PLAN (APPROVED)

Request: Approval of a Final Development Plan for ten single family lots, located on the south side of the 8600 Block of 9th Avenue Northwest.

Planning Commission recommended APPROVAL with stipulations recommended by staff.

1. The proposed sidewalk along 9th Avenue Northwest shall be constructed as per county standards, back of sidewalk shall lay on or within one foot of the public rights-of-way, and any deviation shall be county approved.
2. The water distribution system shall:
 - a. be constructed to conform to the latest specifications of the A.W.W.A.;
 - b. be provided with adequate valving to assure minimum disruption of service in event of a line break; and
 - c. be installed with a suitable blow-off device on and dead end line.

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3. The construction of the sewage collection system shall meet the conditions set forth in a letter dated May 15, 1986 from the Pollution Control Department (see Attachment "A").
4. A total of twenty-two replacement trees shall be relocated and/or replaced on Lots 3, 4, 7, and 8, with species outlined in a letter dated September 3, 1986 from Larson Engineering, Inc. Replacement trees shall be twelve feet tall and 2" - 2 1/2" caliper at time of planting.
5. The Engineer of Record shall certify the installation of all site improvements prior to the issuance of the first Certificate of Occupancy.

Having considered the staff reports, the Planning Commission recommendations, and finding the request to be consistent with The Manatee Plan, Mr. Chance moved to **APPROVE SP-86-70, SP-86-81, 86-S-22** and additional stipulations recommended by staff for **PDR-86-2**. Motion was seconded by Mrs. Hooper and carried unanimously.

(Depart Mr. Chance)

JOINT MEETING CITY OF BRADENTON/COUNTY

Mr. Goodrow requested the agenda of a joint meeting between the City of Bradenton and the Board for discussion of potential policies, programs and concerns of the Evers Reservoir Watershed be placed on a future agenda.

MARINE AND ROOF COATING SPECIALTY LICENSES

Mr. Wells requested that staff review and submit recommendation to the Board on the request of Ralph Sibbio, Chairman of the Building Contractors Examining Board, (8/5/86) to initiate two new specialty contractors licenses for marine and roof coating.

Mrs. Glass, moved to enter the letter into the record and to authorize staff to proceed with the development of appropriate licensing procedures as requested. Motion was seconded by Mrs. Hooper and carried unanimously.

BUILDING CONTRACTOR'S EXAMINING BOARD

Mrs. Glass nominated Kenneth A. Charnell to the Building Contractors Examining Board as "lay" person for a non-ending term and moved to close nominations and cast unanimous ballot for his appointment (replacement for Doug Croll, resigned). Motion was seconded by Mrs. Hooper and carried unanimously.

(Enter Mr. Chance)

17TH STREET - PALMETTO (MEMPHIS ROAD)

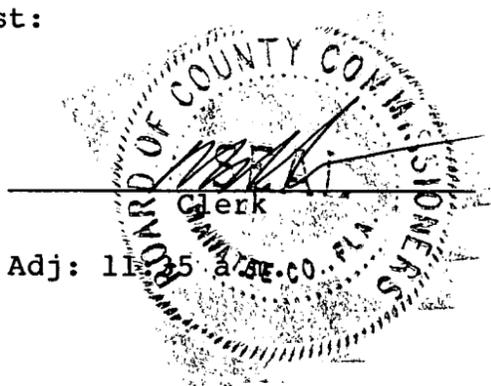
Mr. Chance reported that concrete companies required to contribute funds for road paving 17th Avenue have suggested concrete construction rather than asphalt.

Disposition: Staff to research paving road in concrete.

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Adj: 11:35 a.m.

Edward W. Chance
Vice-Chairman