

MAY 28, 1987

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, May 28, 1987, at 9:03 a.m.

Present were Commissioners:
 Westwood H. Fletcher, Jr., Chairman
 Edward W. Chance, Vice-Chairman
 Kent G. Chetlain
 Patricia M. Glass
 James J. McGrath

Also present were:
 H. Hamilton Rice, Jr., County Attorney
 Mark P. Barnebey, 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. James Moxley, St. Andrews Christian Church.

The meeting was called to order by Chairman Fletcher.

All witnesses/staff giving testimony were duly sworn.

AWARDS, GOOD PLANNING

By memorandum of May 28, 1987, Fred Goodrow, Planning Director, advised the winners of the first "Manatee County Good Planning Awards Program" are Braden Woods, Large Single Family Development Category, Award of Excellence; Ridgewood, Mobile Home or R.V. Park Development Category, Award of Excellence; and Park Place Business Center, Buildings "A" and "B", Large Non-Residential Development Category, Award of Merit, as selected by the Awards Committee (comprised of three members of the Planning Commission).

Larry D'Urso of Pursley/Braden Woods, Bernard Croghan, Ridgewood Communities, and Eve Braam, Park Place Business Center, presented slides depicting each development.

Mr. Fletcher presented the awards to each recipient.

BEKER PROPERTY - LAND ACQUISITION

Public hearing (continued from 5/26/87) was opened for the purpose of considering acquisition of Beker property (amended development order and settlement agreement; minor changes in the contract of purchase and sale of real property; and general settlement agreement).

The County Attorney reported that he was informed by Hugh McGuire, Attorney for Beker Phosphate Corporation, he had received no response to the proposal that Beker come within all provisions of the current mining ordinance. Three areas in which Beker feels it cannot yield, with respect to their mining permit, are the life of the mine duration, the setback lines, and the financial responsibility provisions of the new ordinance.

Dick Eckenrod, Director, Land & Natural Resources, in reviewing memorandum of May 28, 1987, stated that Chris Paul, General Manager of the Beker mine, had reiterated that Beker is willing to agree to terms of the amended development order which was discussed in the Board meeting of May 26, 1987, but is not willing to make any further concessions with respect to the applicability of Ordinance 81-22 (Mining Ordinance).

Discussion: Purchase of the additional 140 acre parcel in the watershed; Beker mining remainder of its property under the regulations of Ordinance 81-22; setback requirements.

Mr. Eckenrod reviewed a map of phosphate land holdings in the Lake Manatee Watershed pointing out the 140 acre parcel proposed to be purchased.

Motion to Purchase (Withdrawn)

Mrs. Glass moved to inform the principals (Beker) the Board is willing to purchase the 140 acres along with the other 4000 acres and the Board wants the mineable portion that they are going to continue to mine to come under the new mining ordinance. Motion was seconded by Mr. Chetlain. Following suggestion that the settlement agreement be amended, the motion was withdrawn.

Barbara Talburtt, League of Women Voters, advised the League members support the purchase of the 140 acres and the application of the newer mining ordinance.

Motion: Amended Settlement Agreement (Include 140 Acres)

Mr. Chance moved that an amended settlement agreement be drafted that will contain language that would require Beker, or any future owner of the mine, to follow existing Ordinance 81-22, and that the County agree to purchase, fee simple, the 140 acres of land within the watershed that was not covered in the first conceptual agreement. Motion was seconded by Mrs. Glass. Upon recommendation by the County Attorney, included in the motion was "that the purchase price will increase by 140 acres times \$2800 or \$392,000." Voting "Aye" were Mr. Chance, Mr. Chetlain, Mrs. Glass, and Mr. McGrath. Voting "Nay" was Mr. Fletcher. Motion carried.

(Depart Mr. Chetlain)

Mr. Chance moved to continue this public hearing to June 4, 1987, at 1:30 p.m. or soon thereafter. Motion was seconded by Mrs. Glass and carried unanimously.

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

ZONING

Public hearing (Notice in The Bradenton Herald 5/8/87) was opened for the purpose of considering

SP-87-09 M-TRUST, M-REALTY - BEER & WINE (APPROVED)

Request: Special permit to allow on site consumption of beer and wine at a 22-seat restaurant in Higgy's Deli, Unit 150, DeSoto Junction Shopping Center, east of U.S. 41 (1st Street), north of U.S. 301 West.

Planning Commission recommended APPROVAL.

(Enter Mr. McGrath)

Norm Luppino, Planning & Development, advised this request appears to be consistent with the Manatee Plan and the surrounding land uses.

Michael Higgins, applicant, was available to respond to questions.

The public comment portion of the hearing was closed.

Having considered the staff report, the comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mr. McGrath moved to approve Special Permit No. SP-87-09. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD S36-696

Public hearing (Notice in The Bradenton Herald 5/8/87) was opened for the purpose of considering

SP-87-10 DUANE J. SORENSON - BOAT MANUFACTURING (APPROVED)

Request: Special permit to allow boat manufacturing as a very heavy industrial use on .96 acre located on the west side of 18th Avenue Drive East, approximately 175 feet south of Memphis Road in Palmetto Industrial Park.

Planning Commission recommended APPROVAL with stipulations:

1. The 1,200 square feet in front of the building shall be cleaned up and relandscaped. The applicant shall meet with the Planning Department to discuss the landscape design.
2. No objectionable odors are allowed to be discharged from the site.
3. Storage of bulk chemicals shall be done in a manner which minimizes spillage.
4. The developer shall comply with Noise Ordinance 2-21-35 of the Manatee County Code of Laws.

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Norm Luppino reviewed the staff report and site plan and advised staff does not support stipulation one as recommended by the Planning Commission. Stipulation one as recommended by staff was:

1. The removal of the existing asphalt in front of the building, the definition of entrances into the site, and parking lot landscaping, meeting the requirements of 205F of the Land Development Code, must be completed prior to Certificate of Occupancy.

Discussion: Fire control.

Carol Massey, Attorney representing the proposed purchaser and proposed tenant, stated they will be installing a fire hydrant with an eight-inch water line and a sprinkler system. Regarding stipulation one as recommended by staff, she stated it would involve tearing up 2,840 square feet of existing asphalt. In order to bring the parking lot landscaping up to Code, it would involve tearing up additional asphalt as the site is almost entirely paved.

She submitted pictures of the site as it existed in January of 1987, and requested the Board concur in the recommendation of the Planning Commission.

Motion was made by Mr. Chance, and seconded by Mr. Chetlain, to enter the pictures into the record. Motion carried unanimously.

Wayne Magee, Magee Sign Service, spoke in favor of the request.

The public comment portion of the hearing was closed.

Having considered the staff report, comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mr. Chance moved to approve Special Permit No. SP-87-10 with the stipulations as recommended by the Planning Commission. Motion was seconded by Mr. McGrath and carried unanimously.

RECORD S36-697

Public hearing (Notice in The Bradenton Herald 5/8/87) was opened for the purpose of considering

Z-87-12 RUSTY YAGER - REZONE TO PR (CONTINUED)

Request: Rezone from R-LAB to PR .3 acre located on the southeast corner of the intersection of 57th Avenue West and 19th Street West.

Mike Hennessey, Planning & Development, recommended this item be continued to June 11, 1987, due to the applicant's failure to post signs on the property.

Motion and second to continue Z-87-12 to the June 11, 1987, due to the applicants failure to post the signs, were withdrawn.

John Kelly, 5715 16th Street West, spoke in opposition to the request. (Depart Mr. Chetlain)

Mrs. Glass moved to continue Z-87-12 to June 11, 1987. Motion was seconded by Mr. Chance and carried unanimously.

Public hearing (Notice in The Bradenton Herald 5/8/87) was opened for the purpose of considering

Z-87-14 PALM VIEW BAPTIST CHURCH - REZONE TO C-1 (CONTINUED)

Request: Rezone from R-LAB to C-1 4.33 acres located south of Experimental Farm Road, approximately 300 feet west of U.S. 41.

Mrs. Glass moved to continue Z-87-14 to June 11, 1987 (due to the applicant's failure to post the signs). Motion was seconded by Mr. McGrath and carried unanimously.

CONTRACTOR'S LICENSING RESOLUTIONS

(Enter Mr. Chetlain)

Public hearing (Notice in The Bradenton Herald 4/25, 5/2, 5/9, and 5/16/87) was opened for the purpose of considering

R-87-82: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING ROOFING CONTRACTORS; REPEALING THE MANATEE COUNTY ROOFING CODE, R-84-16, AND SUBSEQUENT AMENDMENTS, INCLUDING R-87-65; PROVIDING FOR AN EFFECTIVE DATE.

R-87-83: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING PLUMBING CONTRACTORS; REPEALING ALL PREVIOUS RESOLUTIONS ON LICENSING PLUMBING CONTRACTORS; PROVIDING FOR AN EFFECTIVE DATE.

R-87-84: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING MECHANICAL CONTRACTORS; REPEALING PRIOR RELATED RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-85: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING ELECTRICAL CONTRACTORS; REPEALING PRIOR RELATED RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-89: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING MARINE SPECIALTY CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-90: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING CLASS "C" LIMITED RESIDENTIAL CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-91: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING CARPENTRY SPECIALTY CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-92: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING MASONRY AND CONCRETE SPECIALTY CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-93: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING SWIMMING POOL CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-94: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING GENERAL CONTRACTORS A, B, AND C; REPEALING PRIOR RELATED RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-97: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING HOUSEMOVING CONTRACTORS; REPEALING PRIOR RELATED RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-98: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING MOBILE HOME SET-UP CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-100: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING FENCE ERECTION CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-101: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING NON-ELECTRICAL SIGN INSTALLATION CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-102: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING TV ANTENNA, TOWER AND SATELLITE DISH CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-103: RESOLUTION SETTING RULES AND REGULATIONS FOR THE GRANTING OF CERTIFICATES OF COMPETENCY THROUGH RECIPROCITY; REPEALING PRIOR RELATED RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

R-87-110: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING SEWER SPECIALTY CONTRACTORS; AND PROVIDING FOR AN EFFECTIVE DATE.

By memorandum dated May 28, 1987, Fred Goodrow, Planning Director, advised that

== contractor's licensing requirements in the past have been incorporated in the construction codes. In order to better administer these requirements, and upon recommendation of the County Attorney, separate resolutions for licensing of contractors are being proposed.

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== in workshop discussion of R-87-90 it was decided that the Class "C" Limited Contractors be incorporated in R-87-94 and R-87-90 be changed to a Resolution for Licensing **Aluminum Specialty Contractors.**

and recommended consideration of R-87-91, R-87-100, R-87-101, and R-87-102 be withdrawn.

Consequently the revised resolutions would be identified as:

R-87-90: RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING ALUMINUM SPECIALTY CONTRACTORS; PROVIDING FOR AN EFFECTIVE DATE

R-97-94 RESOLUTION SETTING RULES AND REGULATIONS FOR LICENSING GENERAL CONTRACTORS A, B, C AND C LIMITED SPECIALTY; PROVIDING FOR AN EFFECTIVE DATE.

Dan Zuber, President of the Builder's Association of Manatee County, Inc., presented his letter of May 28, 1987, in which he commented on each of the resolutions. He noted that between the previous and current drafts reference to "cedar shakes" was omitted from paragraph six of R-87-82, and the Builder's Association would like for it to be reinserted.

(Depart Chairman Fletcher; Vice-Chairman Chance presiding)

With regard to roofing licenses (R-87-82), he stated that the old regulations only required licensed roofers when using "hot mop" on tar roofs and questioned what will be done on metal roofs for steel buildings and small aluminum structures. He recommended licensed roofers be required on tar roofs only.

The letter from Mr. Zuber was accepted into the record.

Martin Conney, Contractor's Examining Board, recommended a provision be included in each resolution that the license number and name of the firm be applied to the sides of vehicles used in the transaction of business. In the provision requiring license number to be listed on all forms of advertising, he recommended the license number be shown on all contracts that are executed and all bills/statements presented for service.

(Depart Mr. McGrath)

Comments

Chik Beddow: Believes matter of license number is state requirement under the Department of Professional Regulations.

Ed McAdam, Building Official: Provision presently in the resolutions for plumbing, electrical, and mechanical contractors to place name and license number on each advertisement. Requirement placed in the other resolutions that if an advertisement is placed on a vehicle, it shall include name of firm and license number; not a requirement to place name and number on each vehicle.

Mr. Conney: Contractor's Examining Board feels that requiring name of firm and license number on all vehicles will help alleviate problem of licensed contractors pulling permits for unlicensed operators.

(Enter Mr. Fletcher; Mr. Chance presiding)

Larry Campbell, President of Plumbing, Heating, Cooling Contractor's Association in Manatee County: Recommended permanent sign be affixed to vehicles except on personal vehicles that may be driven to job sites from time to time; a provision that vehicle being used in the service, carrying tools, equipment, etc., must be labeled. State law requires name of firm and license number to be printed on contracts and statements.

Clayton "Spike" Sutton, Spike's Plumbing: Agreed with requirement to have name and license numbers on vehicles.

Mr. Beddow: Problem with this provision would be differentiating between a legitimate subcontractor and someone pulling permit for another party; would help if stipulated that vehicles are work vehicles carrying tools and materials.

Mark Barnebey, Assistant County Attorney: Recommended the provision be consistent throughout the trades unless for valid reason.

Mr. McAdam: There is provision in the resolutions that registration or certificate number of each contractor shall appear in any newspaper, airwave transmission, phone directory, or other advertising medium by the contractor. Also, a requirement of state law, Chapter 489.

Discussion: Requiring firm name and license number to be placed on the vehicles; identification of subcontractors.
(Depart Mr. Fletcher)

Mr. Goodrow stated that if it is the concensus of the Board, staff has no objection to amending the provision in the resolutions that the firm name and license numbers shall be required on the vehicles.
(Enter Mr. Fletcher)

Mr. McAdam: Pointed out that paragraph six in Resolution R-87-82, a "composition shingle roof" is included which would encompass the "cedar shakes". As to aluminum/metal roofs, Resolution R-87-94 would allow installation by A, B, C contractors. The resolutions are consistent with documentation from State Attorney's Office regarding interpretation of roofing and what is allowed by a general contractor. He recommended, if it is the desire of the Commission to require firm names and license numbers on vehicles, that paragraph 12 in R-87-82 be replaced with paragraph 11 from R-87-85.
(Depart Mr. Chance; Mr. Fletcher presiding)

(Depart Mr. Chetlain)

William Samuels: Majority of licensed roofers in the Association agree with resolution R-87-82.

Mr. Zuber: Board of Directors of the Home Builder's Association voted against requirement of having journeyman plumber on the job at all times (R-87-83).
(Enter Mr. Chetlain & Mr. Chance)

Correspondence in support of the requirement (R-87-83) that a journeyman plumber be in charge of or present on the job was entered into the record from:

Richard Fawley, A.I.A.	Jerry N. Zoller
Edward Dean Wykz	William Woehle, General Contractor
George Krenson	Charles Fradlys, CDM Corporation
Glenda Soyars, Executive Director, Gulf Coast Builders Exchange	
David Lennon, President, Sarasota County Plumbing, Heating, Cooling Contractors	
Albert R. Luper, Luper Enterprises, Inc.	
A. J. Ingle, Individual Contractor, Barbara A. Ingle, Inc.	
M. R. Shannon, Clary-Shannon Contractors, Inc.	

Mr. Campbell reviewed a list of cities and counties in Florida which require journeyman plumbers on the job and spoke in favor of the provision being included in the Manatee County requirements (R-87-83).

RECESS/RECONVENE

The Chairman declared the meeting recessed to 1:30 p.m.

The meeting reconvened at 1:36 p.m. with all members present except Mr. Chance and Mr. McGrath.

ZONING (CONT'D)

Public hearing (Notice in The Bradenton Herald 5/8/87) was opened for the purpose of considering

SP-87-12 ROCCO CASTORA - RENTAL SERVICE ESTABLISHMENT (APPROVED)

Request: Special permit to allow a rental service establishment on 1.37 acres on the north side of U.S. Highway 301, 1,800 feet west of Canal Road.

Planning Commission recommended APPROVAL with stipulation:

1. A sidewalk, five feet wide, is required along U.S. Highway 301 within one month of the approval of the special permit.

(Enter Mr. McGrath)

Norm Luppino stated the request appears to be consistent with the Manatee Plan and the surrounding land uses.
(Enter Mr. Chance)

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Jim Garland, Attorney representing the applicant, stated the building has been in existence for approximately five years, a special permit was granted for its construction. The special permit requested at this time is for an additional piece of property, due to an error in the legal description.

The public comment portion of the hearing was closed.

Having considered the staff report, comments made at the public hearing, the action of the Planning Commission, and finding this request to be consistent with The Manatee Plan, Mrs. Glass moved to approve SP-87-12 with the stipulation recommended by the Planning Commission. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD S36-698

CONTRACTOR'S LICENSING RESOLUTIONS (CONT'D)**Comments:**

Clayton Sutton, representing plumbers from the Home Builder's Association: In favor of journeyman licenses (R-87-83).

Bob Powers, Oneco Plumbing; Olan Phillips, Philips Plumbing: In favor of requirement for journeyman plumbers (R-87-83).

Dennis Christie, Christie's Plumbing: Opposed to requirement for journeyman plumbers to be present on job at all times (R87-83).

Note: Mr. Christie's letter of May 27, 1987, (with attachments) was accepted into the record.

John Cagnina: System of requiring master plumber to be responsible on the job is satisfactory (R-87-83).

John Pritchard, Pritchard Plumbing: In favor of requirement for journeyman plumbers (R87-83).

Richard Dunn: Urged adoption of licensing resolutions.

Jesse Carr: Should be consistency as to vehicle(s) on which requirement to place firm name and license number requirement applies.

Marie Bradshaw, General Contractor: Provision referring to plumbing business in R-87-89 (marine specialty contractors) inappropriate.

Mr. McAdam: Reference a typographical error.

Mr. Dunn, on behalf of Aluminum Association: Requested the Board endorse aluminum specialty contractors code (R-87-90).

Accepted into record: Letter from James G. Corbett, Manatee/Sarasota Aluminum Association.

Mr. Zuber: (1) Recommended the Builder's Association, the County, and others prepare definition for "commercial structures" in paragraph one of R-87-90; (2) referred to provision concerning licensing of subcontractors, in R-87-92, which might affect R-87-94; (3) Builders Association feels paragraph 13, regarding advertising, in R-87-94, redundant because it is state law; also concerned about paragraph 15, which requires contractors to hire licensed subcontractors; (4) provision in R-87-92, concerning licensing of subcontractors, might affect R-87-94.

Mr. McAdam: If community or jurisdiction has license for a particular trade and a contractor is going to engage in practice of that trade, he is required to have that particular license unless he employs people to do that work. Paragraph 15 (R-87-94) states that a contractor who chooses to subcontract a particular trade must hire a licensed subcontractor.

Mr. Zuber: Recommended County exempt holders of A, B, or C licenses from being forced to hire individuals who are licensed; that if they can be exempt, the County retain the masonry specialty licenses; Builder's Association would like individuals to continue to do masonry work as long as they are licensed under masonry specialty license; suggested masonry subcontractor's licenses could be grandfathered in.

Accepted into record: Letter from Marty Ryall, Mabry & Associates, Government Consultants, regarding journeyman plumber issue before Florida Legislature in 1986.

Ms. Bradshaw: Concerned about requirement (R-87-94) for hiring licensed masonry subcontractors because the masonry specialty contractors license limits the height for block walls to a one-story building.

Recess/Reconvene. All members present except Mrs. Glass.

Mr. Zuber: Recommended language for requirement for hiring licensed subcontractors: "An A, B, or C licensed contractor does not have to use a subcontractor that is licensed in the masonry or aluminum specialty trades."

Mr. McAdam: Language not acceptable at present time; recommended it be brought back before the Board in July.

(Enter Mrs. Glass)

(End Comments)

Having given the public an opportunity to speak on each of the resolutions, Mr. Goodrow outlined three items on which the Board will need to make policy decisions:

1. License numbers (and firm names) on vehicles.
2. Journeyman plumbers.
3. Contractors hiring licensed specialty subcontractors.

Discussion: Acting on these items/adopting the resolutions in this meeting; continuing public hearing; requirement for license numbers and firm names being embodied in each resolution and in contracts and advertisements.

(Depart Mrs. Glass)

Mr. Goodrow stated the recommendation of staff is to include requirement for license numbers on vehicles in all trades, on all vehicles.

(Depart Mr. Chance; Enter Mrs. Glass)

Upon discussion with regard to continuing the public hearing, Mr. Barnebey advised the licensing provisions should be adopted prior to consideration of the Building Code Amendments, scheduled for a special session of the Board on June 4, 1987, at 10:30 a.m.

Motion was made by Mrs. Glass, and seconded by Mr. McGrath, to continue the public hearing on

- R-87-82 Roofing Contractors
- R-87-83 Plumbing Contractors
- R-87-84 Mechanical Contractors
- R-87-85 Electrical Contractors
- R-87-89 Marine Specialty Contractors
- R-87-90 Aluminum Specialty Contractors
- R-87-91 Carpentry Specialty Contractors
- R-87-92 Masonry & Concrete Specialty Contractors
- R-87-93 Swimming Pool Contractors
- R-87-94 General Contractors
- R-87-97 Housemoving Contractors
- R-87-98 Mobile Home Set Up Contractors
- R-87-100 Fence Erection Contractors
- R-87-101 Non-Electrical Sign Installation Contractors
- R-87-102 TV Antenna, Tower and Satellite Dish Contractors
- R-87-103 Granting Certificates of Competency through Reciprocity
- R-87-110 Sewer Specialty Contractors

to June 4, 1987, at 10:00 a.m. or as soon thereafter as possible. Motion carried unanimously.

Recess/Reconvene. All members present except Mr. Chance and Mrs. Glass.

PERIDIA, FAIRFAX, & WEDGEWOOD SUBDIVISIONS - AGGREGATION OF PROJECTS/DRI

By memorandum (5/28/87) regarding aggregation of Peridia, Fairfax, and Wedgewood Subdivisions and determination on the need for a Development of Regional Impact (DRI) review and a binding letter of interpretation (BLI), Mr. Goodrow outlined state legislation used in reviewing these matters and the analysis used by Manatee County.

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1. Residential developments are presumed to be a DRI if over 1,000 dwelling units are planned.
2. Residential developments are presumed not to be a DRI if over 800 but less than 1,000 dwelling units. However, for projects within this range, the local government may require a developer to obtain a binding letter of interpretation (BLI) if the developments' magnitude will have a substantial effect on the health, safety, or welfare of citizens of more than one county.
3. Projects may be **aggregated** if they have all of the following characteristics:
 - a. Proximity
 - b. Common Ownership
 - c. Unified Plan
 - d. Shared Infrastructure

In summary: Location of Peridia, Fairfax and Wedgewood Subdivisions contiguous; would meet proximity requirement; do not have common ownership. Fairfax shares only two roads with the other projects. Wedgewood shares recreation, transportation and drainage facilities with Peridia. Wedgewood has only 19 lots and if included with Peridia would not meet required minimum of 800 dwelling units for BLI.

Since all four requirements regarding aggregation are not met, staff recommends approval of the preliminary plats for Fairfax and Wedgewood Subdivisions (considered 5/14/87) without the requirement of obtaining a BLI.

(Enter Mrs. Glass)

ZONING

86-S-45(P) WEDGEWOOD SUBDIVISION - PRELIMINARY PLAT (Continued from 5/14/87)

Rich Walton, Planning & Development, reviewed the staff report and stated staff supports the request for waivers of the recreational open space and street numbering requirements.

Motion to Approve

Having considered the staff report, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mr. McGrath moved to approve Preliminary Subdivision Plat No. 86-S-45(P) with the stipulations recommended by the Planning Commission and the waiver of the recreational open space requirements only. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. Fletcher, Mrs. Glass, and Mr. McGrath. Voting "Nay" was Mr. Chetlain. Motion carried.

(NOTE: See further action following next item)

87-S-1(P) FAIRFAX SUBDIVISION - PRELIMINARY PLAT (NO ACTION) (Continued from 5/14/87)

Mr. Walton reviewed the staff report and stated the request appears to be consistent with The Manatee Plan and compatible with adjacent land uses.

(Enter Mr. Chance)

Discussion: Requested waiver of street numbering requirements.

Motion to Approve (Failed)

Having considered the staff report, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mrs. Glass moved to approve Subdivision Plat 87-S-1(P), Fairfax Subdivision, with stipulations as recommended by the Planning Commission and a waiver of the street numbering requirements. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Fletcher and Mrs. Glass. Voting "Nay" were Mr. Chance, Mr. Chetlain, and Mr. McGrath. Motion failed to carry.

(NOTE: See reference later in meeting.)

86-S-45(P) WEDGEWOOD SUBDIVISION (DENIED)

Mr. McGrath clarified that when the motion for Wedgewood Subdivision was made, it did not include the waiver of the street numbering requirements.

Mrs. Glass moved to reconsider 86-S-45(P). Motion was seconded by Mr. Chetlain and carried unanimously.

Motion to Approve (Failed)

Having considered the staff report, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mrs. Glass moved to approve Preliminary Subdivision Plat No. 86-S-45(P) with the stipulations recommended by the Planning Commission with the waiver of recreational open space requirements and a waiver of the street numbering requirements. Motion was seconded by Mr. Chetlain. Voting "Aye" was Mrs. Glass. Voting "Nay" was Mr. Chance, Mr. Chetlain, Mr. Fletcher, and Mr. McGrath. Motion failed to carry.

Motion to Deny

Mr. Chetlain moved to deny 86-S-45(P), Wedgewood Subdivision. Motion was seconded by Mr. Chance. Voting "Aye" were Mr. Chance, Mr. Chetlain, and Mr. McGrath. Voting "Nay" were Mr. Fletcher and Mrs. Glass. Motion carried.

87-S-8(P) IHLE SUBDIVISION - PRELIMINARY PLAT (APPROVED)

Request: Approval of a Preliminary Subdivision Plat for three lots at a density of 3.3 dwelling units per acre with waivers of (1) final plat, (2) sidewalks, and (3) recreational open space requirements on .908 acre located on the southeast and southwest quadrant of the intersection of Palma Sola Boulevard and 17th Avenue West.

Planning Commission recommended APPROVAL with the requested waivers and with the following stipulations:

1. County water and sewer services must be provided to the lots by the developer prior to the recording of Preliminary Plat.
2. A drainage easement 20 feet wide along the north side of Lot 1, west of Palma Sola Boulevard, is required.
3. The existing garage must be moved out of the right of way along 17th Avenue West.
4. A Driveway/Drainage permit and a Right of Way Use permit is required prior to approval of the Preliminary Plat. These permits must address all utility work required.
5. The portion of Lot 1 on the west side of Palma Sola Boulevard must be designated as unbuildable on the Preliminary Plat, except for a dock or other waterfront type structures as determined to be acceptable by the Director of Planning and Development.

If approved, staff recommended stipulations 2,3,4,5 by the Planning Commission and with stipulation one changed to read as follows: (change underscored)

1. County water and sewer services must be provided to the lots by the developer prior to the Preliminary Plat being approved.

Rich Walton advised the request appears to be consistent with the Manatee Plan; staff supports the waiver of the recreational open space and sidewalk requirements but does not support the waiver of the final plat requirements.

Susan Hartman, Assistant County Attorney, stated the County Attorney's Office does not recommend approval of waiver of final plat requirements.

Discussion: Waiver of sidewalk requirements.

Upon inquiry by Leo Mills, Jr., as to staff's non-support of the waiver of the final plat requirements, Mr. Goodrow stated the problem with waiving the final plat requirements is that there will be no control over the stipulations if the request is not brought back for final plat approval.

Discussion: Waiver of the final plat requirements.

(Depart Chairman Fletcher; Vice-Chairman Chance presiding)

Jerome Gostkowski, Public Works, advised that waivers were approved in the past when no public improvements were required. In this case, however, the extension of the utility system is required.

(Enter Mr. Fletcher; Mr. Chance presiding; Depart Mrs. Glass)

MAY 28, 1987

Cont'd

Having considered the staff report, and finding the request to be consistent with The Manatee Plan, motion was made by Mr. Chetlain, and seconded by Mr. Fletcher, to approve Preliminary Subdivision Plat No. 87-S-8(P) with the stipulations recommended by staff and a waiver of the recreational open space requirements. Motion carried unanimously.

RECORD S36-699

(Enter Mrs. Glass; Mr. Fletcher presiding)

PDC-86-17(F) NORTH RIVER VILLAGE - FINAL PLAN (APPROVED)

Request: Approval of a final development plan to allow an 85,112 square feet retail shopping center on 32.4 acres on the north side of U.S. Highway 301, approximately 560 feet east of 60th Avenue East and on the east side of 60th Avenue East, approximately 300 feet north of U.S. Highway 301, Ellenton.

If approved, staff recommended the following stipulations:

1. A traffic light at 60th Avenue East and Highway U.S. 301 may be required for traffic control. Developer to participate if traffic generation is sufficient to justify installation according to the Public Works Department.
2. Sixtieth Avenue East must be upgraded to three lanes at U.S. Highway 301 prior to issuance of certificate of occupancy.
3. A sidewalk, five feet wide, is required along U.S. Highway 301.
4. Drainage easement for existing ditches will be required prior to issuance of certificate of occupancy.
5. A cross-access easement must be provided to the eleven acre parcel to the east.
6. Access to the out lots must be provided on site. No ingress or egress to the outlets shall be permitted along U.S. Highway 301.
7. At a minimum, all trees with a caliper greater than twelve inches in diameter shall be preserved unless noted on the final development plan. Sufficient land and clearance from buildings, structures, and underground and overhead utilities shall be provided in order to sustain and foster growth and not damage the root system or disfigure the canopy spread of the tree.
8. A minimum twenty feet wide landscaped buffer strip shall be provided east of and parallel with the relocated ditch from the proposed 60th Avenue East entrance into the shopping center to the north property line or limits of tree clearing. Landscaping, at a minimum, shall consist of a row of shade trees parallel with the west property line and spaced not more than twenty-five feet apart. Bottle brush trees, if used in conjunction with the above mentioned shade trees, may count as replacement trees; however, shall not exceed fifty percent of the total trees used in the buffer strip.
9. A row of shade trees, parallel with the north and east property lines, spaced not more than thirty feet apart, shall be provided between the shopping center and the property lines to the east and north that are abutting properties that are zoned for residential purposes.
10. The architectural design and appearance of the building facades shall be consistent with the diagrams submitted with preliminary plan submittal. Any major revisions to the building facades shall be approved by the Board of County Commissioners prior to the application of a building permit.
11. The retention areas shall comply with the maintenance schedule submitted by the applicant, dated December 1, 1986, which states:
 - (1) Mow and trim banks once every two weeks or as required to maintain neat appearance.
 - (2) Pick up trash a minimum of two times weekly.
 - (3) Aquatic weed spraying on an "as-needed" basis.
12. No parking stalls shall be permitted in front, between the shopping center and the fire lane.

Norm Luppino advised this request is consistent with the conceptual and preliminary plan approvals, with a few minor modifications, and it complies with the Land Development Code regulations; that three additional minor deviations were recently received and stipulation twelve has been waived by the fire department and may be deleted.

He pointed out, on the site plan, the parking spaces in front of the shopping center, stating they are separated enough for adequate fire protection.

Having considered the staff report and finding the request to be consistent with The Manatee Plan, Mr. Chance moved to approve Final Development Plan No. PDC-86-17(F) with the stipulations recommended by staff. Motion was seconded by Mrs. Glass and carried unanimously. Upon question, it was determined that stipulation 12 was included in the motion for approval.

RECORD S36-700

PUBLIC HEARINGS

By memorandum dated May 28, 1987, Mr. Goodrow inquired as to the wishes of the Commission regarding advertising public hearing items (Thursday agendas) for 10:00 a.m. or 10:30 a.m.

It was the concensus of the Board to continue to advertise the public hearings for 10:30 a.m.

THE MANATEE PLAN - EVALUATION & APPRAISAL REPORT

Mr. Goodrow recommended the Board accept for review the "Preliminary Evaluation and Appraisal Report on The Manatee Plan".

Motion was made by Mr. Chetlain, seconded by Mr. McGrath and carried unanimously, to accept the Evaluation & Appraisal Report.

COMPREHENSIVE PLAN REVISION - ADVISORY COMMITTEES

Mr. Goodrow recommended the Board appoint three members of the Commission to act as liaison members on the Natural Resources, Land Use, and Public Facilities Committees (citizens advisory committees for the revision of the Comprehensive Plan).

It was the concensus of the Board that Commission members not be members of the committees. No action was taken.

FAIRFAX SUBDIVISION

Upon question regarding previous action on 87-S-1(P) Fairfax Subdivision (motion to approve failed to carry), the County Attorney's Office was requested to report to the Board on disposition of motions which fail to carry.

WATERSHED PROTECTION TASK FORCE

Due to resignation of Ben Bowen as the Farm Bureau representative on the Watershed Protection Task Force, motion was made by Mrs. Glass, and seconded by Mr. Chetlain, to ask the Farm Bureau to recommend a member to be appointed to as replacement. Motion carried unanimously.

COMMISSION PRECINCT BOUNDARIES

No action was taken on report/discussion of the split of Commission precinct boundaries by the Supervisor of Elections.

BEACH EROSION CONTROL PROJECT

No action was taken on report/discussion of letter from John S. Doyle, Jr., Acting Assistant Secretary of the Army (Civil Works), to Honorable Tom Bevill, Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, House of Representatives, informing him the Department of the Army plans to accept an advance of \$200,000 of non-Federal funds to proceed with preconstruction engineering and design for the Manatee County beach erosion control project.

(Mrs. Glass was absent for most of the discussion)

TRAVEL

Upon motion by Mr. Chance, seconded by Mr. Chetlain, authority to travel was unanimously approved for Commissioners and staff to travel to Tallahassee, Monday, June 1, 1987.

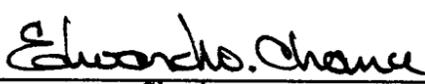
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 7/28/87

Adj: 5:13 p.m.