

JULY 23, 1987

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Courthouse, Bradenton, Florida, Thursday, July 23, 1987, at 9:07 a.m.

Present were Commissioners:

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

James J. McGrath entered during the meeting

Also present were:

Mark P. Barnebey, Assistant County Attorney, representing  
H. Hamilton Rice, Jr., County Attorney  
Richard H. Ashley, Chief Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

Invocation by Rev. Ronald Baker, Bradenton Christian Reformed Church.

The meeting was called to order by Chairman Chance.

All witnesses/staff giving testimony were duly sworn.

**COMPREHENSIVE PLAN REVISION - CITIZEN ADVISORY COMMITTEES**

By memorandum (7/23/87) Fred Goodrow, Planning Director, requested two appointments be made to the Citizen Advisory Committees, established to participate in the revision of the Comprehensive Plan, to fill vacancies remaining for a District 3 Citizenry Representative on the Land Use Committee, and a County-wide Citizenry Representative on the Natural Resources Committee.

Mr. Fletcher nominated James L. Osmond to serve on the Land Use Committee (District 3 Citizenry Representative).  
(Enter Mr. McGrath)

Upon motion by Mrs. Glass, and seconded by Mr. Chetlain, nominations were closed and unanimous ballot was cast for Mr. Osmond.

Mrs. Glass nominated Marge Peters to serve on the Natural Resources Committee (County-wide Citizenry Representative).

Upon motion by Mr. Chetlain, and seconded by Mr. Fletcher, unanimous ballot was cast for Marge Peters.  
(Depart Mr. Chetlain)

**ZONING**

**87-S-11(P) NEW US 301 INDUSTRIAL PARK-PRELIMINARY PLAT** (APPROVED)  
Request: Approval of preliminary subdivision plat for eight lots at a density of .58 lot/acre, with waiver of Policy III(f) and Policy IV(f) of the Southeast Area Task Force Study, on 13.78 acres on the east side of New U.S. 301, approximately one-quarter mile north of University Parkway.  
Planning Commission recommended APPROVAL with the waiver of Policy III(f) and IV(f) of the Southeast Area Resolution.  
(Note: Policy III(f) requires applicant to provide a transportation analysis with periodic monitoring; Policy IV(f) limits the overall impervious surface of commercial and industrial development in the Southeast Area to not exceed forty percent.)

Norm Luppino, Planning & Development, in reviewing staff report, corrected a comment to read 15.5 foot elevation instead of "twenty" foot elevation. He stated the request is consistent with the conceptual plan, meets requirements of the M-2 District, that location is not within the Watershed, and staff concurs with requested waivers.

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. 87-S-11(P) with the waivers of Policy III(f) and Policy IV(f) of the Southeast Area Resolution. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD S36-913

**87-S-5(P) MANOR HOMES - PRELIMINARY PLAT (APPROVED)**

Request: Approval of preliminary subdivision plat for 130 lots at a density of 3.3 du/acre, with the proposed street to be private, on 40.27 acres on the northeast corner of Whitfield Avenue Extension and Country Club Way.

Planning Commission recommended APPROVAL with stipulations:

1. In the event the entire project has not been constructed within five years, the ten foot access easement will be provided, with a six foot paved access constructed from the last completed section of the roadway to the recreational open space.
2. Prior to final subdivision approval, the developer will file an updated Conceptual Plan for the entire Palm Aire project, which was previously approved in 1968, to more accurately reflect existing development and future plans for the project. Such an updated Conceptual Plan shall have no effect in any form on the vested rights of the project.
3. Prior to the 51st building permit being issued for a unit in Manor Homes Subdivision, adequate right-of-way shall be dedicated and a public road shall be constructed to County standards from the end of the roadway between lots No. 66 and No. 67 in Manor Homes to Country Club Way, or as commonly known as "Development Area No. 4".

Chris Snow, Planning & Development, reviewed the site plan and stated the project is consistent with the approved drainage plans for the area. He said the applicant now requests the proposed street to be a public street, instead of "private", and the Transportation Department concurs with that request.

Bob Lombardo, Consulting Engineer representing F.P.A. Corporation, agreed with the stipulations, noting, however, that they have proposed sidewalks within the entire project and feel it is excessive to require construction of sidewalks along Whitfield Avenue.

Mark Barnebey, Assistant County Attorney, corrected stipulation three to read "..Country Club Way, through what is commonly known as..", deleting "or as".

Discussion: Dedication of right-of-way (for second means of access); construction of sidewalk along Whitfield Avenue.  
(Enter Mr. Chetlain; Depart Mr. Fletcher)

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. 87-S-5(P) with stipulations recommended by the Planning Commission. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD S36-914

**86-S-47(P) MULVEE TWO SUBDIVISION - PRELIMINARY PLAT**

(Deferred July 9, 1987)

(Depart Mrs. Glass)

Chris Snow reviewed the site plan and stated the request is consistent with the conceptual plan, it meets the requirements of the Land Development Code, and staff concurs with waiver of recreational open space requirements.  
(Enter Mrs. Glass)

Having considered the staff report, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mr. Chance stepped down as Chairman and moved to approve Preliminary Subdivision Plat 86-S-47(P) with the waiver of recreational open space requirements. Motion was seconded by Mrs. Glass. Voting "Aye" were Mr. Chance and Mrs. Glass. Voting "Nay" were Mr. Chetlain and Mr. McGrath. Motion failed to carry.  
(NOTE: See further action later in the meeting)

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Recess/reconvene. All members present.

**SARASOTA-BRADENTON AIRPORT: DEVELOPMENT ORDER**

The County Attorney advised that on July 16, 1987, the First District Court of Appeals of Florida issued an Order affirming action of the Florida Land & Water Adjudicatory Commission in a PER CURIUM decision with regard to Manatee County vs Sarasota-Manatee Airport Authority. In the absence of a written opinion by the Court of Appeals, it was his opinion that the Supreme Court lacks jurisdiction to review that decision, and, accordingly, an appeal would not be appropriate. He recommended no action be taken other than the County enforcing the development order, as soon as the court mandates the decision, in accordance with the appropriate provisions of Florida Statutes.

Phil Parsons, Special Counsel, stated the development order, now approved by the District Court of Appeals, requires the Airport Authority to (1) have an approved noise compatibility program, (2) implement that program through separate monitoring, and (3) demonstrate to the County compliance with that program. The Airport Authority cannot acquire a certificate of occupancy for the new terminal until these things are in place.

In the analysis of the noise abatement problem, the Airport Authority has underestimated the number of flights and the extent of the noise exposure in the area. It was his opinion the Commission has an interest in making sure the airport has an effective noise compatibility program, is in compliance with the development order, and meets Federal requirements.

Discussion: Monitoring noise problem and enforcement of provision requiring Airport Authority to demonstrate plan to be approved by FFA; stipulations of development order and power of County to enforce; question if the court addressed legal question of State overturning local jurisdiction's land use decision; feasibility of County seeking a rehearing; requiring Airport Authority to adhere to all provisions of referendum; County Attorney gaining appropriate technical assistance in making certain County can monitor the noise abatement.

Motion was made by Mrs. Glass, seconded by Mr. Fletcher and carried unanimously, to authorize Counsel to seek the appropriate technical or legal expertise and come back to the Board with his recommendation.

The County Administrator was requested to provide Mrs. Glass with all matters of the development order (DRI charts, maps, etc.) to be used in visits with people in the area to advise them of what the final development order looks like.

Robert Hargreaves, Bayshore Gardens, representing the Noise Abatement Committee of the Airport, pointed out the noise study contour maps have been changed in the past two to three years and the number of people impacted by the Airport has been reduced from thousands to a few hundred in the most recent proposed plan. He stated his belief that the Commission has a responsibility to assure the 1983 plan, used in the 1985 considerations, is the basis for determining the noise abatement procedures are satisfactory.

(Depart Mr. McGrath)

Upon question with regard to appealing the District Court's decision through the Federal Court system, Mr. Rice stated he knows of no basis on which the County could pursue Federal Court action at this time, however, that does not preclude any substantially affected citizen from pursuing whatever remedies may be deemed appropriate in the State or Federal courts. Mr. Parsons agreed.

(Enter Mr. McGrath)

Elaine Thompson commented on past actions taken on the airport issue.

**ZONING (CONT'D)**

**86-S-47(P) MULVEE TWO SUBDIVISION (APPROVED)**

(Considered earlier in the meeting)

Motion was made by Mr. Fletcher, and seconded by Mr. Chance, to reconsider 86-S-47(P). Voting "Aye" were Mr. Chance, Mr. Fletcher, and Mrs. Glass. Voting "Nay" were Mr. Chetlain and Mr. McGrath. Motion carried.

Discussion: Waiver of recreational open space requirements.

Having considered the staff report, the action of the Planning Commission, and finding the request to be consistent with The Manatee Plan, Mr. Fletcher moved to approve Preliminary Subdivision Plat No. 86-S-47(P) without the waiver of recreational open space requirements. Motion carried unanimously.

RECORD S36-915

Public hearings (Notice in The Bradenton Herald 7/2/87) were held for the purpose of considering Z-86-42(R), Z-87-27, and SP-87-23.

**Z-86-42(R) SECOND REVISION, PEACHEY DAIRY (APPROVED)**

Request: Rezone from A-1/WP and A-1/WP/ST to PDR/WP and PDR/WP/ST and approval of a Conceptual Development Plan on 16.9 acres, in conjunction with approval of a Revised Conceptual Development Plan for an adjacent 73.65 acre parcel zoned PDR/WP and PDR/WP/ST. Total dwelling units will be 292 at a density of 3.2 du/acre on 90.6 acres on the east side of Prospect Road, one-quarter mile north of Tallevast Road in the Southeast Area and the Braden River Watershed.

Planning Commission recommended APPROVAL with stipulations:

1. All applicable Southeast Area Policies shall be met at the required stage of development.
2. In accordance with Policy 9-1.c of The Manatee Plan, and Policy III(f) and (g) of The Southeast Resolution Area, an adequate Level of Service shall be maintained in the area of impact. No development will be finally authorized that would generate traffic, which in conjunction with existing traffic and traffic anticipated as a result of other development approvals and open circumstances upon which the County may have traffic projections, will have the likely result of causing or contributing to a degradation of the Level of Service, for the area of impact, to a level below "C" or "D" at peak levels.
3. This project must meet the Camp, Dresser & McKee recommended Management Practices.
4. Stormwater discharge, either direct or indirect, shall not cause a receiving water body to violate limits as defined in Class I - Potable Water Supplies and Surface Water General Criteria of Chapter 17-3, Florida Administrative Code.
5. The developer shall monitor rainfall, water quality, rate of flow, and water quality within their stormwater management systems. The developer shall warranty, by bond or other mechanism acceptable to the County, the performance of his stormwater management system in compliance with County and State standards for five years beyond the buildout period of development within each hydrologic unit.
6. Confirmation in writing is required from the Florida Game and Freshwater Fish Commission, prior to construction drawing approval, that this project will have no significant adverse impact on the bald eagle's nest.
7. A second means of ingress and egress shall be provided to the development prior to the issuance of the 50th building unit.
8. The applicant must provide proof of "no negative effect" upon the water quality of the reservoir or its tributaries from allowing up to 3 du/acre in the low intensity zone prior to the approval of construction drawings.

**Z-86-42(R): AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE NO. 81-4, THE MANATEE COUNTY COMPREHENSIVE ZONING AND LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1/WP AND A-1/WP/ST TO PDR/WP AND PDR/WP/ST AND APPROVAL OF A CONCEPTUAL DEVELOPMENT PLAN ON 16.9 ACRES, IN CONJUNCTION WITH APPROVAL OF A REVISED CONCEPTUAL DEVELOPMENT PLAN FOR AN ADJACENT 73.65 ACRE PARCEL ZONED PDR/WP AND PDR/WP/ST; TOTAL DWELLING UNITS WILL BE 292 DWELLING UNITS AT A DENSITY OF 3.2 DU/ACRE; PROVIDING AN EFFECTIVE DATE.**

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**Z-87-27 CLIFFORD B. & LAURA A. WARD - REZONE TO C (APPROVED)**

Request: Rezone from R-1 to C .25 acre located north of Tallevast Road, 83.5 feet east of 16th Street Court East.  
Planning Commission recommended APPROVAL.

Z-87-27: AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, .....  
PROVIDING FOR THE REZONING OF CERTAIN LAND FROM R-1 TO C;  
PROVIDING AN EFFECTIVE DATE.

**SP-87-23 LARRY & BRENDA MUSALL - MOBILE HOME (APPROVED)**

Request: Special permit to allow a mobile home as a temporary residence on 18.9 acres located in the northeast quadrant of the intersection of River Road and Rex Rhode 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.

Having considered the staff reports, the Planning Commission's recommendations, comments made at the public hearing, and finding these requests to be consistent with The Manatee Plan, Mrs. Glass moved to approve (1) Manatee County Ordinance Z-86-42(R), Second Revision, with stipulations one through eight recommended by the Planning Commission and the Conceptual Development Plan on 16.9 acres in conjunction with approval of a revised Conceptual Development Plan for an adjacent 73.65 acre parcel zoned PDR/WP and PDR/WP/ST, (2) Manatee County Ordinance Z-87-27, and (3) Special Permit No. SP-87-23 with the stipulation as recommended by the Planning Commission. Motion was seconded by Mr. Fletcher and carried unanimously.

RECORD

S36-916

S36-917

S36-918

**PDR-87-02(P)/87-S-13(P) THE TRAILS (APPROVED)**

Request: Approval of a Preliminary Development Plan for 292 dwelling units at a density of 3.2 du/acre, and a Preliminary Plat for 218 lots on 90.6 acres located on the east side of Prospect Road, one-quarter mile north of Tallevast Road in the Southeast Area and the Braden River Watershed.

Planning Commission recommended APPROVAL with stipulations.

(Same as recommended for Z-86-42(R))

Chris Snow reviewed the site plan and stated the project is consistent with the conceptual development plan (Z-86-42(R), approved prior to this request).

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 Development Plan PDR-87-02(P) and Preliminary Subdivision Plat 87-S-13(P) with stipulations one through eight as recommended by the Planning Commission. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD

S36-919

Public hearing (Notice in The Bradenton Herald 7/2/87) was held for the purpose of considering

**SP-87-11 MANATEE DAIRIES, INC. (DENIED)**

Request: Special permit to allow Major Earthmoving, a Major Earthmoving Site Plan, and Operating Permit, with a waiver of Section 205A.11.(f)(1.) of The Manatee County Comprehensive Zoning and Land Development Code (200 foot setback from water bodies), on 160.22 acres on the north side of SR 64, .9 mile west of Upper Manatee River Road.

Planning Commission recommended DENIAL.

If approved, staff recommended eleven stipulations be included.

Rich Walton, Planning & Development, reviewed the staff report and the site plan, pointing out the current borrow pit, swamp areas, and potential DER jurisdictional areas on the site.

(Depart Chairman Chance; Vice-Chairman Chetlain presiding)

A list of people who telephoned the Commissioner's Office to express opposition to the request was entered into the record.

Richard Davis, attorney (Holland & Knight) representing the applicant, stated his opinion that this request meets the criteria of the special permit regulations.  
(Enter Chairman Chance)

Bob Lombardo, Consulting Engineer, reviewed an aerial photograph (1984) of the site and adjacent properties.

Diane Chadwick, R. J. Lombardo & Associates, presented slides of the subject and adjacent properties, pointing out on the preliminary site plan the locations in which they were taken.

Mr. Lombardo referred to the aerial photograph and noted the distances between the subject and adjacent properties. He reviewed the site plan; advised that the borrow pit is not in Watershed; no industrial wastes would be generated; operation proposed for 25-35 years, 10 hours per day, 5-6 days per week; estimate of vehicle trips/movements to/from the site; "haul" road will be constructed to SR 64 and all State/County regulations as to widening of SR 64 will be met, including acceleration/deceleration and left-turn lanes; operation will have no effect on level of service on State Road 64, which is between "B" and "C"; no problem foreseen in obtaining any permits from other jurisdictions (environmental, etc.).

His responses to other concerns were regarding

- = Setbacks - not in agreement with staff interpretation that they must stay 200 feet from agricultural ditches traversing the site. They have identified 200 foot buffers from the swamp areas and are requesting permit to dig within 50 feet of ditches.
- = Buffering - if needed, will be provided in any area specified by the Board that would make operation more compatible with neighbors.

Discussion: Buffering; the developing trend in the area changing to residential; trucks/traffic on State Road 64.

Among those speaking in opposition to the request were:

**Robert L. Cook**, property owner in Windance Subdivision;  
**Barbara Levin**, Attorney for Harllee Farms and Foxx Lea Groves, of the opinion this proposal is inconsistent with the developing trend in the area, and addressing setback and wetland issues, believes the excavations could impact water tables. She submitted (1) copy of memorandum (3/25/87), with attachments, from Harry Ely, Jr., to Rosemarie Fallon, regarding borrow pits; (2) "Department of Environmental Regulation Groundwater Section Report on Investigation at the Lena Road Landfill Area, Manatee County, September 1984", and (3) "Compilation of Hydrogeological and Groundwater Data for Lena Road Landfill Stage II Area" prepared by Ardaman & Associates, Inc.; **Gerald Phelteer**, resident and Executive Director of Christian Retreat, concurred with comments by Mrs. Levin. He expressed concern with the 200 foot setback; noise levels, dust, air pollution, odor from the ponds, traffic on SR 64, and the need for that highway to be four-laned beyond Mill Creek Addition. He recommended the Board deny this request.

#### RECESS/RECONVENE

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

The meeting reconvened at 1:44 p.m. with all members present except Mr. Chetlain and Mr. McGrath.

#### ZONING (CONT'D)

Others speaking in opposition to SP-87-11, Manatee Dairies, were:

**Leo Mascitto**, resident of Windsong Acres - referred to and submitted (1) a poster of pictures of homes in Windsong, a newspaper clipping of an automobile accident on State Road 64, etc., (2) copy of letter from F. J. Barnes, School Bus Operations, School Board of Manatee County, regarding school buses traveling on State Road 64, (3) copy of letter from Harry K. Mendenhall, P.E., Traffic Engineer, Manatee County, regarding accidents which occurred on State Road 64 East from June 1985 through May 1987, and (4) articles from The Bradenton Herald regarding traffic on and the condition of State Road 64.

(Enter Mr. Chetlain and Mr. McGrath during presentation; Mrs. Glass absent during portion of presentation)

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Dwayne and Margaret Moore- submitted opposing statement from Alfred M. Owen, Jr.;  
 Warren Shoder, homeowner in Windsong Acres and General Manager of Christian Retreat;  
 R. E. Lowrey, 12511 Upper Manatee River Road;  
 Dave Bishop; William Cannon; Clara Mascitto.

Mr. Lombardo reviewed a map depicting the zoning in the area around the proposed site. He explained the operation of a borrow pit and spoke with regard to proposed improvements.

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 inconsistent with The Manatee Plan, Mr. McGrath moved to deny Special Permit No. SP-87-11. Motion was seconded by Mr. Chetlain.

Upon recommendation by the Assistant County Attorney to specifically state the reasons for moving to deny the Special Permit, Mr. McGrath cited the following items under Section 405F.3 of The Land Development Code:

- |                         |                             |
|-------------------------|-----------------------------|
| d. Compatibility.       | h. Traffic.                 |
| e. Environment.         | i. Screening and Buffering. |
| f. Orderly Development. |                             |

Motion carried unanimously.

**Z-87-15 MANATEE DAIRIES, INC. - REZONE TO A (WITHDRAWN)**

Request: Rezone from A-1 to A 160.22 acres located on the north side of State Road 64, .9 mile west of Upper Manatee River Road. Planning Commission recommended DENIAL.

Richard E. Davis, Holland & Knight, representing the applicant, submitted a letter withdrawing Z-87-15.

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

Public hearing (Notice in The Bradenton Herald 7/2/87) was opened for the purpose of considering

**SP-87-19 STANLEY HANIN - VEHICLE SERVICE ESTABLISHMENT (CONTINUED)**

Request: Special permit to allow a vehicle service establishment on .69 acre located on the west side of U.S. 41, approximately 150 feet south of 63rd Avenue West.

Planning Commission recommended APPROVAL with stipulations:

1. In addition to the screening requirements of the Land Development Code, one shade tree, eight feet in height or taller, live oak or equivalent, spaced not more than thirty feet apart, shall be provided and maintained along the entire length of the west property line.
2. The use shall comply with Noise Ordinance 2-21-35 of the Manatee County Code of Laws.
3. Proper disposal of waste oil and grease shall be required.
4. A sidewalk, five feet wide, shall be required along U.S. 41 prior to Certificate of Occupancy.

(Enter Mrs. Glass)

Due to applicant's failure to properly advertise, Mr. Fletcher moved to continue SP-87-19 to August 13, 1987, 10:30 a.m., or as soon thereafter as same may be heard. Motion was seconded by Mrs. Glass and carried unanimously.

Public hearing (Notice in The Bradenton Herald 7/2/87) was opened for the purpose of considering

**SP-87-25 SURFACING PRODUCTS OF AMERICA (EARL COLLINS) (CONTINUED)**

Request: Special permit to allow the construction of a 4000 square foot building for office and garage usage in conjunction with an existing paving company and asphalt batch plant on 7.8 acres located in the southeast corner of the intersection of New U.S. 301 and Whitfield Avenue.

Planning Commission recommended APPROVAL with stipulation:

1. The existing building in the right-of-way must have that portion of the building in the right-of-way removed, or the exact location of the right-of-way line changed so as to make the building legal and totally within the right-of-way line, prior to the issuance of any building permits on the subject property.

Due to applicant's failure to properly advertise, motion was made by Mr. Fletcher, and seconded by Mrs. Glass, to continue the public hearing on SP-87-25 to August 13, 1987, 10:30 a.m. or as soon thereafter as same may be heard. Motion carried unanimously.

Public hearing (Notice in The Bradenton Herald 7/2/87) was opened for the purpose of considering

**SP-87-24 SOUTHEASTERN GUIDE DOGS, INC. - EXPANSION (APPROVED)**

Request: Special permit to allow an expansion of a guide dog training school with waivers of the Land Development Code requirements: (1) paved drive aisles, (2) buffering, (3) pavement of Willis Road, and (4) installation of a sidewalk on Willis Road, on 18.28 acres in the southeast quadrant of I-275 and Ellenton-Gillette Road, north of Willis Road.

Planning Commission recommended APPROVAL with the waivers and stipulations:

1. The owner/developer will pay one hundred percent in the road improvements assessed for Willis Road at such time the County deems necessary, including installation of a four foot wide sidewalk.
2. Screening shall be provided per Section 205F.3 of the Land Development Code adjacent to the kennels on the western site boundary when construction of the kennels is completed. However, if upon completion of the kennels, the applicant owns all property to Ellenton-Gillette road, the screening will not be necessary.
3. The proposed kennel building will not be permitted until County sewer is available to the site or a package plant is constructed to serve the site.
4. Expansion of the dormitory to allow a maximum of sixteen residents is contingent upon approval of the septic system by the Manatee County Health Department.
5. The dumpster and loading area shall be paved and screened by a six foot high wood, opaque fence.
6. All new parking shall be constructed with a paved, dustless surface and landscaped per the Land Development Code.

Frank Gerlock, Planning & Development, reviewed the site plan and stated the expansion appears to be compatible with the surrounding area and the requested waivers appear to be justified with the recommended stipulations.

He noted the following amendment to stipulation one:

Change "The owner/developer 'will pay one hundred percent' in the road improvements..." to "The owner/developer shall participate in the road improvements..."

(Enter Mr. Chance)

Jerry Zoller, representing the applicant, agreed to the stipulations (with the noted amendment).

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, motion was made by Mr. Chance, and seconded by Mr. Fletcher, to approve Special Permit SP-87-24 to allow a guide dog training school with stipulations one through six recommended by the Planning Commission, with amendment to stipulation one, and waivers of (1) paving of drive aisles, (2) buffering, (3) paving Willis Road, and (4) sidewalk (on Willis Road). Motion carried unanimously.

(Chairman Chance presiding)

RECORD

S36-920

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**Z-87-26 FIRST FLORIDA BANK, N.A. - REZONE TO C-1/WR (DENIED)**

Request: Rezone from PR/WR to C-1/WR .38 acre located on the west side of U.S. 41, approximately 286 feet south of Arlington (Gaines) Avenue.

Planning Commission recommended DENIAL.

Norm Luppino reviewed the site plan, pointing out surrounding land uses, and stated the request appears to be inconsistent with the development trends and timing. He addressed concerns regarding compatibility with adjacent land uses and the block/street lay-out.

Jackson Miller made a presentation on behalf of First Florida Bank.

Those speaking in opposition to the request were:  
**Elaine Thompson; Cecil Huff; Jack Fields.**

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 inconsistent with The Manatee Plan, Mrs. Glass moved to **deny** Manatee County Ordinance Z-87-26. Motion was seconded by Mr. Chetlain and carried unanimously.

Public hearing (noticed in The Bradenton Herald 7/2/87) was held for the purpose of considering

**SP-87-22 GENE & LAURA GREGORY - ONE CHAIR BEAUTY SALON (APPROVED)**

Request: Special permit to allow a one chair beauty salon as a home occupation on .17 acre at 6628 26th Street West (on the west side of 26th Street West, 100 feet north of Florida Boulevard).

Planning Commission recommended APPROVAL with stipulations:

1. Maximum square footage of the beauty salon is limited to 207 square feet.
2. No employees other than members of the immediate family occupying the residence are permitted.
3. No alterations to the exterior appearance of the premises shall be made which changes the character thereof as a residence.
4. A maximum of one non-illuminated on-site wall sign, not exceeding one square foot in area on the principal residential building, not more than two feet from any one entrance thereof, shall be permitted.

Frank Gerlock reviewed the staff report.

Gene Gregory said he believes they meet the criteria for a home occupation and submitted a petition with approximately 105 signatures of people in favor of the request.

Speaking in opposition to and recommending denial of the request were:

**Robert Crandell**, representing the Board of Trustees of the Bayshore Gardens Park & Recreation District;

**Robert Hargreaves**, Vice-President of Bayshore Gardens Homeowners' Association. He also referred to a letter from Audrey Monroe, President of Bayshore Homeowners' Association, and a petition with 178 signatures of people opposed to this request.

Discussion: Review of the permit after one year.

Having considered the staff report, the comments made at the public hearing, the motion of the Planning Commission, and finding this request to be consistent with The Manatee Plan, Mrs. Glass moved to approve SP-87-22 with the stipulations as recommended by the Planning Commission. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Chance, Mr. Fletcher, Mrs. Glass, and Mr. McGrath. Voting "Nay" was Mr. Chetlain. Motion carried.

RECORD S36-921

**Z-83-49 (AMENDED) SUTTON PROPERTIES (ROYAL PALM) (APPROVED)**

Request: Approval of a Revised Conceptual Development Plan to allow (1) 676 multi-family units, (2) a 135,000 square foot shopping center, (3) 10,400 square feet of commercial floor area in outparcels, (4) 36,900 square feet of commercial/professional floor area, (5) 56,000 square feet of mini-warehouse floor area, and (6) rerouting of 33rd Street East through the project, on 100.29 acres (28 acres PDC; 72.29 acres PDR) located at the southeast quadrant of New US 301 and State Road 70 (Oneco Road).

Planning Commission recommended APPROVAL with stipulations:

1. Deeper setbacks and additional landscape buffering shall be provided between residential development and U.S. 301 and the relocated 33rd Street East. The depth of setback and extent, design, and location of landscaped buffers will be determined when a preliminary development plan for the residences is submitted for approval. The setback and buffers must be designed to minimize visual, noise, and lighting impacts on the residential areas. The applicant shall meet with the planning staff to discuss this prior to Preliminary Plan submittal.
2. The preliminary development site design in the PDC area shall demonstrate significant attention to aesthetics, such as coordinated site and landscaping plans, retention of significant tree, screening, and buffering to protect future residential properties.
3. The dedication of an additional 27 feet along the south side of State Route 70 and nine feet along the west side of 33rd Street East is required prior to the issuance of certificate of occupancy.
4. A sidewalk, five feet wide, is required along the south side of State Route 70, the west side of 33rd Street East, and on both sides of relocated 33rd Street East prior to the issuance of certificate of occupancy.
5. The two outparcels along State Route 70 must have non-ingress/egress easement to said road.
6. Improvements on State Route 70 shall be required as determined by Florida Department of Transportation.
7. Street frontage landscaping along State Route 70 shall be at least ten feet in depth and shall be attractively landscaped or bermed to soften the appearance of the parking lot.
8. The existing canal on the property will require a drainage/maintenance easement.
9. A Binding Letter of Interpretation (BLI) from the Department of Community Affairs, to determine whether this project exceeds the 130 percent threshold for Multi-Use Developments of Regional Impact, shall be provided with the submittal of the Preliminary Development Plan.

Public hearing (Notice in The Bradenton Herald 7/2/87) was held for the purpose of considering

Z-83-49 (AMENDED): AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, ..... PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO PDR AND PDC, RETAINING THE AF OVERLAY DISTRICT WHERE THE SAME PRESENTLY IS ESTABLISHED, AND THE APPROVAL OF A REVISED CONCEPTUAL DEVELOPMENT PLAN TO ALLOW (1) 676 MULTI-FAMILY UNITS; (2) A 135,000 SQUARE FOOT SHOPPING CENTER; (3) 10,400 SQUARE FEET OF COMMERCIAL FLOOR AREA IN OUTPARCELS; (4) 36,900 SQUARE FEET OF COMMERCIAL/PROFESSIONAL FLOOR AREA; (5) 56,000 SQUARE FEET OF MINI-WAREHOUSE FLOOR AREA; AND (6) TO RE-ROUTE 33RD STREET EAST THROUGH THE PROJECT; PROVIDING AN EFFECTIVE DATE.

Norm Luppino stated this request is to (1) increase the shopping center by 20,000 square feet, (2) decrease the residential units from 726 to 676, and (3) reroute 33rd Street East through the development. The proposed uses appear to be compatible with existing and probable surrounding land uses; however, relationship between internal and residential land uses, relocated 33rd Street East, and U.S. 301 may need additional attention.

He referred to a letter from Kent Geartz expressing concern with density of the development and requesting provision for additional setbacks and buffering to protect his property.

Discussion: Accessing the site with interneighborhood ties and to 33rd Street East; rerouting 33rd Street East; traffic lights on SR 70 at 30th Street East, 33rd Street East, etc.; drainage problems.

(Mrs. Glass absent during portion of the discussion)

Alan Prather, Attorney representing the applicant, spoke in opposition to rerouting 33rd Street East and requested the Board approve the increase in the commercial area and reduction in the residential units. He considered stipulations one, two, three, portions of four, and six inapplicable, due to redesignation of 33rd Street East, the dedication of right-of-way on State Road 70, and improvements to State Road 70 not identified.

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Cont'd

Tom McCollum, Zoller Najjar & Shroyer, representing the applicant, responded to questions on (1) increase in commercial space and decrease in residential units, (2) truck traffic directed to State Road 70 on the present 33rd Street East rather than relocated 33rd Street East, and (3) location of the commercial property on the site.

Discussion: Commercial property on 33rd Street East (south of the Pet Dairy Distributor property); rerouting of 33rd Street East.

Jerome Gostkowski, Public Works, explained the rerouting of 33rd Street East is intended to serve traffic with destinations north of State Road 70. In the event this rerouting is approved, he recommended trucks be directed to State Road 70 via relocated 33rd Street East.

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 Manatee County Ordinance No. Z-83-49, Amended, with stipulations one through nine recommended by the Planning Commission. Motion was seconded by Mr. Fletcher. Voting "Aye" were Mr. Chance, Mr. Fletcher, and Mr. McGrath. Voting "Nay" were Mr. Chetlain and Mrs. Glass. Motion carried.

RECORD S36-922

**GENERAL AVIATION ADVISORY COMMITTEE**

Mr. Fletcher moved to approve establishment of a General Aviation Advisory Committee with membership as detailed in the letter to Commissioner Chance, dated May 21, 1987, signed by James W. Kissick, Jr., with the specific and limited purpose of investigating, analyzing, and submitting recommendations to the Board of County Commissioners regarding the development of antenna farms and other elevated or special structures which could prove to be hazardous to general aviation air traffic within Manatee County, and such other matters as may be designated by the Board, understanding that such committee is to serve at the pleasure of the Board of County Commissioners. Motion was seconded by Mrs. Glass and carried unanimously.

RECORD S36-923

**ZONING (CONT'D)**

Public hearing (Notice in The Bradenton Herald 7/2/87) was held for the purpose of considering

**SP-87-28 W.R. GRACE & COMPANY - ANTENNA TOWER (CONTINUED)**

Request: Special permit to allow an antenna tower (1,667 feet high) as a light utility use, with a waiver of Land Development Code requirements involving paved parking and drive aisles, regular and handicapped parking spaces, and landscaping, on 100.72 acres east of Pomello Park at the east end of Gopher Hill Road.

Planning Commission CONTINUED this item to its August 5, 1987, meeting.

Due to the Planning Commission continuing this item, and at the request of Patricia Petruff, Attorney representing the applicant, Mr. Fletcher moved to continue SP-87-28 to August 13, 1987, at 10:30 a.m. or as soon thereafter as same may be heard. Motion was seconded by Mrs. Glass and carried unanimously.

(Depart Mr. Fletcher)

Public hearing (Notice in The Bradenton Herald 7/2/87) was held for the purpose of considering

**SP-87-27 GERTRUDE G. BAUKNIGHT - MOBILE HOME (APPROVED)**

Request: Special permit to allow a mobile home as a temporary residence on 59.72 acres, approximately 775 feet north of SR 64 and approximately 5300 feet west of intersection of SR 64 and Myakka City-Wauchula 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.

The public comment portion of the hearing was closed.

JULY 23, 1987

Cont'd

Having considered the staff report, the 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-87-27 with the stipulation recommended by the Planning Commission. Motion was seconded by Mr. Chetlain and carried unanimously.

RECORD S36-924

LAND DEVELOPMENT CODE (AMENDMENT) - DRIVEWAY PERMITS

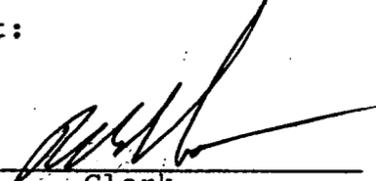
Upon suggestion that the Land Development Code be amended to allow driveway permits to be administratively approved, motion was made by Mrs. Glass, and seconded by Mr. McGrath, to instruct staff to prepare the appropriate resolution. Motion carried unanimously.

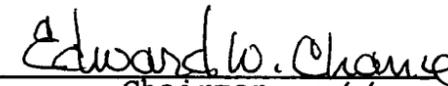
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Chairman 9/1/87

Adj: 4:57 p.m.