

MAY 5, 1994

The Board of County Commissioners, Manatee County, Florida, met in SPECIAL SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, May 5, 1994, at 9:05 a.m.

Present were Commissioners:

Joe McClash, First Vice-Chairman
 Kent G. Chetlain, Second Vice-Chairman
 John R. Gause, Third Vice-Chairman
 Patricia M. Glass
 Lari Ann Harris
 Maxine M. Hooper

Absent was Commissioner: Stan Stephens, Chairman (out of town)

Also present were:

Carol B. Clarke, Planning, Permitting and Inspections Director
 Mark P. Barnebey, Assistant County Attorney
 Susan G. Romine, Deputy Clerk, representing
 R. B. Shore, Clerk of Circuit Court

Representatives of the various news media were present.

The meeting was called to order by Chairman Stephens.

MANATEE COUNTY GUN AND ARCHERY CLUB, INC. - RELOCATION

Tedd Williams, Chief Assistant County Attorney, recommended adoption of

R-94-85 A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING THE ACQUISITION OF A 102-ACRE PARCEL OF LAND FOR USE AS A TRAINING FACILITY BY THE SHERIFF OF MANATEE COUNTY, FLORIDA.

He further recommended authorizing execution of: 1) Memorandum of Agreements with Nu-Gulf Industries, Inc., BB/Manatee Associates, Manatee County Sheriff, and the Manatee County Gun and Archery Club, Inc.; 2) Amendment of Settlement Agreement with the Manatee County Gun and Archery Club, Inc.; and 3) Contract for Sale and Purchase with Nu-Gulf Industries, Inc.

The Memorandum of Agreements contains the following exhibits:

- 1) Second Amendment to Agreement for Sale and Purchase of, and Option to Purchase, Property between Nu-Gulf Industries, Inc., and BB/Manatee Associates (original).
- 2) Agreement for Exchange of Real Property between Nu-Gulf Industries, Inc., and BB/Manatee Associates (original).
- 3) Contract for Sale and Purchase between Nu-Gulf Industries, Inc., and Manatee County for the 102-acre parcel (unsigned).
- 4) Contract for Sale and Purchase between Nu-Gulf Industries, Inc., and Manatee County Gun and Archery Club, Inc., for the 334-acre parcel (original).
- 5) Amendment of Settlement Agreement with Manatee County Gun and Archery Club, Inc. (unsigned).
- 6) Agreement for Reservation of Overburden and Temporary Easements (unsigned).
- 7) Schedule of Recording and Closing Documents.

He stated the County will be purchasing a 102-acre tract of land which the Sheriff will use for training purposes. The Gun Club will be purchasing a 334-acre tract of land. BB/Manatee will be purchasing two tracts consisting of 312 acres and 101 acres. Nu-Gulf Industries is the owner of the land being sold. Nu-Gulf will receive relief from the Manatee County Mining Permit requirements that are applicable to the land being sold and will be released from reclamation requirements imposed by the Florida Department of Environmental Protection (DEP). He referred to two aerial photographs of the site.

The County will advance \$155,000 for the parcel that will be utilized by the Sheriff. The Sheriff will reimburse the County from the Law Enforcement Trust Fund over the next 5 years. The County will pay a share of the closing costs on the 102-acre parcel and a share of the costs to divide the overburden and to perform the survey work.

The 101-acre site that BB/Manatee will acquire will have to be rezoned from Extraction (EX) to Agricultural (A) by the Board. If the rezone of this property is not approved, the entire deal will not close. The Gun Club and the Sheriff will have to obtain a Special Permit to operate on the site. BB/Manatee will have to acquire a Hauling Permit to remove the overburden from the site for the next 15 years. The parties to the agreement are requesting an easement from the County to be able to utilize the private service road adjacent to the overburden.

Discussion: Taxes; closing costs; liability; County will pay 10 percent of survey work; taxes on property will be paid; severance tax.

Carol Masio, attorney representing Nu-Gulf, addressed the overburden and stated the property is not presently being mined. She further addressed reclamation liability.

Motion was made by Mrs. Harris, and seconded by Mr. Gause, to adopt Resolution R-94-85 authorizing the acquisition of a 102-acre parcel of land for use as a training facility by the Sheriff of Manatee County; approve and authorize execution of: 1) Memorandum of Agreements with Nu-Gulf Industries, Inc., BB/Manatee Associates, Manatee County, Manatee County Sheriff, and the Manatee County Gun and Archery Club, Inc.; 2) Amendment of Settlement Agreement between Manatee County and Manatee County Gun and Archery Club, Inc.; and 3) Contract for Sale and Purchase between Manatee County and Nu-Gulf Industries, Inc.

Mrs. Hooper declared a conflict of interest and abstained from voting.

Motion carried 5 to 0, with Mrs. Hooper abstaining.

RECORD S43-1660-
S43-1663

COMPREHENSIVE PLAN AMENDMENTS

Public hearing (Notice in The Bradenton Herald 4/27/94) was held to consider

ORDINANCE 94-12 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING MANATEE COUNTY ORDINANCE 89-01, AS AMENDED, THE MANATEE COUNTY COMPREHENSIVE PLAN; PROVIDING FOR TEXT AMENDMENTS TO THE MASS TRANSIT ELEMENT, AMENDING METHODS UPON WHICH LEVEL OF SERVICE FOR MASS TRANSIT IS CALCULATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-01; Mass Transit Element)

Planning Commission recommended TRANSMITTAL to the Department of Community Affairs (DCA) for review.

Peter Gajdjis, Manatee County Area Transit, reviewed the staff report and changes to the Mass Transit Element of the Comprehensive Plan in order to recognize recent federal, state and local government revisions as mandated. He added that the actual Level of Service (LOS) formula is not being changed at this time.

Regarding LOS standards for the fixed route and the para-transit (handicapped) route, language is being removed referencing obsolete formulas for projecting operating and capital costs as those costs have been previously addressed. Language is also being removed referencing local funding as a percentage of the operating costs.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mr. Gause moved to transmit Manatee County Ordinance 94-12 (Plan Amendment PA-94-01) to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mrs. Harris and carried 6 to 0.

Public hearing (Notice in The Bradenton Herald 4/27/94) was held to consider

ORDINANCE 94-15 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR A CHANGE TO THE FUTURE AND EXISTING TRAFFIC CIRCULATION MAPS AND TEXT TO ADDRESS THE NUMBER OF LANES, FUNCTIONAL CLASSIFICATION AND RIGHT-OF-WAY NEEDS ON COUNTY

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THOROUGHFARE ROADS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-04; Future Traffic Circulation Maps)

Planning Commission recommended TRANSMITTAL to DCA for review with certain revisions as outlined in the staff report.

Jerome Gostkowski, Planning, Permitting and Inspections, reviewed the staff report and stated the plan amendment addresses Number of Lanes (Maps 5A-2 through 5A-5); Functional Classification (Maps 5A-6 through 5A-9); Right-of-Way Needs (Maps 5A-10 through 5A-13); Existing Roadway Functional Classification (Maps 5B-1 through 5B-5); and Table 5-2, 20-year Roadway Requirements.

Discussion: Adding road through Schroeder-Manatee property; right-of-way given; developer pay for construction of the road; revised right-of-way needs to recognize existing problems; landscaped medians; stormwater requirements.

Subsequent to the Planning Commission meeting, staff recommended reducing 57th Avenue West, from 34th Street West to 301 Boulevard East, from a four-lane facility to a two-lane facility with corresponding right-of-way widths.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mrs. Hooper moved to transmit Manatee County Ordinance 94-15 (Plan Amendment PA-94-04), as recommended by the Planning Commission, except for the change regarding 57th Avenue West as recommended by staff, to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mrs. Glass and carried 6 to 0.

(Depart Mr. Gause)

Public hearing (Notice in The Bradenton Herald 4/27/94) was held to consider

ORDINANCE 94-21 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR AMENDMENTS TO THE FUTURE LAND USE ELEMENT, OPERATIVE PROVISION, THE CAPITAL IMPROVEMENT ELEMENT, AND THE TRAFFIC CIRCULATION ELEMENT TO REVISE AND CLARIFY TABLES 5-1 AND 12-OA, PEAK HOUR LEVEL OF SERVICE STANDARDS FOR TRAFFIC, RECOGNIZING PROGRAMMED CAPACITY, AND ALLOWING FOR A PROVISION FOR DE MINIMIS IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-10; LOS Clarifications)

Planning Commission recommended TRANSMITTAL to DCA for review with certain changes as outlined in the staff report.

Mr. Gostkowski addressed special consideration for de minimis impact and stated this language was added for the purpose of issuing a development permit/certificate for level of service that will not be subject to concurrency requirements relating to the Transportation Component of the Concurrency Management System provided that certain criteria are met.

For thoroughfares, the de minimis impact exempts development traffic from concurrency requirements if such projected traffic is below .1 percent of the roadway's capacity.

Discussion: LOS standards for rural and urban areas; S.R. 70 trip capacity; Cortez Road (26th to 59th Street) capacity; Tara Boulevard LOS; weekend trip generation versus workweek.

(Enter Mr. Gause during discussion)

Mr. Gostkowski stated this amendment also provides for the recognition of those improvements that are funded in the current year's capital budget plus an additional two years.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mrs. Glass moved to transmit Manatee County Ordinance 94-21 (Plan Amendment PA-94-10) to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mrs. Hooper and carried 6 to 0.

Public hearing (Notice in The Bradenton Herald 4/27/94) was held to consider

ORDINANCE 94-18 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN MODIFYING THE POLICIES RELATING TO ACCESS TO COMMERCIAL USES TO ALLOW INDIRECT ACCESS UNDER SPECIFIC LIMITED CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-07; Commercial Access Requirements)

Planning Commission recommended TRANSMITTAL to DCA for review.

Janet Stewart, Planning, Permitting and Inspections, stated that this amendment is to allow access to ROR properties that may not have direct access to a functionally classified roadway. It also provides for the neo-traditional type development for small and medium commercial uses to be internal to planned, mixed-use developments. The amendment also allows for small, non-profit office uses without direct access in developments.

(Depart Mrs. Harris)

Discussion: Infill; strip commercial flexibility.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mr. Chetlain moved to transmit Manatee County Ordinance 94-18 (Plan Amendment PA-94-07) to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mrs. Hooper and carried 5 to 0.

Public hearing (Notice in The Bradenton Herald 4/27/94) was held to consider

ORDINANCE 94-13 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TO CLARIFY POLICIES RELATING TO COMPATIBILITY AND TIMING OF LAND USES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-02; Compatibility Guidelines)

Planning Commission recommended TRANSMITTAL to DCA for review.

Michael Wood, Planning, Permitting and Inspections, stated this amendment will strengthen language in the Comprehensive Plan concerning compatibility and timing. The information is similar to that which is in the LDC regarding buffers, screening, building and site design, limitation of type and sizes, duration of uses, innovative construction techniques, etc.

Items A through G in the staff report are existing policies in the Comprehensive Plan that deal with compatibility. Items I and J are new policies regarding residential development in its proper location and non-residential development.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mr. Chetlain moved to transmit Manatee County Ordinance 94-13 (Plan Amendment PA-94-02) to the Florida Department of Community Affairs and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mr. Gause and carried 5 to 0.

Public hearing (Notice in The Bradenton Herald 4/27/94) was held to consider

ORDINANCE 94-14 ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA....; PROVIDING FOR TEXT ADDITIONS TO THE COASTAL ELEMENT, REFLECTING THE COUNTY'S PARTICIPATION AND SUPPORT OF THE TAMPA BAY NATIONAL ESTUARY PROGRAM, PROVIDING FOR AMENDMENTS TO CHANGE REFERENCES FROM MOBILE HOME TO MANUFACTURED HOME IN THE DEFINITIONS, COASTAL MANAGEMENT, AND HOUSING ELEMENTS, PROVIDING FOR THE DELETION OF THE PROVISIONS FOR AN INTERLOCAL AGREEMENT WITH THE MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL IN THE COASTAL MANAGEMENT ELEMENT, PROVIDING FOR THE DELETION OF THE REQUIREMENT FOR PLANNED

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DEVELOPMENT ZONING FOR CERTAIN PROJECTS WITHIN THE WO-E, WO-M, AND THE CHHA, TO PROVIDE CLARIFICATIONS AND REFLECT CHANGED CIRCUMSTANCES; PROVIDING FOR PLAN VARIANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

(PA-94-03; Inconsistencies/Changed Circumstances)

Planning Commission recommended TRANSMITTAL to DCA for review.

Mr. Wood reviewed the staff report and stated that this amendment provides certain clarifications and addresses changed circumstances. It involves adding language to the Coastal Management Element of the Comprehensive Plan to include reference to the Tampa Bay National Estuary Program (NEP) wherever mention is made of the Sarasota Bay NEP.

The amendment further changes reference of a mobile home to a manufactured home. Further, the requirement for an Interlocal Agreement with the Myakka River Management Coordinating Council is being deleted from the Conservation Element to reflect the County's exclusion from the Wild and Scenic river designation.

Regarding the Future Land Use Element and the Coastal Management Element, this amendment deletes the requirement for planned development zoning with special approval since development standards are contained within the Comprehensive Plan and further defined within the LDC. The amendment also makes provision for variances from certain Comprehensive Plan standards where a constitutional taking or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Plan occurs.

(Enter Mrs. Harris; Depart Mrs. Glass)

Mark Barnebey, Assistant County Attorney, addressed the purpose of a variance from the Comprehensive Plan when a taking occurs that would prohibit the use of the property. In considering a Plan variance, eight standards (outlined in staff report) must be met in order for the variance to be granted.

Discussion: Delete Policy 3.3.1.5, Element C-1, Conservation, (page 4 of staff report) regarding an interlocal agreement with the Myakka River Management Coordinating Council; delete reference to the development of any management plan for the Myakka River Coordinating Council; include Environmental Action Commission (EAC) in language; DCA's reaction to deletion of whole policy.

Based upon the evidence presented and comments made at the public hearing, the action of the Planning Commission, and upon the technical support documents, Mr. Gause moved to transmit Manatee County Ordinance 94-14 (Plan Amendment PA-94-03) to the Florida Department of Community Affairs with the deletion of Section C-1 in its entirety and authorize the Chairman to sign the letter of transmittal. Motion was seconded by Mrs. Hooper.

Discussion: Not delete entire C-1 Element, only Policy 3.3.1.5 of the entire Element.

The motion was clarified to delete Policy 3.3.1.5 of the C-1 Element regarding the Myakka River Interlocal Agreement. The seconder agreed.

Voting "Aye" were Mrs. Hooper, Mr. McClash, and Mr. Gause. Voting "Nay" were Mrs. Harris and Mr. Chetlain. Motion carried.

MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

Clerk

Adj: 10:40 a.m.

APPROVED:

Stan Stephens
Chairman 6/23/94