

FEBRUARY 22, 1996

The Board of County Commissioners, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, February 22, 1996, at 9:02 a.m.

Present were Commissioners:

Stan Stephens, Chairman
Patricia M. Glass, First Vice-Chairman (entered during meeting)
Gwendolyn Y. Brown, Second Vice-Chairman (entered during meeting)
Lari Ann Harris, Third Vice-Chairman
John R. Gause
Maxine M. Hooper (entered during meeting)
Joe McClash

Also present were:

Jeffrey Steinsnyder, Assistant County Attorney
Susan G. Romine, Deputy Clerk, representing
R. B. Shore, Clerk of Circuit Court

Invocation by Rev. Greg Burgess, Palmetto Church of the Nazarene.

The meeting was called to order by Chairman Stephens.

All witnesses/staff giving testimony were duly sworn.

(Enter Ms. Brown and Mrs. Hooper)

PROCLAMATION

Upon motion by Mr. Gause and second by Mrs. Harris, a Proclamation designating "Florida Hazardous Weather Awareness Week" February 19, 1996 through February 23, 1996, was adopted 6 to 0.

RECORD S44-2557

Brian Sharkey, Public Safety Department, accepted the Proclamation.

PINEY POINT PHOSPHATE, INC.

H. Hamilton Rice, Jr., County Attorney, reported the County has engaged special counsel in the matter of Manatee County v. Piney Point Phosphate, Inc., and Department of Environmental Protection (DEP) to file an objection to the issuance of an air permit at the Piney Point facility, which has been met with opposition by Piney Point. He advised that David S. Dee, Landers & Parsons, has been handling the case for the firm.

(Enter Mrs. Glass)

Mr. Dee briefed the Board on the current status of the litigation. He reviewed issues: condition of the County position; merits of the application for an air permit; County budget for the project; etc.

Discussion: Groundwater contamination; surrounding environmental impacts; sulfuric acid plant; what kind of restrictions can be attached that allow the County to be protected; alarm system with an excess of sulfuric acid mist; Land Development Code (LDC); catalyst.

Mr. Dee and the County Attorney will bring back information and recommendations.

CONSENT AGENDA

Upon motion by Mr. McClash and second by Mrs. Hooper, the Consent Agenda for February 22, 1996, was unanimously approved. Items APPROVED:

ZONING

Public hearing (Notice in the Bradenton Herald 2/9/96) was held to consider

Z-95-24 HELEN D. BOWEN - A-1 (APPROVED)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF MANATEE COUNTY ORDINANCE 90-01, THE MANATEE COUNTY LAND DEVELOPMENT CODE, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF MANATEE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM RSF-1 TO A-1 ON 1.77 ACRES LOCATED 480 FEET NORTH OF 71ST STREET EAST, 840 FEET EAST OF ELLENTON-GILLETTE ROAD; PROVIDING AN EFFECTIVE DATE.

Planning Commission recommended APPROVAL.

RECORD S44-2558

FEBRUARY 22, 1996

(Cont'd)

INITIATE REZONE - JOHN WONG/PROPERTY OWNER

Initiate a rezone from A-1 to PDC for property located on the west side of 33rd Street East, approximately 167 feet south of SR 70.

1996 LAND DEVELOPMENT CODE AMENDMENTS

Approve the public hearing schedule for 1996 text amendments and direct staff to schedule and prepare these hearings. RECORD S44-2559

TRAVEL AUTHORIZATION

County Attorney to attend the Florida Association of Counties 1996 Legislation Day in Tallahassee, Florida, April 9-10, 1996.

SOILS AND MATERIALS TESTING

Execution of Addendum One to Professional Services Soils and Materials Testing Agreement with Professional Service Industries, Inc., for an increase of \$1,000,000 in maximum compensation and an adjusted maximum contract amount of \$1,500,000. RECORD S44-2560

CLERK OF THE CIRCUIT COURTCLERK'S CONSENT CALENDARBONDSRelease:Forest Pines (94-8-32)

1. Agreement with R. L. Koontz Construction, Inc., guaranteeing completion of required improvements, \$386,608.75.
2. Performance Bond: \$386,608.75 (Letter of Credit 9512, SunBank/Gulf Coast, Sarasota).

REFUNDS

Zoller, Najjar & Shroyer - Temporary Use Permit extension	\$ 2,450.00
Norman Brisbois - Special Permit Application Withdrawn	796.00
SMR 1 Development Corporation - Impact Fee; CA-94-14	4,224.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	2,113.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	2,113.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	4,317.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	6,339.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	17,268.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	17,432.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	71,076.00
SMR 1 Development Corporation - Impact Fee; CA-95-05(T)	32,678.00

WARRANT LIST

Approve: February 6, 1996 through February 21, 1996

Authorize: February 22, 1996 through February 26, 1996

AUTHORIZE CHAIRMAN TO SIGNPartial Releases of Special Improvement Assessment Liens:

Projects 3106; 3001; 5031; 3102; 5144; 3006; 5130; 3009

Addendum I (Acquisition Plan) to Conceptual Approval Agreement with Florida Communities Trust for Altman & IMC-Agrico Properties within the Manatee Headwaters at Duette Project (Preservation 2000 Program); (authorized by R-94-253, adopted 9/13/94). RECORD S44-2561

Corrective Documents (scriveners error) for Cypress Banks DRI:

Ordinance Z-86-30(G)(R³-B) Schroeder-Manatee, Inc.; and R-95-220 (adopted 1/25/96) RECORD S44-2562

Satisfactions of Judgments:

Theodis L. Riley - Case 93-1787F (\$100)

John Arch - Case 93-647F (\$255)

Michael Pearson - Case 95-4447T (\$50)

Rolando Nanez - Case 90-2939F/90-3012F Amended due to scriveners error (originally approved 1/9/96)

Digester Gas Compressor Replacement - Contract with Wharton-Smith, Inc., \$641,649; date performance/payment bond; and accept insurance certificate (approved 1/30/96) RECORD S44-2564

APPROVE, RATIFY AND CONFIRMParks & Recreation Instructor's Classes Agreement:

Gabriel Ferrer - Tennis

RECORD S44-2565

ACCEPT

Lakewood Ranch Community Development District 2 - Minutes of the Board of Supervisors Meetings held December 7 and 18, 1995

Housing Finance Authority - Annual Local Government Financial Report (FY 94-95); and Audited Financial Statements for year ended September 30, 1995

(End Consent Agenda)

ZONING

Public hearing (Notice in the Bradenton Herald 2/9/96) was held to consider

Z-95-23 VERNON ALLRED AND ALICE ARRINGTON - NC-M (APPROVED)
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM A-1 TO NC-M ON 9 ACRES LOCATED ON THE SOUTH SIDE OF SR 64, 250 FEET WEST OF MORGAN JOHNSON ROAD; PROVIDING AN EFFECTIVE DATE.
Planning Commission recommended ADOPTION.

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission, and finding the request to be consistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. Hooper moved to adopt Manatee County Zoning Ordinance No. Z-95-23, as recommended by the Planning Commission. Motion was seconded by Mr. Gause and carried unanimously. RECORD S44-2566

Public hearing (Notice in the Bradenton Herald 2/9/96) was held to consider

Z-95-22 WEN Y. CHUNG AND WALTER AND ELSIE WILLIAMS - L-M
AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA...; PROVIDING FOR THE REZONING OF CERTAIN LAND FROM NC-S TO L-M ON 2.44 ACRES LOCATED ON THE WEST SIDE OF 15TH STREET EAST AND THE SOUTH SIDE OF IDLEWILD COURT; PROVIDING AN EFFECTIVE DATE.
Planning Commission recommended ADOPTION.

Norm Luppino, Planning, Permitting and Inspections, reviewed the staff report and a land use map. He noted that staff has compatibility concerns with residential properties to the west and north. Inasmuch as the request is for a more intense zoning designation, staff feels it can be mitigated due to building setback requirements. Staff recommended approval of the request.

Discussion: Other allowed uses in light manufacturing category; northern parcel has been cited by Code Enforcement; prior request had been remanded to the Planning Commission for consideration of Planned Development-Industrial (PDI) and applicant withdrew the request (Z-91-03, 6/27/91).

Wen Chung, applicant, explained the history of the request, referred to the map showing the location of his property, and requested approval.

Discussion: If rezoned to L-M, there would be no control over what is developed; suggest it be considered for PDI; neighborhood is not supportive of request.

Walter Williams, owner of the northern parcel, stated he was not aware that he needed a permit to park trailers on his lot (Code Enforcement violation). He submitted a photograph showing trucks and trailers in the parking lot, and a petition in favor of the request.

Discussion: Depth of Mr. Williams' property; setback measurements.

Based upon the staff report, evidence presented and comments made at the public hearing, the action of the Planning Commission, and finding the request to be inconsistent with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, Mrs. Harris moved to remand Manatee County Zoning Ordinance No. Z-95-22 to the Planning Commission for consideration of Planned Development-Industrial, with readvertising for such request. Motion was seconded by Mr. McClash and carried unanimously.

FEBRUARY 22, 1996

(Cont'd)

(Mary Frances Schultz, court reporter, present)

Public hearing (Notice in the Bradenton Herald 2/9/96) was opened to consider

PDR-95-11(P) PALMA SOLA BAY ASSOCIATES (PALMA SOLA BAY CLUB) (CONT)
Request: Preliminary Site Plan to allow 212 multi-family units at a density of 10.1 du/acre on 21 acres located at the terminus of 40th Avenue West, 1,250 feet west of 75th Street West and bounded on the west by Palma Sola Boulevard.

Planning Commission recommended APPROVAL with five stipulations;

RECORD S44-2567

Findings for Specific Approval;

Specific Approval of an alternative to the requirements of Section 603.7.4.5 of the LDC; and

Special Approval for a project exceeding 9 du/acre in the RES-16 Future Land Use Category.

Carol Clarke, Planning, Permitting and Inspections Director, submitted a letter from the applicant requesting a continuation to March 28, 1996.

The following residents spoke in opposition to the request:

Paul Horvat, Bela Kerper, Charles Coates, James Ellis, and Karen Fraley

They addressed concerns regarding: high density; increased crime; excessive traffic; safety concerns for children; drainage problems; environmental impacts near Palma Sola Bay; quality of life; precedence may be set for future development; etc.

(Mrs. Harris and Mrs. Glass absent for portion of discussion)

Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to continue PDR-95-11(P) to March 28, 1996, at 9:00 a.m. or as soon thereafter as may be heard.

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

POMELLO PARK

Wayne Roberts, Transportation, briefed the Board on the status of development in Pomello Park. He referred to a map displaying the location at SR 70 and SR 675. Staff has had several meetings with Southwest Florida Water Management District (SWFWMD) upon concerns that SWFWMD has for landowners to obtain right-of-way use permits. In addition, staff has been assisting owners as they apply to obtain access to their properties.

Mr. Roberts pointed to another map showing the old platted subdivision of Pomello Park (1926).

He advised he will report back on February 27, 1996, for a presentation relating to a road section and dry road bed to assist property owners in gaining access to their property.

Discussion: Property owners will be paying for the road construction to gain access to their properties.

(Enter Mr. McClash)

COMPREHENSIVE PLAN: EVALUATION AND APPRAISAL REPORT (EAR)

Public hearing (continued from 2/13/96) was opened to consider

THE EVALUATION AND APPRAISAL OF MANATEE COUNTY
COMPREHENSIVE PLAN

Michael Wood, Planning, Permitting and Inspections, addressed the elements that were not discussed at the February 13, 1996, meeting.

Mr. McClash stated he had questions relating to the land use element, specifically with respect to density.

Ms. Clarke suggested that a work session be scheduled to specifically address that item in detail. Staff will show a series of maps that identifies each land use category and its location.

Mr. Gause discussed concern about the proposed zoning changes at El Conquistador and 75th Street along the Bay and requested an update.

Discussion: New property rights legislation; waterfront properties; environmental concerns.

HOUSING ELEMENT

Mr. Wood reviewed the list of concerns.

Discussion: What dollar amount constitutes affordable housing; low to moderate income and number of household individuals; unsafe structures abandoned for a long period of time; structures requiring demolition or containment; status of property inspection; unsightly housing.

Mr. McClash requested a work session be held to discuss concerns relating to affordable housing.

Mr. Wood reviewed opportunities, changes in state legislation, and recommended actions.

(Depart Mrs. Harris and Mr. Gause)

Discussion: Property rights bill applied to zoning issues.

Mr. Wood referred to changes that need to be implemented on page 27.

(Enter Mrs. Harris and Mr. Gause)

TRAFFIC CIRCULATION ELEMENT

Mr. Wood referred to problems and opportunities. He emphasized that the key term for transportation is intermodal, reflecting changes from the federal level, to the state level, then to the county level. He reviewed the changes and recommended actions.

Discussion: Capital Improvement Program; issue of pipelining; level of service analysis; intrastate highway system (SR 70).

MASS TRANSIT ELEMENT

Mr. Wood reviewed problems, opportunities, and recommended actions.

AVIATION ELEMENT

Mr. Wood reviewed problems and opportunities, recommended actions, and changes and modifications.

(Depart Mrs. Glass)

Discussion: Airport property; noise contour map changes.

Mr. Gause requested staff examine those properties that have been purchased for housing and the lots have remained vacant, particularly airport property. Mrs. Harris requested a review of changes with the noise contour maps be discussed.

(Enter Mrs. Glass)

PORT ELEMENT

Mr. Wood reviewed the problems and opportunities, recommended actions, and changes and modifications.

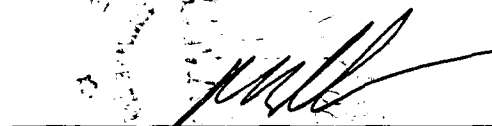
Motion was made by Mr. McClash, seconded by Mrs. Harris and carried unanimously, to continue the public hearing to **Tuesday, February 27, 1996, at 2:00 p.m.**, or as soon thereafter as same may be heard.

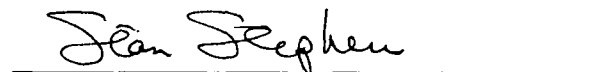
MEETING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


Clerk


Chairman 3/19/96

Adj: 11:56 a.m.
/dmo