

MANATEE COUNTY PLANNING COMMISSION
COUNTY COURT HOUSE
SEPTEMBER 7, 1977

The Planning Commission met in regular session on September 7, 1977 at 9:30 A.M. in Commission Chambers in the Manatee County Court House with Chairman Firkins presiding.

The meeting was opened with the Pledge of Allegiance to the Flag.

The roll was called by Mr. Bartle. Members present were Mrs. Bott, and Messrs. Firkins, Hoffman, Bartle, Hayden and Hooper. Mr. Sailes was not present.

PETITIONS AWAITING DECISION

SE-1048 MARCO GUELI - Patricia A. Lewis, Agent
Request: Special Exception to permit sale of beer at snack bar at Roma Flea Market
Location: 5715 15th St. E. Bradenton,
Area: 4.68 acres Zoned C-2

The Committee Report was read by Mr. Hoffman. Motion was made by Mr. Hoffman, seconded by Mr. Bartle, for approval of SE-1048 in compliance with Committee Report.

MOTION CARRIED UNANIMOUSLY

R-836 MOUNT TABOR MISSIONARY BAPTIST CHURCH, Dr. Clifford B. Ward, Agent.
Request: To change the present zoning from R-1 (One Family Dwelling) District to R-1AA District (One and Two Family Dwellings) or to such other district as determined to be more appropriate.
Proposed Use: Duplexes
Location: S/S of 76th Ave. Drive East, approximately 160 ft. E. of 16th St. Ct. East, Tallevast
Area: 0.46 Acres

Mr. Jerry West advised that decision on this request would have to be deferred indefinitely, or until such time as the access has been resolved.

Mr. Hoffman moved, seconded by Mrs. Bott, for deferral of R-836.

MOTION CARRIED UNANIMOUSLY

R-848 DOROTHY M. WOODSON, Dallas Woodson, Jr., Agent
Request: To change the present zoning from District R-1 (One Family Dwelling) to District-C (Neighborhood Commercial) or to such other district as determined to be more appropriate.
Location: In the SW corner of 23rd St. E. & U.S. 41, Palmetto
Area: 0.43 acre

The Committee Report was read by Mr. Hooper. Motion was made by Mr. Hooper, seconded by Mr. Bartle, for approval of R-848 in compliance with Committee Report.

MOTION CARRIED UNANIMOUSLY

R-850 VICTOR T. LIGHT, ET UX
Request: To change the present zoning from District R-1A (One Family Dwelling) to District PR (Professional or to such other district as determined to be more appropriate.

Proposed Use: For uses as permitted in the PR District
Location: 2206 53rd Ave. East, Bradenton
Area: 1.17 Acres

Committee Report was presented by Mr. Hooper. Motion was made by Mr. Hooper, seconded by Mrs. Bott, for approval of R-850 in compliance with the Committee Report.

Mr. Bartle stated that he assumed this request had gone through the Highway Department as previously there had been some concern about ingress and egress.

Herman White of the Highway Department advised that his department had no objections to the PR zoning but would like to have control on future requests closer to U.S. 41.

The motion was brought to vote.

MOTION CARRIED UNANIMOUSLY

PUBLIC HEARINGS TO CONSIDER

SE-1052 CHARLES R. PARTIN, ET UX - Robert & Marilyn Seleska, Agents
Request: Special Exception to permit a one-man sawmill operation.
Location: 3474 Chapman Road, Palmetto, Fla.
Area: 5.41 acres Zoned: -A-

Mr. Seleska advised that he would like to set up a small sawmill to cut lumber.

Mr. West stated that this could qualify as a Home Occupation but was filed as an agricultural product under a Special Exception.

Mr. Carrington advised that letter from the Highway Department states that Chapman Road is narrow but that one single truck per month should not have an adverse affect.

Mr. Carrington stated that he would like to call attention to the possibility of platted lots in the area.

The Chairman declared the public hearing closed.

Motion was made by Mr. Hoffman, seconded by Mrs. Bott, to refer the matter to committee for further study.

MOTION CARRIED UNANIMOUSLY

SE-1053 DAVID H. CHURCH, ET UX - W. F. & Evelyn Rhodes, Agents
Request: Special Exception to permit operation of feed store
Location: On S/S of H/W 64, 175 ft. E. of Morgan Johnson Rd.
Area: 5.11 Acres Zoned: -A-

Mrs. Rhodes advised that she and her husband would like to operate a feed store on 5.11 acres owned by David Church, and on which he has a residence. However, they will be permitted the use of all the acreage. Also, that she has lived in that area for 18 years and feels there is a definite need for this facility as persons residing in the area must drive into Bradenton to secure feed. Also, they will eventually go into tack as their business progresses.

The Chairman declared the public hearing closed.

Mr. Hoffman stated that he would like for Mrs. Rhodes to bring in a site plan indicating the location of the building and access to the property.

Mrs. Rhodes submitted site plan which she had brought in with her.

Motion was made by Mr. Hoffman, seconded by Mrs. Bott, to refer the matter to committee for further study.

MOTION CARRIED UNANIMOUSLY

SE-1054 COMMUNITY CARE CENTERS, LTD. - Richard T. Conrad, Agent
Request: Special Exception to permit licensed nursing facility to do mental retardation program (ICF/MR)
Location: 5620 26th St. W., Bradenton, Fla.
Area: 3.928 Acres Zoned: R-1C

Mr. Robert Roskamp, a member of the partnership developing the project, told the Planning Commission that the proposed facility is licensed by the state as a nursing home under ICF/MR (intermediate care facility/mentally retarded) regulations. That he was present today to request approval for this particular needed use and that there are experts in the field of retardation, some of whom are employed by the State of Florida. He read excerpts from letter written by Francis P. Kelly, Director, Retardation Office, for State of Florida to Ms. Lucille Phillips, Health Planner, Gulf Coast Health Planning Council, outlining the state regulations governing the placement of retarded persons. Mr. Kelley also stated that "Mr. Roskamp's proposal was one our philosophy could embrace". His letter further stated that it was his understanding that Dr. Dickerson had abandoned the proposed project.

Mr. Roskamp further stated that the site was approved as a good location in 1974 and again in 1976 for a nursing home. Also, that the state has made a complete investigative study of the program and that present facilities are overcrowded and replacement facilities are needed. He also stated that the facility would be non-profit. Also, that Certificate of Need had been established.

Mr. Bartle stated that the location of the property is of particular significance as the patients are considered retarded. That he is aware of the need for rehabilitative services but this type of service would only be able to serve a certain level.

The size of the property, which would not afford outdoor recreational activities, was questioned.

Mr. Roskamp advised that adequate facilities are located in the area and that facilities will be leased from local sources equipped to supply the need.

Henry Bourne, 5608 - 28th St. W., spoke in opposition stating that 24 to 32 patients would be more in line as opposed to 120 patients. Also, that there was plenty of undeveloped land in the vicinity of the hospital, which would be better suited to the proposed use.

Mrs. Dixie Grubbs stated that she was opposed to the request. That the property is inadequate in size to accommodate the facility. Also, that 26th is heavily traveled, and the project, if developed, would create additional traffic. Also, that the land area should be large enough to include outdoor activities.

Robert P. Brown, Resident Manager of Grovemont Nursing Home, Inc. raised the question as to what they proposed to do when confronted with a census lag of below 95%?

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Richard Diebold, 2615 - 56th Ave. W., stated that he was opposed to the complex and asked if the patients would be permitted to leave the premises alone?

Mr. Carrington presented letter from Bonnie Scalzo, 5605 - 26th St. W. stating her opposition to the petition. (Letter in file)

In rebuttal, Mr. Roskamp advised that the program would be under the supervision of skilled employees and that it was not their intention to permit 120 persons to roam up and down 26th Street. Also, that the operation of the facility will comply with all state regulations and that the state has found the site acceptable.

Mr. Carrington presented letter from the Manatee Utilities System stating that their department had no objection to the proposed application; also, letter from the Manatee County Highway Department stating their requirements. (Letters in file)

Chairman Firkins declared the public hearing closed.

Mr. Bartle moved, seconded by Mr. Hooper, for approval of SE-1054.

The motion was brought to vote and there were two votes in favor and the motion died.

Mrs. Bott stated that she was for denial of the petition but would like to move for the petition to be referred to committee. Motion seconded by Mr. Hooper.

The motion was brought to vote. Mr. Bartle voted "Nay" and Mrs. Bott, Messrs. Hoffman, Hayden, Hooper and Firkins voted "Yes"

MOTION CARRIED

N-105 BROUWER'S FLOWERS, INC. - Frans Crouwer, Agent
Request: Expansion of Non-Conforming use to permit the construction of an 80' by 200' Greenhouse
Location: 1981 Center Road, Terra Ceia, Fla.
Area: 4.7 acres Zoned: C-1

Mr. Brouwer advised that their business is a family operation and has been in existence for many years. Also, that with the expansion of their business, they are in need of another greenhouse and would like to have it completed by fall as they require protection for their plants before the cool weather sets in.

Mr. Carrington presented the departmental letters stating that they had no objections.

There was no opposition and the Chairman declared the public hearing closed.

Motion was made by Mr. Hayden for approval of N-105. Motion seconded by Mr. Hoffman.

Motion Carried Unanimously

P.U.D. - 8 AURORA FOUNDATION, Robert Christopher, Agent
Request: Final plan approval for Planned Unit Development.
Gross land area per dwelling unit 0.6%, 143 dwelling units, 118 single family & 25 duplexes, floor area 160,225 sq. ft., total rooms 970.
Location: 48th St. Ct. E., Bradenton
Area: 32.06 Zoned: P.U.D.

Mr. Ralph Nicoscia, representing Aurora Foundation, stated that preliminary plan had been approved some time ago and that the Foundation is the owner of the property and in developing the property, they will comply with all the county regulations.

Mr. Bob Beadles of Benson & Associates presented final plan indicating several large areas, which will be held as open areas for bicycle paths and emergency roads. They have also cut down on the amount of parking area in order to preserve trees on the property.

Mr. Carrington advised that the parking requirements under the code are $1\frac{1}{2}$ to 1 and if the plan does not meet the requirements, it will be necessary to go before the Board of Appeals.

Mr. Beadles further stated that they plan to meet the elevation requirements. Also, that more trees can be saved by creating islands.

Bill Swan advised that in some areas 8' of fill will be required to meet the 11' elevation. He further stated that from the standpoint of environment, this is a very sensitive area. He also advised that they have met the requirements of the reviewing departments as to roads and sewer and it is their plan to build a berm around the lake. Also, that the planning staff has reviewed the plan and recommend approval with compliance of $1\frac{1}{2}$ to 1 parking criteria.

Mr. Carrington advised, should any changes be made, that the petitioner would have to return and submit amended plat.

Mr. Bartle moved, seconded by Mr. Hoffman, for approval of final plan.

MOTION CARRIED UNANIMOUSLY

R-851 JOHN BARRETT, ET UX - H. C. Green, Agent
Request: To change the present zoning from R-1AA (One and Two Family Dwelling) to -C- (Neighborhood Commercial) district or to such other district as determined to be more appropriate.
Proposed Use: Drive in-out convenience store (selling dairy products and take-out beverages, etc.)

Mr. Green stated that his client had applied for zoning change to -C- district as the property is not desirable as residential and would adapt to commercial use. That the property is bordered on the north by a church, on the south by a lake and the property to the northeast was originally a Ceramic Shop and zoned commercial, and that neighborhood commercial would lend itself to the surrounding area. It is also their opinion that the property would be desirable for a barber shop or a gift shop, and they feel the change is warranted so that the property can be sold.

Attorney Lloyd Lyday, representing Mr. & Mrs. Howard Hirshberg, submitted petition containing the signatures of 50 persons residing in the area.

The Rev. William Lesser stated that there are five or six churches on 26th Street and that his congregation consists of a membership of 450 persons and that 38th Avenue is not a through street and most access would be from 26th Street. Also, that in his opinion, the zoning change would prove a detriment to his church and to the area.

Howard Hirshberger, 2603 - 38th Ave. stated that he felt the zoning change would decrease the value of his property. Also, that three school buses stop at this corner. Also, there is the problem of upkeep of the private lake.

Mr. Carrington presented letter from Adalaide Graham stating her opposition to the zoning change. He further advised that the Planning & Development Department had received letters from the Health Department and Manatee Utilities System stating they had no objection to the requested zoning change.

Herman White, representing the Highway Department, stated, if approved, the petitioner should not be allowed to fill in any portion of the lake.

In rebuttal, Mr. Green advised that he was very sympathetic with Mr. and Mrs. Hirshberger in that the proposed convenience store would be rather unique and possibly the site too small. However, access would be by way of 38th Avenue and would not create a problem. Also, the market would not be open on Sundays.

The Chairman declared the public hearing closed.

Mrs. Bott moved, seconded by Mr. Hooper, for denial of R-851.

MOTION CARRIED UNANIMOUSLY

R-852 W. DANIEL KEARNEY, TRUSTEE - Jack Gay, Agent
Request: To change the present zoning from R-1B (One Family Dwelling) to PR (Professional) district or to such other district as determined to be more appropriate.
Proposed Use: Professional Offices
Location: 2817 U.S. 301, Ellenton
Area: 0.61 acres

Mr. Gay, President of Highland Shores Association, presented a letter addressed to him in agreement with his request. There was a show of hands indicating three persons present, who were in favor of the request.

Mr. Hayden stated that the request involved three pieces along the highway, which are too narrow for any use except professional.

Mr. Carrington stated that the reviewing departments had no objections.

Chairman Firkins declared the public hearing closed.

Motion was made by Mr. Hayden, seconded by Mr. Hoffman, for approval of R-852.

MOTION CARRIED UNANIMOUSLY

R-853 PETER L. WEBBER, ET AL - James L. & Zula Raulerson, Agents
Request: To change the present zoning from -A- (General Agricultural) to R-1B (One Family Dwelling) district or to such other district as determined to be more appropriate.
Proposed Use: Single Family Dwellings
Location: S/S of 28th Ave. E., approx. 100 ft. E. of 45th St. E.
Area: 1.89 acres

Mr. Raulerson stated that he was requesting zoning change and that he would like to create four lots in order to construct four single family homes.

Mr. West advised that under the present zoning, one acre was required for construction of a dwelling.

Mr. Carrington advised that letters had been received from the reviewing departments and Manatee Utilities System and the Health Department stated that they had no objections. However, the Highway Department advised that 28th Avenue E. is a non county maintained road and relatively little development has taken place in the area and if the decision is made to rezone the property, it should be stipulated that the road and drainage be brought up to county standards prior to the occupancy of any residences. Mr. Carrington further advised that to change the zoning to single family would be spot zoning.

The Chairman declared the public hearing closed.

Mr. Bartle moved, seconded by Mr. Hoffman, to refer the petition to committee for further study.

MOTION CARRIED UNANIMOUSLY

Z-108 PLANNING COMMISSION INITIATED - ZONING ORDINANCE AMENDMENT

Amend Section V, R and R-3 Multiple Family Residential and Resort Districts,, by adding to the following sub-paragraph:

3. Three or more family dwellings:
350 square feet per dwelling unit, however, a smaller unit size of 288 square feet, may be approved by the Director of Planning and Development, provided the average unit size for the complex is at least 500 square feet.

A discussion followed and Mr. Carrington advised that by adoption of this amendment, it would allow deviation and permit the construction of efficiencies (288 square feet) by Administrative Permit.

Chairman Firkins declared the public hearing closed.

Motion was made by Mrs. Bott, seconded by Mr. Hooper, for approval of Z-108.

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

77-S-24(P) EL CONQUISTADOR VILLAGE, II-A - Dan Zoller Engineering, Inc. PE
Request: Preliminary Plan approval of a single family subdivision
Unit Type: 31 single family lots
Location: Bordered on the East by 39th Street East & approx. 2000' North of El Conquistador Parkway
Area: 12.09 acres Zoned: R-3

Mr. Swan advised that the 31 lots under consideration are located in El Conquistador. That water and sewer are available and the plan has met all the requirements of the reviewing departments.

Motion was made by Mr. Hayden, seconded by Mr. Hoffman, for approval of preliminary plan.

MOTION CARRIED UNANIMOUSLY

Chairman Firkins declared the meeting adjourned.

MANATEE COUNTY PLANNING COMMISSION

ATTEST:

Fay Firkins, Chairman

Gordon Bartle, Secretary