

December 20, 1979

MEETING ADJOURNED AT 11.28 A.M.

MANATEE COUNTY PLANNING COMMISSION

Fay Firkins, Chairman

ATTEST:

Gordon Bartle, Secretary

- M I N U T E S -

MANATEE COUNTY PLANNING COMMISSION
COUNTY COURTHOUSE
January 3, 1979

The Planning Commission met in regular session on January 3, 1979, at 9:30 A.M. in Commission Chambers in the Manatee County Courthouse. Chairman, Fay Firkins, called the meeting to order leading in the Pledge of Allegiance.

Mr Gordon Bartle, Secretary, called the roll of the members. Those in attendance were: Chairman, Fay Firkins; Vice-Chairman, Robert Hoffman; Secretary, Gordon Bartle; Sam Hayden, George Hooper and Seymore Sailes. Mrs Bott was absent.

Approval of the Minutes of December 6, 1978, and December 20, 1978, was deferred until January 17, 1979.

PETITIONS AWAITING DECISION:

R-955

STEPHEN WILSON

Dan Zoller Engineering, Inc-Agent

Location: 1080' N of Cortez Rd &
E of 32nd Street W

Area: 4.97 acres

Zoned: R-2

January 3, 1979

REQUEST: To change the present zoning from R-2 (One and Two Family Dwelling) district to R-1A (One Family Dwelling) district.

Committee report presented by Mr Hooper.

Mr Hooper motioned for approval of R-955. Motion seconded by Mr Bartle. Motion carried unanimously.

R-956

STEPHEN WILSON

Dan Zoller Engineering, Inc-Agent

Location: 660' N of Cortez Rd &
E of 32nd Street W

Area: 6.05 acres

Zoned: R-2

REQUEST: To change the present zoning from R-2 (One and Two Family Dwelling) district to C-1 (Commercial) district.

Committee report presented by Mr Hooper.

Mr Hooper motioned for denial of R-956. Motion seconded by Mr Sailes. Motion carried unanimously.

SE-1179

MIKE DEPALMER TENNIS CLUB

Robert A. Farrance, Agent

Location: 808 75th St NW

Area: 5.24 acres

Proposed Use: Tennis complex

REQUEST: Special Exception to permit tennis complex with 9 soft tennis courts and 7 hard tennis courts, clubhouse, pro-shop, swimming pool, backboard, lights, and 4 racquetball courts, in a R-1C (One Family Dwelling) district for a permanent period of time.

Committee report presented by Mr Hoffman.

Mr Hoffman motioned for approval of SE-1179 with stipulations per the committee report for ten years plus an additional ten years to be granted by the Planning Director provided the area has not changed significantly, and after showing that all stipulations have been met. Motion seconded by Mr Hayden. Motion carried unanimously.

R-953

THOMAS C. BENNETT, JR.

Richard Bennett, Agent

Location: N of SR 64 & W of Kay Rd

Area: 66.5+ acres

Zoned: -A-

REQUEST: To change the present zoning from -A- (General Agricultural) district to T-3 (Travel Trailer Park) district.

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Committee report presented by Mr Hooper.

Mr Hooper read letter dated January 2, 1979, from Mr Bennett to Bruce Siciliano stating they will participate in the cost of paving Kay Rd; county water will be extended northward from its current location on S.R. 64 to the proposed project site; a sewage treatment facility will be constructed adjacent to this site for a central sewage system to serve this project.

Mr Hayden: What percentage will they participate?

Jerome Gostowski, Highway Dept: The state is paving 2200' of that road in conjunction with the overpass. We requested they pave the remainder. We have not negotiated with them to participate in any way. It's up to them.

Ralph Nelson: The difference in the letter dated January 2, 1979, and our original letter is just the addition of one sentence in that the small section of road that's north of where the interstate will be to our main entrance should be included as per Mr Siciliano - "This paving would include a small section of Kay Rd from the northern limits of I-75 construction to the proposed main entrance to the camp ground".

Mr Carrington: Is there a participation clause associated with the improvement of Kay Rd from the interstate East or not?

Mr Nelson: Construction on about half of Kay Rd is going to be done by I-75. The balance of the road would be done by us.

Mr Carrington: So there is no county participation, that's the point I wanted to bring out.

Mr Nelson: Right.

Mr Hooper motioned for approval of R-953 as per the committee report. Motion seconded by Mr Sailes. Motion carried unanimously.

DEFERRED FROM 12/20/78:

78-S-48(P)

LAKEWOOD ESTATES

Unit Type: 13 single family lots
Location: approx 1080' N of Cortez Rd
& E of and adjacent to 32nd St W
Area: 4.97 acres
Zoned: R-1A

REQUEST: Preliminary plan approval of a single family subdivision.

Bill Swan: They have requested a waiver of the sidewalk and recreation requirements. The staff recommendation would be for a sidewalk down one side of the street.

Stephen Wilson: Requested that this petition be withdrawn because it was relative to the requested rezone in petition R-956 which was denied.

Mr Hayden motioned for withdrawal of this petition per Mr Wilson's request. Motion seconded by Mr Bartle. Motion carried unanimously.

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75-S-8(F)

MANATEE PALMS, Unit 4

Unit Type: 42 single family lots
Location: Bordered on the W by Kay
Rd & approx ¼ mile N of S.R. 64
Area: 8.5 acres-±
Zoned: R-1

REQUEST: Final plat approval of single family subdivision.

Bill Swan stated that the petitioner has requested that this item be deferred due to some minor problems with the construction that needs to be corrected.

Mr Firkins continued 75-S-8(F) until January 17, 1979.

NEW BUSINESS:

R-957

ROSARIO & NETTIE DAVI

Location: 4600 Blk 86th St W
Area: 0.53 acre
Zoned: R-1A

REQUEST: To change the present zoning from R-1A (One Family Dwelling) district to R-1AA (One and Two Family Dwelling) district.

Slides and location map presented by Bruce Siciliano.

Rosario Davi: present for questions.

Mr Hoffman: How many duplexes are planned to be built there?

Mr Davi: Two.

Mr Bartle: What kind of sewage facilities are there?

Mr Davi: Septic tanks.

Public hearing closed. Mr Bartle motioned to refer R-957 to committee. Motion seconded by Mr Hoffman. Motion carried unanimously.

R-958

MERLE W. & MARY C. TINKHAM AND ROBERT D. &
DOROTHY J. CAMPBELL

Gary Trice, Agent
Location: Between 50th St W & 51st
St W on Manatee Ave W
Area: .84 acre
Zoned: PR

REQUEST: To change the present zoning from PR (Professional) district to -C- (Neighborhood Commercial) district.

Slides and location map presented by Bruce Siciliano.

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Gary Trice, Agent: Present for questions.

Mr Bartle: Has the question relative to egress been discussed with the petitioner?

Bill Swan: This has been discussed with the petitioner. The petitioner has indicated that a Scott's Chicken is proposed for lots 13 and 14. We have indicated that we would go along with one access off of Manatee Avenue and the egress onto 51st St. W on that particular location. We would like to keep a limited amount of accesses on Manatee Avenue.

Mr Bartle: In other words, access is not a problem. Your concern is with egress?

Mr Carrington: Obviously, any curb-cuts on Manatee Avenue will add to the dangerous situation that already exists there because of the volume of traffic. However, we have to be reasonable and I think to deny them both access and egress would be unreasonable. If the Planning Commission wishes to recommend approval, the applicant should consider amending his site plan to deny direct access so that cars would be coming into the site from Manatee Avenue but not entering back into Manatee Avenue.

Mr Firkins: Can we make this a condition for approval?

Mr Carrington: It has been this county's philosophy to not attach conditions to zoning. From time to time applicants have volunteered to attach conditions to zoning on their own and we have accepted these although we have no way to enforce it.

Mr Bartle: Can this be addressed when he comes in with the site plan?

Mr Carrington: Yes, sir.

OPPOSITION: Dee Rankin, owner of property at 5100 Manatee Avenue.

OPPOSITION: Willard McConnell, 310 50th Street West.

Petition with 36 signatures opposed to the subject rezone.

REBUTTAL: Mr Trice, I want to clarify that the lady who just spoke in opposition to this petition is opposing commercial zoning on property adjacent to her property which is currently zoned commercial. In regard to the other gentleman who spoke in opposition, isn't it true that there are residents behind all commercial and professional developed property on Manatee Avenue?

Mr Carrington: I can not answer that question without research.

Mr Trice: The same reasoning that would restrict changes in zoning from professional to commercial should apply to changes in zoning from commercial to professional. That's the point I want to make.

Public hearing closed. Mr Hooper motioned to refer R-958 to committee. Motion seconded by Mr Sailes. Motion carried unanimously.

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R-959

DWIGHT MEAD & JIM MORRISON

Location: W/S of 34th St W
approx 100' S of 46th Ave.

Area: 4.73 acres

Zoned: R-1AA

REQUEST: To change the present zoning from R-1AA (One and Two Family Dwellings) district to R-3 (Multiple Family Residential and Resort) district.

Slides and location map presented by Bruce Siciliano.

Dwight Mead and Jim Morrison: present for questions.

Mr. Mead presented a photograph of the building they propose for the subject property. There will be a total of ten (10) buildings on the property. This would be a four-family quadriplex that would be sold - condominiums - not rented.

Mr. Firkins: Mr. Carrington, would there be much difference in the development of this property under the requested change to R-3 zoning as compared to R-1AA?

Mr. Carrington: The density would be greater. 8.14 as compared to 4.5 in the R-1AA.

Mr. Mead: We are talking about a difference of eight (8) units.

Mr. Bartle: Are there any problems in connection with the Highway Department recommendations?

Mr. Mead indicated there were no problems.

Mr. Mead: These units would sell for about \$50,000.00 each. Each building would represent \$200,000.00 as opposed to low cost duplexes which would be the only other development we could put on the land.

Mr. Firkins: There is a 42' right-of-way. Is that all right with you?

Mr. Mead: Yes, there should not be any problem at all.

CORRESPONDENCE: Mrs. Julia Duclo, 3608 46th Avenue Drive West, no objections if the property is attractively maintained and sold to people without children.

Mr. Carrington pointed out there was no way to place a restriction on the property prohibiting children.

Mr. Carrington: We have some additional comments; for the information of the applicant during the site plan review the staff will recommend that the inclusion of an 80' diameter turn-around at the west end of the cul-de-sac be provided and that the relocation of the park and recreation area be moved from the most westerly part of the property to a more central location to give everyone easier access and to provide a better visual impact. Also, that adequate pedestrian circulation movement within the property be provided and heavy landscaping along the roadway be provided.

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Mr Carrington read the Highway Department recommendations: (1) the development of this property should not interfere with the natural drainage of the area (2) there should be an acceleration and deceleration lane on 34th Street West and (3) 42' of right-of-way from the centerline of 34th Street West should be dedicated.

Public hearing closed. Mr Hoffman motioned for approval of R-959. Mr Hayden seconded the motion. Motion carried unanimously.

R-960

BERNARD RAY CODDINGTON

Location: 316 53rd Ave E

Area: 0.82 acre.

Zoned: R-1AA

REQUEST: To change the present zoning from R-1AA (One and Two Family Dwellings) district to PR (Professional) district.

Slides and location map presented by Bruce Siciliano.

Mr Coddington: present for questions. Stated the purpose of the requested rezone is so that he can operate an accounting firm from his residence.

Public hearing closed. Mr Hooper motioned for approval of R-960. Motion seconded by Mr Sailes. Motion carried unanimously.

R-961

COUNTY COMMISSION INITIATED

Charles C. Carrington, Agent

Location: 900 Blk 40th Ave E

Area: 7.33+ acres

Zoned: R-2

REQUEST: To change the present zoning from R-2 (One and Two Family Dwelling) district to R-1A (One Family Dwelling) district.

Slides and location map presented by Bruce Siciliano.

Mr Carrington explained that the present zoning allows duplex and/or single-family development. The people in the area approached the County Commissioners to request this change to prevent the proposed construction of a duplex in what has been developed as a single-family dwelling area.

IN FAVOR OF: Ed Kennedy, 1015 40th Avenue E - spokesman for the eight residents in the subject area; the residents of the existing homes in the area feel their property would substantially depreciate with the construction of a duplex.

OPPOSITION: Mrs Clifford, owner of the lot in question; only bought the lot because it was zoned so she could build a duplex. (She had planned to live in half and rent the other half).

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OPPOSITION: Charles Butnell, 1020 40th Avenue E; pointed out that this is not a county maintained road and any further development would add to the poor condition that already exists.

Jerome Gostowski, Highway Dept: Contrary to what Mr Butnell stated, this is a county maintained road.

Public hearing closed. Mr Bartle motioned for approval of R-961. Motion seconded by Mr Hayden. Motioned carried unanimously.

SE-1811 ARTHUR & JACQUELINE CASTLE
Location: 1207 35th Ave W
Area: .19 acre
Proposed Use: Home Occupation
 for Appliance Repairs

REQUEST: Special Exception to permit a home occupation for an appliance repair shop in an R-3 (Multiple Family Residential and Resort) district for a period of five years. Request a waiver of Sec. VI, para. 33, D of the Manatee County Zoning Ordinance.

Slides and location map presented by Bruce Siciliano.

Arthur Castle: present for questions.....

Mr Firkins: The waiver is so you can put it in the storage shed?

Mr Castle: Yes sir.

Mr Carrington: The ordinance states that no home occupation shall be conducted in an accessory building and the operation he proposes is in an accessory building. There is a provision in the ordinance that gives you the prerogative to waive this stipulation if you find that the request is in keeping with the nature and character of the neighborhood.

Mr. Castle: There are other people in business there so I don't feel I am too far out of line.

Mr Firkins: Commercial property is very near to this location as well.

PETITION signed by the surrounding residents stating they have no objections to this request.

Mr Firkins: Is it appropriate to put a time waiver on a request such as this?

Mr Carrington: Yes, that is your prerogative on a Special Exception. Mr Carrington reiterated the staff findings and stated that the Board could also attach a time period.

Public hearing closed. Mr Hoffman motioned for approval of SE-1181 with all of the Planning staff stipulations and for a period of five years. Motion seconded by Mr Hayden. Motion carried unanimously.

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SE-1182

CITY OF BRADENTON

Richard P. Clarke, Agent

Location: West side of Ward Lake

Area: 17.5 acres

Proposed Use: Replace water pumping station with new facility.

REQUEST: Special Exception to permit a public service facility in an -A- (General Agricultural) district for a permanent period of time.

Mr Carrington explained that the sign has been posted but only for 14 days instead of the required 15 days.

Mr Firkins stated they would proceed rather than defer this item for such a minor technicality.

Mr Carrington stated this was a routine request with no problems; the City simply wants to replace the existing water pumping station with a new facility.

Public hearing closed. Mr Hoffman motioned for approval of SE-1182. Motion seconded by Mr Hayden. Motion carried unanimously.

Z-111

PLANNING COMMISSION INITIATED -
ZONING ORDINANCE AMENDMENT

Amend Section V, A GENERAL AGRICULTURAL District, by adding the following sub-paragraph:

A-11. Farming Service Establishments: Any establishment which provides a farming service off the premises such as vegetable or fruit picking, harvesting, pest control, plowing, hauling of agricultural products or similar operations. For the purpose of this Ordinance, "farming service establishment" shall not be deemed to include airfields or landing strips.

Mr Carrington: The present ordinance is silent in connection with allowing establishments which provide a farming service off the premises. In reviewing the situation, it has been recommended that wording be inserted in the new ordinance that would allow these establishments. Mr Mabry came before the Planning Commission at the last meeting and asked that we go ahead with the new wording in the present ordinance. This amendment would simply add one more use to the principal uses. Z-111 would change the present zoning ordinance to allow these uses by right. If the Board is uncomfortable with the change as requested, it is possible to allow these uses as a Special Exception - I should point out, however, that the proposed zoning ordinance recommends that they be allowed by right.

Mr Firkins: As the ordinance currently reads, he can not have this equipment on his property?

Mr Carrington: He can not store the equipment on his property if it is used on property other than his own.

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Mr Hoffman: I would like to add a statement that no major repairs of trucks or picking equipment be allowed in this area.

Public hearing closed. Mr Hoffman motioned for approval of Z-111 with the aforementioned stipulation. Motion seconded by Mr Hayden. Motion carried unanimously.

SUBDIVISIONS:

T-42(F) FLORIDANA MOBILE HOME PARK - UNIT 111
Unit Type: 7 mobile home lots
Location: 2nd St W & 51st Ave Plaza W
Area: 1 acre
Zoned: -T-

REQUEST: Final plat approval of Mobile Home Park.

Bill Swan: They had a temporary package treatment plant and now that they can hook-up to the central sewer system they have taken down the pumping station and filled in the area and are applying for final plat approval of seven (7) additional mobile home lots. In November, 1977, they received a preliminary plan approval of these seven (7) lots. At the time you were presented with the preliminary plan the staff was not aware that the total overall park had exceeded the density allowed for a subdivision. As a matter of fact, if we took all the lots in the park by the acreage, they are approximately 72 lots over the maximum required lots allowed for that size subdivision. There are no improvements involved outside of a ditch which parallels 51st Avenue Terrace West, so no construction plan is required. On the face of the preliminary plat the applicant inserted wording which says: ditch to be piped - size specified by the Manatee County Engineering Department, pipe and materials to be furnished by Floridana Homeowners, Inc., and installation by Manatee County.

Mr Carrington: The reason this is so complex is because to approve this would be violating your own ordinance which specifies density in a Mobile Home Park, and, yet, you have already granted preliminary approval. I am not sure you can or can not grant final approval for the plat since it violated the zoning ordinance. However, improvements have been made in good faith by the county and the Floridana Homeowners Association based on preliminary approval. Floridana has purchased the pipe for approximately \$11,900.00 and the County Highway and Engineering Department has made a \$4,000.00 commitment toward installation of the pipe. This is a legal question at this point. The County Attorney has said he would need additional information to render an opinion as to whether we are estopped from denying the request. Specifically, the amounts of money that have been expended by all parties concerned.

Jim Kennedy, Triad Tech: There are water and sewer line extensions which have been installed, also, which involves additional monies besides the pipe already mentioned. We are also contracted to install electrical lines.

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Mr Firkins stated this should be deferred until the County Attorney can give his opinion on how we should proceed.

Mr Bartle motioned for deferral of Floridana Mobile Home Park, Unit III. Motion seconded by Mr Hoffman. Motion carried unanimously.

MEETING ADJOURNED AT 11:25 A.M.

MANATEE COUNTY PLANNING COMMISSION

Fay Firkins, Chairman

ATTEST:

Gordon Bartle, Secretary

- M I N U T E S -

MANATEE COUNTY PLANNING COMMISSION
COUNTY COURTHOUSE
January 17, 1979

The Planning Commission met in regular session on January 17, 1979, at 9:30 A.M. in Commission Chambers in the Manatee County Courthouse. Chairman, Fay Firkins, called the meeting to order leading in the Pledge of Allegiance.

Mr Gordon Bartle, Secretary, called the roll of the members. Those in attendance were: Chairman, Fay Firkins; Vice-Chairman, Robert Hoffman; Secretary, Gordon Bartle; Sam Hayden; Ann Bott; George Hooper; and Seymore Sailes.

Mr Firkins called for approval of the Minutes of December 6, 1978. Mr Hoffman motioned for approval. Motion seconded by Mr Bartle. Motion carried unanimously.