

Mr. Hoffman announced that the Planning Commission would meet in the conference room of the Planning & Development Dept. at 9:30 A.M. Monday September 17, 1979.

MEETING ADJOURNED AT 11:50 A.M.

MANATEE COUNTY PLANNING COMMISSION

BY

ATTEST:

Fay Firkins, Chairman

Gordon Bartle, Secretary

- M I N U T E S -

MANATEE COUNTY PLANNING COMMISSION

COUNTY COURTHOUSE

September 19, 1979

The Planning Commission met in regular session on September 19, 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; Ann Bott; George Hooper; Jim Garrison and Seymour Sailes.

Mr. Firkins called Mr. Sam Hayden forward.

Mr. Firkins: I want to congratulate you on being a good member of the Planning Commission for many years; being on many special committees, for all the extra time and gas you spent and all the money you lost being away from your Real Estate business. We have a little plaque which says:

"The Manatee County Planning Commission proudly salutes Samuel J. Hayden for outstanding and dedicated service towards the development of Manatee County through progress and planning."

dated the 19th day of September 1979, and that is your plaque and we're very proud to have served with you on this Commission.

Sam Hayden: Thank you. I enjoyed my six years, I can tell you that.

PETITIONS AWAITING DECISION:

R-1003      JOSEPH E. DUENNES  
Richard G. Gremley, Agent  
Location: 1350 - 59th Ave. E.  
Area: 2.4± Acres  
Zoned: R-1AA

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

Mr. Hooper: I want to turn this over to Bruce Siciliano, I think he has a letter.

Bruce Siciliano: Mr. Chairman, we have received a letter from R. G. Gremley dated September 13, 1979, to the Department of Planning & Development in which he requests that this petition be withdrawn.

Mr. Hooper motioned to accept petitioner's request to withdraw R-1003. Motion seconded by Mr. Garrison. Motion carried unanimously.

R-1006      R. V. WAGNER  
R. E. Nelson, Inc., & V. Wm. Kaklis, Agents  
Location: 6921 - 14th St. W.  
Area: 1.75± acres  
Zoned: R-1AA

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

Committee report presented by Mr. Hooper. Mr. Hooper motioned for approval as per committee report. Motion seconded by Mr. Sailes. Motion carried unanimously.

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79-S-25(P&F). HIGEL TERRACE SUBDIVISION  
 Harry Higel, Developer  
 Unit Type: 4 Single Family Lots  
 Location: Cor. of Bayshore Dr. & Horseshoe Loop,  
 Terra Ceia  
 Area: 5 acres  
 Zoned: R-1A

REQUEST: Preliminary and Final Plat Approval of a Single Family Subdivision

Bill Swan: This subdivision was deferred at the last hearing for some minor problems on the plat which were corrected. There were some permanent reference monuments put on the site incorrectly which should be corrected easily and I am therefore asking that this be deferred for two more weeks until October 3rd, rather than indefinitely.

Mr. Hoffman motioned to defer Higel Subdivison until October 3, 1979. Mr. Hooper seconded the motion. Motion carried unanimously.

NEW BUSINESS:

R-994 WILLIAM KIPP, TRUSTEE  
 Burton-Kipp Associates, Agent  
 Location: Corner Erie & Ellenton-Gillette Road  
 Area: 0.8 Acres  
 Zoned: -A-

REQUEST: To change the present zoning from -A- (General Agricultural) district to C (Neighborhood Commercial) district.

AND:

R-995: WILLIAM KIPP, TRUSTEE  
 Burton-Kipp & Associates, Agents  
 Location: Erie Road & Ellenton-Gillette Road  
 Area: 6.1 Acres  
 Zoned: -A-

REQUEST: To change the present zoning from -A- (General Agricultural) district to R-1B (One Family Dwelling) district.

Slides and location maps presented by Bruce Siciliano for R-994 and R-995.

Ralph Nelson present for questions with William Kipp.

Ralph Nelson: We would like to make our presentation similiar to what Bruce just did, outlining both parcels. They are contiguous.

Mr. Firkins: We'll hear both.

Mr. Nelson: Thank you sir. Showed maps and plans and described for both parcels.

Mr. Firkins: Erie Road. Does that have any entrance to I-75?

Mr. Nelson: Erie Road has a connecting road that comes down through Erie Road from the Moccasin-Wallow Interchange.

Mr. Kipp: You will go on the overpass over I-75 and make a left and come back up the road to the interchange.

Mr. Bartle: Are you aware of the Health Department's statement as to the amount of waste water pumped?

Mr. Nelson: Yes.

Mr. Kipp: We owned property outside there near Shadow Brook and one place out there was zoned neighborhood commercial and at that time we tried to work out something on one of those pieces and couldn't get anything. That is one thing that brought about the idea of this property here and having a small area of neighborhood commercial. We do have Shadow Brook right here. We already have this lot and there are a couple of houses and some construction in Palm View Acres. This was originally platted as a subdivision for real small lots and what we really want to do is reshape the lots and

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try to stay more in keeping with the surrounding property.

Mr. Nelson: It's Swan Estates there with 50' wide lots in there right now.

Mr. Firkins: The lots in there now?

Mr. Nelson: Yes

Mr. Kipp: These will be paired off. Two lots to a house, approximately.

Bruce Siciliano: Reiterated Planning Department comments for R-995 concerning lot size and curb cuts on Erie Road and the possibility of spot zoning.

Brian Barnes, Highway Dept: Reiterated Highway Department comments for R-994 concerning Ellenton-Gillette Road.

Brian Barnes, Highway Dept: Reiterated Highway Department comments for R-995 concerning access from Palm View Circle now under construction and driveways.

Mr. Kipp: Spoke on spot zoning.

Mr. Hoffman: Are you planning on having driveways on Palm View Circle the same as the Highway Dept. requests?

Mr. Kipp: I don't think we were, because that would be local traffic. Palm View Circle is strictly residential.

Public Hearing Closed on R-994.

Mr. Bartle motioned for approval of R-994. Mr. Hooper seconded the motion. Motion carried unanimously.

Public Hearing closed on R-995.

Mr. Hooper motioned for approval. Mr. Garrison seconded the motion. Motion carried unanimously.

R-1007      DALE P. SCHMITZ  
Dale P. Schmitz, Agent  
Location: Approx. 175 ft. N of Little Pittsburgh Rd. &  
approx. 650' W of 15th St. E. (U.S.301).  
Area: 1.08± acres  
Zoned: R-1AA

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

Bruce Siciliano: Slides and location maps.

Dale Schmitz present for questions. I want to put three single family homes but I do not want to subdivide, want to keep it one piece. But I do want to make an investment on it by building three houses, living in one and renting the other two as an investment. I have contacted all the neighbors closest to the property and they have showed me they were not against it. The thing I wanted to make sure of was that the private driveway I was going to have would not be a through way to any other lot, so they would not have traffic going through 56th Avenue.

Mr. Bartle: Did you say you were going to put three single family houses there?

Mr. Schmitz: Yes.

Mrs. Bott: Why do you want this zoned multi-family ?

Schmitz: Because the area I am using for these homes, they say the minimum requirement for land space is 75' x 100'. That is the minimum you are required to put a home on. I was figuring and I do not quite have 75' x 100' just a small amount less. They told me I could not build three houses on it, so I felt that there is a huge space there that is not being used and I could probably....I have drawn plans indicating suitable homes which are better than most places you see on the streets today.

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Mr. Firkins: In other words, the Planning Department said they have to have R-3 to do what he wants to do?

Mr. Carrington: No, I don't think so.

Bruce Siciliano: If 56th Avenue Drive East were extended to the end of his property line it would be possible to get four lots. I am sorry...if a cul-de-sac were required it would take more calculation to determine it out. My calculations, just based on that quick measurement and the allowable density based on the area. Density would allow six duplex lots. However, that would include right of way into the property. I determined he could get at least four now that doesn't create a cul-de-sac which normally would be more with the streets so calculation would require more of that.

Mr. Bartle: Do you have a preliminary plan?

Mr. Schmitz: Yes. (Showed plan to Board)

Mr. Bartle: Well, I have to confess, I don't know why he needs to rezone, do you?

Mr. Firkins: They told you that you have to have a rezone?

Mr. Carrington: No, sir.

Bruce Siciliano: That is the way he elected to go when he came in. We presented other alternatives.

OPPOSITION: Richard Wood, 544 Old Main Street, Bradenton. I represent Mr. M. C. Bailey. Mr. Bailey called me last night and informed me that he owns a 6" wide strip of land adjacent to the subject property at the end of 56th Avenue East. If this is so I think Mr. Schmitz is going to have some access problems to his property. I have not been able to substantiate this because I got the call last night at home. I think a deferment, at least, is in order to substantiate this.

Mr. Carrington: Where is it? Let me put the slides on. (Put on slides of property at end of 56th Avenue Drive).

Mr. Hoffman: How is the access to the property now?

Mr. Schmitz: We have the right of way to our property from both streets in fact. 56th and the one to the south of that through the lady's property.

Mr. Firkins: You can tell us on your rebuttal.

Mr. Garrison: Could we see the picture of the road?

Mr. Wood: I would like some time to at least be able to substantiate this claim.

Mr. Firkins: That is your only objection?

Mr. Wood: Yes.

OPPOSITION: Ada Splaid, 1311 56th Avenue Drive East. Does not want dead end road open.

OPPOSITION: Gerald K. Bailey, 5612 - 14th Street East. Has always been a dead end street. Did not receive notification. Father owns property as a 6" easement. This was done so that it would be a dead end street.

Mr. Hoffman: You mean that is a land-locked piece of property?

Mr. Bailey: He can access between his dad's property if he wants to get to it and race up and down through it.

CORRESPONDENCE:

OPPOSITION LETTER: Herman H. Rohrer - does not want rezoned to R-3.

OPPOSITION LETTER: Ruth A. Posey, 1216 - 57 Avenue Drive East. Does not want 16 units per acres. Over populated as it is.

Bruce Siciliano: Reiterated Planning Department comments. Concerned with multi-family zoning in a substantially residential area.

Bruce Siciliano: Should make one final comment with reference to the street being connected through. What he is planning would not create a through street. Would just extend it with a private driveway.

REBUTTAL:

Mr. Schmitz: First of all to start with Mr. Bailey. He was not given a notice and evidently he is as surprised as I am because I was told that letters were sent out to people who were adjacent to my property. So they were sent out but evidently whoever sent the letters was not aware that the 6" easement was Mr. Bailey's property and he deserved a letter, but from what I was told by my parents, we do have access through that road. (Interruption from audience and Mr. Firkins asked that Mr. Schmitz be given same consideration as they were). The deed was written that we do have access. As a matter of fact, we do have access to three roads that deadend into the property. There is 13th Street, 56th Avenue and 56th Avenue, all three give us access and all three are paved roads. The big complaint that I see about my neighbors is the fear of a through road. I understand completely their concern about this because when Mr. Rohrer gave the County permission to use the pasture as a through road while constructing the sewer line on 12th Street which gave the people in that area a hard time, particularly with dust. I am not in any way in favor of any through street through my property.

Mr. Firkins: You were not aware of that little strip of road, were you?

Bruce Siciliano: That's right, the tax books did not show an easement.

Public Hearing closed on R-1008.7

Mrs. Bott motioned to deny R-1008.7 Mr. Hooper seconded the motion. Motion carried unanimously.

R-1008

S. FRANK PERKINS, III

S. Frank Perkins, Agent

Location: N side of Hwy #70, approx 1 mile E of present Hwy. #301.

Area: 7.94± Acres

Zoned: R-1AA

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

Bruce Siciliano: Presented slides and location maps.

S. Frank Perkins, III, present for questions. Explained why he wanted re-zone and commented on neighbors not living up to zoning in area.

Mr. Hoffman: Do you have any plans for the property now?

Mr. Perkins: Not until I get the zoning. Then I'll figure something to put on it.

Mr. Hoffman: You don't have any idea what you want to put on there?

Mr. Perkins: Something was said about an automobile place. I don't know if that is anything worse than anything else. There are other things besides automobile business. As far as I can see there are other things that C-2 zoning restricts, such as a Holiday Inn or something like that in that area. This will only be 1,000 feet east of the main 301 interchange. I see they are starting to cut across First Street going east for the new 301.

Bruce Siciliano: A motel would not be permitted in a C-2 zone.

Mr. Perkins: Not C? That is what I thought. I don't even see that a garage or a filling station would be detrimental to them as far as that goes. But let's face it, that will be about the center of Oneco, I think. You can't deny it. 70 acres will go completely across it south of 70. It will be a city in itself. It is a fine location and the new highway and your new intersection, your turn is starting. Only property at the turn off going north. I have already sold a little piece off the corner, at the southwest corner. I cannot see why anyone would object to having that zoned properly.

OPPOSITION: Steve Marices, 3019 - 53rd Avenue East. Felt would devalue property and remove old oak trees. Commented that he was not notified of hearing and wanted to know why not.

Bruce Siciliano: You should have been notified.

Mr. Marices: Well I wasn't.

Bruce Siciliano: There was an error on the tax maps. The letter was sent to someone else.

Mr. Marices: The party that was notified was Albritton.

Mr. Firkins: How could that be. How long have you lived there?

Mr. Marices: I've lived there 26 years.

Mr. Firkins: Have you gone to the tax books?

Bruce Siciliano: Yes.

Mr. Marices: There is also a drainage ditch back there, around to 301. Now, if they rezone that, what are they going to do with the drainage ditch?

Mrs. Bott: Is this property involved in the A-2 zone?

Mr. Carrington: No, it is directly across the street. You remember that the A-2 (Agricultural Fringe) rezone only takes in agricultural lands presently located west of I-75 and contiguous, in this particular instance, to the large arteries. This land is not involved to my knowledge. There are no major zoning changes in this area. If someone told him there was a possibility of a commercial C-2 I am not aware of anyone on my staff saying something about that. I am not aware of any zoning change being considered.

OPPOSITION: Jean Deal, 3103 - 53rd Avenue. (Cor. 31st St.) Have mixed feelings. Would like to see right of way 301 all the way to 31st Street and would like to be either incorporated into the A-2 zone or all of it to be commercial but would not like a used car lot or gas station or garage.

OPPOSITION: Harlan R. Sunquist, 8112 - 19th Avenue Drive West. Purchased property to rear with plans for single family development and feels C-2 zoning would be detrimental to his investment.

#### CORRESPONDENCE:

OPPOSITION LETTER: Gerald D. Camp, 5220 - 44th Street East. Stated zoning change would lower property values and not be in keeping with other owners.

OPPOSITION LETTER: S. E. Gillespie, P. O. Box 1271, Turnerville, Texas. Wife owns property - Concerned about traffic.

OPPOSITION LETTER: Ollie Lingo. Feels zoning change will lower property values.

Bruce Siciliano: Reiterated Planning Department comments regarding spot zoning and proposed zoning being out of character with surrounding area.

Brian Barnes: Reiterated Highway Department comments regarding drainage.

#### REBUTTAL:

Mr. Perkins: All I can say is the Highway Department is not for or against the rezone. I do still say that according to my observation, my neighbors



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which are against this and most of them are against anything, are not living up to the rezone regulations. They say it's residential but I say it's commercial already. They have rental property on either side of me.

Mr. Hooper: Most of the property out there is R-1AA.

Mr. Perkins: How about two home, apartments or what have you in a home, and they could have that all up and down there, that would be R-1A vicinity?

Mr. Hooper: R-1AA.

Mr. Perkins: I wasn't complaining about them, I just was saying that this piece of property, I have to do something with it. The taxes keep going up, I want it to start producing something back for me. All I can see is every year the taxes go up a little more, and I believe that it should be C-1 zone. But I'll have to leave that up to you. Thank you.

Public Hearing closed on R-1008.

Mr. Hooper motioned to refer R-1008 to committee. Motion seconded by Mr. Sailes. Motion carried unanimously.

SE-1251            REEDER RANCH & DAIRY  
J. Randolph Snell, Agent  
Location: S of Hillsborough County Line and NW of I-75.  
Area: 120± Acres  
Zoned: -A-

REQUEST: Special Exception and Operating Permit for major earthmoving for the construction of I-75 for a period of five (5) years.

Bruce Siciliano: Presented Aerial Maps and explained location.

Carlos Ugarti present for questions.

Mr. Ugarti: Asking for this Special Exception to operate this pit strictly for the construction of I-75. Intend to use no public roads to haul. Will be two small pits about 14 acres all together out of 120± acres.

OPPOSITION: Arlene Flisik, 4106 24th Avenue West. Chairman of Manasota 88. Does subject property currently include any fresh water swamps or ponds? If so, will they be maintained intact or how will they be protected?

Mr. Ugarti: This property is all on high ground.

Mr. Firkins: No swamps, all on high ground?

Mr. Ugarti: All on high ground.

Bruce Siciliano: Reiterated Planning Department comments on Master Plan and Reclamation Plan.

Brian Barnes: Reiterated Highway Department comments regarding outfall.

Public Hearing closed on SE-1251.

Mr. Bartle motioned for approval with stipulations. Motion seconded by Mr. Hoffman. Motion carried unanimously.

SE-1252            DANIEL & DEBORAH FRUCHEY  
Daniel Fruchey, Agent  
Location: 6216 Lorraine Road, Bradenton  
Area: 5± Acres  
Zoned: -A-

REQUEST: Special Exception to permit a mobilehome for residence, for a period of five (5) years plus an additional five (5) years may be granted at the administrative discretion of the Planning Director.



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Bruce Siciliano: Presented slides and location maps.

Daniel & Deborah Fruchey present for questions.

Mr. Fruchey: I applied for this Special Exception so that I can live out there on my property while I'm building my house.

CORRESPONDENCE:

LETTER IN OPPOSITION: Walter & Patricia Norwich - Stated the requested mobilehome would lower property values and would be unsanitary and unsafe.

Public Hearing closed on SE-1252.

Mr. Hoffman motioned for approval for five (5) years plus five (5) additional years to be granted at the administrative discretion of the Planning Director. Motion seconded by Mrs. Bott. Motion carried unanimously.

SE-1253

SARASOTA-MANATEE AIRPORT AUTHORITY (AIRPORT MALL)

J. & D. Development Co., Agent

Location: 6600 Bradenton Road (U.S.301) east of Sarasota-Bradenton Airport, immediately north of Airport Mall.

Area: 2.57 Acres

Zoned: M-1

REQUEST: Special Exception to permit a C-2 (Heavy Commercial) district use in an M-1 (Light Industrial) district for a permanent period of time with one (1) year to complete 25% of construction.

Bruce Siciliano: Presented slides and location maps.

Mr. Hoffman: Is that near the airport?

Bruce Siciliano: Just north of it. This is the east entrance to the airport, almost at the County line.

Mark Golnick: Present for questions:

Mr. Bartle: What is going in there?

Mr. Golnick: Three outlets. One for Cohenour Carpet. It will be primarily a distribution point for their north and south stores. The others are two 5,000 square feet outlets, one is not leased, the other will be occupied by a glass distribution company.

Mr. Garrison: What is the situation on parking? Can you explain that to me?

Bruce Siciliano: They obtained a waiver with a previous Special Exception. Our department does not have objections if at least 15,000 square feet is occupied by a wholesale tenant.

Mr. Bartle: The only uncertainty seems to be with the Health Department?

Bruce Siciliano: I have a new letter, just received this morning from the Health Department. The Department of Environmental Regulation (DER) has determined the existing drainage ditch is within State and Federal jurisdiction, therefore dredge and fill permits will be required.

Mr. Golnick: Could the Board approve this subject to obtaining required permits from DER?

Bruce Siciliano: Since stipulations can be attached to Special Exceptions, the approval could be subject to obtaining required permits from the Department of Environmental Protection.

Bruce Siciliano: Reiterated Planning Department comments regarding landscaping.

Brian Barnes: Reiterated Highway Department comments regarding DER Permit.



Public Hearing Closed on SE-1253

Mr. Bartle motioned for approval predicated on approval being received by DER on the drainage ditch. Motion seconded by Mrs. Bott. Motion carried unanimously.

SE-1254      RON BERNARD  
                  R. E. Nelson, Inc., Agent  
                  Location: 1108½ - 53rd Avenue West.  
                  Area: 1.27± Acres  
                  Zoned: R-1AA

REQUEST: Special Exception to permit a home occupation as Professional Photographic Studio for a permanent period of time.

Bruce Siciliano: Presented location Maps (no slides available)

Mrs. Bott: What is that property there?

Bruce Siciliano: To the north of it? At the present time it is residences directly to the north of the property.

Mrs. Bott: Is it zoned PR?

Bruce Siciliano: It's zoned Residential and Professional.

Ralph Nelson, present for questions with Ron Bernard.

Mr. Nelson: Explained Mr. Bernard is presently working for photographer in Manatee County but wanted to operate own business out of his home. Presented a petition from neighbors in favor of SE-1254.

CORRESPONDENCE:

LETTER: E. S. "Jack" Zickafoos has made an agreement with Mr. Ron Bernard to give him easement to his property located south of 53rd Avenue East.

PETITION IN FAVOR from Contiguous property owners -- E. J. "Jack" Zickafoos, Phillip H. Toale, C. W. St. Leon and Al Cassick.

Bruce Siciliano: Reiterated Planning Department comments regarding waivers of Sec. VI, paragraph 33, sub-paragraph f, which prohibits increased traffic generation to the site, and sub-paragraph h, which prohibits a home occupation for a photographic studio. Paved access shall be provided to the residence either along easement approved by the Board or via a paved drive on the applicant's property.

Mr. Nelson: We have the easement, Mr. Bernard handed it to me this morning.

Public hearing closed on SE-1254

Mr. Hooper motioned to approve. Mr. Hoffman seconded the motion. Motion carried unanimously.

SE-1255      COLLEGE PLAZA LTD., KROH BROS. DEVELOPMENT COMPANY  
                  Ralph P. Colaiocco, Agent  
                  Location: College Plaza Shopping Center, 3400 Cortez Rd.  
                  Area: 7.05± Acres  
                  Zoned: C-1

REQUEST: Special Exception to permit Beer and Wine consumption (2-COP) on premises at Pizza Time Restaurant with 48 seats for an indefinite period of time.

Bruce Siciliano: Presented slides and location maps.

Ralph Coliaocco present for questions.

Public Hearing closed on SE-1255.

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Mr. Hoffman motioned to approved. Motion seconded by Mr. Sailes. Motion carried unanimously.

SE-1256. THEOPHILOS J. CAJOLEAS & STEPHEN G. JAKUBIK  
 Kally Jakubik, Agent  
 Location: 3207 - 15th St. E., Samoset  
 Area: .55± Acres  
 Zoned: C-1

REQUEST: Special Exception to permit a C-2 (Heavy Commercial) district use (an aluminum window storage operation) in a C-1 (Commercial) district for a permanent period of time.

Bruce Siciliano: Presented slides and location maps.

Theophilos J. Cajoleas present for questions.

Mr. Cajoleas: I am presently operating this business at 2078 - 17th Street in Sarasota. I have a contract pending with the church contingent on obtaining this Special Exception. I'm not really prepared for this as I wasn't supposed to be here. I just want to state that the operation we have is a clean operation, requires no storage outside, with no unusual noise level. We have no showroom as to induce a lot of traffic and a minimum number of employee traffic. As of right now I will let you know what kind of traffic we have as far as suppliers. One semi-trailer truck once a week with smaller trucks, like glass trucks, approximately three times a week.

Mr. Bartle: Were all these stipulations outlined here by the Planning Department discussed with you?

Bruce Siciliano: We have had difficulty getting in touch with Kally Jakubik, who is the agent.

Mr. Cajoleas: She was supposed to be here.

Bruce Siciliano: I had called the engineer and architect and read the stipulations to him. I am assuming he notified the petitioner.

Mr. Cajoleas: Nobody did. There are a couple of things here that I read that I wasn't aware of myself. If there is anything, maybe I can answer your questions.

Bruce Siciliano: We are requesting these stipulations, 1 through 7, be attached to the Special Exception. What you need to do is, if you have a problem, then it should be discussed.

Mr. Cajoleas: The only thing, not being totally sure of all the demands, I was looking at #4, the existing shell drive shall be improved to 22' to allow proper circulation. In just thinking about where that driveway is, I am not sure if we can get 22' where it makes the turn. This wasn't discussed with me personally, so it is like a new thing to me. The only question I had was on number 7. If we get the Special Exception, the church wants 60 days before we close on the contract, and it says 90 days here following approval. I was just wondering that only leaves 30 days to do all that has to be done. I was wondering if we could get another 30 days or something like that.

Bruce Siciliano: As far as the drive goes, the site plans submitted indicate that there should be sufficient space in the drive. If it isn't it could be negotiated administratively to get at least the room for adequate circulation.

Mr. Cajoleas: Everything else seems exactly what we have talked about originally.

Mr. Firkins: He can't sell out of there but he can store?

Bruce Siciliano: Correct. It is strictly a storage operation for the most part. Would be similar to a storage operation.

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Mrs. Bott: How many employees will there be?

Mr. Cajoleas: 5 employees.

Mr. Garrison: The operation will take place on weekdays, not on Sundays?

Mr. Cajoleas: That is correct. Five days, Monday through Friday.

Bruce Siciliano: Reiterated Planning Department comments regarding stipulations. Item #7 changed to read 120 days instead of 90 days.

Mr. Firkins: Do you understand all that?

Mr. Cajoleas: I only want to say that my operation is very similar to National Windows which is located at 2307 - 9th Street.

Public Hearing closed on SE-1256.

Mr. Hoffman moved to approve with stipulations and changing item #7 to read 120 days instead of 90 days. Motion seconded by Mr. Hooper. Motion carried unanimously.

SE-1257      RICHARD FARMS, INC.  
William B. Kipp, Agent  
Location: 29th St. E., W of proposed I-75 and E of SR 683.  
Area: 38 Acres  
Zoned: -A-

REQUEST: Special Exception and Operating Permit to permit a borrow pit operation for a period of five (5) years.

Bruce Siciliano: I would like to turn this over to Mr. Kipp.

William B. Kipp: I would like to request deferment in order to re-submit Master Plan.

Mr. Hoffman motioned to defer until October 3rd. Motion seconded by Mrs. Bott. Motion carried unanimously.

SE-1258      GLORIA BERRYHILL  
Bonnie Harvey and/or Linda J. Fouse, Agents  
Location: 1517 Wilmerling Ave., Bradenton  
Area: 0.64± Acres  
Zoned: R-1B

REQUEST: Special Exception to permit a day care center in an R-1B (One Family Dwelling) district for an indefinite period of time.

Bruce Siciliano: Presented slides and location maps.

(Mr. Firkins excused himself, he had to leave and Vice-Chairman Hoffman took over as Chairman).

Jerome Gostowski, 5066 - 64th Avenue Terrace West, Mrs. Berryhill and Mrs. Harvey present for questions.

Mr. Gostowski: Described site plan requesting 4" shell rather than 1" asphalt as stated in stipulations.

Mrs. Harvey: We will be doing the same as the existing owners have there now.

Mrs. Bott: You want to go from 75 to 105.

Mrs. Harvey: The Health Department currently approves 105 children. We would like that.

Mr. Bartle: Does the Planning Department have any objections to the paving?

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Bruce Siciliano: There is traffic to the site by the staff and the parking is daily. That is why we made the recommendation that parking be paved.

Mr. Hoffman: What about the circular driveway?

Mr. Gostowski: Will meet the requirements of the Highway Department.

Mrs. Bott: How many cars at one time?

Mrs. Berryhill: Right now 4, and there is not a lot of continuous traffic in and out of the parking area. Some don't even drive their cars, they walk and drop the child off and leave their cars at home.

Mr. Gostowski: The parking lot layout is sufficient. Except parking space #1, we do not provide enough room to back out and then turn to the north. We will be more than happy to change the configuration, whatever Mr. Siciliano and the Planning Department and the Highway Department want.

FAVOR: William Kinder, 1529 Wimberling Avenue. I knew there was a Day Care Center when I bought. There are no problems as to noise and traffic.

#### CORRESPONDENCE:

LETTER IN FAVOR: G. L. & Eunice Hudson, 1505 Wimberling

LETTER IN FAVOR: William N. Kinder, Jr., 1529 Wimberling

Bruce Siciliano: Reiterated Planning Department comments on stipulations.

Brian Barnes: Reiterated Highway Department comments on parking.

Mr. Carrington: For the record: Mr. Jerome Gostowski is speaking as an individual not as a representative of the Highway Department.

Mr. Gostowski: That is correct.

Mr. Hoffman: Could we waive this paving of the parking lot for a year to get an idea, to see if there is a dust problem? Shell does make dust.

Mr. Carrington: At the end of the year who would make the determination whether it should be paved?

Mr. Hoffman: You would.

Mr. Carrington: Based on what? Dust, condition of the driveway, or what?

Mr. Hoffman: Whether it's satisfactory. You are asking for this amount of paving and I can see why they are asking to challenge.

Mr. Gostowski: Could we modify that to maybe the first complaint?

Mr. Hoffman: Could we add that to the Special Exception?

Mr. Carrington: We certainly can.

Mr. Hoffman: I'm not objecting to it. I have a shell drive in my own place and I know how dusty it can get.

Mr. Gostowski: The business has a good rapport with the neighborhood. I believe that it would be a good way to decide. If there should be a complaint by the neighbors, registered mail could be sent to all the contiguous neighbors, if they object to the shell due to dust problems they could notify the Planning Department and the Planning Department could notify the business to pave the parking lot at that time.

Mr. Carrington: Who would send out the registered letters?

Mr. Gostowski: If you could give us a copy of the contiguous owners we would be happy to do it.



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Mr. Carrington: We have that information, we could do it.

Mrs. Harvey: I have one question. Isn't this your normal routine anyway? If you grant a Special Exception and there are complaints from the neighbors for whatever reason, would we not be subject to improvements at that time?

Mr. Hoffman: Not necessarily. You have to comply with the Planning Department stipulations and this is one of the stipulations.

Mr. Bartle: I don't understand how you can take care of this off-street parking and the shell drive?

Mr. Hoffman: Not a shell drive, it's a shell parking area.

Mr. Bartle: Whatever. It's either a good thing or not a good thing. In my simple mind we don't know how it can be administered.

Mr. Gostowski: If you will look at the buffering, the hedgerow, the building, you will note the combination of these things will work as a good enough wind-break that we won't have a dust problem. In fact, it is an aisle-way serving the 8 parking spaces, a dead end. So we will not have a problem of cars doing more than 5 miles per hour. We do not feel that it is going to present a dust problem and we are perfectly confident that we can do this without complaints from the neighbors.

Public Hearing closed on SE-1258.

Mr. Bartle moved for approval with a waiver of the Planning Department recommendation #2 to the effect that parking areas shall not be required to be paved until such time as neighbors complain. Motion seconded by Mr. Hooper. Motion carried unanimously with one member absent.

#### SUBDIVISIONS:

79-S-27(P)      SLEEPY HOLLOW SUBDIVISION  
J & S Developments, Developers  
R. E. Nelson, Inc., Agent  
Unit Type: 9 Single Family Lots  
Location: 4600± & 3rd Ave. NW, Bradenton.  
Area: 2.31 Acres  
Zoned: R-1A

REQUEST: Preliminary Plan Approval of a Single Family Subdivision

Bill Swan: The proposed subdivision meets all requirements of preliminary plan review. Lots will be served by County water and sewer. Developer is requesting a waiver of sidewalk and recreational requirements. All reviewing departments basically have no objections to proposed plan with some minor modifications which can be taken care of during construction plan approval. Planning staff recommends approval provided Highway Department stipulations are met.

Brian Barnes: Reiterated Highway Department comments concerning drainage, and right of way.

Mr. Bartle motioned for approval of Sleepy Hollow Subdivision with waiver of sidewalk and recreational requirements provided Highway Department stipulations are met. Motion seconded by Mrs. Bott. Motion carried unanimously with one member absent.

79-S-28(P)      WOODLAND OAKS SUBDIVISION  
David A. Dowling, Developer  
R. E. Nelson, Inc., Agent  
Unit Type: 12 Single Family Lots  
Area: 3.49 Acres  
Zoned: R-1A

REQUEST: Preliminary Plan Approval of a Single Family Subdivision.

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Bill Swan: The proposed subdivision meets all requirements of preliminary plan review. Proposed lots will be served by County water and sewer. All reviewing departments have basically no objections to the proposed plan except for minor modifications which can be handled during construction plan approval. Planning staff recommends preliminary plan approval provided that sidewalks are built on the west side of 71st Street NW and the north side of 9th Avenue NW, also a non-ingress/egress easement be provided along the east property line of Lot 8 and Lot 2, and the ingress/egress to Lot 9 be as close to the north property line as possible. The ingress/egress for Lot 10 be as close to the southeast corner as possible, and provided the Highway Department stipulations are met.

Brian Barnes: Reiterated Highway Department comments regarding stipulations

Mr. Hoffman: How many lots are on the cul-de-sac?

Bill Swan: Seven

Mr. Hoffman: Is there a necessity for the sidewalks?

Bill Swan: Planning staff feels there is.

Ralph Nelson and Bob Shapiro present for questions.

Mr. Nelson: All Planning Department and Highway Department stipulations are agreeable except Highway Department stipulation #2. Other subdivisions were not required to have retention area to contain water coming to the site from other projects. We will have a retention plan that will be acceptable to the Health Department and DER regulations. We will meet those objections. But we do not feel we should be penalized for drainage from off-site.

Mr. Shapiro: We are asking that the piping not be a requirement of the preliminary plan. I agree with the Highway Department that, if possible, would like to eliminate swales and ditches. Presently Taliescent Subdivision and Palma Sola Pines Subdivision drain to swales to the south. A natural retention area will be provided. We now only ask the same consideration as other subdivisions. I do not feel we should have to retain the water coming from other areas.

Bill Swan: As I understand it there is only one stipulation that petitioner is not in agreement with. That is the stipulation that 71st Street NW, the swale there be piped. That is the only one? Is that correct?

Mr. Nelson: Yes.

Mr. Bartle: It all boils down to whether a pipe is required and apparently the Highway/Engineering Department feel that it is. I can understand his point. It will purify the water as it drains off the property, if they run it through a pipe, it doesn't do that.

Mr. Nelson: That's correct.

Mr. Hoffman: They're between a rock and a hard place.

Mr. Nelson: I would also like to say I visually inspected the site this morning and from what I could see there was no problem with erosion at present which is one of the main concerns for running a ditch into a pipe. We will sod the swale after it is constructed. We feel that sod in the swale would be far superior to the shallow, little sandy ditch you have there now. We feel it would be attractive to our subdivision and be a low maintenance system for the County.

Bill Swan: The Planning Staff is ready to make a recommendation. As I mentioned before the only thing I can say about the ditch is it is between the Highway Department and the petitioner.

Mr. Hoffman: That is the only point of difference as I understand it?

Bill Swan: Yes, that's correct.

Mr. Bartle: I move for approval of Woodland Oaks Subdivision with a waiver

of sidewalk and recreational requirements, subject to Planning Department and Highway Department stipulations with the elimination of item #2 of Highway Department stipulations requiring pipe under swale. Motion seconded by Mrs. Bott. Motion carried unanimously with one member absent.

79-S-30

BOSCHERT SUBDIVISION

Wayne Ruppel, Developer

Zoller & Najjar, Eng., Agent

Unit Type: 14 Duplex Lots

Location: S of & adjacent to Memphis Road, approx. 1000'  
E of Leffingwell Avenue

Area: 5.1± Acres

Zoned: R-1AA

REQUEST: Preliminary plan approval of a duplex subdivision

Bill Swan: The Proposed subdivision meets all requirements of preliminary plan review. Lots will be served by County water and are large enough (1/4 acre) to be served by private septic system. Petitioner is requesting a waiver of sidewalk and recreational requirements due to the fact there are no existing sidewalks in the area and due to the size of the subdivision respectively. Planning Staff is recommending that a non-ingress/egress easement be provided along Lots 9 through 14 to prevent people from using 39th Avenue East, and using the proposed cul-de-sac as their means of access to Memphis Road. The existing shell road on the west property line, which is also used as a pedestrian walkway to Blackburn Elementary School, be relocated to within the 39th Avenue East right of way and a separate sidewalk be built along the east side of said R/W. Also a sidewalk should be built along the north property line. Basically all reviewing departments have no objections to the proposed plan, however there are some construction problems which can be taken care of during construction plan review and approval. Planning Staff recommends approval of the preliminary plan of Boschert Subdivision.

Brian Barnes: Reiterated Highway Department comments.

Tom McCollum: My feelings at this point is to know just what the retention values are going to be to meet the DER and State requirements. The best way of handling the recommendation would be that the project be approved subject to an improved system being worked out with Manatee County. If we were to first pipe the drain between Lots 3 and 4 without doing anything at all to treat that water running off as it comes off that road and it goes into the ditch which goes down the lake behind Pine View Estates, we may have a problem. We realize the County at this point does not like drainage swales because of the new policy they have. They have been against it for some time. I just think at this point to cut it down before we have done drainage calculations, would put the project into an untenable position. Certainly before construction drawings are approved, I may say we are going to have to have an approved system. At this point I am just saying we are not sure how to handle that. I have no objections to moving the existing 12' shell road into an existing right of way. We would do that anyway. We would like to continue the access through there. We are a little bit concerned about the need for a sidewalk in front of the subdivision. (Long discussion regarding sidewalk).

Bill Swan: Can I answer that now? Perhaps the sidewalk could be on both sides of the street. Crossing should be controlled. If there was no sidewalk along Memphis Road and a kid wanted to walk along there they would have to walk along the road some how on the south side to get to the north side. Perhaps they want sidewalks on both sides of the main road.

Mrs. Bott: What about drainage?

Bill Swan: Once again there seems to be disagreement, some concern, about piping the ditch.

Mr. Bartle: What about the sidewalk before you go to that? Is this a matter to make or break? How strongly do you feel about that?

Bill Swan: I feel that the sidewalk should be in front on Memphis Road, and that the road should be moved over.

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Mr. Bartle: I think the problem of drainage seems to be a "sticky wicket" in my opinion. There seems to be a conflict of interest. There seems to be a difference of requirements between what are quality requirements placed by the State and the Planning Department or County position and the Highway Department. I don't know how that can be resolved unless they sit around the table and bring the two issues together. Right off the top of my head I would be inclined to think water quality, water coming off the property, is of greater importance, but I am not prepared to say that. Let's see how the department feels about this.

Bill Swan: This has been a problem for some time, not just recently. I mentioned the Health Department's concern is with the quality of the water and the Highway Department's concern is with the quantity, and there has always been a problem on every subdivision. The Highway wants a positive outfall, the Health Department wants not only a positive outfall but they want some area for the water to impound and retain on site for a swale or else lower down a swale so it can purify itself. I don't have an answer to that one.

Tom McCollum: I can tell you what happens on this. They are solved on a case by case basis at the time construction drawings are completed. At that time we no longer run off water as we have a developer who has a great deal of knowledge about those things. But we just don't have time with a preliminary plan. We don't go ahead and spend a lot of our client's money until the engineering job is required. That would be throwing good money after bad. It can be changed or a number of things can happen. So we come to you today without final engineering worked out at the time of preliminary plans. What normally happens, is when construction plans are submitted, the engineering or Highway Department, and Federal and State look at it then and say you need a DER approval and a compromise is reached. At this point I do not know what the compromise would be, I don't think that any of us know.

Mr. Bartle: Is the Health Department taking the position that water quality point is a major issue? Is there a difference of opinion between the Health Department and the Highway Department?

Mr. Carrington: Philosophically yes, I think there is. There is some question as to how this should be handled. I should say that the Highway is aware of this. I am under the understanding that a Task Force instituted by Mr. Collier is being established in connection with drainage. In effect, this very issue will be addressed by this Task Force.

Mr. Bartle: It would seem to me, then Charles, this Commission could very well approve this subdivision subject to said solution to the drainage problem being worked out between the Health Department and the Highway Department.

Mr. Carrington: Yes, in an engineering solution. It is a matter of determination of which approach is best.

Mr. Bartle: Not an engineering solution problem?

Mr. Carrington: It is an engineering problem but not for the client's engineer. He is right. The problem cannot be solved at the preliminary stage. I would be ridiculous to try to get this concept at the preliminary stage. The County needs to make up its mind which way we're going with this and direct the engineering department accordingly. It is not an engineering problem, just something that Mr. Collier is concerned about; something that staff will be addressing and I am sure that both the Health Department and the Highway Department will be involved.

Mr. Bartle motioned that the project be approved subject to the understanding that drainage be satisfactorily worked out between the County Departments involved. Motion seconded by Mr. Sailes. Motion carried unanimously with one member absent.

Mr. McCollum: For the record: It is my understanding the recommendation does include that 12' driveway back into the right of way access and the sidewalk on the north side of Memphis Road.



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79-S-29(P) RYE RIDGE ACRES  
Jerry Rogers & Thomas W. Forrest, Developers  
R. E. Nelson, Inc., Agent  
Unit Type: 115 Single Family Lots  
Location: SW of Rye Bridge on S side of Rye Road  
Area: 335 Acres  
Zoned: -A-

REQUEST: Preliminary Plan Approval of a Single Family Subdivision

Bill Swan: This subdivision is 2½ acres on Rye Road, approximately two miles from the Bradenton/Arcadia Road just below Upper Manatee River Road and just below the Manatee Dam. Proposed subdivision plans to have septic tanks and well water. Some concern from the reviewing departments exists in regard to whether possible flood hazard areas in the NE corner of the property. This area has an elevation of 22' or below. According to a study done by the Federal Emergency Management Agency, during a hurricane or any other emergency should the dam spillway have to be opened and release water in an emergency situation, there is a possibility this land will flood. Planning Staff is concerned about the elevation. Also, the Manatee County Utilities System has a letter here recommending denial.

Mr. Hoffman: Does that apply to the whole development or just one section?

Bill Swan: The whole development evidently. I'll let MCUS speak on that.

Mr. Carrington: Let me add to what Mr. Swan has said. The 22 or 23' elevation for first story that he was speaking about is an estimate that issues from our Department. It is not official. We have no special ordinance that says 22' or 23'. If they open the gates and caused an increased flow of water, it might be more or might be less and that would have to be up to the engineer. The County has nothing to say about that.

Mr. Bartle: Is this in a flood plain area?

Bill Swan: There is an established flood plain in this area here. I would like to have Charles answer that question please.

Mr. Bartle: Is the Corps of Engineers involved?

Mr. Carrington: A consulting firm has made a preliminary study for the entire Manatee River. Will not be official until Federal Regulations are adopted. Possibly around April 1st.

Dick Wilford, Manatee County Utilities System: Since I have been here in Manatee County, I have paid particular interest to Lake Manatee as a vital resource for the region and I am particularly concerned about the history of the reservoir, and the actions of the operations of the reservoir downstream. There have been numerous instances where potential flooding and flooding has occurred. Also we have had some reports which have indicated that the land is in a high hazard area. We have a study under way to try to determine first of all the physical condition of the dam, what work might be necessary to ensure that it is safe and make sure there is no problem with the dam. We are reasonably sure that will not occur, but to be sure, we must continue to monitor and watch the situation.

Mr. Bartle: Let's assume that the study indicates that the dam is safe. Is that the crux of the matter as far as you are concerned?

Mr. Wilford: It is our concern and a part of the study will be to determine the safe fail capacity of the reservoir. We are in a critical period with the various State agencies in trying to establish just exactly just what is the safe fail capacity of the reservoir. The reservoir capacity is determined by how much water you can hold in the reservoir. It is not an effective control structure, it is a reservoir for holding and maintaining an elevation so that we have an adequate supply of water for the community. My concern basically is this. That if downstream development should, at some time, cause a higher capacity condition than we have now and in fact, some Federal or State Agencies should say that we cannot hold the reservoir elevation to "X" level, that we must lower it to be sure we do not have a catastrophic flood or a failure of

some type that would flood the area, that would immediately mean that we would lose a substantial amount of capacity; one or two feet on the reservoir means a lot. That would turn it from a structure for water supply to a flood control structure which would mean that the County would have to go out and seek some other source of water supply in order to be able to meet the growing demands of the community. As I see right now at the elevation that we try to maintain, that is by some agencies not sufficient to meet the projected demands which you see here. We need, as I see it, to be sure that we don't get ourselves into a situation where we are regulated out of being able to have that as a safe and adequate supply of water. Certainly, I do not think we could allow something downstream to happen which would jeopardize the future of our reservoir, where the County is going to have to buy our way out of it. That would mean by either providing other structures for maintaining storage at some other location or else going to somewhere else to buy our water which would be very, very expensive. My concern is we have a study underway, for six weeks or two months, to determine what the future holds for us. Also, I make the distinction that the County Administrator, Mr. Collier, has directed a member of his staff to create a task force to do a study of the effects of zoning control and other matters related to the reservoir, what we need in the future and all the things that surround the reservoir. That is my concern.

Mr. Bartle: Does this have any bearing on the water protection ordinance?

Mr. Carrington: No, that is not involved.

Mr. Wilford: No that is not the same thing. We're talking here about flood hazard.

Mr. Bartle: I was wondering whether or not the Federal Protection Ordinance might address what this gentlemen is talking about.

Mr. Carrington: It would address the reservoir, per se.

Mr. Hooper: Do you try to maintain the same level at all times.

Mr. Wilford: We try to maintain the level of 40'. Obviously during the non-rainy season we are taking water out and reducing the level of the reservoir. During this period of the year, the rainy season, we try to build that up and get the 40'.

Mr. Hooper: You do let out water, say, during the rainy season?

Mr. Wilford: We try to, when the rainy season comes, we do try to watch closely. We are, of course, developing a monitoring system on the reservoir now; gauging stations, flood stream gauges, rain fall gauging stations, so that we can monitor marshland better than it has been in the past so that we can regulate it to enable us to keep the level as high as we can. But in anticipation, for instance when we had the heavy rain last week, we saw that coming and we did lower the reservoir. We try to maintain a level at least equal to that coming in. At one time the discharge was less than the input.

Mr. Hooper: In other words you could dump 3 times the water?

Mr. Wilford: We could dump 4 times. In a flood situation we could have these intensities in the district. From here and Tallahassee. We do have our other designed spillway system downstream which will reduce the catastrophic loss by being able to take care of those situations, but the difference across the dam is only two feet, but that is nothing we can control.

Mr. Hooper: Have you any idea what would be flooded if the dam broke?

Mr. Wilford: No, sir. I do not have that information. I am sure there has been discussion on it, but I do not think we have any data on what it would be. I am sure everybody downstream would be flooded. That is still to be completed. The task force study will not be completed before another three or four months when the study should be completed.

Mr. Bartle: Who is on the Task Force? Who established it, the County Commission?

Mr. Wilford: Mr. Collier. I am on it, the Department of Zoning and two others.

Mr. Hoffman: I think we should try this?

Bill Swan: I have some additional comments. As you know, Rye Road is a shell road and the Highway Department has some concern as to whether or not Rye Bridge Road can handle the additional capacity which might be generated for these roads. I believe Brian Barnes wants to make a statement in regard to that matter.

Brian Barnes, Highway Department: Reiterated Highway Department comments regarding traffic on Rye Road and drainage in the area.

Bill Swan: So far we have objections from the Utilities System and the Highway Department. Planning Staff has some concern about properties in the NW corner of the property and feels the first floor should be 22' or above. As Charles mentioned, that is a proposed elevation but we do not know whether that would hold up or not. If I could make some suggestions. If the Board is considering deferring it I think we should pinpoint a future date for this to come back, in other words, when the study is completed. In the meantime, Mr. Ralph Nelson is here.

Ralph Nelson, Agent, present for questions with Carlos Ugarti, William Kipp and B. C. Laverling.

Ralph Nelson: I would like to address several of the items. We were aware that the situation up in the NE corner that Mr. Swan has alluded to, that area is below 22 or 23' level, and we are prepared at this time to agree to the fact, that in the area, because of the problem he alluded to, that could be in the 100 year flood plain or a proposed possibility of that and we will construct the first floor of those homes at that level. There is very little land included in this space as far as the ground in that area Bill mentioned and we will agree to that stipulation. The rest of the property does get up to considerable elevation at the south and so as far as that one is concerned we do agree to that. Some of the other stipulations the Highway has we will, of course, meet whatever the requirements are as far as drainage runoff. They are talking about of couple of things there about drainage runoff and we will work with them. Item #7, on their letter, the 8' right of way providing access to the property line between tracts 15 & 16 and 31 and 32, that is property to the south, and 35 and 36 and 47 and 48 they are trying to provide interneighborhood flow to the surrounding properties in there and they are trying to provide it of course to the east which is where the flood elevation apparently has a problem but, be that as it may, I think it was discussed that as long as we provide access to the east property line, to the west property line and to the south property line we could have access which would work out to the best. You just back out the cul-de-sac because there were closest to the property lines so as long as there is some flexibility in the location of that since the property is undeveloped.

Brian Barnes: Well, we do like to have them about every 1/4 mile and we considered the cul-de-sac the shortest distance from the pavement to the property line.

Mr. Nelson: Okay, as long as we make sure that in the record it states we have some flexibility in there to the location of that, as long as we go to the west and east, he wants east on the east property line both north and south of where the creek runs and to the south. We will agree to the fact that we have provisions as long as we have that flexibility. As far as Rye Ridge is concerned, Mr. Kipp would like to address that.

Mr. Kipp: I think in that area any available land that is five acres is definitely to be approved to build on. Only major tracts down there; any small parcel already has a house on it. This extends all the way down Rye Road to the Utilities System and is pretty well built up with small pieces so that the availability of small pieces out there are pretty well gone. Rye Road is a dead road and is probably, I don't say it is a major thoroughfare, but it is a

major short cut to Rutland Road during the tomato season when trucks and cars use it. I don't think the additional impact, I think these people would probably tend towards the residential area more on the Manatee River Road and I don't think the entire Rye Road should be the responsibility of the developer, probably some of this on the north side of Rye Road and I think the County, some of the people you have been talking to might feel that Rye Road is somewhat the responsibility of the County. In that it is being used pretty well as a truck road. I think that the impact change that a one acre lot or even two acre lot, if people had the means of purchasing them. We could go to a one acre lot but we decided on  $2\frac{1}{2}$  acre tracts of the entire development. This is why we have such a low yield for 115 tracts all together on the entire property, 335 acres. The density on that is 0.34 tracts per acre. Mr. Ugarte would like to address a couple of the drainage matters.

Carlos Ugarte: As far as the road side swale along the Rye Bridge, I think we can get along with that. We have plans to furnish an additional easement of some kind for drainage. That is the only way we can run the drain but it won't be in the existing right of way. Also, I see we have swales on the back of the lots. I think we can do without that too so I think we can comply with what the Highway Department wishes.

Mr. Bartle: As far as you're concerned the major issue seems to be the Highway's stipulation as to the paving of Rye Road.

Mr. Ugarte: Yes, Rye Ridge Road is a three mile road.

Mr. Hoffman: That far?

Mr. Carrington: Mr. Chairman, we really have two issues and I think Mr. Wilford addressed one and I believe Mr. Swan has addressed the other issue. There are two separate issues. One is the eventuality of a catastrophic flood through dam failure which would affect possibly the future operational capacity of our reservoir and the fact that we have lay-out direct downstream. The other of course deals with the catastrophic flood and the effect of flood damage to residents downstream. That is a major issue and as Mr. Wilford said, Mr. Collier has asked for a task force study and I would like to outline briefly for you the issues involved. But the other issue before you today deals with the comments which Mr. Nelson, Mr. Ugarte and Mr. Kipp have addressed in regard to the specificity of the improvements for this subdivision. The question of improvements to Rye Road, the question of tying into adjacent property, the question of drainage. It would seem to me that before you would be able to address these specific issues the major issue that has been introduced by Mr. Wilford needs to be addressed. I understand from my staff that this study will not be complete for a period of four months and let me briefly outline for you what will be contained in that study. The increasing development pressures from downstream from Lake Manatee Dam, in the flood hazard area. The study is proposed to address four areas.

1. An analysis to flood damage risk to residents downstream from the dam and from various types of flood flow.
  - a. Catastrophic flood - this would be due to dam pressure.
  - b. Flood flow released from dam gates.
  - c. Flood flows released from dam gates and flow spillways which as you know from comments by Mr. Wilford and resident engineer.
2. Investigate feasibility of land use control to make a potential hazard to development activity down stream. This would be your land use control which may or could possibly affect development of subdivisions.
  - a. Flood Plain regulations on building within and by flood zones. This will give you a mean elevation for first floor and access roads.
  - b. Public purchase of lands and/or development of lands in the flood hazard area. That is a very real possibility.



- c. Other mechanism such as adjusted densities to compensate for problems introduced in the study. Or a special over-lay district which would, in fact could, preclude or regulate development in that area.

3. An attempt to document any operational constraints on the existing dam or proposed expansions created by increasing the density or the close call of dividing units permitted in the flood hazard area. The jurisdictional agencies that gather areawise authority in that regard would be, of course, DER, Army Corps and SWFMD. SWFMD is in all probability, claiming jurisdiction. We anticipate at least four months in regard to this extremely important study. It is important. I cannot overemphasize the importance. I think Mr. Wilford has stated the matter well. We should simply support his request that any action on subdivision activity in this potentially high risk area should be tabled until your staff has an opportunity to complete this analysis and provide you, the decision makers on the Board, with the best possible information so that we don't make a mistake.

Mr. Kipp: I think that the first phase would be on the side of the road that would be away from the flood area. The developer is agreeable to abide by any future rules coming up for that area. I don't think right now that anybody knows what that area is but the initial phase, this would be over a several year program, it would be on the road towards S.R. 64.

Mr. Nelson: I would like to tell you where those phases are and Bill can point them out to you. (Described phases and Bill Swan indicated on map)

Mr. Kipp: I think the fact is if it came up within four to six months time for the last part, but that will probably be a long time. The fact is that lots will probably be readjusted to miss this entire flood area. I don't want to argue. We can't do the part that we are talking about for a couple of years. May not even get to the area in the flood area and we could probably adjust that lot. It doesn't seem to be a problem.

Mr. Carrington: Mr. Chairman, I feel that I am obliged to comment. There is a principle of vested rights in connection with the use of the property and property rights and if we, in fact, with our decision process allow the continuation of engineering fees, architect fees, engineering studies, etc., and the developer develops a vested right in development rights in that property, it is our suggestion that we not allow the subdivision to proceed until the questions concerning dam failure are answered. In fact, if we allow him to proceed as he suggested, either in stages or in any fashion, then we're increasing his vested right in the development of this property that maybe I am not suggesting or indicating that is the case. But the study, as he indicated, was to determine whether or not the County should control or perhaps alleviate or buy the vested rights in that area. It would be my recommendation that we not take action on this subdivision or any subdivisions in this high risk area until such time as the County can complete its study and make a determination as to whether we are going to allow building.

Mr. Hooper: I have to leave but I want to schedule a rezone committee meeting for Wednesday at 1:30 P.M.

Mr. Kipp: I want to say the only thing the developer would like to have is some indications that he could start somewhere on the property. I think we're talking about floods not the dam breaking. I think they are trying to protect us on that.

Mr. Carrington: As I say, there are two circumstances: One to be floods by opening the spillways. The study addresses the problems in the event of dam failure. That is the point I don't want this commission to ignore. I would be very concerned if we allow subdivisions to continue to proceed in that area until these serious questions are answered. I see no reason to have the study if we are going to go ahead and allow subdivisions to occur there. Our reservoir now is, at times, nearing capacity to provide the basic water to the Islands, Sarasota and to the people who reside in Manatee County. If we have to lower the elevation then we can't even meet our present day standards. It is a serious concern and it is one that I would not like this Board to take lightly. It is a serious decision and it is my recommendation that you table any action on any subdivision in this area.

Mr. Kipp: There is a definite difference in the elevations in the different phases of this subdivision.

Mr. Carrington: Again, there are two circumstances that I outlined earlier. One would be the catastrophic failure of the reservoir. In that case all of this area even where we are sitting would be in jeopardy and I am saying that no decision should be made to develop that land just below the reservoir with residential development until such time as that decision shall be made that the dam is safe. That we now have a potential catastrophic failure facing us and also that the governing agencies that allow us to increase the level or lower the level would not look upon this adversely. If, in fact, we allow the subdivision to occur they might tell us we have to lower the elevation of the reservoir two feet. We don't know that but it certainly would be very uncomfortable for the Board to approve the subdivision and suddenly we find that we have to lower the reservoir two feet, thereby jeopardizing the water supply for all the people in this region including Sarasota; and that is what we are talking about.

Mr. Bartle. I fully concur with Mr. Carrington and if this is the time to do it I would like to move this matter be held in abeyance until the task force has completed its studies.

Mr. Garrison: It is not just a matter of this piece of property. We had a couple come up some time ago that were running into the same thing and they withdrew the petition. Guess they'll have to do the same thing with this. Mr. Chairman, the one question I have on this is the time frame. Government things go on and on and on. I don't want to see them waiting two years for this study to come out. State what we are looking at in regard to some sort of date.

C. Hunsicker: The development of the task force is very possible within a week. However, the critical part here is the engineering study and look at what is called Phase II and look at the dam itself. They will be looking at the dam from a structural standpoint, if necessary, to shore up the dam. The engineering is a critical factor. Should be 3½ to 4 months.

Mr. Laverling: You just made a statement that you're talking about possibly weeks to finish the first phase of this study to determine the impact on the area after the gates are opened.

C. Hunsicker: The preliminary report will be ready in a week. But there won't be a dam opening for 3½ months.

Mr. Laverling: I also want to address the possibility of this catastrophic breaking of the dam and the flooding as the head of the Utilities Dept. indicated when he was up here. If that should happen, and Mr. Carrington reiterated it, that it would also affect this courthouse. What I am trying to find out and I'm not trying to be argumentative about it, are we to sit until the complete study is done or to say, sit until this first phase study is done so that Planning can make their decision. If so if we go to developing another area in the County are we still going to be controlled by the decision this morning to hold back on every development because of a study and wait and see if the dam is going to break.

Mr. Hoffman: I don't think the other areas of the County are involved. See if I understand you correctly. The County concern is not only the catastrophic breaking of the dam but its relationship of the control agencies possibly at the level.

Mr. Laverling: I understand that but I understood the second phase of this study was to see the effect on the County if the dam should break.

Mr. Hoffman: One of the problems we have to worry about at this point is we don't dare put too much public below the dam right now. If we do the government is liable to come in and say we have to level it off. If we prove the dam is good and add, more to the point, more water then also bring more developments developments in. But if we bring more developments in now without the dam being improved, we are dead ducks.

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Mr. Laverling: This relates to the structural capacity of the dam, is that correct?

Mr. Hoffman: The capacity to let the water out during a storm or a hurricane?

Mr. Laverling: That is what I understood. I think that is what Jim was talking about. If they have to lower the level of the dam because of the rains, we have to be talking about an elevation factor of the lands around there. Some of this land is up as high as 55'. But if we're talking about waiting for a study to be completed and whether they are going to rework the dam because it is liable to fail.

Mr. Hoffman: Not only just fail, but that the government will come in and say that we can't raise the level of the dam. I believe I'm right, there is a study at the present time of raising the level of the dam, isn't there?

Mr. Wilford: No, not necessarily. We are going to be looking at the yield capacity of the dam as to what it actually yields with the levels that we have. In order to raise the level of the dam, the reservoir, we would have to do some structural work on the dam itself. And also put some flood easement that we presently do not have under our control. That potential is there and that is one of the alternatives the County has to look at in the future of maybe raising that dam and getting another 4' or 5' of elevation. Either that or go into another reservoir location.

Mr. Laverling: Whether they do that or not will have no bearing on whether this development will be okayed or other developments anywhere would have to have water and would increase the necessity for the overall capacity. Is that right?

Mr. Wilford: I think the issue here is just what the effect of a maximum 100 year rain which we have had on the downstream configuration of the flood plain. We don't really know right now. We have some indications that this area right here is a potential flood hazard and we want to make certain that we don't jeopardize what level we can maintain in the reservoir. We don't want to lose what we have by someone coming along and saying you have too many people now living in the flood plain and because of the heavy rain that will come along you can't protect them because you don't have a dam flood control structure, therefore turn it into a flood control structure, lower the level and then we have lost everything as far as a resource for the County. That means we would have to go out and spend millions of dollars somewhere else if we want to continue to have a water supply.

Mr. Kipp: My People are willing to wait four months but we would like you to recognize the fact that if there is no study solution we may wish to resubmit those phases of the area that are not covered on this flood plain.

Mr. Bartle: Motioned to table Rye Ridge Acres until task force has completed its study. Motion seconded by Mrs. Bott. Motion carried with two members absent.

Z-113 COUNTY COMMISSION INITIATED - ZONING ORDINANCE AMENDMENT  
Charles Carrington, AICP, Agent

REQUEST: Amend Section I, Paragraph 27, Major Thoroughfare Plan.

Bill Swan: This is a County Commission Initiated amendment to amend the Major Thoroughfare Plan which was approved in 1972 by the Board of County Commissioners which would amend Section VI, Paragraph 27, Major Thoroughfare Plan as follows:

Snead Island Road -- From U.S. 41, Westerly along 10th Street (Palmetto) to 44th Avenue West (Tarpon Road); North to the Intersection of 44th Avenue West and 17th Street.

NOTE: This amendment will eliminate the proposed 100 feet right-of-way from the intersection of 44th Avenue West and 17th Street going West towards Emerson Point. (Discussion on Major Thoroughfare Plan and proposed amendment).

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Mr. Bartle: That part outlined in red, it will be part of the arterial system?

Bill Swan: That's correct.

Mr. Bartle: This whole matter would be done to eliminate the width of the right of way?

Bill Swan: That's right. This was done in 1972 and I guess they had some idea of high-rises out there on the Island.

Bruce Siciliano: Read letter from Arlene S. Flisik, Chairman Manatee 88.

Mr. Sailes motioned to approve as presented. Motion seconded by Mr. Bartle Motion carried with two members absent.

R-1009            COUNTY COMMISSION INITIATED  
Charles Carrington, AICP, Agent

REQUEST: To change the zoning from -A- (General Agricultural) district to A-2 (Agricultural Fringe) district.

AND

Z-112            COUNTY COMMISSION INITIATED  
Charles Carrington, AICP, Agent

REQUEST: Amend Major Thoroughfare Plan to include A-2 (Agricultural Fringe) zoning.

Bob Rile, Comprehensive Planning Division, Present for questions. (Reiterated Comp. Planning comments).

Mrs. Bott: You don't have any problems?

Bob Rile: No, we would recommend that this report be presented to the Commission then the Commission would take action and recommend it to the Board of County Commissioners.

Mr. Garrison: This is the recommendation, to go to the Commission?

Bob Rile: This is the recommendation of the zoning Committee to the full Planning Commission. The Planning Commission would have to recommend it to the Board. There are two actions required.

Mr. Hoffman: We would have to agree on it, the Commission as a whole?

Mrs. Bott: We would take it out of Committee and take action and recommend it to the County Commission?

Bob Rile: It may take two actions. If it is acceptable I think it could be taken out of Committee to the full Commission.

Mrs. Bott: Motioned to take out of Committee and recommend to the County Commission. Mr. Garrison seconded the motion. Motion carried with two members absent.

Hearing Adjourned 1:10 P.M.