

- A G E N D A -

HEARING OFFICER
Manatee County Government Administrative Center
1112 Manatee Avenue West
1st Floor Chambers
Bradenton, Florida 34205

3:00 P.M.

April 16, 2008

PLEDGE OF ALLEGIANCE

SWEARING IN BY CLERK'S OFFICE:

All Staff/Public Wishing to Speak

PLEASE TURN ALL CELL PHONES AND PAGERS OFF BEFORE ENTERING CHAMBERS

PUBLIC HEARING APPLICATIONS (INDIVIDUAL CONSIDERATION)

1. **SP-06-05 – BELLS TEMPLE CHURCH OF GOD / FIRST COMMUNITY CHURCH OF PALMETTO (DTS #20060262)**
(Patricia Allen, Planner)
Request: Approval of a Special Permit for a 14,308 square foot church addition. The site is in the RSF-4.5 (Residential, 4.5 dwelling units per acre) zoning district on the south side of 29th Street East and west of Canal Road at 1107 29th Street East, Palmetto (± 4.96 acres).
2. **SP-08-01– FLAME CIGAR & HOOKAH LOUNGE**
(Katie McLean, Principal Planner)
Request: Approval of a Special Permit to allow for a drinking establishment and a 2-COP (consumption on premises) beer and wine license for the Cigar and Hookah Lounge. The site is in the GC (General Commercial) zoning district. Existing uses include the Bradenton Furniture Store and the Flame Cigar & Hookah Lounge. The site is at 4307 26th Street West in Bradenton (±0.63 acres).
3. **SP- 07- 03 - 4 STAR TOMATO INC / 4 STAR TOMATO BORROW PIT DTS #20070148**
(Erika Barrett, Planner)
Request: Approval of a Special Permit for major earthmoving in the A/NCO (General Agriculture/North Central Overlay) zoning district. The site is on the north side of CR 675, approximately 4 ½ miles east of US 301 at 18650 CR 675, Parrish (± 649.22 acres total site; ± 179.8 acres project site).

PUBLIC NOTICE

Within 21 calendar days of today's public hearing, the Hearing Officer shall issue a written report detailing the findings of fact, conclusions of law, and recommendations regarding approval or denial of an application for development approval (LDC Section 502.6.6.7).

If you wish to receive notice of the final decision or recommendation of the Hearing Officer, you must supply the Planning Department with two stamped, self-addressed envelopes for that purpose (LDC Section 502.6.6.8).

Rules of Procedure for this public hearing are in effect pursuant to Section 502.8.7 of the Manatee County Land Development Code. Copies of this section of the Code are available for review, or purchase at cost, at the Planning Department, 4th Floor, Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by a Hearing Officer with respect to any matter considered at this Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Hearing Officers of Manatee County, Florida, do not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds; FAX 745-3790.

①

MEMORANDUM



Planning
Community Planning
1112 Manatee Avenue W
Bradenton, FL 34205

Phone: 941-749-3070
Fax: 941-708-6157
www.mymanatee.org

MANATEE COUNTY FLORIDA

To: Robert H. Pederson, Community Planning Administrator
From: Bobbi Roy, Project Coordinator
Date: April 16, 2008
Subject: Agenda Update for 04/16/08 Hearing Officer

2 FLAME CIGAR & HOOKAH LOUNGE – SP-08-01
Revised Stipulation # 15 – see attached

3 4 STAR TOMATO INC. / 4 STAR TOMATO BORROW PIT - SP-07-03
To be continued – see attached

/br

cc: Carol B. Clarke, Planning Department Director
Robert Pederson, Community Planning Administrator
Joaquin Servia, Plan Implementation Administrator
William Clague, Assistant County Attorney
Sarah Schenk, Assistant County Attorney
Jason Henbest, Assistant County Attorney
Norman Luppino, Planning Manager
Katie McLean, Principal Planner
Erika Barrett, Planner
Board Records
Counter Copy

**Revised Stipulation 15 for Flame Cigar & Hookah Lounge
(SP-08-01)**

- 15. Prior to issuance of the 2-COP license, the applicant shall obtain a Certificate of Occupancy from the Building Department for a commercial alteration to a Change of Occupancy Permit.**

Hearing Officer
04/16/08

SP-07-03 – 4 STAR TOMATO INC. / 4 STAR TOMATO BORROW PIT

Due to advertising discrepancies staff recommends this project be continued to June 4, 2008 at 1:00 p.m. and re-advertised.

BRADENTON HERALD

MANATEE - BRADENTON - SARASOTA
102 MANATEE AVENUE WEST, P.O. BOX 921
BRADENTON, FL 34205
TELEPHONE (941) 748-0411

Published Daily
Bradenton, Manatee, Florida

STATE OF NEW YORK
COUNTY OF ERIE:

Before the undersigned authority personally appeared Jessica Sherman, who on oath says that she is Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of

Notice

_____ in the _____ Court,
was published in said newspaper in the issues of

April 3, 2008

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
14 day of April, 2008
Linda M. Curtis
SEAL & Notary Public

Linda M. Curtis
Notary Public
County of Erie
State of New York
Commission Expires 9-23-2010

Personally Known or Produced Identification _____
(Type of Identification Produced) _____

NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY

Manatee County Land Development Code, Florida 04/03/08
Copies of this section of the Code are available for review at the Planning Department.

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Wednesday, April 16, 2008 at 9:00 P.M. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider and act upon the following matters:

SP-07-09 - 4 STAR TOMATO INC / 4 STAR TOMATO BORROW PIT
(DTS #20070148)
Request: Approval of a Special Permit for major earthmoving in the A/NCO (General Agricultural/North Central Overlay) zoning district. The site is on the north side of CR 675, approximately 4 1/2 miles east of US 301 at 18850 CR 675, Parrish (± 849.22 acres total site; ± 179.8 acres project site).

SP-06-05 - BELLS TEMPLE CHURCH OF GOD / FIRST COMMUNITY CHURCH OF PALMETTO
(DTS #20060262)
Request: Approval of a Special Permit for a 14,308 square foot church addition. The site is in the RSF-4.5 (Residential, 4.5 dwelling units per acre) zoning district on the south side of 29th Street East and west of Canal Road at 1107 29th Street East, Palmetto (± 4.86 acres).

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Request: Approval of a Special Permit to allow for a drinking establishment and a 2-COP (consumption on premises) beer and wine license for the Cigar and Hookah Lounge. The site is in the GC (General Commercial) zoning district. Existing uses include the Bradenton Furniture Store and the Flame Cigar & Hookah Lounge. The site is at 4307 26th Street West in Bradenton (± 0.63 acres).

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Planning Department will be heard and considered by the Hearing Officer and entered into the record.

Interested parties may examine the Official Zoning Atlas, the application, related documents, and may obtain assistance regarding this matter from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070.

According to Florida Statutes, Section 288.0105, any person desiring to appeal any decision made by the Hearing Officer with respect to any matter considered at the Public Hearing will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities: The Hearing Officer of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Hearing Officer's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800, TDD ONLY 742-5802 and wait 80 seconds, or FAX

THE PUBLIC HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY HEARING OFFICER
Manatee County Planning Department
Manatee County,

Rules of Procedure for this public hearing are in effect pursuant to Section 502.67 of the

AFFIDAVIT OF PUBLICATION

**SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA**

**STATE OF FLORIDA
COUNTY OF MANATEE**

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED SHARI BRICKLEY, WHO ON OATH SAID SHE IS CLASSIFIED ADVERTISING MANAGER OF THE SARASOTA HERALD-TRIBUNE, A DAILY NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA; AND CIRCULATED IN MANATEE COUNTEE DAILY; THAT THE ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE IN THE MATTER OF:

NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Wednesday, April 16, 2008 at 3:00 P.M. at th

IN THE COURT WAS PUBLISHED IN THE MANATEE EDITION OF SAID NEWSPAPER IN THE ISSUES OF:

4/3 1x

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE, COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED Shari Brickley


SWORN OR AFFIRMED TO, AND SUBSCRIBED BEFORE ME THIS 3 DAY OF April, A.D., 2008 BY SHARI BRICKLEY WHO IS PERSONALLY KNOWN TO ME.

Mariann Gusbar
Notary Public

My commission expires 8 day of Nov, 2008

NOTICE OF ESTABLISHMENT OR CHANGE OF A REGULATION AFFECTING THE USE OF LAND IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Hearing Officer for Manatee County, will conduct a Public Hearing on Wednesday, April 16, 2008 at 3:00 P.M. at the Manatee County Government

 **Mariann Gusbar**
My Commission DD355235
Expires November 8, 2008

Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton Florida to consider and act upon the following matters:
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MANATEE COUNTY HEARING OFFICER
Manatee County Planning Department
Manatee County, Florida
Pub: April 3, 2008