

- A G E N D A -

**HEARING OFFICER**  
**Manatee County Government Administrative Center**  
**1112 Manatee Avenue West**  
**1<sup>st</sup> Floor Chambers**  
**Bradenton, Florida 34205**

1:00 P.M.

June 4, 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-08-02 – NUCCIO, LLC / WINESTYLES STORE #271 / (DTS # 20080042)**

(Patricia Allen, Planner)

Request: Approval of a Special Permit for a drinking establishment (indoor sales and consumption of alcoholic beverages on premise - beer and wine) in San Marco Plaza. The site is in the PDMU (Planned Development Mixed Use) zoning district at 8225 Natures Way, Bradenton (±0.37 acres).

**2. 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.

# MEMORANDUM



**Planning**  
Community Planning  
1112 Manatee Avenue W  
Bradenton, FL 34205

## MANATEE COUNTY FLORIDA

Phone: 941-749-3070  
Fax: 941-708-6157  
[www.mymanatee.org](http://www.mymanatee.org)

**To:** John Roe, Hearing Officer  
**From:** Bobbi Roy, Project Coordinator  
**Date:** June 4, 2008  
**Subject:** Agenda Update for 06/04/08 Hearing Officer

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- #1 **SP-08-02 – Nuccio, LLC / Winestyles Store #271 (DTS #20080042)**  
Revised Stipulation #3 – see attached
  
- #2 **SP-07-03 – 4-Star Tomato Inc / 4 Star Tomato Borrow Pit DTS 20070148**  
Public Comment letters

/br  
cc: Hearing Officer  
Erika Barrett, Planner  
Board Records  
Patricia Allen, Planner  
Robert H. Pederson, Community Planning Administrator  
County Attorney

Hearing Officer 6/4/08  
Agenda Item DTS #20080042  
SP-08-02  
WineStyles Store #271

Amended stipulations are in strikethrough/underline format as follows:

3. Sales of wine and beer by the glass is approved as an accessory to retail beer and wine sales. The maximum number of seats within the WineStyles ~~#270~~ Store #271 for service of beer and wine by the glass shall be limited to 12.

RECEIVED

MAY 30 2008

28 MAY 2008

DEAR MS. CLARKE,

TODAY, THE NEWSPAPER ARTICLE, "COUNTY TO CRACK DOWN ON NOISE" UNDERSCORES THE CRITICAL NEED FOR THE PLANNING DEPARTMENT TO RETHINK HOW IT EVALUATES EVERYTHING.

SPECIFICALLY, A PROPOSED SURFACE MINING OPERATION ON CR 675 NEXT TO A RESIDENTIAL AREA WILL CREATE A TERRIBLE NOISE PROBLEM!

ALL THE PEOPLE LIVING IN FOXBROOK NEXT TO CR 675 WILL HAVE 600 TRUCKS A DAY RUMBLE PAST THEIR HOMES. DO THE MATH. THAT'S A TRUCK PASSING EVERY 30 SECONDS! (600 ROUND TRIPS...)

WOULD YOU LIKE TO LIVE LESS THAN A MILE FROM HEAVY EQUIPMENT (FRONTEND LOADERS, BULLDOZERS, DUMP TRUCKS) ROARING ALL DAY?

WE CAN PLAINLY HEAR A RESIDENT MOWING HIS YARD (ON A 17 HP LAWN TRACTOR) HALF A MILE AWAY. OVER A THOUSAND DUMP TRUCKS A DAY WILL BE A TERRIBLE NUISANCE, DON'T YOU AGREE?

PLEASE GIVE THE PEOPLE IN FOXBROOK THE SAME CONSIDERATION GIVEN TO THOSE LIVING AROUND LOCKWOOD RIDGE ROAD AND 70TH DRIVE.

DON'T RUIN THE QUALITY OF LIFE FOR FOXBROOK RESIDENTS. COMMISSIONERS WILL KNOW THIS SURFACE MINING OPERATION IS A BAD NOISE ISSUE WHICH CAN BE AVOIDED.

THIS SURFACE MINING OPERATION WAS TENTATIVELY APPROVED, WHICH SUGGESTS (AS PER AMY STEIN) A "COOKIE CUTTER" APPROACH. PLEASE REALIZE THE LANDSCAPE IS CHANGING. NOISE AND DUST ISSUES ARE ONLY NOW BECOMMING APPRECIATED.

PLEASE SHOW THAT YOU CARE.

Mr. + Mrs. Robert W. Grace

Barbara Tyler/MCG  
06/03/2008 10:28 AM

To Bobbi Roy/MCG@MCG  
cc  
bcc  
Subject Fw: borrow pits

Barbara Tyler  
Executive Office Manager and  
Assistant to Chairman Jane W. von Hahmann  
Manatee County Commissioners Office  
Phone: 745-3707  
Fax: 745-3790  
email: barbara.tyler@mymanatee.org

— Forwarded by Barbara Tyler/MCG on 06/03/2008 10:28 AM —



Greg Sarver  
<gsarver5@yahoo.com>

06/03/2008 10:03 AM

Please respond to  
gsarver5@yahoo.com

To jane.vonhahmann@mymanatee.org  
cc  
Subject borrow pits

Hello, I am writing to you about the borrow pits being proposed by Bruce Shackleford in Parrish. We live in Foxbrook on c.r 675 adjacent to Mr. Shackleford's property. 1200 dump trucks everyday 6 days a week for the next 5 years is what he wants to do. Our roads in Parrish cannot handle this type of traffic. If there is anything you can do to stop this project it would be appreciated. Thank you for your time.

Stacey Sarver

# 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, June 4, 2008 at 1:00 P.M. at the*

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

5/23 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 23 DAY OF May, A.D., 20 08 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, June 4, 2008 at 1:00 P.M. at the Manatee County Government Administrative Center, 1st Floor



Mariann Gusbar

My Commission DD355235

Expires November 8, 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, June 4, 2008 at 1:00 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-07-03 - 4 STAR TOMATO INC / 4 STAR TOMATO  
BORROW PIT DTS #20070148**

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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 at the Planning Department.

~~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.

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

MANATEE COUNTY HEARING OFFICER  
Manatee County Planning Department  
Manatee County, Florida

Published: May 23, 2008