

JANUARY 3, 1991

The Hearing Officer, Manatee County, Florida, met in REGULAR SESSION in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, January 3, 1991, at 3:00 p.m.

Presiding was:  
Benjamin Withers

Also present were:  
Mark P. Barnebey, Assistant County Attorney  
Susan G. French, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

The meeting was called to order by Mr. Withers.

All witnesses/staff giving testimony were duly sworn.

(Court Reporter Joann L. Zeck present)

SPECIAL PERMITS

Public hearing (Notice in The Bradenton Herald 12/13/90) was held to consider

SP-90-45 MARY MENENDEZ - SKIN AND BODY CARE SALON

Request: Special Permit to allow a skin and body care salon on .35 acre located on the southwest corner of 43rd Avenue West and 75th Street West.

Staff recommended stipulations:

1. Compliance with the site plan.
2. The Final Site Plan shall show 60 percent indigenous species utilized for landscaping on this site.
3. Prior to construction drawing approval, the applicant shall obtain a Certificate of Level of Service for this proposal.
4. Within one year of construction drawing approval, the applicant shall submit a hurricane evacuation plan to Manatee County Emergency Management Division for review.
5. A cross-access easement shall be provided between the adjacent development to the south prior to issuance of a Certificate of Occupancy.
6. Forty-third Avenue West shall be paved from the existing pavement of 75th Street West to the westernmost side of the proposed entrance prior to issuance of a Certificate of Occupancy.

Norman Luppino, Planning and Zoning, reviewed the request.

Marie Bradshaw, representing the applicant, stated the site will be used for a personal service establishment (skin care). She requested the applicant not be required to pave 43rd Avenue West if the road assessment program which is being proposed is approved.

Mary Canary, surrounding resident, expressed opposition to the request.

Mark P. Barnebey, Assistant County Attorney, stated that a copy of the recommended final order as well as the legal description should be distributed to the Hearing Officer, the Clerk, and the applicant.

The public hearing was closed.

Mr. Withers stated he will issue a Notice of Intent within the next 21 calendar days.

(Court Reporter Joann L. Zeck present)

Public hearing (Notice in The Bradenton Herald 12/13/90) was held to consider

SP-90-48 MANATEE COUNTY - RESOURCE RECOVERY FACILITY

Request: Special Permit to allow a resource recovery facility accessory to a landfill on 20.2 acres located 1.25 miles south of State Road 64 and 1,800 feet east of Lena Road.

Staff recommended stipulations:

1. Prior to Certificate of Occupancy the drive aisles and parking area northeast of the office shall be paved to County standards. Parking lot and street frontage landscaping shall be provided pursuant to Section 715 of the Land Development Code.
2. The holding area drive aisle, from Powell Johnson (Landfill) Road to the eastern edge of the scale, shall be paved to County standards prior to the issuance of a Certificate of Occupancy. A Temporary Certificate of Occupancy may be issued for a maximum time period of ninety days with a shell holding area drive aisle. Any modification to the holding area drive aisle prior to Certificate of Occupancy shall be restricted to one point of access on Powell Johnson (Landfill) Road and approved administratively by the Planning Department.
3. The office trailer and semi-trailer for storage shall be constructed pursuant to the standards of the Southern Building Code and comply with all building setbacks in the A district.
4. The use shall comply with Manatee County Noise Ordinance 81-3, as amended.
5. Hours of operation of the waste recyclers and tub grinders shall be from 7:00 a.m. to 5:00 p.m.
6. The use shall be granted for a period of three years plus an indefinite time period to be approved administratively at the end of three years provided the use is found to be compatible with surrounding uses.

Mr. Luppino stated the resource recovery facility will be used for shredding trees into mulch.

Manatee County has entered into an agreement, pending this application, to lease the site to the operator of the resource recovery facility. The operator is requesting the paving of the holding area be deferred. Inasmuch as staff does not agree to defer paving, due to the LDC requiring all improvements be made prior to Certificate of Occupancy, Stipulation 2 was recommended as an alternative.

Gregory Yekaitis, Public Works/Solid Waste Division, stated that Senate Bill 1192 mandates that trees cannot be buried at the landfill. The same Bill also mandates that by 1994 there must be a 30 percent reduction of solid waste main stream.

Tom McCollum, representing the operator, requested clarification of Stipulation 3. The semi-trailer is not considered a building but a storage facility for tools, equipment, etc., and will not comply with the building code. It will, however, comply with licensing requirements for a vehicular structure and will have a tag.

Regarding Stipulation 6, Mr. McCollum questioned who will administratively approve the request at the end of the three years and was advised that it would be the Planning Director.

Mr. McCollum stated the holding area roadway may need to be relocated slightly to accommodate actual use of the site, which is the reason for the request to defer paving. He stated the operator agrees to Stipulation 2.

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(Cont'd)

In response to questions raised regarding Stipulation 3, Mr. Luppino stated that a semi-trailer is not defined as a building in the LDC. The semi-trailer cannot be used on the site as a permanent building.

Mr. McCollum stated the operator agreed to build a building that will meet Code requirements.

The public hearing was closed.

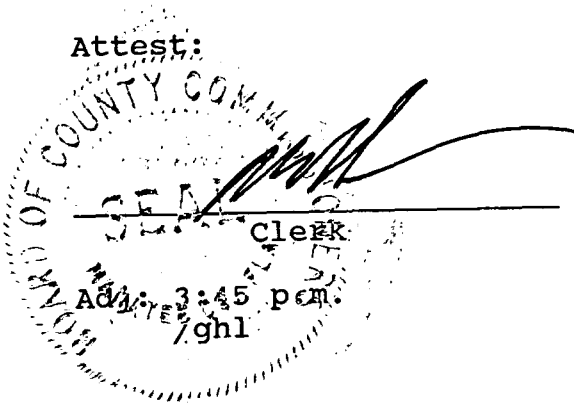
Mr. Withers stated he will issue a Notice of Intent within the next 21 calendar days.

**MEETING ADJOURNED**

There being no further business, the meeting was adjourned.

Attest:

APPROVED:



Ben Withers  
Hearing Officer 3/7/91