

JULY 17, 1991

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, July 17, 1991, at 3:07 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. Barnebey, Assistant County Attorney  
Evelyn Lloyd, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

The hearing was convened by Mr. Paulmann.

All witnesses/staff giving testimony were duly sworn.

MINUTES

Minutes dated April 17, May 15 (correction on page 17, 5th paragraph end of second line, change "increase" to "decrease") and June 6, 1991, were approved by Mr. Paulmann.

SPECIAL PERMIT

(Court Reporter, Shirley Bills, present)

Public hearing (Notice in The Bradenton Herald 6/28/91) was held to consider

SP-91-10 - QUALITY AGGREGATES

Request: Special Permit to allow for the modification of a Special Exception Site Plan boundary (SE-81-1) to relocate a major earthmoving operation approximately two miles east, and the establishment of an asphalt processing plant in conjunction with the major earthmoving operation on 54.5 acres located two miles east of the intersection of University Parkway and I-75, north of University Parkway extended.

Staff recommended stipulations:

1. This Special Permit shall not be effective until it has been recorded in the Public Records of Manatee County, Florida by the applicant and a copy of the recorded Order is received by the Planning and Zoning Department.
2. The site plan submitted with this application shall be part of this approval.
3. The Special Permit to allow for Major Earthmoving within the Agricultural zoning district and the asphalt plant as an accessory use shall expire when the existing earthmoving operation is no longer operational and if no other Major Earthmoving Operation has been approved by Manatee County and is operational. In no event shall this approval continue beyond April 13, 2001.
4. The asphalt plant shall be considered in conjunction with major earthmoving of sand and shell operations only in Manatee County. The asphalt plant shall not be accessory to any Major Earthmoving Operation outside of Manatee County.
5. The Special Permit shall apply to the revised legal description and site plan indicating one project boundary including the existing Major Earthmoving Operation, the proposed site and the access road connecting the two parcels. A site plan showing one project boundary with a single legal description shall be submitted to staff prior to initiation of any earthmoving or asphalt plant operations at the new site.
6. Prior to the relocation of the asphalt plant or any site modifications, a final site plan shall be submitted and approved by staff in accordance with the provision of the Land Development Code.

Mr. Paulmann declared a potential conflict of interest as he is employed by a large land owner in Sarasota, and the applicant is a large land owner in Manatee County.

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Mark Barnebey, Assistant County Attorney, stated that he saw no conflict since Mr. Paulmann's employer does not do business in direct competition with this particular operation. Rex Jenson, Vice-President for real estate at Schroeder Manatee, Inc., and Quality Aggregates' representative, and Wayne A. Rilko, chief engineer for Quality Aggregates, stated there were no objections.

Mr. Barnebey requested a continuance as the Site Plan had just been received.

Betsy Benac, Planning and Zoning Department, stated an earthmoving operation presently exists and the only change being requested is the relocation of the accessory asphalt processing plant to another property, also owned by the applicant.

Discussion: requirements of the Site Plan; it was noted that the recommended approval in the staff report is retracted at this time; staff report was written on the use itself and did not include the Site Plan; specific information required relative to drainage, air quality, etc.; information is available only on existing earthmoving operation, not the asphalt plant; there is to be no further earthmoving than what is already approved; changes in Land Development Code; no longer an administrative permit, but accessory use.

Stuart Campbell, Planning and Zoning Department, presented two additional stipulations and a memorandum from the Public Works Department approving the engineer's request to modify the watershed boundary and special treatment boundary. He reviewed the staff report and displayed a graphic showing modifications to the Site Plan boundary.

Ms. Benac stated the applicant originally requested that the plant be allowed to be moved to the east and defined as accessory to an existing pit in Sarasota. She noted the existing pit has been approved for a 20-year period and there are 10 years remaining on that approval.

Discussion: Size of the tract; asphalt processing pit is an accessory use which can only be approved through the Earthmoving Site Plan approval process; project boundaries and access roads.

Ms. Benac read the definition for "Accessory Use."

Jerome Gostkowski, Public Works, explained the difference in the boundaries and discussed drainage and overlay districts.

Mr. Campbell presented a proposed Site Plan for the grade on the new site showing the drainage and read the two additional stipulations:

1. The Final Site Plan shall show access to the major earthmoving site in accordance with Manatee County standards.
2. Adequate access shall be shown to the new location of the asphalt plant within the Major Earthmoving Site Plan Boundary.

Mr. Rilko read into the record a history of SE-81-1 and pointed out they did not know the Site Plan, showing buildings, structures, asphalt plant, etc., was to be presented for consideration at this time.

He explained the difference between an aggregate recycling facility and an asphalt processing plant, and stated there will be no new equipment put on the site other than the semi-portable plant. Future plans include recycling approximately 5,000 tons of material a month.

Mr. Rilko noted they are renewing their operating permit at the present time and are scheduled to appear before the Board of County Commissioners.

He stated the major factors in relocating to the east are to relocate out of the watershed and to be separated from development of the University Lakes DRI. He noted the Site Plan has been approved by the Southwest Florida Water Management District.

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Due to the vastness of the Schroeder Manatee Ranch, he stated there should be no adverse effects upon any of the neighbors and that there have been no complaints since they have been in operation.

Discussion: Site Plan submitted consistent with Section 732; additional requirements; no Preliminary Site Plan for new/expanded area.

Mr. Jenson stated that in conjunction with the movement of this use, a road will be constructed to County specifications which will constitute a portion of University Parkway.

Ms. Benac expressed concern regarding the need for a Preliminary Site Plan showing all proposed buildings that will exist in the future.

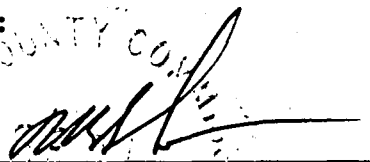
Mr. Paulmann continued the hearing until August 8, 1991.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:



Clerk

Hearing Officer 10-7-91

Adj: 4:20 p.m.  
/apm