

SEPTEMBER 18, 1991

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, September 18, 1991, at 3:10 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 hearing was called to order by Mr. Withers.

All witnesses/staff giving testimony were duly sworn.

SPECIAL PERMITS

(Court Reporter, Joann L. Zeck, present)

Public hearing (Notice in The Bradenton Herald 8/30/91) was held to consider

SP-91-11 TIPPETT AUTO SALES - MOTOR VEHICLE SALES

Request: Special Permit to allow a Motor Vehicle Sales Establishment in the GC district located at the southwest corner of Cortez Road and 19th Street Circle West.

Staff recommended the following 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. No outdoor speakers or similar devices shall be used in conjunction with this business.
4. No vehicle shall be parked or displayed within unpaved or unmarked parking areas not depicted in the approved Final Site Plan.
5. No vehicle service or repair shall be performed on the site.
6. Terminal islands shall be provided for each row of parking spaces, pursuant to Section 715.5.1 of the Land Development Code.
7. This Special Permit shall expire ten years after the effective date of this approval.

Sarita Kruysman, Planning and Zoning, reviewed the request; advised that this site has been used for motor vehicle repairs in the past and is now being used for motor vehicle sales, a less intensive use; pointed out the surrounding zoning; reviewed the final site plan; and stated this proposal complies with the requirements of the Land Development Code with regard to landscape buffers and the distance required between outdoor sales areas and residential properties.

She stated that staff recommends approval of this request.

Ms. Kruysman stated that staff wanted to ensure there will be no parking in the unpaved areas (Stipulation 4); staff felt that impacts on neighboring properties may be different in ten years, therefore, the expiration date (Stipulation 7); the applicant submitted a revised site plan which included the buffering requirements (staff report/analysis summary).

Ron Larson, Larson Engineering, representing the applicants, agreed to the stipulations; however, the expiration date is unduly restrictive.

He also advised that a permit has been obtained from the Florida Department of Transportation to remove one of the three existing driveways to the site, thereby making access to and from the site safer.

Mark Barnebey, Assistant County Attorney, submitted copies of the proposed Notice of Intent and the proposed Final Order for SP-91-11.

Mike Pendley, Planning and Zoning, advised that Stipulation 7 could be amended to require an administrative review of the site at the end of a ten-year period, requiring an amendment to the Special Permit if additional significant impacts are found.

Mr. Withers recessed this hearing to allow staff to draft an amended Stipulation 7.

MINUTES

The minutes of July 2, 1991, were approved by Mr. Withers.

SPECIAL PERMITS

SP-91-11 TIPPETT AUTO SALES (CONT'D)

Mr. Withers declared the hearing for SP-91-11 reconvened.

Mr. Barnebey submitted options regarding Stipulation 7:

- 1. Put a time frame on the Special Permit;
- 2. Not include any stipulation regarding a time frame; or
- 3. Amend stipulation seven to read:

"At the end of ten years, staff will review the site for additional impacts and, after review of the criteria contained in Section 505 of the Land Development Code, if the Planning Director determines that there are significant additional impacts that were not addressed in the original approval of this Special Permit, then this Special Permit shall terminate.

Mr. Withers advised the applicants of the requirements of Section 505.4.3 of the Land Development Code.

Public hearing (Notice in The Bradenton Herald 8/30/91) was opened to consider

SP-91-06 BOYETTE'S KORK & KETTLE - 4-COP LICENSE

Request: Special Permit to allow a 4-COP license for a 3,935 square foot eating establishment located at the northwest corner of 15th Street East and 37th Avenue East.

Inasmuch as there was an error in the legal advertisement for this request, Mr. Withers announced that this public hearing will be continued to September 23, 1991, at 3:00 p.m.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:

[Signature]
 Clerk
 Adj: 3:41 p.m.
 /dev

[Signature]
 Hearing Officer 1/15/92