

OCTOBER 7, 1991

The Hearing Officer, Manatee County, Florida, convened a SPECIAL HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Monday, October 7, 1991, at 3:05 p.m.

Presiding was: James Paulmann

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. Paulmann.

All witnesses/staff giving testimony were duly sworn.

SPECIAL PERMIT

(Court Reporter, Joann Zeck, present)

Public hearing (reopened by Mr. Paulmann) 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 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 as presented at the July 17, 1991, hearing.

Mr. Paulmann reopened this hearing due to the September 4, 1991, letter from Patricia Petruff, attorney representing the applicant, responding to the ~~Notice of Intent~~. He stated the main issue of this hearing is whether or not the asphalt recycling plant could be considered an accessory use to a major earthmoving operation within Sarasota County.

Mark Barnebey, Assistant County Attorney, stated that some of the issues raised in the letter have been resolved. He cited two cases relating to administrative decisions.

Mr. Barnebey also entered a letter (10/2/91) from Sarasota County Assistant Zoning Manager, Timothy E. Burch, regarding what Sarasota would require for asphalt manufacturing facilities located on the same site as a permitted borrow pit.

Ms. Petruff stated the premise of the letter requesting changes to the Notice of Intent has to do with the issue of whether or not the Land Development Code (LDC) requires that the asphalt processing plant be located on the same site in Manatee County.

She noted Section 732 of the LDC states asphalt processing plants shall be "in conjunction with" major earthmoving, and major earthmoving shall be allowed by Special Permit in the A District. She also stated the definition of major earthmoving does not include an asphalt processing plant.

She presented an aerial map showing the proximity of the borrow pits in Sarasota County to the proposed asphalt processing plant location.

Wendel Kent, Gator Asphalt, speaking on behalf of the property owner, Schroeder Manatee, Inc., favored the request.

Ms. Petruff stated the LDC could be interpreted to support the asphalt processing plant, serving borrow pits in both counties because of the size and single ownership.

Betsy Benac, Planning and Zoning Department, stated there was a meeting with the applicant in which the appeal of an Administrative Determination was discussed.

Stuart Campbell, Planning and Zoning Department, submitted the application, noting the legal description did not contain lands in Sarasota County.

Discussion: No jurisdiction over the areas in Sarasota and no way to monitor or control the borrow pit operation; precedence of allowing an accessory use to a primary use in another county; opportunity to appeal administrative determination has passed; annual or quarterly reports could be prepared.

Mary Fran Carroll, representing Schroeder Manatee, Inc., spoke in favor of the request.

MINUTES

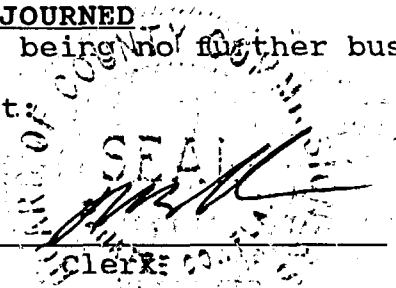
Minutes of July 17, 1991, and August 8, 1991, were approved.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:



*[Signature]*  
Hearing Officer 11/7/91

Adj: 4:00 p.m.  
/pm