

AUGUST 5, 1993

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, August 5, 1993, at 3:07 p.m.

Presiding was: Benjamin Withers

Also present were:

Jeffrey Steinsnyder, Assistant County Attorney  
Susan G. French, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

News media notified, but not present.

All witnesses/staff giving testimony were duly sworn.

**SPECIAL PERMITS**

(Court Reporter, Joanne Zeck, present)

Public hearing (Notice in The Bradenton Herald July 19, 1993) was held to consider

**SP-93-11 BOB AND JAN FOWINKLE - MANUFACTURED HOME**

Request: Special Permit to allow a manufactured home as a temporary residence in the A zoning district on 10.01 acres located on the east side of Rye Road, 1,700 feet north of Waterline Road. If approved, staff recommended Conditions:

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, Permitting and Inspections Department.
2. The plot plan submitted with this application shall be part of this approval.
3. This Special Permit shall be for a period of three years. One extension of an additional three years may be granted by Administrative Permit at the discretion of the Planning Director or his/her designee.
4. Prior to the issuance of a Certificate of Occupancy, the applicant shall demonstrate that adequate water, sewer and electrical hook-ups are available to the site.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall execute an "Agreement to Defer Completion of Required Sidewalk" for the property frontage on Rye Road. The sidewalk shall be constructed when this portion of Rye Road is paved.
6. Prior to the issuance of a Certificate of Occupancy, the applicant shall dedicate to Manatee County the 60-foot half-width of maintained right-of-way for Rye Road adjacent to this site.

Michael Pendley, Planning, Permitting and Inspections, stated the area is primarily rural with agricultural uses and some residential development. He recommended approval and requested the staff report stand as record of evidence.

Jeffrey Steinsnyder, Assistant County Attorney, submitted a draft Notice of Intent to Approve Special Permit.

Public hearing (Notice in The Bradenton Herald July 19, 1993) was held to consider

**SP-93-09(F) EPISCOPAL DAY PRIVATE SCHOOL - EXPANSION**

Request: Special Permit to allow expansion of an existing private school in the RSF-4.5 and RSF-4.5/CH zoning districts on 21.3 acres located at 315 41st Street West.

If approved, staff recommended Conditions as outlined in the draft Notice of Intent:

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, Permitting and Inspections Department.

2. The site plan submitted with this application shall be part of this approval, but shall only be approved at a preliminary level. Administrative sign-off of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Special Permit.
3. A Level of Service Certificate must be issued prior to Final Site Plan approval for this project.
4. No permanent stadium shall be erected on this site.
5. No school-sponsored athletic activities shall take place on Sundays on that portion of this site which is east of McLewis Bayou.
6. No school-sponsored athletic activities shall commence prior to 8:00 a.m. on that portion of this site which is east of McLewis Bayou.
7. All school sponsored athletic activities on that portion of the site east of McLewis Bayou shall cease at sundown; however, the lighted tennis courts may be used after sundown until 10:00 p.m. for athletic activities other than inter-school sponsored athletic activities.
8. No night lighting, other than security lights and lights for tennis courts located as shown on plans, shall be constructed on that portion of the site east of McLewis Bayou.
9. No loud speakers shall be permitted in association with the proposed athletic fields to be located on the east end of this site.
10. One portable building located between the gymnasium and the existing upper school building and two portable buildings located between the upper school building and the existing administration building are to be removed from this site prior to issuance of Certificate of Occupancy for Phase I.
11. A security gate shall be installed at one end of the shell road shown on the south end of this site, which connects the east side of the site with the west side of the site, prior to issuance of Certificate of Occupancy for Phase II, to prevent the general public from using this site to cross from 37th Street West to 43rd (41st) Street West.
12. A cross-access easement between this property and the adjacent church property to the south on the west end of the site shall be provided to staff prior to Final Site Plan sign-off.
13. Applicant will obtain a cooperative parking agreement with the church located to the south of the site which allows overflow parking from this school to use the church's parking lot, and a copy of this agreement shall be provided to staff prior to Final Site Plan sign-off.
14. Plantings within the landscape buffer along the southern property line adjacent to the residentially-zoned property on the east end of the site shall match the plantings provided along 37th Street West and 1st Avenue West, both in quantity and type.
15. The applicant must provide documentation from the Engineer of Record/Architect to prove concurrency has been met relative to fire flow per Section 11.5.1.4 of the Comprehensive Plan prior to final site plan sign-off.
16. Prior to construction drawing approval, a conservation easement dedicated to and enforceable by Manatee County is required as outlined in Section 719.11.1(3) of the LDC.
17. A fugitive dust erosion and particulate abatement plan must be submitted to the Environmental Action Commission prior to Final Site Plan sign-off.
18. Two permanent signs shall be posted one on each side of McLewis Bayou near the foot bridge. The signs shall state:  
CAUTION: This creek is not an approved public bathing place in accordance to Chapter 10D-5, Rules of the Florida Department of Health and Rehabilitative Services.
19. Prior to Final Site Plan sign-off, the applicant shall provide proof of incorporation.

Mr. Pendley, outlined surrounding zoning and locational information noting the school has been located on the site for 20 years.

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(Cont'd)

He outlined Phase I, located west of McLewis Bayou, which will include demolition of 15,000 square feet of existing floor area with replacement of 25,000 square feet, and the addition 18 parking spaces.

Phase II, east of McLewis Bayou, will include reconfiguration of the athletic fields and relocation of tennis courts. A concession stand and 52 parking spaces will be added.

Mr. Pendley outlined the landscaping/buffering plan and driveways. He stated a shell drive is proposed on site connecting 37th Street to 41st Street West, which staff addresses in Stipulation 10.

**Mike Carter**, representing the school, recommended Stipulation 9 be substituted as follows:

No loud speakers shall be permitted in association with the proposed athletic fields to be located on the east end of the site other than loud speakers directed towards the interior of the property or that shall not result in sound emitting beyond the perimeter of the site which violates Manatee County's current noise ordinances.

Discussion: Athletic activity hours/attendance; bull horns used in past; limiting use during certain hours.

Mr. Pendley recommended adding to Mr. Carter's Stipulation 9:  
Use of loud speakers shall not be allowed prior to noon or after sundown.

**Harold North**, 104 39th Street Court Northwest, requested the proposed soccer fields, adjacent to his property, be moved further south.

**Gerald Gerstenberger**, 3812 1st Avenue West, questioned the number of trees being removed and the gate location on 37th Street West. He advised of problems with public use of the site after hours.

Mr. Steinsnyder submitted a draft Notice of Intent to Issue Special Permit.

Mr. Pendley advised that a draft Notice will be prepared incorporating the revised Conditions.

Public hearing (Notice in The Bradenton Herald July 19, 1993) was held to consider

**SP-93-05 ANNE K. HORTON**

Request: Special Permit to allow expansion of a vehicle sales, rental, service and leasing establishment in the GC zoning district on 5 acres located at the northwest corner of 15th Street East and Magellan Drive.

If approved, staff recommended Conditions as outlined in the draft Notice of Intent:

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, Permitting and Inspections Department.
2. The site plan submitted with this application shall be part of this approval, but shall only be approved at a Preliminary level. Administrative sign-off of the Final Site Plan shall be required subsequent to the Hearing Officer's approval of the Special Permit.
3. A fugitive dust erosion and particulate abatement plan must be approved by the Director of the Environmental Action Commission prior to Final Site Plan approval. Notice of this requirement shall be shown on the Final Site Plan with the notes for Best Management Practices.
4. Upon dedication of the reserved right-of-way along 15th Street East, the roadway buffer must be relocated to abut the new front property line along said street.

5. The existing driveway intersecting with 15th Street East must be reduced in width to a maximum of 36 feet, and this improvement shall be reflected on the Final Site Plan. The portion of the driveway that is eliminated shall be landscaped as a part of the 10-foot-wide roadway buffer, and this shall also be reflected on the Final Site Plan.
6. Outdoor speakers are not permitted in conjunction with this use.
7. Boat repair is not permitted as a part of this approval.
8. In the event that the wood fence located on the property to the north is removed, a 6-foot-tall opaque fence shall be installed along the north property line.
9. An application for a Certificate of Level of Service Compliance must be approved by the Planning, Permitting and Inspections Department prior to Final Site Plan approval.
10. Prior to issuance of a Certificate of Level of Service, a special report for solid waste and wastewater shall be approved. The solid waste report shall address the type of solid waste generated, the generation rate, the method of disposal and any recycling efforts being made by the applicant. The wastewater report shall describe composition and generation rates.
11. The proposed sidewalk along 15th Street East shall be located two feet east of the right-of-way reservation line.
12. The eastern driveway off of Magellan Drive must be closed off with curbing and landscaping, and this shall be approved with the Final Site Plan.
13. The western driveway on Magellan Drive shall be paved with asphalt or concrete and approved with the Final Site Plan sign-off.
14. Changes or improvements to existing driveways will require approval of a Manatee County access and drainage permit.
15. The site plan must be changed to reflect the accurate zoning of the surrounding properties prior to Final Site Plan approval.
16. The existing metal shed shall be set back a minimum of 10 feet from the north property line. This shall be approved with the Final Site Plan.
17. Vehicle repair shall be limited to vehicles displayed for sale by this establishment.

Misty Martin, Planning, Permitting and Inspections, stated Stipulation 5 will be replaced as follows:

The existing driveway intersecting with 15th Street East shall be at least 24 feet in width. The northern 24 feet of the driveway shall remain and the remaining area along 15th Street East shall be provided with a 10-foot-wide landscaped buffer and landscaped in accordance with Section 715 of the Land Development Code.

Ms. Martin stated the request is to expand the display area to add 16 additional spaces on the west side of the site. She outlined the surrounding locational and land use information, and addressed stipulations regarding changes for existing driveways.

Herman Weinberg, representing HEDJ Engineering and applicant, requested clarification of Stipulations 4 and 11 regarding dedication of reserved right-of-way and location of the sidewalk as to that right-of-way.

Discussion: Whether the public sidewalk would be on private property.

**Recess/Reconvene.**

Mr. Steinsnyder recommended the word "reservation" be deleted from Stipulation 11.

Norman Luppino, 485 Magellan Drive, requested a fence along Magellan Drive to the rear of the site. He suggested the following stipulation:  
A solid fence shall be installed along the western 140 feet of Magellan Drive.

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(Cont'd)

Mr. Pendley stated that staff does not recommend the fence; however, if approved, the height should be stipulated.

A draft Notice of Intent to Issue Special Permit was submitted.

Mr. Pendley stated a draft Notice would be prepared incorporating the revised Conditions.

Mr. Withers declared the hearings closed and advised that a final Notice of Intent detailing the findings of fact and conclusions of law would be issued within 21 calendar days.

MINUTES

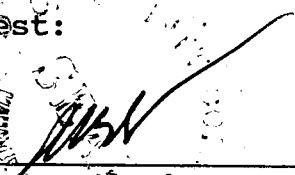
Mr. Withers approved the minutes of May 19, 1993, and June 16, 1993.

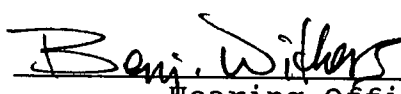
HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:

  
\_\_\_\_\_  
Clerk

  
\_\_\_\_\_  
Hearing Officer 9-2-93

Adj: 3:58 p.m.  
/jr