

APRIL 19, 1995

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, April 19, 1995, at 3:05 p.m.

Presiding was: James Paulmann

Also present were:

Paul Bangel, Assistant County Attorney  
Susan G. Romine, Deputy Clerk, representing  
R. B. Shore, Clerk of Circuit Court

The hearing was called to order by Mr. Paulmann.

All witnesses/staff giving testimony were duly sworn.

(Court Reporter, Judith Felker, present)

MINUTES

Mr. Paulmann approved the minutes of November 16, 1994.

SPECIAL PERMITS

Public hearing (Notice in the Bradenton Herald 3/30/95) was held to consider

SP-94-21 JOSEPH GRAVES

Request: Special Permit to allow erection of a 111-foot tall self supporting structure and an equipment storage cabinet as an unmanned facility on 5.97 acres located on 41st Avenue East, 540 feet east of I-75 in the A-1 zoning district.

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 Final Site Plan submitted with this application shall be part of this approval.
3. The driveway apron shall be paved with a dustless surface and this shall be approved by the PPI Department prior to Final Site Plan sign-off.
4. A conservation easement pursuant to Section 719.11.1.3 of the Land Development Code, shall be provided for the wetland and wetland buffer. This document shall be submitted to the Environmental Action Commission for review and approval, and must be recorded prior to Final Site Plan approval.
5. A Management Plan for the purpose of removal of nuisance exotic plant species from the wetland buffer area shall be submitted by the applicant and approved by the Director of the Environmental Action Commission prior to Final Site Plan approval. The plan shall require removal of all nuisance exotic plant species unless said removal would cause soil erosion which would be excessive, as determined by the Environmental Action Commission. This removal shall be complete prior to issuance of the Certificate of Occupancy.
6. An application for a Fugitive Particulate Abatement Plan and an 8½x11-inch map of the construction area shall be submitted to the Director of the Environmental Action Commission for review and approval prior to or concurrent with the approval of a Final Site Plan for the project.
7. The antenna structure shall be designed to collapse entirely within the lot lines, in the event of a collapse. Engineering data supporting this requirement and an affidavit from an engineer indicating that the antenna structure is designed to collapse entirely within the lot lines shall be submitted with the building permit application.

Misty Servia, Planning, Permitting and Inspections, stated the request is to allow construction of a 111-foot tall cellular telephone antenna structure and an equipment storage building. The site is located within an Entranceway as designated by Section 737 of the Land Development Code (LDC).

The transmission site will attract very little traffic, as it will be closed to the general public, unmanned, and visited by GTE personnel approximately three times per month. A site map was displayed showing the closest residence located 273 feet from the proposed tower/facility. A large wetland is on site; however, no impact is proposed to this area, and the applicant is providing a 30-foot buffer from the jurisdictional wetland line.

Staff recommended four additional conditions:

8. Any cut and fill shall be balanced within Flood Zone A. This shall be approved by the PPI Department concurrent with the Final Site Plan sign-off.
9. A uniformly graded Number 57 Rock with pervious mat shall be used for the on-site driveway construction. This shall be shown on the Final Site Plan and approved by the PPI Department prior to Final Site Plan sign-off.
10. Land Cover/Wetlands Characterization information shall be provided to the Environmental Action Commission prior to Final Site Plan sign-off.
11. A certified wetlands survey shall be provided prior to Final Site Plan sign-off.

Revised Development Review Committee comments were entered into the record.

Robert Kersteen, agent for GTE, concurred with the additional conditions. The structure is designed to bend over onto itself if it were to collapse. A wetland conservation area has been reserved in the south part of the site and a conservation easement will be part of the Final Site plan.

Mark Barnebey, Assistant County Attorney, submitted a Draft Notice of Intent to approve and final order.

Mr. Paulmann reviewed the standard procedures for approval/denial of the special permit.

Public hearing (Notice in The Bradenton Herald 3/30/95) was held to consider

**SP-95-02/FSP-94-34 RANTOY TRUST (BOLLETTIERI SPORTS BAR)**

Request: Special Permit for a 4-COP License on a 525 square foot outdoor deck in conjunction with a restaurant on 3.892 acres located at the southwest corner of U.S. 41 and 69th Avenue West in the GC and GC/AI zoning districts.

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 site plan submitted with this application shall be part of this approval.
3. There shall be no entertainment or loudspeakers located on the outdoor deck area.

Mike Pendley, Planning, Permitting and Inspections, displayed a site plan. The outdoor deck and seating is part of the 220-seat restaurant recently approved for this site. Staff has concerns of potential impacts (noise) to the mobile home park to the south; however, these concerns are addressed by Condition 3.

The deck will be buffered from the residential uses to the south by an outdoor recreation area (croquet court, bocce court, volleyball court, and horseshoes area) and landscape berm to be constructed along the south property line. A final site plan for the Bollettieri 2000 Sports Bar & Restaurant (approved 12/30/94) was entered into record.

Discussion: Most of the impacts are related to nighttime activities; no lighting is planned in the recreational area; the plan can be amended to provide lighting; the request is for consumption of alcohol on the deck; the deck will be used for dining if the request is not approved.

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Reed Cook, representing Rantoy Trust, stated the deck is located 200 feet from the mobile home park and will cause minimum impact.

Greg Brunick, representing Nick Bollettieri Tennis Academy, stated the restaurant is under joint ownership. The consumption of alcohol will be confined to the deck and restaurant area.

Mr. Barnebey submitted a Draft Notice of Intent to approve and recommended final order.

Mr. Paulmann stated he will issue a Notice of Intent within 21 days.

Public hearing (Notice in The Bradenton Herald 3/30/95) was held to consider

**SP-95-01 SCHROEDER-MANATEE RANCH, INC. - EARTHMOVING OPERATION**

Request: Special Permit to allow a major earthmoving operation on 63.54 acres located 3½ miles north of the Manatee/Sarasota County Line.

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 site plan submitted with this application shall be part of this approval.
3. Prior to the commencement of the earthmoving operation, an Operating Permit shall be applied for and issued, pursuant to Section 732.5.1 of the Land Development Code. All earthmoving activities, including all excavation and reclamation, shall be completed by December 31, 2004.

Norm Luppino, Planning, Permitting and Inspections, stated Quality Aggregates (borrow pit operator) proposes a 48-acre fill and shell borrow pit with a maximum depth of 35 feet to be developed as one phase. The site is on Schroeder-Manatee Ranch, Inc., property and is ½ mile from the closest residential land use (University Lakes DRI). Upon completion of excavation, the borrow pit will be reclaimed as a lake. Agricultural land uses surround the site.

He distributed memoranda (2/13, 2/14/95) of revised Development Review Comments from Environmental Action Commission (EAC) and revised Page 4 of the staff report clarifying issues in Item 7.

The applicant was required to rebut a presumption against major earthmoving operations in the watershed. The County Commission determined (EP-95-01, 3/23/95) that the applicant had rebutted the presumption by affirmatively demonstrating it will employ Best Possible Technology (BPT). The applicant has selected to demonstrate BPT by using a two-cell clarification system to treat off-site discharge.

A 3½ acre wetland (No. 1), located in the southern portion of the site, will be eliminated with this request. Mitigation is proposed at a 1.15:1 ratio adjacent to an existing wetland to the north. The applicant also proposes a 2.47 acre vegetative littoral zone of which 1.14 acres will be used as wetland compensation and will connect the two existing adjacent wetlands (Nos. 2 & 3).

Prior to commencing earthmoving activities, the applicant must obtain an operating permit. Prior to issuance of the operating permit, the applicant has agreed to dedicate a conservation easement to the County and post a surety bond for the mitigation areas.

Mr. Luppino advised (2/13/95 letter from Karen Collins, EAC Director) that EAC staff has reviewed a revised Water Quality Monitoring Program for the borrow pit and finds that the plan meets on-going monitoring requirements of the LDC for a major earthmoving operating permit.

Neal Parker, Public Services, stated he has inspected the operations of Quality Aggregates for the past several years and no discharge violations have been observed.

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Wayne Wilko, engineer with Quality Aggregates, displayed an aerial map and addressed the excavation process, turbidity, and monthly water sampling/testing, etc. The project will not increase the volume of excavation, therefore, truck traffic will not increase. The project will not increase production, but will replace the Phase 4 pit, which is in its final stages of reclamation.

Patricia Petruff, attorney for applicant, reiterated comments made by Mr. Rilko and stated the request is consistent with the Comprehensive Plan and the LDC.

Mr. Barnebey distributed a Draft Notice of Intent to approve and recommended final order.

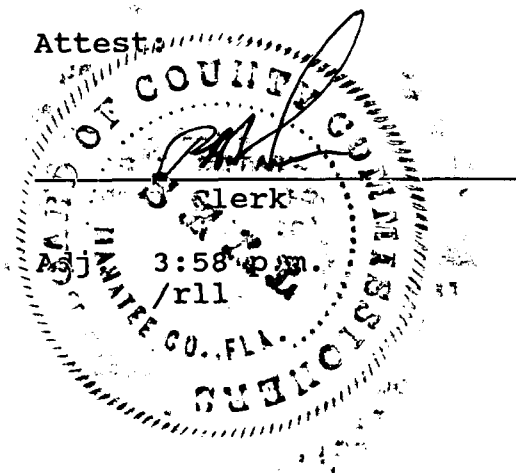
Mr. Paulmann stated he will issue a written report within 21 days detailing the findings of fact, conclusions of law, and proposed action.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Attest:

APPROVED:



  
Hearing Officer 7/6/95