

SEPTEMBER 2, 1999

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Thursday, September 2, 1999, at 4:06 p.m.

Presiding was: James Paulmann

Also present were:

Mark P. Barnebey, Chief Assistant County Attorney
Susan G. Romine, Board Records Supervisor,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

MINUTES

The Hearing Officer approved the minutes dated June 16, 1999.

(Court Reporter, Tracey Tsantles, was present)

SPECIAL PERMITS

Public hearing (Notice in the Bradenton Herald 8/20/99) was held to consider

SP-99-07(P) EVANGEL BAPTIST CHURCH

Request: Special Permit to allow an 11,600-square-foot church on 9.8 acres located on the east side of Lorraine Road, 3,000 feet south of State Road 64 (3225 Lorraine Road).

If approved, staff recommended the following Stipulations:

1. This Special Permit will 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 Department.
2. The Site Plan submitted with this application shall be part of this approval.
3. Prior to Final Site Plan approval, the engineer of record or architect must provide documentation to prove that concurrency has been met relative to fire flow and drainage design.
4. Only those items shown on the site plan submitted with this request are being approved with this Special Permit.
5. A five-foot-wide sidewalk shall be approved by the Planning Department with the construction drawings and installed adjacent to this site, along Lorraine Road, prior to the certificate of occupancy unless a deferral by the Planning Director is granted in accordance with Section 722 of the Land Development Code.
6. The driveways, drive aisles, parking area, and dumpster shall be set back from all side property lines a minimum of 25 feet.
7. A separate review shall be conducted at the time of building permit application for the sign.

Lisa Kranz, Planning Department, referred to an aerial and a zoning map noting the site is surrounded by A zoning with single-family residences on large parcels, pasture, and a sod farm. She stated that the Special Permit is necessary because the church is not located at the edge of a neighborhood or at a corner, and the parking facility is not 25 feet from residential uses.

Ms. Kranz referred to the site plan stating concerns of compatibility and setbacks for the driveway, drive aisle, parking area, and dumpster, which are only 10 feet from the southern property line; and a shell drive aisle which is only 15 feet from the northern property line.

Stuart Rogers, representing the applicant, stated the north drive isle (to be sodded) would not be used as a driveway. He stated the driveway and parking areas would only be used for 8.5 hours per week and requested Stipulation 6 not require a setback of 25 feet for the driveway and drive aisles.

Discussion: Designating the north drive isle as an emergency access; potential for residential incompatibility with area growth; setback requirements pursuant to Section 704.13.1 of the LDC.

SEPTEMBER 2, 1999

(Continued)

John Wroblewski, property owner to the south, stated concerns of drainage and recommended the 25-foot setbacks be required.

Mr. Rogers referred to landscape buffers and stormwater runoff.

Mark Barnebey, Chief Assistant County Attorney, presented a draft Notice of Intent and recommended Final Order. He recommended adding a stipulation if the northern driveway is designated an emergency access.

Mr. Paulmann stated he will issue a written report within 21 calendar days indicating findings of facts, conclusions of law, and recommendations. He stated a transcript was not needed.

Public hearing (Notice in the Bradenton Herald 8/20/99) was held to consider

SP-98-11(F) - KAREN MCDANIEL/KURLS AND MORE

Request: Special Permit to allow a one-chair beauty shop as a conditional home occupation on .35 acre located south of Magellan Drive, east of 9th Street East (Pennsylvania Avenue) in Whitfield Country Club Heights (1011 De Leo Drive).

If approved, 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 Department.
2. The site plan submitted with this application shall be part of this approval.
3. The beauty shop is a home occupation, which is accessory to the principal use of the single-family home as a residence, and may not be established as a separate use from the single-family home.
4. No signs (including mailbox signs) shall be erected for this home occupation.
5. The beauty shop is limited to 200 square feet. This 200 square feet shall be separated from the remainder of the house with permanent partitions approved by the Building Department.
6. The 200-square-foot area designated on the site plan, as the beauty salon shall not be used for any other use unless reconstructed consistent with the original character of the single-family home. If so reconstructed, this Special Permit shall terminate automatically.
7. The design of the project shall be in substantial conformance with the architectural elevations entered into the record.
8. The interior beauty salon shall not be visible from the street or neighboring properties.
9. An access and drainage permit is required from the building department for the proposed driveway reconstruction.

Ms. Kranz outlined the request, locational information, and surrounding land uses. She referred to the proposed building plan and elevation noting concern that vehicle storage space (garage) would be eliminated.

Discussion: Intent of Stipulation 6 as to other possible uses.

Karen McDaniel, applicant, stated the only use would be a beauty salon and she would be the only operator.

Mr. Barnebey submitted a draft Notice of Intent and recommended that the last sentence in Stipulation 6 read **"If reconstructed to allow a use not consistent with the original character of the single-family home, then this Special Permit shall terminate automatically."**

Mr. Paulmann stated he will issue a written report within 21 calendar days indicating findings of facts, conclusions of law, and recommendations regarding approval or denial. He stated a transcript is not needed.

Public hearing (Notice in the Bradenton Herald 8/20/99) was held to consider

SP-99-02 - A & W HOLDINGS OF MANATEE, INC./BUCKEYE BORROW PIT

Request: Special Permit to allow expansion of a major earthmoving operation on 238.81 acres located one mile east of U.S. 41 at the southeast corner of Buckeye Road and Bud Rhoden Road.

If approved, staff recommended the following stipulations:

1. This Special Permit will 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 Department.
2. The Site Plan submitted with this application shall be part of this approval.
3. If the applicant elects to establish an access point on Bud Rhoden Road, then prior to utilizing Bud Rhoden Road, the applicant shall construct Bud Rhoden Road to County standards, from the access point on Bud Rhoden Road north to Buckeye Road.
4. 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. The Operating Permit shall be issued for a term not to exceed five years.
5. Upon completion of construction of the mitigation area, protective bollards spaced three feet O.C. shall be installed along the northern wetland buffer boundary of the proposed mitigation area to protect the mitigation area from on-site traffic.
6. The maximum number of haul trips for any 24-hour period shall be limited to 180. The haul route shall be as follows:
All trucks will exit westbound onto Buckeye Road toward U.S. 41. Trucks will proceed north or south on U.S. 41 to their destination.
7. All earthmoving activities, including all excavation and reclamation, shall be completed by January 31, 2005.
8. If the existing vegetation is removed, the landscape buffer along the south property lines shall be increased to a minimum of 30 feet wide to allow for construction of a 3 to 4-foot high berm. This berm shall be planted with one canopy tree meeting the minimum specifications of Section 715 every 25 feet on center. Hedges and shrubs shall be planted, which together with the berm, will achieve 60 percent opacity at a height of five feet.
9. Prior to Operating Permit issuance, the engineer of record shall demonstrate an acceptable method of maintaining the hydroperiod of existing wetlands to both the County and SWFWMD.
10. Prior to Operating Permit issuance, a revised cost estimate for the mitigation area which includes an additional amount for plants not installed, and which reflects current construction, maintenance, and monitoring costs shall be submitted to the EMD for review and approval. Mitigation security in the amount of 115% of the approved cost estimate is required by the LDC. A revised security agreement for wetland mitigation, site reclamation, and haul route restoration shall be posted prior to Operating Permit issuance.
11. Prior to Operating Permit issuance, the existing EMD approved Water Quality Monitoring Program shall be updated to address the expansion area.
12. Off-site discharges shall not be authorized with the expansion of this mining operation.

Erika Barrett, Planning Department, outlined locational information and land use characteristics stating the request is to add 40 acres to a borrow pit which was approved for excavation in 1979.

She referred to a zoning map and earthmoving plan noting concerns of compatibility with residential uses proposed within the Gateway North

SEPTEMBER 2, 1999

(Continued)

DRI; and a 200-foot strip of land circling the lake, which may be difficult to develop. She outlined stipulations addressing concerns and advised that the Operating Permit sets forth more specific rules concerning excavation, reclamation, and mitigation. She recommended approval of the project.

Discussion: Lake could be nuisance if not developed; whether site is developable; access; frontage road around lake; haul route; hours of operation.

Neil Parker, Environmental Management Department, stated that the mine is monitored monthly including haul trips and consistency with the Operating Permit.

Wayne Griffin of G2 Engineering Services, Ltd., representing the applicant, stated the expansion will not impact residents any more than current operations. He referred to advantages of the lake and water retention.

He referred to Stipulation 12, regarding off-site discharges noting the undeveloped acres (60 acres) discharges naturally and there has not been a water quality or drainage problem on site. He recommended Stipulation 12 be modified as follows:

12. Off-site discharges from the mined area shall not be authorized with the expansion of this mining operation except as authorized by the Operating Permit.

Mr. Parker stated no objections with water discharges from undisturbed areas; however, waters in mined/disturbed areas must remain on site.

Mr. Barnebey submitted the draft Notice of Intent with modified language for Stipulation

12. Off-site discharges from mined or disturbed areas shall not be authorized with the expansion of this mining operation, except as authorized by the Operating Permit.

Mr. Paulmann stated he will issue a written report within 21 calendar days indicating findings of facts, conclusions of law, and recommendations regarding approval or denial. He stated a transcript is not needed.

COUNTY ATTORNEY RESIGNATION

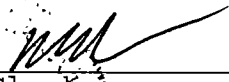
Mr. Paulmann referred to the resignation of Mr. Barnebey noting his appreciation of Mr. Barnebey's contributions to the Hearing Officer and the County on planning issues.

HEARING ADJOURNED

There being no further business, the meeting was adjourned.

Attest:

APPROVED:


 Clerk
 Adj: 5:04 p.m.
 SEP 2 1999
 COUNTY OF WASHINGTON


 Hearing Officer 2/2/00