

FEBRUARY 19, 2003

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, February 19, 2003, at 3:04 p.m.

Presiding was: Mark Singer

Also present were:

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney
Quantana Acevedo, Deputy Clerk,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

The agenda of February 19, 2003, and sign-in sheet.

[HO20030219DOC001](#)

(Court Reporter, Penny Zunker, present)

SPECIAL PERMITS

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune* 2/7/03) was held to consider

SP-02-19 UNIVERSITY OF FLORIDA/MANATEE COUNTY HIGH SCHOOL AAA

Request: Special Permit to allow a 423,000 square-foot high school for 2,000 students in the **A** zoning district on 92.5 acres located at the northeast corner of S.R. 70 and Caruso Road.

If approved, staff recommended 19 Stipulations.

Mark Singer, Hearing Officer, disclosed that he is an alumnus of the University of Florida, but has no vested interest in the outcome of this hearing.

Laurie Suess, Planning Department, submitted opposition letters and revised stipulations, and advised that **Stipulation 21** should be deleted, as well as the word "core" in **Stipulation 10**. While displaying a zoning map and an overall site plan, Ms. Suess described the request. She advised that environmental impacts are not known at this time, and that the applicant has elected to defer the traffic study until the Final Site Plan. She noted concern with adequate buffering between the northeast corner of the project and a proposed 223-lot single-family subdivision to the east (a preliminary site plan is under review by staff).

Mike Pendley, Manatee County School Board Construction Services, described the process used in the site selection.

Robert Lombardo, traffic engineer for the School Board, utilized an aerial map and a site plan to discuss stacking of the cars, wetlands, the berm, and noted that the design is similar to Lakewood Ranch High School. He stated that the traffic study was deferred due to "fast tracking" the construction, and reviewed the proposed transportation improvements in the traffic study.

Discussion: Schools are exempt from County landscaping requirements; Certificate of Occupancy is not issued by the County, so there is concern with enforcement; concern that stipulations and terms of the Special Permit will be followed; right-of-way on east side of property; need long driveways for traffic to not block road; is the School Board buying the entire site but leasing portions to University of Florida; oak trees; berm on the north side to be included with new and existing vegetation; 6-foot chain link fence proposed along the property line; wetlands; speed limits; ball fields adjacent to neighborhoods; etc.

Mark Barnebey, attorney for the Manatee County School Board, submitted revised stipulations and read a proposed change to **Stipulation 20**:

Prior to occupancy of the school or opening of the school ~~Final Site Plan approval~~, any areas of contamination...Florida Department of Environmental Protection.

Speaking in opposition were **Harold Pearman**; **Joseph King**; **Susan King**; **Robert King**; **Wilhelmina McFee** and **Clint Miller**, representing the East Manatee County Coalition, who read and submitted statements; **Linda Sterrett**; and **Ken Beukema**. Concerns that were cited included: traffic on Caruso Road; placing the main entranceway on S.R. 70; fast track rate for building the school; the need for more than one public hearing; public right-of-way; future development of the site; safety; need for a sidewalk across Williams Creek; reduction of speed on Caruso Road; alternative roadway to the site via Campbell Commercial Park; compatibility; better site location; acreage; and toxins onsite.

Discussion: Does the Coalition have a Board of Directors; list of Board members; the alternative roadway (near Campbell Commercial Park) does not extend to property line; numerous schools are in residential areas; staff reviews the traffic studies; etc.

Ms. Suess read new **Stipulation 21**:

Future potential impacts to wetlands A and E shall be contingent upon the following: (1) vacation of portions of the Conservation Easement to be impacted; and (2) an amended final site plan, which addresses County wetland mitigation requirements.

William O'Shea, Environmental Management, explained that the Land Development Code requires dedication of a conservation easement for wetlands and wetland buffers contained in any project. Mr. O'Shea advised that the only way to mitigate impact to a wetland is to first go through a vacation process, and then present it as an amendment to the final site plan. He stated concern with the proposed change to **Stipulation 20** due to the fear of spreading contamination to other areas of the site. He stated a phasing plan for the clean-up could be accommodated.

Jeffrey Steinsnyder, Deputy Chief Assistant County Attorney, read amended **Stipulation 10**:

The applicant shall design the facility areas to serve as public shelters for emergency management purposes in accordance with *Section 1013.372, Florida Statutes*. Details shall be shown on the Final Site Plan.

Discussion: Staff and the applicant not in agreement on Stipulations 1 and 4; solid fence in lieu of berm; clarify the number of acres in the request; spillover lighting; band practice; changes to Stipulations 10 and 21; place a condition in the Special Permit that it becomes effective upon transfer of title to the Manatee County School Board; deferral of concurrency; is there a sidewalk on S.R. 70; need a tree study; traffic study; utilizing right-of-way to the north; etc.

Recess/Reconvene.

Mr. Lombardo noted that the traffic study examines the project site as well as the surrounding areas, and advised that per the Florida Department of Transportation (FDOT), a traffic signal could not be approved due to signal spacing. He confirmed that the applicant would be making improvements to 44th Avenue East and Caruso Road.

Mr. Barnebey requested that a decision on the request be made by March 12, 2003. He agreed with an opaque fence as a buffer alternative (**Stipulation 1**) and with changes to **Stipulations 10** and **21** as read. He requested approval of **Stipulation 4** by the applicant.

Discussion: Band practice in the mornings or from noon to 7:00 p.m.; the School Board will control the 92.5 acres; lights should be mounted on nonreflective posts; etc.

Mr. Pendley explained that lighting is needed for the stadium, basketball and tennis courts, and possibly the baseball field. He agreed with staff's **Stipulation 2** if the .3-foot candles were changed to one-foot candles.

Mr. Singer stated he would need to review the traffic study, FDOT correspondence, and stipulations regarding the landscaping plan, lighting without reflective posts, wetlands, band practice, and remediation of the site in order to make his decision.

Robert Pederson, Planning Department, submitted a draft Notice of Intent and draft Final Order.

Mr. Singer advised that a transcript of the hearing was not needed.

Public hearing (Notices in the *Bradenton Herald* and *Sarasota Herald-Tribune 2/7/03*) was held to consider

SP-02-13 AUTO OUTLET OF MANASOTA

Request: Special Permit for a motor vehicles sales, rental, or leasing establishment in the **GC** zoning district on 1.80 acres located at 6713 14th Street West.

If approved, staff recommended 16 Stipulations.

Stephanie Brooks, Planning Department, submitted minor corrections to the staff report. While reviewing the request, she utilized: **(1)** a slide presentation; **(2)** a Residential Distribution and Future Land Use Map; **(3)** a future land use map; and **(4)** a preliminary site plan.

John Ziemnicki, representing the applicant, advised that the area to the north of the parking area will also serve as a dry retention pond.

Mr. Pederson presented a draft Notice of Intent and draft Final Order.

Mr. Singer advised that a transcript of the hearing was not needed.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 6:25 p.m.
/qa

Minutes Approved: March 10, 2003