

AUGUST 13, 2007

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, Wednesday, August 13, 2007, at 8:55 a.m.

Presiding was: John Roe

Also present were:

Jason Henbest, Assistant County Attorney
Nancy Harris, Deputy Clerk,
representing R. B. Shore, Clerk of Circuit Court

All witnesses and staff giving testimony were duly sworn.

AGENDA

The agenda of August 13, 2007, and update memorandum.

[BC20070813DOC001](#)

(Court Reporter, Tiffani Manrodt, present)

SPECIAL PERMIT

Public hearing (Notices published) was held to consider

SP-06-08 MYAKKA PLAZA

Request: Special Permit for 7,400 square feet of retail space with two gas pumps. The site is in the NC-M (Neighborhood Commercial-Medium) and A-1 (Suburban Agriculture) zoning districts, on 2.08 acres on the north side of S.R. 70 approximately 0.6 miles west of Wauchula Road, Myakka City.

If approved, staff recommended 13 Stipulations.

Norm Luppino, Planning Department, reviewed the request using an aerial map and a preliminary site plan. He noted the parcel is unique in that it has two zoning districts. All development is located on the southern portion of the property which is zoned NC-M, and the northern portion is zoned A-1. Referring to the site plan, Mr. Luppino pointed out the two proposed retail buildings, the canopy area with two gas pumps, and the parking area and noted there is one access point. The site is not within the County utility service area; thus the applicant has proposed drain fields, a well, and a retention area to the north. The applicant proposes dedication of 38 feet of right-of-way along S.R. 70, which is 27 feet less than required by the Comprehensive Plan; however, legal review indicates this is sufficient for the project. Mr. Luppino discussed stipulations regarding screening requirements and building design.

Discussion: E-mail from Herbert Loynd; etc.

Bob Milhoan, speaking on behalf of neighboring residents (Frank Woxman and Herbert Loynd), noted an e-mail was sent to Mr. Luppino (8/8/07) by Herbert Loynd. He submitted a copy of a letter (8/11/07) to Mr. Luppino from Frank Woxman requesting the public hearing be continued until neighboring landowners have had an opportunity to provide comments regarding right-of-way.

Jamie Goebel, attorney representing the applicant, clarified the property to the north is owned by Nancy Miller and stated she was unable to identify the location of Herbert Loynd's property. She noted they were unaware of the e-mail until this morning and, therefore, were unable to discuss the issue with the property owners. She indicated agreement with all stipulations and noted buffering and right-of-way issues have been resolved.

Bob Schmitt, Land Planning Associates, indicated willingness to discuss Mr. Loynd's concerns and noted they had no knowledge of the issue prior to the hearing date. Mr. Schmitt referred to the Future Land Use Map to point out the Miller property. He noted the existing driveway to the west on the site will be eliminated. The current convenience store and restaurant will be demolished, and a retail building and convenience store will be constructed with the gas pumps between the two buildings. The existing shell area will be paved parking, and there will be no impact on adjacent property owners.

Mr. Milhoan stated there is confusion regarding the neighboring property owners. He referred to the aerial plan and pointed out properties owned by Loynd, Sanchez, and Woxman. He discussed conversations with Mr. Loynd and Mr. Woxman regarding the continuation of the hearing.

Discussion: Hearing Officer makes the decision; landowners had an opportunity to hire legal representation to file a motion; property owners were unavailable for this hearing; e-mail request was untimely; etc.

Recess/Reconvene.

Robert Pederson, Planning Department, submitted a future land use map designating the property owned by Mr. Loynd (confirmed by property appraiser computer records) and stated that Mrs. Miller's property is located south of the Loynd property.

Mr. Roe advised that he viewed the premises.

Mr. Schmitt indicated the final site plan process will be required upon approval of the special permit and noted willingness to work with the applicant and any concerned landowners.

Mr. Pederson submitted a Draft Notice of Intent and Final Order for review by the Hearing Officer.

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 9:21 a.m.
/njh

Minutes Approved: October 22, 2007