

DECEMBER 1, 2008

The Hearing Officer, Manatee County, Florida, convened a REGULAR HEARING in the Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 2:00 p.m.

Presiding was: H. Hamilton "Chip" Rice, Jr.

Also present were:

Sarah A. Schenk, 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 December 1, 2008, and agenda update memorandum.

[HO20081201DOC001](#)

COURT REPORTER

Discussion: No court reporter is present; appealing the decision or recommendation the applicant must provide a record of the proceedings; requesting a court reporter is standard practice for the County; the County has the right to appeal as well; etc.

Recess/Reconvene.

Robert Pederson, Planning Department, noted a court reporter will not be available for today's hearings.

Mr. Rice stated if the applicants are willing to waive their rights for the court reporter, then the hearings can proceed.

SPECIAL PERMIT

Public hearing (Notices published) was held to consider

SP-06-10 MY FATHER'S HOUSE

Request: Approval for a Special Permit for: (1) a new 5,000-square-foot church; and (2) conversion of an existing 3,690-square-foot residence to a parsonage. The site is in the **A** zoning district at 8785 Erie Lane, Parrish (±5.18 acres).

If approved, staff recommended Stipulations.

M. Andrew Allison, representing Robert and Anne Barber, displayed an aerial site plan to highlight the project. He disagreed with staff's recommendation for a fence (Stipulation 5), because it is not a Land Development Code (LDC) requirement, but noted the neighbor to the west is in agreement.

Upon question, Mr. Allison confirmed he understands a transcript of the hearing cannot be furnished due to the lack of a court reporter.

Discussion: Rebuilding the septic system; amendments to the site plan approval would require paving Erie Lane; obtaining an Environmental Resource Permit; on November 6, 2008, a Special Approval for utilizing one septic tank was approved by the Board of County Commissioners; the congregation consists of 40 to 50 members; the property to the west is used for residential but is zoned agricultural; etc.

Pastor Anne Barber explained landscaping is already in place between the site and the property to the west, including a 20-foot hedge.

Stephanie Moreland, Planning Department, used a slide presentation to point out the desired location of the fence along the west property line (Stipulation 5) and noted the fence would lessen potential traffic impacts.

Mr. Pederson clarified a Special Permit requires the applicant to comply with all the minimum requirements of the LDC.

Discussion: Is staff recommending a stipulation based on the Manatee County Health Department comment regarding the septic system (see staff report); can a timeframe be placed as to when the fence should be erected; building being designed for a larger congregation; etc.

Mr. Allison suggested the following **Stipulation**:

The fence shall be installed, unless the applicant can provide a letter from the adjacent property owner to the west, stating that they do not want the fence.

Mr. Rice stated he would issue the Notice of Intent within five business days.

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

Public hearing (Notices published) was held to consider

SP-06-03 DANA'S CRUSHING YARD

Request: Approval of a Special Permit for a concrete crushing facility (resource recovery use) in a **HM** zoning district. The site is at the northeast corner of the intersection at 28th Avenue East and Memphis Road, Palmetto (±5.0 acres).

If approved, staff recommended Stipulations.

Revised **Stipulation 11** and additional **Stipulation 20** were submitted with the agenda update memorandum.

Mark Barnebey, representing the applicant, waived any objections for the need of a court reporter during this hearing and thanked staff for their assistance. An aerial site plan was displayed to highlight the request. He agreed to all stipulations.

Discussion: Staff is concerned with truck traffic traveling through nearby residential areas; it is the County Attorney's office recommendation that staff include negative aspects in the staff reports; applicant is in agreement with staff's recommendation for the opaque fence and the 35-foot limitation on the stacks; how close are the residences to the east; etc.

Katie McLean, Planning Department, explained this site is the subject of a Code Enforcement case. She utilized a slide presentation to discuss negative aspects and to point out the residential area.

Discussion: The application began in 2006 but Code Enforcement violations have held the case from moving forward; the applicant has been using the property for storage for several years and crushing for a year; Ms. McLean is the third planner for this case; etc.

Mr. Rice commented the owner should not have been operating without proper permits and the Notice of Intent would be issued within five business days.

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

HEARING ADJOURNED

There being no further business, the hearing was adjourned.

Adj: 2:57 p.m.
/qa

Minutes Approved: January 21, 2009